



DECEMBER 9, 2025

**CITY COUNCIL RECEPTION AND SWEARING IN
5:00 P.M.**

**CITY COUNCIL AGENDA
6:00 P.M.**

116 S. Main St., Fountain

**Register to attend meeting virtually @
fountain.colorado.gov**

1) Call to Order

2) Pledge of Allegiance

3) Roll Call

4) 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.

- Steve Schleiker El Paso County Clerk

5.1) Presentations

- Pikes Peak Area Crime Stoppers (Chief Cristiani and Chairman Don Addy, 10 min)

5.2) Board/Commission/Committee

- Reappointment of two members to the Personnel Grievance Board (J. Carneal, 5 min)

5.3) Vacancy Appointment

- Appointing The At Large Council Seat Vacancy (J. Carneal 90 min)

6) Correspondence, Comments and Ex-Officio Reports

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 November 18, 2025, City Council Meeting Minutes (J. Carneal)
- B. Resolution 25-058, A Resolution Prohibiting The Installation Of Graywater Treatment Works And The Associated Use Of Graywater Within The City Of Fountain In Accordance With The Requirements Of House Bill 24-1362. (D. Blankenship/T. Murphy)
- C. Resolution 25-059, A Resolution Authorizing And Approving The Lease And Augmentation Agreement For The 25-Year Lease Of Chilcott Ditch Shares From The Fountain-Fort Carson School District Number 8. (T. Murphy 10 min)

8) Old Business

9) New Business

- A.** Consideration Of Items Removed From The Consent Agenda
- B.** Appointment Of Mayor Pro Tempore (J. Carneal 5 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 If consent to the closed Executive Session is not given, the items may be discussed in open session or withdrawn from consideration.

12) Adjourn

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

**NEXT REGULAR COUNCIL MEETING
December 16, 2025**



Regular City Council Meeting

Appointment-5.2

Personnel Grievance Board appointments

December 9, 2025

Summary Information

Title:

REAPPOINTMENT OF TWO MEMBERS TO THE PERSONNEL GRIEVANCE BOARD

Initiator: City Clerk Carneal

Presenter: City Clerk Carneal

Legal Review: ☐ Yes ☒ No

☒ Council Action

☐ Council Information

☐ Report to Council

Summary Overview and List of Attachments:

The City Clerk is requesting 2 reappointments for regular positions on the Personnel Grievance Board.

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

Staff recommends setting the terms as follows:

Bryan Johnson– 2 Year Term

Shirley Martinez – 3 Year Term

Background Information

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

Bryan Johnson was appointed to a 3-year term in December of 2022. Ms. Martinez was appointed to a 1-year term in February of 2025. Both members have expressed interest in continuing to serve on the Board and to meet the staggering terms, Staff is recommending appointments for one 2-year and one 3-year term.

Strategic Plan Priority (if applicable):

- ☐ STRENGTHEN PUBLIC COMMUNICATIONS EFFORTS.
- ☐ IMPROVE TRANSPORTATION INFRASTRUCTURE.
- ☐ SUPPORT LOCAL BUSINESS DEVELOPMENT.
- ☐ ENHANCE WATER AND ELECTRIC SECURITY.

Recommendation

Reappointment of Mr. Bryan Johnson for a 2-year term and Ms. Shirley Martinez for a 3-year term to the Personnel Grievance Board.

Proposed Motion

Motion 1- Move to reappoint Mr. Bryan Johnson for a 2-year term to the Personnel Grievance Board.

Motion 2- Move to reappoint Ms. Shirley Martinez for a 3-year term to the Personnel Grievance Board.



Regular City Council Meeting

Appointment-5.3

Vacancy Appointment

December 9, 2025

Summary Information

Title:

APPOINTING THE AT LARGE COUNCIL SEAT VACANCY

Initiator: City Clerk Carneal

Presenter: City Clerk Carneal

Legal Review: ☐ Yes ☒ No

☒ Council Action

☐ Council Information

☐ Report to Council

Summary Overview and List of Attachments:

Section 2.5. (Vacancies) of the Fountain City Charter, when a vacancy shall be declared to exist the Council shall, when declaring the existence of a vacancy, establish the last date for filing of petitions which shall not be longer than fifteen days from the date of the declaration. Should Council choose to allow the full 15 days, the Petitions would be due to the City Clerk

Attachments:

Background Information

On September 16, 2025, former Council Member Duncan resigned from the At-Large seat, resulting in a vacancy. On October 28, 2025, City Council formally declared the seat vacant through Resolution 25-049 and set the deadline for petitions to be submitted to the City Clerk by November 12, 2025, at 5:00 PM MST.

On November 24, 2025, the City Clerk notified Council that six submitted petitions were sufficient, initiating a 15-day window for Council to make an appointment, with a deadline of December 9, 2025.

