



CITY OF FORT LUPTON
CITY COUNCIL/ENTERPRISE BOARDS
REGULAR MEETING AGENDA
Tuesday, December 6, 2022
6:00 PM
130 South McKinley Avenue

Zo Hubbard, Mayor
Valerie Blackston, Ward 1
Chris Ceretto, Ward 2
Carlos Barron, Ward 3
David Crespín, Ward 1
Claud Hanes, Ward 2
Bruce Fitzgerald, Ward 3

You may join in person or join remotely by clicking on:
<https://global.gotomeeting.com/join/851983253>

Call to Order

Pledge of Allegiance

Roll Call

Persons to Address Council - This portion of the Agenda is provided to allow members of the audience to present comments to the City Council. The City Council may not respond to your comments this evening, rather they may take your comments and suggestions under advisement or your question may be directed to the appropriate staff member for follow-up. Please limit the time of your comments to three (3) minutes - Mayor Stieber

Approval of Agenda

Review of Accounts Payables

a. December 6, 2022 Accounts Payable

Consent Agenda - Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda items unless a Councilmember so requests, in which case the item may be removed/moved from the Consent Agenda.

- a. November 29, 2022 Special City Council Meeting Minutes
- b. AM 2022-179 Authorize the City Administrator to Accept a Service Agreement From Dig Deep to Provide Grants-Related Technical Assistance Services for the 2023 Year
- c. AM 2022-180 Approve a Resolution Revising the Water and Sewer Infrastructure Investment Fee Schedule for 2023, Effective January 1, 2023
- d. AM 2022-181 Approving a Resolution Amending the Policy for Records Management Requirements for Electronic Mail
- e. AM 2022-182 Approving a Resolution Restating Liquor License Fees and Increasing Occupational Fees Effective December 6, 2022
- f. AM 2022-183 Approve a Resolution for Rate Increases for Green Fees and Cart Fees at Coyote Creek Golf Course for the 2023 Season
- g. AM 2022-184 The Great Outdoors Colorado (GOCO) has Awarded the City of Fort Lupton a Full Application for a Community Impact Grant in the Amount of \$790,000 to Assist in the Construction of the Community Center Park Renovation Project
- h. AM 2022-185 Approving a Resolution Ratifying the Appointment of Claud Hanes by the Mayor to the Fort Lupton Urban Renewal Authority (Authority) as a City Council Representative for a Five-year Term Beginning January 16, 2023 and Ending January 16, 2028
- i. AM 2022-186 Approving the Agreement With LastPass for Encryption of Passwords for an Amount not to Exceed \$17,280.00 Allocated From the General Fund

- j. AM 2022-189 Approving a Resolution Reconstituting the Appointment of Directors to the Board of Director of North Land Industrial Metropolitan Districts Nos. 1 & 2

Public Hearings - Public Hearings allow members of the audience to present comments and questions to the City Council on the item being presented. Comments and questions may be limited to three (3) minutes- Mayor Stieber

- a. AM 2022-155 Consideration of an Application, by the Fort Lupton City Council acting as the Local Licensing Authority, Submitted by Family Dollar Stores of Colorado, LLC dba Family Dollar #25949 for a Fermented Malt Beverage ("FMB") Off-Premises License at 130 S. Denver Ave.
- b. Memo to Request to Withdraw the Coyote Creek Filing No. 5 Preliminary Plat Application

Action Memorandum

- a. AM 2022-187 Authorize the Mayor's Signature on Amendment 3 to the Jacobs Contract
- b. AM 2022-188 Authorize the Payment of the Overages in the Jacobs Contract
- c. AM 2022-190 Approving a Contract with Perkins and Will to Provide Design and Engineering Services for the Recreation Center for the New Addition for an Amount not to Exceed \$878,220.00
- d. AM 2022-191 Approving a Resolution Levying General Property Taxes for the Assessed Tax Year 2022, to Fund the Cost of Government for the City of Fort Lupton, Colorado for the 2023 Fiscal Year
- e. AM 2022-192 Accept the 2023 Workers' Compensation quotation from Pinnacol Assurance in the amount of \$238,107, accept the boiler and machinery quotation from Travelers in the amount of \$5,688, accept the cyber liability quotation from Travelers in the amount of \$14,883 for a total of \$258,678

