



CITY COUNCIL WORK SESSION
November 12, 2024, 4:30 P.M.
101 N Main St., Fountain

CITY COUNCIL AGENDA
November 12, 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**
 - Proclamation Declaring That The Week Of November 18th To 22nd, 2024 As Colorado Crash Responder Safety Week
- 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 October 22, 2024, City Council Meeting Minutes (J. Carneal)
- 8) **Old Business**
 - A. Second Reading Of Ordinance 1804, An Ordinance Amending Chapter 10.24 (School Zones) Section 10.24.010 (School Zone Fee) Of The Fountain Municipal Code (G. Williams 5 Min)
 - B. Second Reading Ordinance of 1805, An Ordinance Amending Chapter 1.12 (General Penalty) Section 1.12.070 (Right To Trial By Jury; Jail; Exceptions) Of The Fountain Municipal Code. (S. Grace Williams 5 min)
 - C. Second Reading Of Ordinance 1806, An Ordinance Creating Chapter 13.05 (Water Adequacy) Within Title 13 (Utilities) Of The Fountain Municipal Code, Establishing Requirements For Adequate Water Supply And Potable Water Service. (T. Murphy 30 min)

D. Public Hearing And Second Reading Of Ordinance No 1807 Setting Appropriations For The Funds, Offices, And Departments Of The City Of Fountain, Colorado For The Fiscal Year 2025 Beginning January 1, 2025 (S. Dail 20 min.)

9) New Business

- A.** Consideration Of Items Removed From The Consent Agenda
- B.** Resolution 24-038, A Resolution Adopting The City Of Fountain Strategic Plan Vision, Priorities And Objectives 2025- 2027. (J. Trylch 5 min)
- C.** First Reading of Ordinance 1808, An Ordinance Of The City Of Fountain Repealing And Reordaining Chapter 17.16 Of Title 17 Of The Fountain Municipal Code To Other Uses- Regulated Regarding Natural Medicine Businesses And Add Natural Medicine Business To Permitted Use And Amending Chapter 17.04 (Zoning Districts) Section 17.04.150 B. (Planned Industrial District Use Regulations) Of The Fountain Municipal Code (G. Williams and K. Martinez 30 min)

10) City Council Agenda Requests

11) Announcement of Executive Session

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 on contractual performance of a city contractor.**
- **Pursuant to C.R.S. Section 24-6-402(4)(a) to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest associated with Keeton Reservoir.**

12) Adjourn

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

- A. Public Hearing** And Resolution 24-039GID1, A Resolution Adopting A Budget For Fountain General Improvement District No. 1 For Fiscal Year (FY) 2024, Assessing A Levy On Taxable Property, And Providing For Certifying A Levy To El Paso County

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

- A. Public Hearing** And Resolution No. 24-040GID2, A Resolution Adopting A Budget For Fountain General Improvement District No. 2 For Fiscal Year (FY) 2024 Assessing A Levy On Taxable Property, And Providing For Certifying A Levy To El Paso County

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

**NEXT REGULAR COUNCIL MEETING
November 19, 2024**



PROCLAMATION

A PROCLAMATION DECLARING THAT THE WEEK OF NOVEMBER 18th to 22nd, 2024 AS COLORADO CRASH RESPONDER SAFETY WEEK

WHEREAS, law enforcement officers, firefighters, public service utility, emergency medical personnel, road crews, and tow operators conduct valuable and often life-saving operations at the roadside

WHEREAS, these on-scene personnel provide a critical public service; and

WHEREAS, they are called to duty at all hours of the day and night, in adverse weather conditions, and in a dangerous roadside environment; and

WHEREAS, Colorado responders use Traffic Incident Management (TIM) training and skills to safely and quickly clear scenes to improve the safety of all road users; and

WHEREAS, as of September 23, 2024, during this year, 28 first responders that were working on the roadway have been struck and killed, including 13 law enforcement officers, 3 Fire/EMS professionals, 7 tow operators, 1 road safety professional, and 4 Department of Transportation workers, two of which were Colorado DOT employees; and

WHEREAS, one death is too many; and

WHEREAS, drunk, drugged, drowsy, distracted, and dangerous drivers are a threat to our responders' safety; and

WHEREAS, the State of Colorado asks all road users to do their part to keep everyone responding to traffic incidents on our highways safe by slowing down, moving over, and driving safe; and

WHEREAS, the State of Colorado has a "Move-Over" law requiring drivers to slow down and move over when approaching an emergency vehicle, a tow truck or a highway maintenance vehicle when their emergency lights are activated; and

WHEREAS, there is a need for Coloradans to be educated on the dangers of failing to abide by these laws; and

WHEREAS, the week of November 18th to 22nd is recognized nationally as "Crash Responder Safety Week.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and City Council of the City of Fountain, Colorado, do hereby proclaim November 18th to 22nd, 2024 as Colorado Crash Responder Safety Week

Done this _____ day of _____ 2024.

ATTEST:

Sharon Thompson, Mayor

Joney Carneal, City Clerk



Regular City Council Meeting

Consent –7A

Council Meeting Minutes

November 12, 2024

Summary Information

Title:

APPROVAL OF THE OCTOBER 22, 2024, CITY COUNCIL MEETING MINUTES

Initiator: Deputy City Clerk Carneal

Presenter: Deputy City Clerk Carneal

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

The attached minutes were compiled as the result of the October 22, 2024, City Council Meeting

Attachments: Above Referenced Meeting Minutes

Background Information

Strategic Plan Priority (if applicable):

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

Recommendation

Staff recommends approval.

Proposed Motion

Motion to approve shall be included under the consent agenda.

CITY COUNCIL MEETING
October 22, 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 and lead by Girl Scout Troop 45270.

3) Roll Call

Roll call found the following members present:

Mayor Thompson

Mayor Pro Tem Rick

Council Member Hinton

Council Member Applegate

Council Member Estes

Council Member Herzberg

Council Member Duncan

4.1) Presentations

There were no presentations

4.2) Board/Commission/Committee Appointments

There were no appointments.

5) Correspondence, Comments and Ex-Officio Reports

City Manager Scott Trainor announced that the annual Trunk or Treat will be Friday, October 25th, 2024, from 5:00pm -7:00pm at City Hall.

Utilities Director Blankenship and Customer Service Manager Robinson addressed a recent publicized water billing issue where a customer experienced unusually high charges, and reported the issue was resolved through financial assistance. They explained Customer Service makes monthly courtesy calls to alert residents of any abnormal usage patterns, offering support options for resolving potential billing issues. Mr. Blankenship stated that a rate increase is under consideration and a new fixed infrastructure and monitoring. Once implemented, it will allow enhanced water consumption monitoring; currently, the city relies on a monthly drive-by to gather the information.

Mayor Pro Tem Rick inquired about seasonal rate changes. Mr. Blankenship clarified that water rates remain consistent throughout the year, unchanged since March 2020.

Council Member Duncan commended the Customer Service Team. Mr. Robinson highlighted the available assistance programs for energy and water bills, including Energy Outreach Colorado, Salvation Army's "Lighten the Load" through Fountain, and LEAP for gas bill assistance with Black Hills Energy.

Mayor Pro Tem Rick announced that on Saturday, November 9, 2024, The Veterans Day Parade will be held in Colorado Springs, and following at 1:30pm the American Legion Post 38 will host a Veteran's Day Ceremony.

Council Member Applegate reminded everyone to vote. That the last day to mail ballots is October 28, 2024. He shared the voting drop box locations in the City of Fountain.

Council Member Duncan advised we have 14 Statewide Ballot measures and local initiatives on the ballot this year. She discussed Amendment G, which proposes an amendment to the state constitution to extend property tax benefits to additional disabled veterans. She mentioned the Mega Merger between Kroger and Safeway affecting 103 Safeway stores and two Albertsons's in Colorado and that the Fountain Safeway will be kept by Kroger.

Mayor Thompson attended the Pikes Peak Area Council of Government (PPACG) meeting with 30 students from Jordan School District. She attended a Fall Festival at Cross Creek Park by Redemption Hill Church, the Oh My Gourd, and Nightmare on Main Street dance at City Hall by Fountain UP, the Peak Vista Breakfast of Champions, the Fort Carson Strategy Forum and Colorado Barricades ribbon cutting. She announced Pam retired from the Library and the Fountain Fairview Cemetery group, and that Council had a combined work session with the Economic Development Committee.

6) Public to be Heard

John Langley of The American Legion Post 38 provided updates on recent and upcoming events. The Auxiliary collected 78 new coats for children in the local school district, and the Legion raised \$1,500 to support Fountain-Fort Carson JROTC uniform purchases. Additionally, the Sons of the American Legion and the Legion donated \$1,500 to fund the Honor Bell at the Pikes Peak National Cemetery. The annual Toy Drive begins November 1, with collections distributed through the Fountain Police Department. Upcoming events include Oktoberfest on Friday, October 25, 2024, and a Trunk or Treat followed by a Haunted Garage on Saturday, October 26, from 1:00 to 3:00 PM. Mr. Langley also thanked local police officers for attending a recent steak dinner. In response to Council Member Estes' inquiry, he reported that the recent Golf Tournament raised approximately \$8,000 to \$9,000.

7) Consent Agenda

A. Approval Of the October 8, 2024, City Council Meeting Minutes

Mayor Pro Tem Rick, made a motion to approve the consent agenda, seconded by Council Member Estes. All members voted yes (7-0): the motion carried.

8) Old Business

Mayor Thompson noted the second reading of Ordinance No. 1804 for School Zone Fees was inadvertently left off the Agenda and will be added to the next City Council Meeting to provide citizens a chance to participate.

9) New Business

A. Consideration Of Items Removed From The Consent

There were no items removed.

B. Resolution 24-036, A Resolution Authorizing the imposition of a monthly fee of \$74.90 to all property owners within the Remuda Ridge Metropolitan District Boundary Pursuant to Section V.A.4. of the Approved Remuda Ridge Metropolitan District Service Plan (K. Martinez 15 min)

Planning Manager Kristy Martinez presented a fee request from the Remuda Ridge Metro District now known as Aspen Ranch Development. She stated the current monthly fee is for trash removal at \$16.50 and the requested increase of \$58.40 would be for community maintenance to include snow removal, park preservation, and general repair and maintenance for a total of \$74.90 a month per resident.

Mr. Richard Van Seenus, representing Cola, LLC and the board of the Remuda Ridge Metro District, along with the Districts Manager Rebecca Harris, presented a detailed update on this development within the Aspen Ranch community. Established in 2007, the district's role includes financing and maintaining infrastructure such as roads, water systems, parks, and stormwater facilities. To ensure sustainable ongoing maintenance, the district has proposed an additional monthly fee of \$58.40 for residents.

A discussion was held among the Council Members and the Board representatives including snow removal, communication to the residents about the fees and what they include, storm and drain maintenance, water usage, ADA Compliance and park rentals and reservations.

Mayor Thompson inquired when the board for the Metro District would be formed and how the election process would proceed. Ms. Harris stated January 1, 2025, the call for nominations will begin, and the Election will be in May 2025.

Council Member Duncan made a motion to approve Resolution No 24-036, seconded by Council Member Herzberg. All members voted yes (7-0): the motion carried.