The following process will be followed:

- The City Clerk will draw names to determine the order in which applicants will present to the Council.
- Council will deliberate and make a motion to appoint one of the applicants.
- The appointed member will be sworn in, take their seat on the dais, and participate in the remainder of the meeting in their new role.

Strategic Plan Priority (if applicable):

- ☐ STRENGTHEN PUBLIC COMMUNICATIONS EFFORTS.
- ☐ IMPROVE TRANSPORTATION INFRASTRUCTURE.
- ☐ SUPPORT LOCAL BUSINESS DEVELOPMENT.
- ☐ ENHANCE WATER AND ELECTRIC SECURITY.

Recommendation

Proposed Motion

Motion to appoint



Regular City Council Meeting

Consent –7A

Council Meeting Minutes

December 9, 2025

Summary Information

Title:

APPROVAL OF THE NOVEMBER 18, 2025, CITY COUNCIL MEETING MINUTES

Initiator: City Clerk Carneal

Presenter: 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 November 18, 2025, City Council Meeting.

Attachments: Above Referenced Meeting Minutes

Background Information

Strategic Plan Priority (if applicable):

- ☐ STRENGTHEN PUBLIC COMMUNICATIONS EFFORTS.
- ☐ IMPROVE TRANSPORTATION INFRASTRUCTURE.
- ☐ SUPPORT LOCAL BUSINESS DEVELOPMENT.
- ☐ ENHANCE WATER AND ELECTRIC SECURITY.

Recommendation

Staff recommends approval.

Proposed Motion

Motion to approve shall be included under the consent agenda.

CITY COUNCIL MEETING

November 18, 2025

1) Call to Order

Mayor Thompson called the meeting to order at 6pm.

2) Pledge of Allegiance

The Pledge of Allegiance was recited.

3) Roll Call

Mayor Thompson
Mayor Pro Tem Rick
Council Member Estes
Council Member Gieck
Council Member Hinton

Council Member Herzberg notified staff of her absence.

4) Public to be Heard

Fran Carrick spoke on behalf of Sew Time in the Valley, a quilting group that donates handmade gifts to the community. She invited Council and the public to a community dinner on Friday at 4:00 PM, where attendees can volunteer or donate. The group expects to distribute over 110 gifts this year.

5.1) Presentations

- Recognition to Outgoing City Council Members (Mayor Thompson)

Mayor Thompson and various council members, staff, and community members offered extensive and heartfelt tributes to Council Member Hinton for his years of dedicated service. A plaque was presented, and Hinton gave a reflective and emotional farewell address.

- A Proclamation Recognizing and Encouraging Community Volunteerism Through Just Serve (F. Hinton)
Council Member Hinton read a proclamation recognizing and encouraging community volunteerism through the Just Serve platform. Erica Carter, a representative, spoke about how the platform connects volunteers with local organizations.

- A Proclamation Declaring the Saturday after Thanksgiving As Small Business Saturday in Fountain Colorado (Chamber and EDC)

Council Member Gieck read a proclamation designating the Saturday after Thanksgiving as Small Business Saturday in perpetuity. Dan Blankenship of the Chamber of Commerce spoke on the importance of supporting local businesses. The Chamber will host a coffee event on that day.

5.2) Board/Commission/Committee Appointments

There were no appointments.

6) Correspondence, Comments and Ex-Officio Reports

City Manager Trainor reminded everyone about the upcoming Tree Lighting Ceremony, scheduled for Friday evening at City Hall.

Mayor Pro Tem Rick expressed appreciation for the Veterans Day events organized by Fountain UP, American Legion Post 38, VFW Post 6461, and Sew Time in the Valley.

Council Member Estes acknowledged the Parks Department and the Friends of Fountain Fairview Cemetery for their role in dedicating a new Civil War memorial and promoting Wreaths Across America.

Council Member Hinton thanked the Housing Authority staff for their work and support of affordable housing efforts.

Mayor Thompson shared updates from the Pikes Peak Area Council of Governments (PPACG), including the proposed Front Range Passenger Rail project and associated ballot measure, noting concerns about potential impacts and delays in benefits for Fountain.

7) Consent Agenda

A. Approval Of November 4, 2025, City Council Meeting Minutes (J. Carneal)

B. Resolution 25-053, Resolution opting-out of HB24-1173 EV Charger (K. Martinez)

Council Member Estes made a motion to approve the Consent Agenda; seconded by Council Member Gieck. All members voted yes (6-0): the motion carried.

8) Old Business

A. Second Reading of Ordinance 1815, An Ordinance Setting Appropriations for the City of Fountain, Colorado For The Fiscal Year 2026 (S. Dail, 30 min)

Finance Director Shawna Dail, attending virtually, presented budget updates, including a 2.5% merit increase for staff, capital purchases for the Fleet and Police Departments, and funding for cemetery fencing and MyTown AI software. Council Member Hinton proposed adding \$15,000 for a new electronic sign to replace the existing banner and kiosk display in front of City Hall. Mayor Thompson suggested allocating \$200 for printed informational materials to assist the city's lobbying efforts.

