



Legislation Details (With Text)

File #: 16-619 **Version:** 2 **Name:**
Type: Ordinance **Status:** Mayor's Office
File created: 10/6/2016 **In control:** City Council
On agenda: 11/8/2016 **Final action:** 11/8/2016

Title: Ordinance No. 16-107 Approving Inclusion of a Portion of the City of Colorado Springs, Colorado within the Lower Fountain Metropolitan Sewage Disposal District upon the Terms and Conditions Set Forth by the Board of Directors of the Lower Fountain Metropolitan Sewage Disposal District.

Presenter:
 Brian Whitehead, System Extensions Manager
 Jerry Forte, P.E., CEO, Colorado Springs Utilities

Sponsors:

Indexes:

Code sections:

Attachments: 1. LFMSDD_Inclusion Ordinance-2016-10-04, 2. Ord_Lower Fountain Inclusion_Exhibits, 3. Ordinance 16-107

Date	Ver.	Action By	Action	Result
11/8/2016	2	City Council	finally passed	Pass
10/25/2016	1	City Council	approved on first reading	Pass

Ordinance No. 16-107 Approving Inclusion of a Portion of the City of Colorado Springs, Colorado within the Lower Fountain Metropolitan Sewage Disposal District upon the Terms and Conditions Set Forth by the Board of Directors of the Lower Fountain Metropolitan Sewage Disposal District.

Presenter:

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 Jerry Forte, P.E., CEO, Colorado Springs Utilities

Summary:

At the July 20, 2016, Colorado Springs Utilities Board meeting, Utilities staff presented the terms and conditions for inclusion of a portion of the City within the Lower Fountain Metropolitan Sewage Disposal District (Lower Fountain). It was discussed in that meeting that upon receipt of favorable results from a ballot process to obtain owner consent to relocate the wastewater treatment facilities for the Southern portion of Banning Lewis Ranch to Lower Fountain, that Utilities' staff would proceed to bring an ordinance approving inclusion to City Council at a subsequent City Council meeting. With that ballot process now concluded favorably, Utilities requests consideration of the inclusion ordinance.

Previous Council Action:

None regarding approval of the inclusion ordinance, however, Council previously approved submission of a request for inclusion to Lower Fountain.

Background:

For the past year or more, Colorado Springs Utilities has pursued inclusion of a portion of the City (located within the Jimmy Camp Creek Basin and identified in the map attached to the proposed inclusion ordinance) and membership in Lower Fountain in order to facilitate the provision of wastewater service to that area by Colorado Springs Utilities. As discussed previously with Utilities Board and City Council, the steps for inclusion include:

1. Approval of a resolution requesting Inclusion by the Colorado Springs City Council - Completed.
2. Acceptance of the resolution and petition by the Lower Fountain Board of Directors, performance of a feasibility by Lower Fountain, identification of terms and conditions for acceptance by Lower Fountain - Completed.
3. Adoption of an ordinance approving inclusion by the Colorado Springs City Council - Current Step.
4. Adoption by the Lower Fountain Board of Directors of a Resolution incorporating the City's inclusion area within Lower Fountain and acceptance of City as a member of Lower Fountain; filing of resolution with the Colorado Division of Local Affairs - Next Step.

Inclusion of the proposed inclusion area into Lower Fountain provides certainty as to cost and requirements for permanent wastewater service for the owners of the property and helps secure the most cost affordable and best operational solution for Utilities. Additionally, inclusion is a condition precedent for interim wastewater service under the City's intergovernmental agreement with Colorado Centre Metropolitan District (CCMD), approved by Council in 2015, to be effective.

The current inclusion area will only affect the current proposed inclusion area identified in the map attached to the inclusion ordinance. Additional potential future inclusion areas are also identified and could be considered for inclusion by a future ordinance. Utilities would prefer to wait to include the future inclusion areas until there is greater certainty as to how such areas will develop, in the event other wastewater treatment options are determined to be more appropriate.

Financial Implications:

During the interim service period governed by the intergovernmental agreement with CCMD, Utilities will be responsible for one-fourth of the administrative costs associated with operation of the Lower Fountain District. In 2016, this would have been approximately \$7,700. By law, Lower Fountain has no taxing authority.

Board/Commission Recommendation:

N/A

Stakeholder Process:

Utilities has worked closely with property owners wishing to proceed with development of their property within the proposed inclusion area. Additionally, Utilities mailed notices to all owners of property within the current and future inclusion areas to notify them of the proposed inclusion, and to obtain consent to the relocation of the wastewater treatment site, as required in the Banning Lewis Ranch annexation agreement. Additionally, Utilities offered a public information meeting, however, no property owners attended.

Alternatives:

- (1) Adopt on First Reading the attached Ordinance Approving Inclusion of a Portion of the City of

Colorado Springs, Colorado within the Lower Fountain Metropolitan Sewage Disposal District upon the Terms and Conditions Set Forth by the Board of Directors of the Lower Fountain Metropolitan Sewage Disposal District; (2) Not adopt on First Reading the attached proposed Ordinance.

Proposed Motion:

Approve the Ordinance Approving Inclusion of a Portion of the City of Colorado Springs, Colorado within the Lower Fountain Metropolitan Sewage Disposal District upon the Terms and Conditions Set Forth by the Board of Directors of the Lower Fountain Metropolitan Sewage Disposal District.