C. First Reading Ordinance of 1805, An Ordinance Amending Chapter 1.12 (General Penalty) Section 1.12.070 (Right To Trial By Jury; Jail; Exceptions) Of The Fountain Municipal Code. (S. Grace Williams 5 min)

Assistant City Attorney Williams stated the ordinance has been amended to meet the criteria for lawfully removing entitlement to a jury trial by lowering the fine amount to a maximum of \$500 and by taking out offenses with a state law counterpart with those penalties.

Council Member Duncan, made a motion to approve first reading of Ordinance No. 1805, seconded by Mayor Pro Tem Rick. All members voted yes (7-0): the motion carried.

D. Resolution No. 24-037, A Resolution Of The City Council Of The City Of Fountain, Colorado Authorizing The Ordering Of 2 Transit Vehicle And 1 Tandem Dump Truck Prior To The Normal 2025/2026 Budget Approval Date. (R. McDonald 5 Min)

Transportation Director McDonald explained that the two new transit vehicles will be utilized for the additional and updated bus routes starting in 2025. He stated that there are current discussions with Ft. Carson to help provide transit services though an Inter-Governmental Agreement. Mr. McDonald explained that the City's oldest dump truck is a 2005 and needs to be replaced.

Council Member Herzberg, made a motion to approve Resolution No. 24-037, seconded by Council Member Hinton. All members voted yes (7-0): the motion carried.

E. First Reading Of Ordinance 1806, An Ordinance Creating Chapter 13.05 (Water Adequacy) Within Title 13 (Utilities) Of The Fountain Municipal Code, Establishing Requirements For Adequate Water Supply And Potable Water Service. (T. Murphy 30 min)

Utilities Director Blankenship presented a change to the Fountain Municipal code establishing requirements for adequate water supply and potable water service. Mr. Blankenship stated the general purpose for this ordinance is to formally establish the city's policy for the provision of water to development projects. This amendment would ensure adequate water supply and potable water service is provided by each Developer to new projects with no adverse impacts to existing customers. Mr. Blankenship stated the water adequacy requirements will occur at the earliest stage of the development review process requiring a refundable deposit, for a 12-month period, to reserve the taps for their project once they clear the development review process.

Council Member Estes praised the Utilities department for the forward thinking. City Manager Trainor stated this is a leading-edge approach.

Council Member Hinton made a motion to approve First Reading Of Ordinance 1806, seconded by Council Member Duncan. All members voted yes (7-0): the motion carried.

F. First Reading Of Ordinance No 1807 Setting Appropriations For The Funds, Offices, And Departments Of The City Of Fountain, Colorado For The Fiscal Year 2025 Beginning January 1, 2025 (S. Dail 20 min.)

Finance Director Dail presented the 2025 Budget setting appropriations for the fund. She stated that a Public Hearing will be held November 12, 2024, with the second reading. Ms. Dail is proposing the Fiscal Year 2025 budget after several Staff meetings and three public meetings with City Council. Included in the budget proposal are several community-focused projects to improve city infrastructure and recreational spaces and a 3% pay increase for City employees. There will be a second work session to be scheduled with City Council for Public safety and Utilities increases not included in the presentation tonight. Heritage Special Maintenance District Member Alan Rainville shared his support in lowering the Heritage mil levy and announced that there are current vacancies on the Board. Mayor Thompson instructed interested residents to contact the City Clerk's office for information on that process.

Council Member Herzberg, made a motion to approve the first reading of Ordinance No. 1807, seconded by Council Member Estes. All members voted yes (7-0): the motion carried.

G. Request By The City Council To Reschedule The Regular City Council Meeting Dates For November And December 2024. (J Carneal 3 min.)

City Manager Trainor shared the proposed date changes for November and December to move the City Council meetings due to the upcoming holidays. Mayor Thompson wanted to ensure the public was aware of the date changes.

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

10) City Council Agenda Requests

There were no agenda requests.

11) Announcement of Executive Sessions

There were no Executive Session Requests

12) Adjourn

There being no further business, Mayor Thompson declared the meeting adjourned at 8:24 P.M.

Deputy City Clerk

Mayor



Regular City Council Meeting

Old Business –8A

Update School Zone Fee for future MTCs

November 12, 2024

Summary Information

Title: SECOND READING OF ORDINANCE 1804, AN ORDINANCE AMENDING CHAPTER 10.24 (SCHOOL ZONES) SECTION 10.24.010 (SCHOOL ZONE FEE) OF THE FOUNTAIN MUNICIPAL CODE

Initiator: S. Grace Williams

Presenter: S. Grace Williams

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

The school zone fee was enacted in 2007 through ordinance 1397. It made a specific reference to the model traffic code that was enacted at the time. I changed this ordinance so that it automatically references the current model traffic code without being updated each time. Additionally, the language clarifies how many times the fee is charged.

Attachments: none.

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 that this be approved.

Proposed Motion

I move to approve Ordinance 1804 on Second Reading

ORDINANCE NO. 1804

**AN ORDINANCE E AMENDING CHAPTER 10.24 (SCHOOL ZONES)
SECTION 10.24.010 (SCHOOL ZONE FEE)
OF THE FOUNTAIN MUNICIPAL CODE**

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 costs for various types of guilty pleas; and

WHEREAS, the City desires to provide for pedestrian safety in school zones.

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

Section 1. Title 10 (Vehicles and Traffic), is hereby amended, amending Section 10.24.010 (School Zone Fee) 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 8th day of October 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:

Joney Carneal, City Clerk

Introduced, read by title, and passed on second and final reading on the 12th day of November 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:

Joney Carneal, City Clerk

TITLE 10 VEHICLES AND TRAFFIC

CHAPTER 10.24 SCHOOL ZONES

Sec. 10.24.010. - School zone fee.

A school zone fee of ten dollars (\$10.00) shall be assessed by the city municipal court upon all guilty pleas, findings of guilt, or deferred sentences resulting from a charge alleging a violation of Chapter 10.04 Fountain Municipal Traffic Code. If multiple charges are consolidated into one plea agreement, deferred sentence or trial where guilt is found then only one fee is assessed.



Regular City Council Meeting

Old Business-8B

Amend Jury Trial Exceptions Ordinance

November 12, 2024

Summary Information

Title: SECOND READING OF ORDINANCE NO. 1805, AN ORDINANCE AMENDING CHAPTER 1.12 (GENERAL PENALTY) SECTION 1.12.070 (RIGHT TO TRIAL BY JURY; JAIL; EXCEPTIONS) OF THE FOUNTAIN MUNICIPAL CODE

Initiator: City Council

Presenter: S. Grace Williams, Assistant City Attorney

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

This is an ordinance amending Ordinance 1797 to meet the criteria in C.R.S. § 16-10-109 and *Roalstad v. City of Lafayette*, 2015 COA 146, ¶ 10, 363 P.3d 790 to lawfully remove entitlement to jury trial for some minor offenses.

Attachments: None.

Background Information

C.R.S. § 16-10-109 provides a right to a jury for petty offenses in Colorado. *Roalstad v. City of Lafayette*, 2015 COA 146, ¶ 10, 363 P.3d 790 analyses this statute and provides guidance on how it applies to municipal violations. If the potential penalty is 6 months or more of incarceration, a fine of more than \$500, or the corresponding state statute (if there is one) sets the penalties at these amounts (even if our ordinance sets it lower) then a defendant is entitled to a jury trial.

This ordinance has been amended to meet these criteria for lawfully removing entitlement to a jury trial by lowering the fine amount to a maximum of \$500 and by taking out offenses with a state law counterpart with those penalties.

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 Ordinance 1805 on second reading.

ORDINANCE NO. 1805

**AN ORDINANCE AMENDING CHAPTER 1.12 (GENERAL PENALTY)
SECTION 1.12.070 (RIGHT TO TRIAL BY JURY; JAIL; EXCEPTIONS)
OF THE FOUNTAIN MUNICIPAL CODE**

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 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, amending Section 1.12.070. - Right To Trial By Jury; Jail; Exceptions 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 22nd day of October 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:

Joney Carneal, City Clerk

Introduced, read by title, and passed on second and final reading on the 12th day of November, 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:

Joney Carneal, City Clerk

TITLE 1 (GENERAL PROVISIONS)

CHAPTER 12.12 GENERAL PENALTY

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 **five hundred dollars (\$500)**, or 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 201-242 – Equipment
2. Section 501-512 – Size-Weight-Load
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 – Driving -Overtaking -Passing
11. 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
 - iv. **1101(2)(h) – 20-24 miles per hour over the posted speed limit**
12. Section 1201-1211 – Parking
13. Section 1402 – Careless Driving without bodily injury
14. Section 1403-1406; 1411-1412; 1415 – Other Offenses
15. Section 1409 – Compulsory Insurance **-First Offense Only**
16. Section 1501-1504 – Motorcycles
17. Section 1803 – Abandonment of Motor Vehicles – Public Property
- 18. Section 1901-1904 – School Bus Requirements except 1903(6)(b)**

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 -**First and Second Offenses only**
10. Section 6.12.010 – 6.12.040 – Regulation of hoofed animal

C. CODE

1. 8.04 – Pertaining to Weeds and Refuse
2. 8.20 – Junk, Junkyards and Junk Vehicles
3. 8.24 – Alarms
4. 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 9.24.070 – 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-8C

Water Adequacy Ordinance

November 12, 2024

Summary Information

Title:

SECOND READING OF ORDINANCE 1806, AN ORDINANCE CREATING CHAPTER 13.05 (WATER ADEQUACY) WITHIN TITLE 13 (UTILITIES) OF THE FOUNTAIN MUNICIPAL CODE, ESTABLISHING REQUIREMENTS FOR ADEQUATE WATER SUPPLY AND POTABLE WATER SERVICE

Initiator : Dan Blankenship, Utilities Director

Presenter: Dan Blankenship, Utilities Director

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments: The purpose of this item is to present a Water Adequacy Ordinance that, if approved, will formally establish the requirements for developers to provide and demonstrate that they can provide an adequate water supply for and service to their proposed development.

Attachments: Ordinance No. 1806

Background Information

Based on the City's limited treated water supply available for new development and the City's limited ability to acquire water supply for new development, staff has prepared water adequacy requirements to ensure that the responsibility for providing water supply for new development is placed on the landowner and/or developer. These regulations ensure that the City's existing customers are not burdened with the cost for or the risk of providing additional water supply capacity for new development. The ordinance was prepared collaboratively by the City's utilities, planning and legal staff, with review by City's administration and the City's outside water attorney and land development attorney.

The ordinance defines and establishes the requirement to provide adequate water supply for all development or redevelopment within the Fountain water service area and for land proposed to be annexed into the City that would be located within the Fountain water service area. As proposed, a developer may meet their obligation to provide adequate water supply by 1 of 3 methods:

1. By paying water connections fees, if there are enough available water taps, to serve the proposed development.
2. By participating in a water project that creates the water supply needed to serve the proposed development.
3. By demonstrating the ability to provide the water supply needed to serve the proposed development.

To determine if the developer can meet the water adequacy requirements, they would have to submit a water availability application with their initial land use application for development review. If it is determined that the City has available water supply adequate to serve the proposed development, the developer may reserve the right to purchase the needed water connections and their land use application for development review may proceed. If it is determined that the City does not have available water supply adequate to serve the proposed development, the developer must submit a plan to provide adequate water supply for their proposed development. If the developer can't meet the water supply requirements, the land use application for development review would be terminated. If it is demonstrated that adequate water supply requirements are met, the land use application for development review may proceed.