Mayor Pro Tem Rick made a motion to approve with the above amendments; seconded by Council Member Estes. All members voted yes (5-0): the motion carried.

9) New Business

A. Consideration Of Items Removed From The Consent Agenda

There were no items removed.

B. Public Hearing and the Adoption of Resolution(s) per the Modification of US Highway 85 URA Boundary and the Adoption of the Formation of the New East Infill URA in the City (FURA KB/ BHFS Legal 15 min)

Fountain Urban Renewal Authority Director Bailey provided background on the blight study and plan goals. Legal Counsel for the Authority, Carolyn White detailed the alignment of the proposal with the City's comprehensive plan and explained the financial framework, which utilizes sales and use tax increment financing without impacting property taxes. The public hearing was closed without comment.

The following four resolutions related to the East Infill URA:

1. Resolution 25-054, A Resolution of the City Council of the City of Fountain Finding and Declaring a Proposed Modification of the U.S. Highway 85 Corridor Urban Renewal Plan to be a Minor Modification of the Plan and Approving Such Modification

Council Member Estes made a motion to approve; seconded by Council Member Gieck. All members voted yes (5-0): the motion carried.

2. Resolution 25-055, A Resolution Making Certain Legislative Findings and Approving the East Infill Urban Renewal Plan

Council Member Hinton made a motion to approve; seconded by Mayor Pro Tem Rick. All members voted yes (5-0): the motion carried.

3. Resolution 25-056, A Resolution of the City of Fountain Approving a Sales Tax Sharing and Cooperation Agreement with the Fountain Urban Renewal Authority to Finance the East Infill Urban Renewal Project

Council Member Gieck made a motion to approve; seconded by Council Member Hinton. All members voted yes (5-0): the motion carried.

4. Resolution 25-057, A Resolution of the City of Fountain Approving a Use Tax Sharing and Cooperation Agreement with the Fountain Urban Renewal Authority to Finance the East Infill Urban Renewal Project

Mayor Pro Tem Rick made a motion to approve; seconded by Council Member Estes. All members voted yes (5-0): the motion carried.

10) City Council Agenda Requests

There were no requests.

11) Announcement of Executive Sessions

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

12) Adjourn

There being no further business, Mayor Thompson declared the meeting adjourned at 7:09 PM.

City Clerk

Mayor



Regular City Council Meeting

Consent –7B

Compliance with HB 24-1362 Graywater

December 9, 2025

Summary Information

Title:

RESOLUTION 25-058, A RESOLUTION PROHIBITING THE INSTALLATION OF GRAYWATER TREATMENT WORKS AND THE ASSOCIATED USE OF GRAYWATER WITHIN THE CITY OF FOUNTAIN IN ACCORDANCE WITH THE REQUIREMENTS OF HOUSE BILL 24-1362.

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:

HB 24-1362 enables a person to install graywater treatment works and use graywater unless the governing body of a municipality prohibits such use by the passage of an ordinance or resolution. The proposed resolution is to prohibit graywater treatment works and the use of gray water within the City of Fountain.

Attachments: Resolution 25-058

Background Information

House Bill 24-1362 enables the installation of graywater treatment works and the use of graywater in new construction projects unless a board of county commissioners or governing body of a municipality adopts a resolution or ordinance to the contrary. If the governing body does not prohibit the installation of graywater treatment works and the associated use of graywater, that governing body is responsible for adopting building codes that prevent graywater from entering a potable water system including backflow prevention cross-connection control devices. If permitted, the primary burden is placed on the local government's building department to oversee the permitting, compliance and coordination with the local drinking water provider. The effective date of the Act is January 1, 2026.

At the most recent advisory board meeting, Pikes Peak Regional Building Department stated that they are not set up to permit graywater works and the Fountain Sanitation District has also expressed an opposition to the use of graywater within the FSD service area. Furthermore, without having detailed information about how a graywater system would function, City of Fountain utilities staff also has concerns about the use of graywater.

Prohibition of the use of installation of graywater treatment works and the associated use of graywater within the City of Fountain may be reconsidered in the future if deemed appropriate.

Strategic Plan Priority (if applicable):

- ☐ STRENGTHEN PUBLIC COMMUNICATIONS EFFORTS.
- ☐ IMPROVE TRANSPORTATION INFRASTRUCTURE.
- ☐ SUPPORT LOCAL BUSINESS DEVELOPMENT.
- ☒ ENHANCE WATER AND ELECTRIC SECURITY.