Staff Reports

Mayor/Council Reports

Future City Events

- a. December 6, 2022 Upcoming Events

Executive Session "To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e)." Provisions of Utilities

Adjourn

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 6, 2022**

The City Council of the City of Fort Lupton met in a regular session at the City Complex, 130 South McKinley Avenue, the regular meeting place of the City Council, on Tuesday, December 6, 2022. Mayor Zo Hubbard called the meeting to order at 6:00 p.m. and invited everyone to join her in the Pledge of Allegiance.

ROLL CALL

Mari Peña, City Clerk, called the roll. Those present were Mayor Zo Hubbard, Councilmembers, Chris Ceretto, Bruce Fitzgerald, David Crespin, Valerie Blackston, Carlos Barron and Claud Hanes.

Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, City Attorney, Andy Ausmus, Finance Director, Leann Perino, Planning Director, Todd Hodges and Public Works Director, Roy Vestal.

PERSONS TO ADDRESS COUNCIL

There was no one to address the Mayor or Council.

APPROVAL OF AGENDA

It was moved by David Crespin and seconded by Valerie Blackston to approve the agenda as presented. Motion passed unanimously on voice vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the December 6, 2022, payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

It was moved by Carlos Barron and seconded by Bruce Fitzgerald to approve the Consent Agenda as presented with the following items:

- November 29, 2022, Special City Council Meeting Minutes
- Authorize the City Administrator to Accept a Service Agreement From Dig Deep to Provide Grants-Related Technical Assistance Services for the 2023 Year (AM 2022-179)
- Approve Resolution 2022R074 REVISING THE WATER AND SEWER INFRASTRUCTURE INVESTMENT FEE SCHEDULE FOR 2023, EFFECTIVE JANUARY 1, 2023 (AM 2022-180)
- Approving Resolution 2022R075 AMENDING THE POLICY FOR RECORDS MANAGEMENT REQUIREMENTS FOR ELECTRONIC MAIL (AM 2022-181)
- Approving Resolution 2022R076 RESTATING LIQUOR LICENSE FEES AND INCREASING

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 6, 2022**

OCCUPATIONAL FEES EFFECTIVE DECEMBER 6, 2022 (AM 2022-182)

- Approve Resolution 2022R077 FOR RATE INCREASES FOR GREEN FEES AND CART FEES AT COYOTE CREEK GOLF COURSE FOR THE 2023 SEASON (AM 2022-183)
- Approving RESOLUTION 2022R078 AUTHORIZING SUBMITTAL OF THE FULL APPLICATION FOR THE GREAT OUTDOORS COLORADO (GOCO) FOR A COMMUNITY IMPACT GRANT IN THE AMOUNT OF \$790,000 TO ASSIST IN THE CONSTRUCTION OF THE COMMUNITY CENTER PARK RENOVATION PROJECT (AM 2022-184)
- Approving Resolution 2022R079 RATIFYING THE APPOINTMENT OF CLAUD HANES BY THE MAYOR TO THE FORT LUPTON URBAN RENEWAL AUTHORITY (AUTHORITY) AS A CITY COUNCIL REPRESENTATIVE FOR A FIVE-YEAR TERM BEGINNING JANUARY 16, 2023 AND ENDING JANUARY 16, 2028 (AM 2022-185)
- Approving the Agreement With LastPass for Encryption of Passwords for an Amount not to Exceed \$17,280.00 Allocated From the General Fund (AM 2022-186)
- Approving Resolution 2022R080 RECONSTITUTING THE APPOINTMENT OF DIRECTORS TO THE BOARD OF DIRECTOR OF NORTH LAND INDUSTRIAL METROPOLITAN DISTRICTS NOS. 1 & 2 (AM 2022-189)

Motion passed unanimously on roll call vote.

PUBLIC HEARINGS

AM 2022-155 Consideration of an Application, by the Fort Lupton City Council acting as the Local Licensing Authority, Submitted by Family Dollar Stores of Colorado, LLC dba Family Dollar #25949 for a Fermented Malt Beverage ("FMB") Off-Premises License at 130 S. Denver Ave.