Strategic Plan Priority (if applicable):

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

Recommendation

Staff recommends that the Council approve Ordinance No. 1806 on second reading.

Proposed Motion

Motion to approve Ordinance No. 1806 on second reading.

ORDINANCE NO. 1806

**AN ORDINANCE CREATING CHAPTER 13.05 (WATER ADEQUACY) WITHIN
TITLE 13 (UTILITIES) OF THE FOUNTAIN MUNICIPAL CODE, ESTABLISHING
REQUIREMENTS FOR ADEQUATE WATER SUPPLY AND POTABLE WATER
SERVICE**

WHEREAS, the City of Fountain operates a public water system to provide drinking water services to the areas within the City Limits that are designated as the Fountain Water Service Area; and

WHEREAS, the City of Fountain desires to set forth the responsibility for the provision of Adequate Water Supply and Potable Water Service needed to serve new development or redevelopment of existing property within the Fountain Water Service Area; and

WHEREAS, the City of Fountain recognizes the need to ensure that future growth does not compromise or impair existing water service by overallocation of the City's existing water resources; and

WHEREAS, the City desires to protect existing ratepayers from the risks of funding and developing water resources for prospective new growth that may or may not occur; and

WHEREAS, the City has an obligation to not approve a development application unless it has been determined that the applicant has satisfactorily demonstrated that the proposed water supply will be adequate to serve the proposed development.

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

Section 1. Title 13 - Utilities, is hereby amended by adding Chapter 13.05 – Water Adequacy to the Fountain Municipal Code, established in the form attached hereto.

Section 2. 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 3. 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 22nd day of October 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 Gazette, a newspaper of general circulation in the City of Fountain.

Sharon Thompson, Mayor

ATTEST:

Joney Carneal, City Clerk

Introduced, read by title, and passed on second and final reading on the 14th day of November 2024, and ordered published by title in the Gazette, a newspaper of general circulation in the City of Fountain, Colorado, in accordance with the City Charter.

Sharon Thompson, Mayor

ATTEST:

Joney Carneal, City Clerk

Title 13 - Utilities

Chapter 13.05 - Water Adequacy

Section 13.05.010. - Purpose.

The general purpose of this Chapter is to establish the requirements, standards, and procedures by which the adequacy of proposed water supplies and service for development are established, reviewed, and determined. The specific purposes are to:

- A. Establish the requirement for developers to provide and demonstrate that they can provide an adequate water supply for and service to their proposed development.
- B. Protect public health, safety, and welfare by ensuring that the water supplies for and service to developments are adequate to meet the future needs of the proposed development without adversely impacting other users of the City's water system;
- C. Ensure that growth and development in the City occur in a planned and coordinated manner;
- D. Ensure that the City is provided with reliable and accurate information concerning the adequacy of developments' proposed water supplies, in the exercise of its discretion, in the review and approval of development applications; and
- E. Promote safe, efficient, and economic use of public resources in developing and providing water.

Section 13.05.020. - Authority.

Colorado Revised Statute Title 29 - Article 20 gives the City the authority to plan for and regulate the use of land. More specifically, this Chapter is enacted in accordance with Colorado Revised Statutes:

- A. Section 29-20-101 et seq.
- B. Section 29-20-104 (1) (e) and (f).
- C. Section 29-20-301 et seq.
- D. Section 29-20-303(1) requirement that the City "shall not approve an application for a development permit unless it determines in its sole discretion, after considering the application and all the information provided, that the applicant has satisfactorily demonstrated that the proposed water supply will be adequate.

Section 13.05.030. - Applicability.

This Chapter shall apply to all proposed development, or redevelopment, that requires a new or larger water meter within the Fountain Water Service Area and to all proposed annexations into the incorporated municipal boundaries of the City that would be located within the Fountain Water Service Area. No such development or redevelopment shall be approved and allowed to proceed unless the Utilities Director has determined in their sole discretion that the proposed Water Supply for the development or redevelopment is adequate as provided herein. The requirements of this Chapter for the provision of a ¾" water service to a single-family detached home located on a lot that has been legally platted in accordance with the City's subdivision regulations, or on a lot that had been legally created prior to the existence of the City's subdivision regulations, may be waived

by the Utilities Director. Properties that do not meet these exemption requirements are subject to the provisions contained herein to demonstrate adequate water supply.

Section 13.05.040. – Definitions.

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- A. **Adequate Water Supply and Potable Water Service** includes the water and infrastructure, from source to tap necessary to provide potable and/or non-potable water service for a proposed development or redevelopment in accordance with the requirements established herein. **Adequate** shall mean a water supply that will be sufficient for build-out of the proposed development in terms of quality, quantity, reliability, and availability to provide a supply of water for the lifetime of the type of development proposed, as defined within this Chapter and as determined by the City in its sole discretion.
- B. **Available Water** is the amount of treated potable water that the City's water system has available for new users. The amount of **Available Water** shall be calculated by subtracting the **Maximum Daily Demand** on the City's water system during the immediate past 5 calendar year period from the City's daily capacity to provide treated water.
- C. **Fountain Water Service Area** is the physical area within the City of Fountain incorporated municipal boundaries that has been designated as the area in which the City is the drinking water provider. The official Fountain Water Service Area map is maintained by the City of Fountain Utilities Department.
- D. **Maximum Daily Demand** is the maximum amount of treated water delivered to the City's water distribution system from all sources during any 24-hour period over the immediate past 5-year period, adjusted for committed or existing unused or underused connections.
- E. **Maximum Daily Demand Per SFE** is the amount of treated water that is necessary to serve an **SFE** on the day that the **Maximum Daily Demand** occurs, as established in the City's Rules and Regulations for Utility Service.
- F. **Potable Water** is the amount of treated water necessary to serve a proposed development or redevelopment as defined herein. **Potable Water** calculations are based on **Maximum Daily Demand**. Treated water, also known as drinking water, is water treated to levels that meet all state and federal (National Primary Drinking Water Regulations) standards for human consumption.
- G. **Single Family Equivalent (SFE)** is the basis of measurement for water connections. One (1) **Single Family Equivalent** is equal to the average amount of water consumed by a single family residential customer on the day that the **Maximum Daily Demand** occurs.
- H. **SFEs Per Acre-Foot** is calculated by averaging the annual **SFEs Per Acre-Foot** over the immediate past 5 calendar year period. The annual **SFEs Per Acre-Foot** is calculated by dividing the actual number of **SFEs** by the total amount of raw water required to serve the **SFEs** in a calendar year.
- I. **Water Supply** is the amount of raw water necessary to serve a proposed development or redevelopment as defined herein. **Water Supply** calculations are based on annual demand.

Section 13.05.050. – Requirement to Provide Adequate Water Supply and Potable Water.

The owner/developer of a parcel of land proposed for development or redevelopment within the **Fountain Water Service Area** or proposed to be annexed into the incorporated municipal boundaries that would be located within the **Fountain Water Service Area** shall be required to provide **Adequate Water Supply and Potable Water Service** for the proposed development. The requirement to provide **Adequate Water Supply and Potable Water Service** may be met by:

- A. If the City determines, at its sole discretion, that it has **Available Water** to serve the proposed development, the owner/developer may meet their requirement to provide **Adequate Water Supply and Potable Water Service** by paying water connection fees as established and periodically updated by the City Council and if necessary, extending the City’s water supply system to and throughout the proposed development in accordance with the standards established herein.
- B. If the City does not have **Available Water** to serve a proposed development, the owner/developer may meet their requirement to provide **Adequate Water Supply and Potable Water Service** by: 1) participating in a water project that creates **Water Supply** and/or **Potable Water** needed to serve a proposed development or 2) the owner/developer may demonstrate that they have the ability to provide the water supply and/or potable water service necessary to meet **Adequate Water Supply and Potable Water Service** requirements for their proposed development.

Section 13.05.060. – Recovery of Costs for Excess Water Supply and Potable Water

When the owner/developer of a parcel of land provides water supply and potable water service in excess of what is needed to meet the **Adequate Water Supply and Potable Water Service** requirement for their development, the owner/developer may recover the costs of the excess water resources and infrastructure from other owners/developers whose parcel(s) of land benefits from the excess water supply and potable water service. Cost recovery will be paid from the recovery funds assessed to and collected from the owners/developers whose parcel(s) of land benefited from the excess water supply and potable water service. The recovery funds assessed to and collected from a subsequent owner/developer shall be commensurate with the benefit received by the owner/developer whose parcel(s) of land benefited from the excess water supply and potable water service. Recovery assessment and payments shall be in addition to required connection fees paid to the City. To be eligible for cost recovery, the owner/developer that provides the excess water supply and potable water service must enter into a cost recovery agreement with the City, which shall be subject to City Council review and approval.

Section 13.05.070. - Application for Water Availability Review.

An applicant seeking a water adequacy determination shall file a water availability application with the City pursuant to this Chapter at the same time as submitting a land use application for development review. The application for water availability review shall meet the application requirements established in the City’s Rules and Regulations for Utility Service.

If it is determined by the Utilities Director, in their sole discretion that the City has **Available Water** to provide **Adequate Water and Potable Water Service** to the proposed development or redevelopment, the applicant may reserve the right to purchase the water connections for the proposed development or redevelopment by entering into a water connection agreement with the City and paying a deposit equal to one-half of the water connection fees for the entire proposed development or redevelopment. The estimated water connection fees shall be based on reasonable meter quantities and sizes provided by the applicant and approved by the City. The remainder of the water connection fees for the entire proposed development or redevelopment shall be due upon successful completion of the City's land use entitlement process. If the City's land use entitlement process is not successfully completed within 12 months, the water connection agreement shall be terminated and the applicant's deposit returned. Under no circumstances shall an applicant be entitled to interest on their deposit or any amount above and beyond the sum of the initial deposit. If the applicant chooses to not enter into a water connection agreement, there will be no guarantee that **Adequate Water and Potable Water Service** will be available upon completion of the City's land use entitlement process.

If it is determined by the Utilities Director, in their sole discretion that the City does not have **Available Water to provide Adequate Water and Potable Water Service** to the proposed development or redevelopment, the applicant shall submit a plan to provide Adequate Water Supply and Potable Water Service for their proposed development. The Adequate Water Supply and Potable Water Service plan shall be in compliance with the standards established in the City's Rules and Regulations for Utility Service and any requirements established by other governmental entities having jurisdiction over the proposed means of providing such service.

Section 13.05.080. – Water Supply and Potable Water Calculation for Proposed Development

The **Water Supply** required for a proposed development or redevelopment shall be calculated by dividing the number of SFEs in the proposed development, including estimated SFE demands for landscaping and non-domestic uses, by the SFEs Per Acre-Foot. SFEs for each type of land use shall be calculated using the standard water demand table in the City's Rules and Regulations for Utility Service, with adjustments to be applied at the discretion of the Utilities Director based on site-specific conditions.

The **Potable Water** required for a proposed development or redevelopment shall be calculated by multiplying the number of SFEs in the proposed development by the Maximum Daily Demand Per SFE.

Redevelopment projects may receive credit towards their **Adequate Water Supply and Potable Water Service** requirements in amounts equal to their average water consumption over the immediate past 5-year period.