Recommendation

Staff recommends approval of Resolution 25-058 prohibiting the installation of graywater treatment works and the use of graywater within the City of Fountain.

Proposed Motion

This item is part of the consent agenda and unless removed from the consent agenda will be acted upon with the entire consent agenda.



Regular City Council Meeting

Consent-7C

School District 8 Chilcott Lease

December 9, 2025

Summary Information

Title:

RESOLUTION 25-059, A RESOLUTION AUTHORIZING AND APPROVING THE LEASE AND AUGMENTATION AGREEMENT FOR THE 25-YEAR LEASE OF CHILCOTT DITCH SHARES FROM THE FOUNTAIN-FORT CARSON SCHOOL DISTRICT NUMBER 8.

Initiator: Taylor Murphy, Water Resources Manager

Presenter: Taylor Murphy, Water Resources Manager

Legal Review: ☒ Yes ☐ No

☒ Council Action

☐ Council Information

☐ Report to Council

Summary Overview and List of Attachments:

This is a 25-year extension of an expiring Lease with the School District that has been in place since 2010, where the City utilizes the District's Chilcott Ditch water right in exchange for an annual payment. The Lease also allows the District to irrigate their fields at Aragon Elementary with an existing non-potable well using City augmentation water to reduce the cost of the Lease.

Attachments: Resolution 25-059

Lease And Augmentation Agreement (62 Pages)

Background Information

The Fountain-Fort Carson School District 8 (District) owns 2.5 shares of the Chilcott Ditch (out of 105 total Shares) that historically irrigated the lands that now make up the Fountain Fort-Carson High School complex. Fountain started leasing these shares from the District in 2010 under an Agreement that renewed every 5-years, with the most recent term expiring on December 31, 2025. The City utilizes the leased shares, in addition to the 23.25 Chilcott Ditch shares owned by the City, to support the pumping of city wells, refilling storage in Pueblo Reservoir and satisfying other general water rights needs.

Instead of extending the agreement for another 5-year term, Fountain and the District have now negotiated a 25-year renewal under similar terms to the original 2010 Lease. The City will make an annual payment of approximately \$8,600, increasing with inflation, and will receive the water generated by the shares, pay ditch assessments on the shares, and vote on behalf of the shares in ditch related matters.

The Lease also allows the District to pump an existing well at Aragon Elementary School to irrigate the grass and the City provides augmentation water for the irrigation. The cost of that augmentation water is applied as a credit to reduce the City's annual lease payment if and when the well is used.

Strategic Plan Priority (if applicable):

- ☐ STRENGTHEN PUBLIC COMMUNICATIONS EFFORTS.
- ☐ IMPROVE TRANSPORTATION INFRASTRUCTURE.
- ☐ SUPPORT LOCAL BUSINESS DEVELOPMENT.
- ☐ ENHANCE WATER AND ELECTRIC SECURITY.

<i>Recommendation</i>
Staff recommends Council approve Resolution 25-059.
<i>Proposed Motion</i>
I move to approve Resolution 25-059 executing the Lease and Augmentation Agreement with the Fountain-Fort Carson School District 8 for the Lease of 2.5 Chilcott Ditch Shares.



Regular City Council Meeting

New Business –9A

Items removed from Consent Agenda

November 18, 2025

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.

Background Information

Strategic Plan Priority (if applicable):

- ☐ STRENGTHEN PUBLIC COMMUNICATIONS EFFORTS.
- ☐ IMPROVE TRANSPORTATION INFRASTRUCTURE.
- ☐ SUPPORT LOCAL BUSINESS DEVELOPMENT.
- ☐ ENHANCE WATER AND ELECTRIC SECURITY.

Recommendation

Staff recommends approval.

Proposed Motion

Motion to approve shall be included under the consent agenda.



Regular City Council Meeting

NEW BUSINESS-9B

Mayor Pro Tem Appointment

December 9, 2025

Summary Information

Title:

APPOINTMENT OF MAYOR PRO TEMPORE

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:

Background Information

Section 2.4. - Mayor Pro Tem.

A Mayor Pro Tem shall be elected by the City Council from its own membership at the first meeting following the certification of the results of each regular city election by the City Clerk. The Mayor Pro Tem shall serve until the Council meeting following the certification by the City Clerk of the regular City election and shall act as Mayor during the absence or disability of the Mayor. Any Mayor Pro Tem or Acting Mayor while serving as Mayor shall retain all powers granted herein to Council Members.

Strategic Plan Priority (if applicable):

- ☐ STRENGTHEN PUBLIC COMMUNICATIONS EFFORTS.
- ☐ IMPROVE TRANSPORTATION INFRASTRUCTURE.
- ☐ SUPPORT LOCAL BUSINESS DEVELOPMENT.
- ☐ ENHANCE WATER AND ELECTRIC SECURITY.

Recommendation

Proposed Motion

Motion to appoint