Section 13.05.090. – Standards

All required water infrastructure shall be designed and constructed in accordance with the standards established in the City's Rules and Regulations for Utility Service.

All water rights to be dedicated to the City shall be compatible and similar in nature to the City's existing water rights portfolio, including but not limited to quality, location, and seniority to reliably serve the demands of the proposed development or redevelopment and shall meet the criteria established in the City's Rules and Regulations for Utility Service. The owner/developer who is required to dedicate water rights to the City shall be responsible for all costs, including attorney and engineering fees, associated with conversion of the water rights to municipal use by the City.

Section 13.05.100. – Dedication to the City

All infrastructure and water rights required to provide **Adequate Water Supply and Potable Water Service** shall be dedicated to the City, free of liens and encumbrances upon completion and prior to connection to the City's water system. If it is deemed to be in the best interest of the City, at the sole discretion of the City Council, the City may waive, in whole or in part this dedication requirement.



Regular City Council Meeting

Old Business –8D

2025 Budget Ordinance 1807

November 12, 2024

Summary Information

Title:

PUBLIC HEARING AND SECOND READING OF ORDINANCE NO 1807 SETTING APPROPRIATIONS FOR THE FUNDS, OFFICES, AND DEPARTMENTS OF THE CITY OF FOUNTAIN, COLORADO FOR THE FISCAL YEAR 2025 BEGINNING JANUARY 1, 2025

Initiator : Shawna Dail, Finance Director

Council Action

Presenter: Shawna Dail, Finance Director

Council Information

Legal Review: Yes No

Report to Council

Summary Overview and List of Attachments:

A public hearing is required prior to adoption of the FY 2025 annual budget. Notice of Public Hearing for November 12th, 2024 was published in the November 1, 2024 edition of the Colorado Springs Gazette, a newspaper of general circulation in accordance with City Charter.

Attached you will find the Ordinance and Exhibit A by Fund of the FY 2025 budget.

Attachments: Ordinance 1807 with Exhibit A

Background Information

A biennial budget document was prepared for the FY 2025-2026 budget. State Statute and the City Charter require that an annual budget be adopted. The ordinance being considered is for the FY 2025 Budget.

City staff has been meeting for the past several months to prepare the FY 2025 budget and make recommendations for appropriations included within the 2025-2026 Biennial Budget for City Council consideration. Budget work sessions were held between staff and City Council on September 24th and September 25th with an additional meeting for public input held on October 1st, 2024.

City Council approved the first reading of ordinance 1807 on October 22, 2024 with no changes.

Notice of the 2025 Budget Public Hearing for the November 12, 2024, City Council meeting was published in the November 1, 2024 edition of the Colorado Springs Gazette, a newspaper of general circulation in accordance with the City Charter.

Recommendation

Staff recommends approving Ordinance 1807 on second reading.

Proposed Motion

"I move to approve second reading of Ordinance No. 1807."

ORDINANCE NO. 1807

**AN ORDINANCE SETTING APPROPRIATIONS FOR THE CITY OF FOUNTAIN, COLORADO
FOR FISCAL YEAR 2025**

WHEREAS, the City Council formally met on September 24th, September 25th, and October 1st, 2024 to review and discuss the 2025 Budget Policy Setting including current and future talking points for the 2025 Budget; and

WHEREAS, the City Staff led by Finance Director Shawna Dail and Deputy Finance Director Megan Rungie of the City of Fountain, Colorado held meetings throughout the months of June, July and August 2024 to review the Fiscal Year (FY) 2025 budget data approved in the FY 2025-FY 2026 Biennial Budget document to determine and present any recommended changes to the FY 2025 budget to City Council; and

WHEREAS, the City Council of the City of Fountain, Colorado held public budget work sessions on September 24th, September 25th, and October 1st, 2024 to review the recommendations of staff related to the FY 2025-FY 2026 Biennial Budget and the proposed FY 2025 budget; and

WHEREAS, the City Council of the City of Fountain, Colorado held a public hearing on November 12, 2024 concerning the proposed FY 2025 budget; and

WHEREAS, the Heritage Special Maintenance District shall temporarily reduce its gross mill levy for a period of one year; and

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

Section 1. The City of Fountain, Colorado appropriates for FY 2025 for all City Funds the sums of money specified in Appendix A out of all taxes, fees, charges, and other revenues received by the City and out of the surplus, if any, remaining at the end of the FY 2024 to meet the expenses, debt retirement, and capital expenditures necessary or appropriate for the performance of the duties and the exercise of the powers of the City during the FY 2025.

Section 2. A mill levy of 10.239 on all taxable property in the City of Fountain, Colorado, in 2024 for collection in FY 2025 is affirmed and approved.

Section 3. In addition to the mill levy specified in Section 2, a mill levy of 6.1 restricted for certain public safety expenditures on all taxable property in the City of Fountain, Colorado, in 2024 for collection in FY 2025 is affirmed and approved.

Section 4. In addition to the mill levy specified in Section 2, a mil levy of 4.94 on all taxable property within the Heritage Special Improvement Maintenance District, that based on current State legislation variables, is temporarily reduced by 2 mills to 2.94 mills in 2024 for collection in FY 2025 is affirmed and approved.

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

Introduced, read by title, and passed on first reading, this 22nd day of October 2024, by City Council and ordered to be published by title in the Colorado Springs Gazette with a summary written by the City Clerk, and with a statement that the ordinance is available for public inspection and acquisition in the office of the City Clerk, 116 South Main Street, Fountain, Colorado 80817.

Sharon Thompson, Mayor

ATTEST:

Joney Carneal, City Clerk

Introduced, read by title, and passed on second reading, as amended, this 12th day of November 2024, by City Council and ordered to be published by title in the Colorado Springs Gazette with a summary written by the City Clerk, and with a statement that the ordinance is available for public inspection and acquisition in the office of the City Clerk, 116 South Main Street, Fountain, Colorado 80817.

Sharon Thompson, Mayor

ATTEST:

Joney Carneal, City Clerk

EXHIBIT A

FY 2025 BUDGET

The City has developed and proposed the Fiscal Year (FY) 2025 budget as part of the two year 2025-2026 biennial budget. After three work session meetings with City Council on September 24, September 25, and public input on October 1, 2024 related to the 2025 Budget, and after several months of meetings with staff, the following proposed budget is presented to Council for public hearing and second reading of the Budget Ordinance with no changes from first reading.

This Exhibit A includes:

- I. Revenues and departmental expenditures by fund and in total for 2025 in the column titled “First Reading Proposed Budget FY 2025”.
- II. Additional columns for Council approved “First Reading Budget Adjustments” during the first reading and for the “Second Reading Proposed Budget FY 2025” for the final approved budget to be included with the second reading of the FY 2025 Budget Ordinance.

GENERAL FUND	First Reading Proposed Budget FY 2025	First Reading Budget Adjustments	Second Reading Proposed Budget FY 2025
<u>Revenue</u>			
Property Taxes	\$ 5,715,875	\$ -	\$ 5,715,875
Specific Ownership Tax	468,000	-	468,000
Sales Tax	18,207,000	-	18,207,000
Use Tax	2,125,000	-	2,125,000
Franchise Tax	2,021,467	-	2,021,467
Licenses And Permits	200,850	-	200,850
Intergovernmental Revenue	6,499,556	-	6,499,556
Charges For Services	1,949,600	-	1,949,600
Fines And Court Costs	475,700	-	475,700
Miscellaneous	945,800	-	945,800
Transfer From Other Funds	3,720,000	-	3,720,000
Capital Lease Proceeds	-	-	-
TOTAL REVENUES	\$ 42,328,848	\$ -	\$ 42,328,848
<u>Expenditures by Department</u>			
City Council	\$ 94,920	\$ -	\$ 94,920
Court	246,645	-	246,645
Economic Development	3,604,330	-	3,604,330
Administration	6,706,136	-	6,706,136
Technology Services	3,588,192	-	3,588,192
Planning	1,041,510	-	1,041,510
Public Works	1,947,985	-	1,947,985
Police	12,078,910	-	12,078,910
Fire	6,113,960	-	6,113,960
Streets	2,826,705	-	2,826,705
Building Maintenance	707,495	-	707,495
Neighborhood Services	856,790	-	856,790
Cemetery	51,500	-	51,500
Parks	1,991,216	-	1,991,216
Community Outreach	60,000	-	60,000
Recreation	475,445	-	475,445
Fleet	882,295	-	882,295
Debt Service	1,234,470	-	1,234,470
Transfer To Other Funds	225,000	-	225,000
TOTAL EXPENDITURES	\$ 44,733,504	\$ -	\$ 44,733,504
REVENUES LESS EXPENDITURES	\$ (2,404,656)	\$ -	\$ (2,404,656)

WATER FUND	First Reading Proposed Budget FY 2025	First Reading Budget Adjustments	Second Reading Proposed Budget FY 2025
<u>Revenue and Other Financing Sources</u>			
Operating Revenue	\$ 11,154,204	\$ -	\$ 11,154,204
Investment Earnings	50,000	-	50,000
Development Proceeds	700,240	-	700,240
Other Operating Income	404,590	-	404,590
TOTAL REVENUE & OTHER FINANCING SOURCES	\$ 12,309,034	\$ -	\$ 12,309,034
<u>Expenditures</u>			
Source of Supply	\$ 3,355,053	\$ -	\$ 3,355,053
Operations and Maintenance	2,784,410	-	2,784,410
Customer Service	578,812	-	578,812
Administration	3,260,812	-	3,260,812
Capital Expenditures	228,000	-	228,000
TOTAL EXPENDITURES	\$ 10,207,087	\$ -	\$ 10,207,087
REVENUES LESS EXPENDITURES	\$ 2,101,947	\$ -	\$ 2,101,947

ELECTRIC FUND	First Reading Proposed Budget FY 2025	First Reading Budget Adjustments	Second Reading Proposed Budget FY 2025
<u>Revenue and Other Financing Sources</u>			
Charges for Service	\$ 29,748,542	\$ -	\$ 29,748,542
Development Fees	202,500	-	202,500
Interest Income	300,000	-	300,000
Miscellaneous	3,015,350	-	3,015,350
Transfers In	-	-	-
TOTAL REVENUE & OTHER FINANCING SOURCES	\$ 33,266,392	\$ -	\$ 33,266,392
<u>Expenditures</u>			
Engineering And Planning	\$ -	\$ -	\$ -
Source Of Supply	18,180,740	-	18,180,740
Operations & Maintenance	6,232,818	-	6,232,818
Customer Service	1,377,453	-	1,377,453
Administration	2,525,995	-	2,525,995
Transfers Out	2,011,000	-	2,011,000
Capital Expenditures	4,328,000	-	4,328,000
TOTAL EXPENDITURES	\$ 34,656,006	\$ -	\$ 34,656,006
REVENUES LESS EXPENDITURES	\$ (1,389,614)	\$ -	\$ (1,389,614)



Regular City Council Meeting

New Business –9A

Items removed from Consent Agenda

November 12, 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

Strategic Plan 2025-2027

November 12, 2024

Summary Information

Title:

RESOLUTION 24-038, A RESOLUTION ADOPTING THE CITY OF FOUNTAIN STRATEGIC PLAN VISION, PRIORITIES AND OBJECTIVES 2025- 2027.

Initiator : John Trylch

Council Action

Presenter: Scott Trainor / John Trylch

Council Information

Legal Review: Yes No

Report to Council

Summary Overview and List of Attachments: The attached is the final draft of the 2025-2027 City Strategic Plan Strategic Objectives for City Council approval. The attached also contains the already adopted Vision Statement and Strategic Priorities.

The Fountain City Council acknowledges that a simple, focused and accountable plan is needed to convey the Council’s principal guidance and meet key requirements of a community that continues to develop and modernize. Throughout 2024, the Council participated in a year long process to evaluate current conditions, to update their Enduring Vision for Fountain, and to provide City Administration and Staff specific priorities to be addressed between 2025 and the end of 2027. This public planning process included analysis and review of previous strategies, evaluation of recent conditions in the Fountain community, as well as multiple strategy workshops and feedback sessions that have facilitated the design and development of the strategic guidance put forth in this document.

Previous Action by City Council: The City Council met in public work sessions in March 2024 and April 2024 to review and assess the Vision Statement and develop the 2025-2027 Strategic Priorities. These were both presented and confirmed at the City Council Meeting on May 29, 2024 by Resolution 24-020. Draft Strategic Objectives were presented to City Council at the July 20, 2024 Council work session and approved to being considered for adoption into the final 2025-2027 Strategic Plan.

This Resolution with formally adopt the 2025-2027 Strategic Objectives, and re-affirm the 2025-2027 Strategic Plan Vision Statement and Strategic Priorities, and direct staff to publish the completed 2025-2027 Strategic Plan in January 2025.

Attachments: 2025-2027 City Strategic Plan Vision Statement, Strategic Priorities and Strategic Objectives.

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 Council approve this Resolution, adopting and affirming the completed 2025-2027 Strategic Plan Vision, Priorities and Objectives.

Proposed Motion

Motion to approve Resolution 24-038



RESOLUTION 24-038

A RESOLUTION ADOPTING THE CITY OF FOUNTAIN STRATEGIC PLAN VISION, PRIORITIES AND OBJECTIVES 2025- 2027.

WHEREAS, The City of Fountain last updated its Strategic Plan in 2022; and,

WHEREAS, the City Council has acknowledged the continued growth, development and modernization occurring in the Fountain area, and the need therefore to update the City's Strategic Plan every 3 years, to focus the City's efforts in addressing the needs of a forward looking Fountain Community; and,

WHEREAS during the year 2024 the City Council has participated in a public process to re-affirm the City of Fountain Vision Statement and establish new supporting Strategic Priorities to be focused on through the year 2027.

WHEREAS in May 2024 the City Council passed Resolution 24-020, adopting the City of Fountain updated Vision Statement and establishing new Strategic Priorities to be focused on through the year 2027, both of which form the strategic policy guidance of the City Strategic Plan 2025-2027.

WHEREAS in July 2024 the City Council reviewed and approved 28 draft Strategic Objectives to support the Vision Statement and Strategic Priorities of the 2025-2027 Strategic Plan.

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

1. The City Council approves and adopts the Strategic Vision, Strategic Priorities and Strategic Objectives of the 2025-2027 Strategic Plan.
2. The Council directs city staff to publish the completed 2025-2027 Strategic plan and make it available to the public in January 2025.
3. The City Council commits to implementation of this plan and to ensuring adequate accountability mechanisms are in place to keep the Council and Fountain Community informed of progress related to implementation of this multi-year strategy.

Done this 12th day of November, 2024.

Sharon Thompson, Mayor

ATTEST:

Joney Carneal, City Clerk



2025-2027 Strategic Objectives:

Strengthen Public Communications Efforts:

PC1: No later than March 2025, City Communications will begin implementation of new communications tools and resources based on the results of a citizen feedback campaign to determine the most effective communications methods for the Fountain community.

PC2: Quarterly, from 2025 through 2027, The City Manager, in coordination with the appropriate departments, will provide an e-mailed Quarterly “snapshot” report to the Council on a minimum of the following:

- Water Infrastructure and Water Fund
- Communication efforts and campaigns
- Business and economic development activities
- Technology Services efforts on cybersecurity

PC3: Beginning in 2025 through 2027, Administrative Services and other departments, as appropriate, will expand collaboration and joint communications efforts with Fort Carson and other local military bases, to share useful information with Fountain’s many military residents and further strengthen connections with the city.

PC4: No later than July 2025, City Communications, in coordination with Planning and Economic Development Departments, will develop and implement an information campaign focused on how new business/commercial development occurs in Fountain. (Council note: They want to be informed on the details of the campaign before it’s implemented)

PC5: No later than July 2025, City Communications, in coordination with the Planning Department, will initiate a public information campaign to share with the community and our military neighbors the various housing opportunities that currently exist and are also being developed in Fountain.

PC6: No later than December 2025, the Parks & Recreation will create a Community Recreation Stakeholder Group, to facilitate community feedback and improve recreation programs in Fountain.

PC7: No later than August 2026, the Economic Development Department, in coordination with the Planning Department and City Communications, will develop and

implement a public information campaign on the last 24 months of business development activities in Fountain.

PC8: No later than August 2026, City Communications, in coordination with the Transportation Department, will complete a public information campaign focused on Fountain's option to join the Pikes Peak Rural Transportation Authority (PPRTA).

Improve Transportation Infrastructure

TI1: No later than December 2025, City Communications, in coordination with Technology Services (GIS) and Parks & Recreation, will develop and publish a digital and print version map of citywide trails and bike/walking routes that connect the city, and a corresponding information campaign to share the new map with the community.

TI2: No later than July 2026, the Parks and Recreation Department will complete an update to the Parks and Trails Master Plan.

TI3: No later than December 2026, Engineering staff will complete engineering and environmental study requirements for the reconstruction of Link Road from Kane Road South to Jimmy Camp Road.

TI4: No later than November 2025, Engineering Staff will complete the last Quiet Zone project on Ohio Avenue, meeting all requirements of the railroad to implement the quiet zone and accomplishing guidelines identified as part of the 2009 Moving Fountain Forward Initiative.

TI5: No later than December 2025, Engineering Staff will complete a full span wire intersection project at Jimmy Camp Road and Ohio Avenue.

TI6: Beginning in 2025 through the end of 2027, The Transportation Department will increase street resurfacing projects by a minimum of 10% per year and provide a report to City Council and the public on the outcomes of increases and resurfacing efforts.

Support Local Business Development

BD1: No later than July 2026, the Planning Department, in coordination with the Economic Development Department, will complete a review of the commercial/industrial development processes in Fountain. A presentation will be provided to City Council on key findings and recommendations of the review.

BD2: No later than July 2025, the Economic Development Department, in partnership with Administrative Services will develop and establish a city fund, using Federal and State grants and local matching funds to be used to redevelop older/dated commercial sites and attract new or expanding businesses in Fountain.

BD3: No later than December 2025, the Economic Development Department will be prepared to facilitate the establishment of a Fountain representative on the Rail Authority District, if approved, in order to continue progress on the Industrial Railyard Project.

BD4: No later than December 2026, the Economic Development Department, in conjunction with the Transportation Department will successfully implement selected findings of the city's Wayfinding Campaign.

BD5: No later than December 2026, the Parks and Recreation Department will establish and implement a pilot program for contract maintenance of Aga Park and will provide a report to City Council and the public on outcomes and key lessons learned from the program.

BD6: No later than December 2027, the Planning Department will complete and publish an updated City Comprehensive Plan.

Enhance Water and Electric Security

WES1: No later than July 2025, the Technology Services Department will complete a cyber security roadmap.

WES2: No later than December 2025, the Utilities Department will have established a combined (Water and Electric) utilities operations and maintenance (O&M) reserve account equal to 3 months of combined O&M expenditures.

WES3: No later than December 2025, the Utilities Department will complete initial permitting of the Fountain Reservoir Project, in order to enhance the capacity and resilience of the water utility and position the city for long term stability and future growth.

WES4: Beginning in 2025 through 2027, the Technology Services Department will establish a cybersecurity fund, and make a request to Council annually to allocate resources for cybersecurity.

WES5: No later than December 2026, the Utilities Department will complete a review and update of the City's Water Master Plan.

WES6: No later than December 2027, the Utilities Department, in coordination with Administrative Services, will take necessary steps to eliminate the interfund payable between the Water and Electric Funds in order to further stabilize the Utilities funds.

WES7: No later than December 2027, the Utilities Department will report to City Council and the public on the Utilities progress in establishing an operations and maintenance (O&M) reserve in the Water Fund to an amount equal to 3 months of water utility O&M expenditures, in accordance with city financial policy.

WES8: No later than December 2027, the Utilities Department will complete an Electric Interconnection and Transmission Agreement, in order to enhance the capacity and resilience of the electric utility and position the city for long term stability and future growth.



City of Fountain Vision Statement

“An All-America city with a strong sense of community, where you know you are home.”

So what is it about Fountain?

In an ever changing and rapidly developing region of Colorado, the City of Fountain remains a truly unique place that stands out from its neighbors in the Pikes Peak Region. Comprising a vibrant, friendly and growing community, Fountain still maintains at its core a genuine and welcoming All-America hometown feel, a place that never loses its “feeling of being home” for its close to 30,000 residents. Fountain remains mindful of its roots in ranching and agriculture, while proudly embracing a strong military presence and the amenities of modern family living. It is a city of diverse ideas, independent and inclusive, friendly, and safe. Fountain remains the region’s best kept secret, a place that is truly “Pure Colorado.”

What does Fountain want to be in the future?

The Fountain City Council recognizes that a healthy economy, lower cost of living, and a young, educated population are all contributing to a city that is on the rise. As Fountain continues to grow, current conditions now provide for responsible development in ways that have not been possible in the past. Through careful planning, citizen and local government collaboration, and a strong, focused vision for the future, Fountain will purposefully embrace the growth occurring throughout the region and continue developing into an even more contemporary, accomplished city, while maintaining its All-America hometown feel and strong sense of community. This will be accomplished through adherence to the Fountain community’s enduring interests, which are articulated below.

What are the Enduring Interests of the City of Fountain? What are the things we always do?

- Deliver collaborative, inclusive, and engaging local governance.
- Improve city infrastructure and services.
- Set conditions for quality and sustainable business and residential growth.
- Always honor and include Fountain’s military residents.
- Conserve our natural open spaces and recreation options.



City of Fountain Strategic Priorities 2025-2027

STRENGTHEN PUBLIC COMMUNICATIONS EFFORTS: Strengthen citizen connections with the city through increased communication efforts with Fountain residents. Share information, encourage productive feedback, and work collaboratively with citizens on challenges and opportunities facing the Fountain community.

IMPROVE TRANSPORTATION INFRASTRUCTURE: Develop and implement planning, projects and initiatives that will improve the condition of city-wide transportation infrastructure and enhance community connectedness and delivery of services.

SUPPORT LOCAL BUSINESS DEVELOPMENT: Encourage and increase commercial development in Fountain, focused on actions that attract businesses that provide valuable services to Fountain residents, improve economic conditions, and enhance local quality of life.

ENHANCE WATER AND ELECTRIC SECURITY: Enhance the capacity, security and resilience of the city's water and electric utilities and position the city for long term stability and future growth.



Regular City Council Meeting

New Business-9C

Natural Medicine Regulations

November 12, 2024

Summary Information

Title:

FIRST READING OF ORDINANCE NO. 1808, AN ORDINANCE OF THE CITY OF FOUNTAIN REPEALING AND REORDAINING CHAPTER 17.16 OF TITLE 17 OF THE FOUNTAIN MUNICIPAL CODE TO OTHER USES-REGULATED REGARDING NATURAL MEDICINE BUSINESSES AND ADD NATURAL MEDICINE BUSINESS TO PERMITTED USE AND AMENDING CHAPTER 17.04 (ZONING DISTRICTS) SECTION 17.04.150 B. (PLANNED INDUSTRIAL DISTRICT USE REGULATIONS) OF THE FOUNTAIN MUNICIPAL CODE

Initiator: Office of the City Attorney

Presenter: Kristy Martinez, Planning Manager and S. Grace Williams, Assistant City Attorney

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

The Natural Medicine Health Act of 2022, and subsequently Senate Bill 23-290, entitled “Natural Medicine Regulation and Legalization” establishes the framework for a regulated natural medicine program (aka psilocybin or psilocin).

Attachment:

Ordinance 1808

Background Information

The Colorado General Assembly recently enacted Senate Bill 23-290, codified by Colorado Revised Statute §44-50-01, et seq creating a regulatory structure for the operation of licensed facilities for the supervised use of psychedelic mushrooms by individuals age 21 and over. The Act creates a state agency responsible for licensing and registration of facilities and related businesses that provide for the use, cultivation, manufacture, and testing of these substances. The Act limits local municipalities regulations of such facilities to time, place and manner. Furthermore, local government may not prohibit licensed health care facilities or individuals from providing natural medicine services nor prohibit the transportation of natural medicine on public roads.

The proposed ordinance establishes regulations consistent with State Statute by specifying the geographical locations of natural medicine business to areas of the city zoned as the Planned Industrial zone district, limiting operating hours to 8:00 a.m. to 5:00 p.m., Monday through Friday and requires a natural medicine business to be a minimum 1,000 feet away from property used or zoned for residential dwellings. The ordinance also includes the addition of natural medicine businesses as a permitted use within the Planned Industrial zone district.

Strategic Plan Priority (if applicable):

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

Recommendation

In compliance with the Natural Medicine Health Act of 2022 (Senate Bill 23-290) enacting natural medicine regulation and legalization, Staff would recommend approval of Ordinance 1808 on first reading adopting local regulations of natural medicine businesses.

Proposed Motion

Motion to approve ordinance 1808 on first reading.

ORDINANCE 1808

AN ORDINANCE OF THE CITY OF FOUNTAIN REPEALING AND REORDAINING CHAPTER 17.16 OF TITLE 17 OF THE FOUNTAIN MUNICIPAL CODE TO OTHER USES-REGULATED REGARDING NATURAL MEDICINE BUSINESSES AND ADD NATURAL MEDICINE BUSINESS TO PERMITTED USE AND AMENDING CHAPTER 17.04 (ZONING DISTRICTS) SECTION 17.04.150 B. (PLANNED INDUSTRIAL DISTRICT USE REGULATIONS) OF THE FOUNTAIN MUNICIPAL CODE

WHEREAS, the Natural Medicine Health Act of 2022, a citizen-initiated measure intended to decriminalize the use of certain plants or fungi for people 21 years of age and older, was approved by Colorado voters in November, 2022; and

WHEREAS, in May, 2023, the Governor signed Senate Bill 23-290, entitled “Natural Medicine Regulation and Legalization,” into law, which bill clarifies and sets the regulatory framework for a regulated natural medicine program in Colorado; and

WHEREAS, Senate Bill 23-290 authorizes the City Council to enact an ordinance to: (i) regulate the time, place and manner of the operation of natural medicine business licenses issued by the Colorado Division of Professions and Occupations; (ii) limit the areas where the cultivation, manufacturing, testing, storage, distribution, transfer and dispensation of natural medicine and natural medicine product may be permitted in the City; and (iii) establish the distance restrictions for buildings where natural medicine services are provided within the vicinity of a child care center, preschool, elementary, middle, junior or high school, residential child care facility, or residential dwelling; and

WHEREAS, City staff recommends that Chapter 17.16 of Title 17 of the Fountain Municipal Code be repealed and reenacted for the purpose of regulating natural medicine businesses within the authority granted by Senate Bill 23-290; and

WHEREAS, City staff recommends that Chapter 17.04 Section 17.04.150 B. be amended to add natural medicine businesses as a permitted use within the Planned Industrial district; and

WHEREAS, the City Council finds and determines that it is in the best interests of the residents of the City to amend Title 17 of the Code for this purpose.

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

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

Section 2. Chapter 17.16 within Title 17 of the Code is hereby repealed and reordained in the form attached hereto as Exhibit 1.

Section 3. Section 17.04.150 B of Chapter 17.04 of Title 17 of the Code is hereby amended in the form attached hereto as Exhibit 2.

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 ___ day of _____, 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 Gazette, a newspaper of general circulation in the City of Fountain.

Sharon Thompson, Mayor

ATTEST:

Joney Carneal, City Clerk

Introduced, read by title, and passed on second and final reading on the _____ day of _____, 2024, and ordered published by title in the Gazette, a newspaper of general circulation in the City of Fountain, Colorado, in accordance with the City Charter.

Sharon Thompson, Mayor

ATTEST:

Joney Carneal, City Clerk

Exhibit 1

TITLE 17 (ZONING)

CHAPTER 17.16 (OTHER USES – REGULATED)

Sec. 17.16.010. Adult-Oriented Uses – Location requirements.

- A. Adult-oriented uses shall be established, operated and maintained only within the planned industrial district and shall be separated from the most proximate and directly measured legally described property line of any residential zoning district, place of worship, park, child care facility, including daycares, and/or schools meeting the requirements of the compulsory education laws of the state, by not less than 1,000 feet, and other adult-oriented uses by not less than 300 feet.
- B. Public streets, sidewalks, driveways, easements and other public rights-of-way shall be included in measuring the distances prescribed in this chapter.

Sec. 17.16.020. Adult-Oriented Uses – Appeal process.

- A. The zoning administrator shall deny an application for any building permit or other approval necessary for the location or operation of an adult-oriented business upon a finding of noncompliance with the standards and requirements of this chapter. Within ten business days of the submission of a complete written application for the approval of the location of an adult-oriented business under this chapter, the zoning administrator shall in writing approve or deny the same, and send the same by certified mail, return receipt requested, to the mailing address indicated on the application. In the event of denial, the zoning administrator shall in writing set forth the basis of the denial.
- B. Within ten business days from the date of such written denial, the applicant may file with the city clerk a notice of appeal (pursuant to chapter 17.25) stating with particularity the basis of the appeal. A copy of such document shall be concurrently submitted to the office of the city attorney. The appeal shall be processed in accordance with chapter 17.25.

Sec. 17.16.030. Adult-Oriented Uses – Variance procedures.

- A. Variance requests for adult-oriented uses shall be subject to the limitations of this section and processes outlined in chapter 17.25, Variances and Appeals.
- B. The city council may grant a variance upon a finding that, at the time of the filing of the request up until the public hearing, the location is available to the applicant for use as an adult-oriented business through acquisition by purchase or lease in a planned industrial zoning district, as contemplated in this section. For the purposes of this chapter, the applicant shall have the burden of proof to establish through diligent inquire, the unavailability of suitable property in compliance with the location requirements. Economic hardship incurred in locating and maintaining such use in compliance with the location requirements shall not constitute the basis of establishing unavailability under this chapter.
- C. Upon receipt of a request for a variance to locate closer than otherwise permitted to another adult-oriented use, the city council shall schedule a public hearing in conformance with the procedures set forth in section 17.20.080 of this title for public notice.

- D. If, based on the evidence presented at the hearing, the city council finds that no location is available in a planned industrial zoning district in compliance with the location requirements set forth in this section, the city council may grant a variance to the applicant:
1. To locate the adult-oriented use within 300 feet of an existing adult-oriented use; and/or
 2. To locate in an otherwise appropriately commercially-zoned location specifically identified in the request.
- E. No variance shall be available under this section to locate an adult-oriented use closer than 1,000 feet to a residential use, place of worship, school including daycare, or park.

Sec. 17.16.040. Natural Medicine Businesses – Definitions.

For purposes of this Chapter, the following terms shall have the following meanings:

Natural medicine means psilocybin or psilocin and other substances described in the Regulatory Act as “natural medicine.”

Natural medicine business means any of the following entities licensed under the Regulatory Act and includes a natural medicine healing center, a natural medicine cultivation facility, a natural medicine products manufacturer, or a natural medicine testing facility, or another licensed entity created by the state licensing authority.

Natural medicine cultivation facility means a location where regulated natural medicine is grown, harvested, and prepared to be transferred and distributed to either a healing center, facilitator, a natural medicine products manufacturer, or to another natural medicine cultivation facility as defined by regulations promulgated by the department of revenue under the regulatory act.

Natural medicine healing center means a facility where an entity is licensed by the state licensing authority that permits a facilitator as defined by the Regulatory Act, to provide and supervise natural medicine services for a participant as defined by the Regulatory Act, which includes a participant consuming and experiencing the effects of regulated natural medicine or regulated natural medicine product under the supervision of a facilitator.

Natural medicine product means a product infused with natural medicine that is intended for consumption, as provided by the Regulatory Act.

Natural medicine products manufacturer means a person who manufactures regulated natural medicine products for transfer to a healing center, facilitator, or to another natural medicine products manufacturer as defined by regulations promulgated by the department of revenue under the regulatory act.

Natural medicine testing facility means a public or private laboratory licensed, or approved by the division, to perform testing and research on regulated natural medicine and regulated natural medicine product as defined by regulations promulgated by the department of revenue under the regulatory act.

Natural medicine services mean a preparation session, administrative session, and integration session, as provided by the Regulatory Act.

Participant means an individual who is twenty-one (21) years of age or older who receives natural medicine services prescribed by and under the supervision of a facilitator, as provided by the Regulatory Act.

Regulated natural medicine means natural medicine that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed, as provided by the Regulatory Act.

Regulated natural medicine product means a natural medicine product that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed, as provided by the Regulatory Act.

Regulatory Act means the Colorado Natural Medicine Code, as codified in Colo. Rev. Stat. §§ 44-50-101 through 904.

State licensing authority means the authority created under the Regulatory Act for the purpose of regulating and controlling the licensing of the cultivation, manufacturing, testing, storing, distribution, transfer, and dispensation of regulated natural medicine and regulated natural medicine product, as provided by the Regulatory Act.

Sec. 17.16.050. Natural Medicine Businesses – Permitted locations.

A natural medicine business, as defined herein (collectively the “licensed facilities”) are uses permitted by right in the Planned Industrial District, subject to the distance requirements contained in Section 17.16.060 and the time, place and manner requirements contained in Sections 17.16.070 through 17.16.120. Natural medicine businesses are prohibited in all other zone districts in the City.

Sec. 17.16.060. Natural Medicine Businesses – Distance from schools and residential dwellings.

- A. No natural medicine business that provides natural medicine services shall operate out of a building that is within one thousand (1,000) feet property used for of a child care center; preschool; elementary, middle, junior or high school; or a residential child care facility (collectively “school”).
- B. No natural medicine business that provides natural medicine services shall operate out of a building that is within one thousand (1,000) feet of property used or zoned for single-family dwellings, duplexes, or multiple-family dwellings (collectively “residential dwellings”).
- C. Subsections A and B above do not apply to a licensed facility located on land owned by the City or the state of Colorado.
- D. The distances referred to in this Section shall be computed by direct measurement from the nearest property line of the land used for a school or facility to the nearest portion of the building in which natural medicine services are provided, using a route of direct pedestrian access.

Sec. 17.16.070. Natural Medicine Businesses – Hours of operation.

Natural medicine healing centers and natural medicine businesses that provide natural medicine services shall only operate between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

Sec. 17.16.080. Natural Medicine Businesses – Public view.

All doorways, windows and other opening of natural medicine business buildings shall be located, covered, or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area, subject to applicable City design standards. All activities of natural medicine businesses shall occur indoors.

Sec. 17.16.090. Natural Medicine Businesses – Storage.

All storage for natural medicine businesses shall be located within a permanent building and may not be located within a trailer, tent, or motor vehicle.

Sec. 17.16.100. Natural Medicine Businesses – Air filtration.

Natural medicine businesses shall use an air filtration and ventilation system designed to ensure that the odors from natural medicine and natural medicine products are confined to the premises and are not detectable beyond the property boundaries on which the facility is located.

Sec. 17.16.110. Natural Medicine Businesses – Secure disposal.

Natural medicine businesses shall provide secure disposal of natural medicine and natural medicine product remnants or by-products, such as to prevent disposed products and by-products from being accessed or consumed by any person other than those persons being treated by the business. Natural medicine and natural medicine product remnants or by-products shall not be placed within the facilities' exterior refuse container.

Sec. 17.16.120. Natural Medicine Businesses – Processing of natural medicine.

- A. The processing of natural medicine that includes the use of hazardous materials, including, without limitation, and by way of example, flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited.
- B. Nonhazardous materials used to process natural medicine shall be stored in a manner so as to mitigate and ensure odors are not detectable beyond the property boundaries on which the processing facility is located or the exterior walls of the processing facility associated with the processing of natural medicine.
- C. The processing of natural medicine shall meet the requirements of all adopted City ordinances and code and life/safety codes, as administered by the Pikes Peak Regional Building Department.

Sec. 17.16.130. Natural Medicine Business – Enforcement.

Any natural medicine business in violation of the provisions of Sections 17.16.040 through 17.16.120 of this Chapter shall be subject to enforcement pursuant to Chapter 1.12 of the Fountain

Municipal Code, provided however, actions and conduct permitted pursuant to a license, registration or permit issued by the state licensing authority under the Regulatory Act, or by those who allow property to be used pursuant to a license issued pursuant to the Regulatory Act, shall not constitute a violation of Sections 17.16.040 through 17.16.120 of this Chapter.

Exhibit 2

Section 17.04.150 Planned Industrial District (PI)

B. Use Regulations.

1. Permitted Principal Uses: Any of the following uses, if outside storage and activity areas, other than employee and visitor parking or loading areas, do not exceed fifteen percent (15%) of the lot area and such uses are screened from view.
 - a. Repair, professional trade and construction contractor services.
 - b. Production, fabrication or assembly activities, provided that the proposed use can demonstrate that it will not create traffic hazards, noise, dust, noxious fumes, odors, smoke, vapor, vibration or industrial waste disposal problems, and if the characteristics and appearance does not have undesirable impacts on surrounding uses.
 - c. Railroad spur lines where such lines are used only for delivery or loading of freight to industries or businesses in occupancy of this zoning district but not including mainline.
 - d. Commercial laundries and dry cleaning.
 - e. Printing or publishing facilities.
 - f. Educational institutions, including vocational schools.
 - g. Retail sale of products produced on-site.
 - h. Distribution centers and warehouses.
 - i. Auto service/repair.
 - j. Self-storage facilities.
 - k. Restaurants.
 - l. Kennels.
 - m. Natural medicine business.



Regular City Council Meeting

GID1 –A1
Fountain GID No. 1 2025 Budget

November 12, 2024

Summary Information

Title: PUBLIC HEARING AND RESOLUTION 24-039GID1 ADOPTING A BUDGET FOR FOUNTAIN GENERAL IMPROVEMENT DISTRICT NO. 1 FOR FISCAL YEAR (FY) 2025, ASSESSING A LEVY ON TAXABLE PROPERTY, AND PROVIDING FOR CERTIFYING A LEVY TO EL PASO COUNTY.	
Initiator: Shawna Dail, Finance Director	<input checked="" type="checkbox"/> Council Action
Presenter: Shawna, Finance Director	<input type="checkbox"/> Council Information
Legal Review: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Report to Council
Summary Overview and List of Attachments: Open the Public Hearing; the Resolution approves a 2025 budget, assesses a levy of 12 mills on property, and directs the City Clerk to certify the mill levy to El Paso County for GID #1. Attachment: Resolution 24-039GID No. 1	

Background Information

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

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

The District can collect tax revenue in 2025 if the Board has a public hearing, adopts a budget, assesses a mill levy on taxable property, and assures that the mill levy is certified to El Paso County no later than December 15, 2024. The proposed resolution provides for all three of those actions.

The budget in Attachment 1 presents the actual revenue for 2022 and 2023, the FY 2024 budget, and the proposed FY 2025 budget that may be appropriated by Council. This information is presented to comply with the Local Government Budget Law of Colorado, 29-1-103, C.R.S.

No expenditures are contemplated in 2025.

Recommendation

Approval of the attached Resolution No 24-039GID 1.

Proposed Motion

“I move to approve Resolution No. 24-039GID 1.”



RESOLUTION 24-039GID1

A RESOLUTION ADOPTING A BUDGET FOR FOUNTAIN GENERAL IMPROVEMENT DISTRICT NO. 1 FOR FISCAL YEAR (FY) 2025, ASSESSING A LEVY ON TAXABLE PROPERTY, AND PROVIDING FOR CERTIFYING A LEVY TO EI PASO COUNTY

WHEREAS, the City Manager prepared a proposed budget for fiscal year 2025 for the Fountain General Improvement District No.1 (District); and

WHEREAS, notice of a public hearing to be held on November 12, 2024 City Council in its capacity as Ex Officio Board of Directors of the District was published according to law and the notice stated that the proposed budget was available for inspection in the office of the City Clerk as Ex Officio Secretary of the District and that interested electors of the District could file objections to the proposed budget; and

WHEREAS, the City Council in its capacity as Ex Officio Board of Directors of the District held a public hearing on November 12, 2024 to consider adoption of the FY 2025 budget; and

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

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

WHEREAS, the City Council in its capacity as Ex Officio Board of Directors of the District approves the annual budget for the District for FY 2025.

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

1. The budget for FY 2025, as set forth in Attachment 1, is adopted.
2. A levy of 12 mills on all taxable property within the District is assessed for collection in 2025 and the City Clerk, as Ex Officio Secretary of the District, is authorized and directed to certify that levy to the Board of County Commissioners for El Paso County Colorado on or before December 15, 2024.

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

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

Done this 12th day of November 2024.

CITY OF FOUNTAIN, COLORADO

Mayor as Ex Officio Presiding Officer of
the District

ATTEST:

City Clerk as Ex Officio Secretary of
the District

Attachment 1

GENERAL IMPROVEMENT DISTRICT #1	2022 Actual	2023 Actual	2024 Budget	2025 Proposed Budget
REVENUE				
PROPERTY TAXES	169,621	155,954	184,000	181,400
SPECIFIC OWNERSHIP TAX	13,973	17,661	13,000	15,000
INTEREST AND OTHER INCOME	3,773	31,344	20,000	15,000
TOTAL GID #1 REVENUE	187,367	204,959	217,000	211,400
EXPENDITURES				
TOTAL GID #1 EXPENDITURES	-	-	-	-
REVENUE LESS EXPENDITURES	187,367	204,959	217,000	211,400
Beginning Fund Balance	792,316	979,683	1,184,642	1,401,642
Ending Fund Balance	979,683	1,184,642	1,401,642	1,613,042



Regular City Council Meeting

GID2 –A1
Fountain GID No. 2 2025 Budget

November 12, 2024

Summary Information

Title:

PUBLIC HEARING AND RESOLUTION NO. 24-040GID2, A RESOLUTION ADOPTING A BUDGET FOR FOUNTAIN GENERAL IMPROVEMENT DISTRICT NO. 2 FOR FISCAL YEAR (FY) 2025 ASSESSING A LEVY ON TAXABLE PROPERTY, AND PROVIDING FOR CERTIFYING A LEVY TO EL PASO COUNTY

Initiator : Shawna Dail, Finance Director

Council Action

Presenter: Shawna Dail, Finance Director

Council Information

Legal Review: Yes No

Report to Council

Summary Overview and List of Attachments:

Open the Public Hearing; the Resolution approves a 2025 budget, assesses a levy of 10 mills on property, and directs the City Clerk to certify the mill levy to El Paso County for GID #2.

Attachment: Resolution 24-040GID2

Background Information

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

The District can collect property tax revenue in FY 2025 if the Board has a public hearing, adopts a budget, assess a mill levy on taxable property, and assures that the mill levy is certified to El Paso County not later than December 15, 2024. The proposed resolution provides for all these actions.

The budget in Attachment 1 presents the actual revenue and expenses for 2022 and 2023, the FY 2024 budget, and the proposed FY 2025 budget. This information is presented to comply with the Local Government Budget Law of Colorado, 29-1-103, C.R.S.

The only expenditure planned for 2025 is a transfer to the Water Fund for the offset water tap fee revenue.

Recommendation

Approval of the attached Resolution No. 24-040GID2.

Proposed Motion

“I move to approve Resolution 24-040GID2.”



RESOLUTION 24-040GID2

A RESOLUTION ADOPTING A BUDGET FOR FOUNTAIN GENERAL IMPROVEMENT DISTRICT NO. 2 FOR FISCAL YEAR (FY) 2025, ASSESSING A LEVY ON TAXABLE PROPERTY, AND PROVIDING FOR CERTIFYING A LEVY TO EL PASO COUNTY

WHEREAS, the City Manager prepared a proposed budget for fiscal year 2025 for the Fountain General Improvement District No.2 (District); and

WHEREAS, notice of a public hearing to be held on November 12, 2024 by City Council in its capacity as Ex Officio Board of Directors of the District was published according to law and the notice stated that the proposed budget was available for inspection in the office of the City Clerk as Ex Officio Secretary of the District and that interested electors of the District could file objections to the proposed budget; and

WHEREAS, the City Council in its capacity as Ex Officio Board of Directors of the District held a public hearing on November 12, 2024 to consider adoption of the FY 2025 budget; and

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

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

WHEREAS, the City Council in its capacity as Ex Officio Board of Directors of the District approves the annual budget for the District for FY 2025.

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

1. The budget for FY 2025, as set forth in Attachment 1, is adopted.
2. A levy of 10 mills on all taxable property within the District is assessed for collection in 2025 and the City Clerk, as Ex Officio Secretary of the District, is authorized and directed to certify that levy to the Board of County Commissioners for El Paso County Colorado on or before December 15, 2024.

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

Done this 12th day of November 2024.

CITY OF FOUNTAIN, COLORADO

Mayor as Ex Officio Presiding Officer of
the District

ATTEST:

City Clerk as Ex Officio Secretary of
the District

Attachment 1

GENERAL IMPROVEMENT DISTRICT #2	2022 Actual	2023 Actual	2024 Budget	2025 Proposed Budget
REVENUE				
PROPERTY TAX COLLECTIONS	126,552	123,924	148,000	153,240
SPECIFIC OWNERSHIP TAX	13,008	10,839	9,000	9,000
INTEREST AND OTHER INCOME	3,244	13,624	20,000	18,000
TOTAL GID #2 REVENUES	142,804	148,387	177,000	180,240
EXPENDITURES				
OTHER EXPENSES	-	-	-	-
TRANSFER TO WATER FUND	-	389,038	-	142,390
TOTAL GID #2 EXPENDITURES	-	389,038	-	142,390
REVENUE LESS EXPENDITURES	142,804	(240,651)	177,000	37,850
Beginning Fund Balance	349,648	492,452	251,801	428,801
Ending Fund Balance	492,452	251,801	428,801	466,651

FOUNTAIN URBAN RENEWAL AUTHORITY
September 17, 2024

General Board Meeting Minutes

Chair Aragon called a regular monthly meeting of the Fountain Urban Renewal Authority to order at 6:01pm. Commissioners present included Vice-Chair (VC) McMaster and Herzberg, while Louzon-Keller and Broz called in remote. FURA staff included Executive Director (ED) Kimberly Bailey and Administrative Associate (AA) Nate Shull, and additional attendees included Carrie Bartow and Rob Lange of CliftonAllenLarson (CLA). Guest attendees included Michelle “Marla” Gingrich and Erin Holder.

INTRODUCTIONS

In light of guest attendees, the board members provided a roundtable of brief introductions. In addition, both Marla Gingrich and Erin Holder introduced themselves as the Fountain Hair Society business expressing an interest to occupy Woodman Hall’s Unit D; a property asset of the Authority.

The Primary Tenant, Gingrich, denoted her lengthy tenure as a professional national award hair artist. Whereby, the hair talents of both individuals over the course of last 10YRS have been operating as independent contractors in the City of Fountain and have been seeking a location to build their mutual brand DBA the Fountain Hair Society. They offer high end services, focusing on women’s cut, color and extensions catering to everyone from young adults to the elderly; by appointment only. There were assurances made of no fumes or odor concerns due to their preferred salon products which are ammonia free, plant based and organic green products.

The existing 2nd FL small business synergies would be beneficial to the health+wellness practitioners towards providing a holistic body approach with hair and the soul experiences of clientele. The architecture and history of the property speaks to the community character and their business could aide in the economic vitality among small business entry in Olde Town, with Gingrich as a district neighbor, clientele walkability with a strong desire to locate in Downtown Fountain.

The board thanked them for time of introductions and a business overview with a few comments shared. Broz is an existing client and attested to their attention to personalized detail and non-ammonia based products that mitigate odors to the property. Herzberg inquired about the definition of high-end service of the business model. Gingrich shared they provide a welcoming and approachable environment to clients, offer the custom touch as stylists, and the quality of hair care products offered by the business to retain and attract clientele.

No other comments/questions were shared by the board, as such, ED Bailey stated they would hear back by end of week as to next steps of consideration; the Fountain Hair Society exited the meeting.

In closing, ED Bailey recapped the synergistic mix of health+wellness small businesses, ability to meet the rental rate terms, certified referrals, and an existing 10YR operation in Fountain community. Therefore, Bailey requested further instruction as to how the board wishes to proceed. VC McMaster inquired about a business proforma to verify the 2YR Lease Rental Rate stability as requested with

other tenants of the property. Bailey echoed that is a standing requirement for business fulfillment as well as the multiple documents of record required to finalize a new tenant. However, we are at a juncture for the board to evaluate the business proposal and being asked if they support the new tenant inquiry before staff endures more time/expense to onboard the tenant. ED Bailey stated she is seeking authorization to proceed to complete the remaining legal, notices, waivers, and lease obligations of a new tenant as proposed with a business proforma for the board.

VC McMaster motioned to empower the Executive Director to proceed and negotiate in good faith the Fountain Hair Society, primary tenant Marla Gingrich, as recommended for Woodman Hall, Unit D, second by Herzberg, and the motion passed unanimously by the board.

CONSENT AGENDA

The following Consent Agenda items were presented for approval:

1. Approval of July 16, 2024 General Meeting Minutes
2. Abstain August 20, 2024 General Meeting (*lack of quorum*)
3. Ratify August 20, 2024 Accounts Payable
4. Ratify August 20, 2024 Monthly Financials Report
5. Approval of September 17, 2024 Accounts Payable
6. Approval of September 17, 2024 Monthly Financials Report

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

OLD ITEMS

Wayfinding Signage System Plan (update)

AA Shull provided an update status on the Wayfinding Signage System Plan as authorized and administered by the City of Fountain Economic Development division. The project has entered PH II Design Scope with public engagement proceedings to transpire via in-the-field display booths, unmanned stations, and an online survey over the course of the next 45-days. The designs, denoted as Option 1 and Option 2, are based on PH I feedback and the implementation foundational project plan elements, to ensure: legibility, cost efficiency, flexible/adaptive, maintenance and durability per the public and steering committee recommendations. To learn more, please visit the project's [Facebook](#) online.

Real Estate

ED Bailey mentioned the Westward real estate brokers have been working with four restaurant prospects vying for the Woodman Hall 1st FL retail space. They are working on cash-flows analysis, financial credibility, sales revenue projections, floorplan layout and T+I improvement costs to build out the unfinished conditions. A presentation is expected to be brought forth with the board during its October general meeting for review, consideration, and recommendations on how to proceed with the prospects and the vision of the property.

FINANCE

2023 Annual Audit (filing notice)

CLA Bartow provided a courtesy notice that the 2023 Audit has officially been filed with the State of Colorado by the September 30th deadline per the Extension Filing Notice as authorized by the board.

Enterprise Zone Community Contribution Program (EZ-CCP)

ED Bailey provided the following information for review/determination:

1. FAQ Sheet – the minor updates have been completed per the board’s recommendations and a final version is being circulated for a basis of foundational language to devise a full-build campaign platform for the EZ-CCP.
 - a. A final determination was requested on the Donation Brick Wall concept, PG 2 content.
 - i. The board had general dialog and supported the campaign recognition idea with a faux brick wall application in replacement of degrading the original brick wall of the north side of the historic Woodman Hall building.
2. Donors List - a conceptual list was circulated for continual feedback with campaign launch 2025.
 - a. The board had general dialog with staff to send the List via email for continual ideas.
3. Point-n-Pay Vendor – a service provider agreement was referenced as a means to offer an instant online donor click-contribution, in addition to the mail-in-check; both versions qualify under El Paso County’s terms and regulation reporting conditions of the EZ-CCP.
 - a. The board and CLA Bartow discussed the set-up fee, back of house report capacity, and the reduction of staff time in administration of donations.
 - b. In addition, Bartow mentioned there may be the future potential to expand the system to collect and report on the PIF established in the SAH I and II urban renewal areas.
 - c. ED Bailey noted no further active discussion and requested a recommendation to proceed on behalf of the campaign launch 2025.
 - i. VC McMaster motioned the Executive Director to execute the vendor services agreement not to exceed a set-up fee in the amount of \$500, second by Herzberg, and the motion passed unanimously by the board.
4. Non-Profit Foundation – through due-diligence vetting of the annual State of Colorado GIVE-DAY campaign to drive public awareness and contributions to non-profit agencies, staff was reporting on an update stance on this optional measure under consideration by the board on behalf of the EZ-CCP.
 - a. ED Bailey shared in working discussions with BHFS legal and CLA financial representatives with the Authority, a non-profit registration process takes 18MTHS at minimum and the complexities of reporting can be quite cumbersome and a considerable expense to maintain active status.
 - i. Therefore, Bailey inquired if there was another need determined by the board that a non-profit designation could provide mutual benefit for the Authority – none were prompted by the board.
 - ii. As the GIVE-DAY association requires proof of non-profit designation status in advance of the DEC 2024 program, we are ineligible to participate now as a stand-alone entity but could in a future opportunistic timeframe under the 5YR EZ-CCP designation.
 1. CLA Bartow noted as an alternative option to seek out a SPONSOR that is already an accredited non-profit to promote the Woodman Hall EZ-CCP.

2025 Budget Forecast (OCT 2024)

ED Bailey provided a quick notice that the 2025 budget forecast is underway among staff and CLA. In such efforts, the team is seeking some contributive feedback on areas of the Authority to better accommodate needs, priorities, missions thereof.

- Placemaking revitalization projects were shared in February 2024 to bridge awareness of the impulses and succession efforts spanning the US85 URA and the Authority’s tenure and how we may identify funding under future public initiatives.

- The board had general dialogue and instructed for a \$10,000 Placemaking line item to be a consideration for program initiatives and/or grant match allocations.
- The newly designated South Academy Highlands (SAH) PH II Urban Renewal Area will be accounted for by establishing an individual general revenue fund. However, the earliest new tax-increment could begin to be realized would be 2027 or thereafter.
 - ED Bailey mentioned the Cooperative Agreement among City/FURA specifies such funds (Sales and Use Tax) can be applied to projects citywide and to begin thinking about large capital improvements projects that may greatly benefit the district or community in the public partnership under SAH PH II URA Plan.
 - Reminder: Venetucci Road is a dedicated maintenance obligation of SAH II funding.
- The Charter Oak URA was established in 2017 with the forethought as to business development within the proposed regional Southern Colorado Rail Park land mass to be annexed into the City of Fountain from El Paso County; at a future juncture. In today's midst of City's limited water resources and planning capacities, the private land ownership has changed course and actively pursuing to annex through Colorado Springs which would make the Charter Oak URA ill-relevant.
 - If private activity continues and is successful, then there may be a determination to terminate the Charter Oak URA designation due to lack of benefit or accountability per the Plan as adopted by the City and FURA.
 - BHFS legal representative has provided staff an Accordance of Procedures for the URA to be reconsidered by the City, IF/WHEN the Authority is prepared to act.
 - Since 2017, there has been zero tax-increment produced within the URA but it does require plan administration time and assessor certification expenses borne upon the Authority.

In closing CLA Bartow noted that per State Statute October 15th is the deadline for first draft submittal due to the Authority; therefore, October's general board meeting will consist of budget review.

Announcement of Congratulations

CLA Lange shared he received notice today as earning a professional CPA designation with the State of Colorado – the board and staff shared a note of congratulations on his accomplishment.

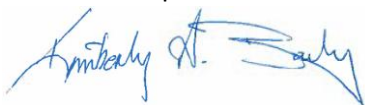
Check Signing

As approved on consent, A/P checks were signed totaling \$18,348.98.

ANNOUNCEMENTS

1. [Wayfinding Signage Community Survey](#) (PH II Design)
2. [Community Night in the Park](#) (Sept 17, 4-7pm, Metcalfe Park)
3. [Creek Week Clean Up](#) (Sept 28-Oct 6)
4. Olde Town ArtsMONTH (October 2024)
5. 2025-2027 City Council Strategic Plan (October 2024)

VC McMaster asked if there was any further business. No further topics were brought forth by board members; therefore, VC McMaster motioned to adjourn, second by Herzberg, passed unanimously by the board at 7:41 pm.



Kimberly Bailey, Executive Director

10.15.24

Date