Mayor Hubbard read the connected meeting advisement to the Applicant's Attorney, Jonathan Crumly, Esq.

Mayor Hubbard opened the public hearing at 6:07 p.m.

City Clerk, Mari Peña, explained the hearing was a continuance from the original hearing on October 18, 2022, where Council expressed concerns over seller/server training. The Council requested that additional information on training of employees be provided and therefore the hearing was continued to December 6, 2022. The applicant did submit documentation of the employee manual for alcohol training.

Mr. Crumly presented the Council with an overview of the seller training course provided to employees of Family Dollar. Mr. Crumly indicated that as of the end of November all five (5) employees of the Family Dollar in Fort Lupton have been trained and received Tips Certification.

There were no questions or further discussion from the Council.

Mayor Hubbard asked if anyone from the public wished to speak for or against the proposal.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 6, 2022**

Hearing none, Mayor Hubbard closed the public hearing at 6:11 p.m.

Mayor Hubbard asked Mr. Crumly if there was anything further that he would like to have presented in support of the application. Mr. Crumbly answered 'no'. Finally, Mayor Hubbard asked if he has had a full and fair opportunity to participate in the public hearing tonight. Mr. Crumbly answered 'yes'.

It was moved by Carlos Barron and seconded by Valerie Blackston to approve the application, by the Fort Lupton City Council acting as the Local Licensing Authority, submitted by Family Dollar Stores of Colorado, LLC dba Family Dollar #25949 for a Fermented Malt Beverage ("FMB") Off-Premises License at 130 S. Denver Ave. Motion passed unanimously on roll call vote.

Memo to Request to Withdraw the Coyote Creek Filing No. 5 Preliminary Plat Application

The applicant Lupton Land LLC has requested to withdraw the application for the preliminary plat, Coyote Creek filing #5. The applicant will be resubmitting a revised combined preliminary/Final Plat at a future date to be determined.

No action occurred from the Council.

ACTION MEMORANDUM

AM 2022-187 Authorize the Mayor's Signature on Amendment 3 to the Jacobs Contract

The Jacobs contract Appendix F denotes the way the contract is amended for yearly inflation. The increase is based upon the June Consumer Price Index and the Consumer Cost Index for Civilian Workers for the previous year. A formula using those numbers for June 2022 were calculated and came out to 7.08%. Due to the very high EPI/CPI indexes, Jacobs is requesting a 4.5% increase.

The Consumer Price Index for June 2022 was 9.06%; a 60% increase from 2021. The Consumer Cost Index was 5.1%; a 57% increase from 2021. Jacobs is struggling to remain competitive when it comes to recruiting qualified operators and is requesting the 4.5% increase in order to staff the project properly. The 2023 budget included an increase in the base cost of 3% and the rebateable costs per the contract. Contract section 4.5 doubled in 2021 to \$40,000 due to the increase in the cost of propane.

<u>Contract Section</u>	<u>2023 Budget</u>	<u>2023 Revised</u>	<u>Increase</u>
4.1 – Base Fee	\$ 1,185,493	\$ 1,202,757	\$ 17,264
4.4 - Chemicals	114,000	114,000	-
4.5 – Utilities	40,000	40,000	-
4.6 – Repairs & Maintenance	140,000	140,000	-

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 6, 2022**

4.7 – Biosolids Removal	40,000	40,000	-
Total Cost	\$ 1,519,493	\$ 1,536,757	\$ 17,264

It was moved by Carlos Barron and seconded by Chris Ceretto to authorize the Mayor's signature on Amendment 3 to the Jacobs Contract. Motion passed on roll call vote.

AM 2022-188 Authorize the Payment of the Overages in the Jacobs Contract

The Jacobs Contract contains a provision for a rebateable budget of \$334,000, allocated to purchase chemicals, propane, solids hauling and general repairs. This funding is provided for by 12 monthly payments included in the operations and maintenance invoices. When the year is closed, Jacobs either returns the portion that is not used or invoices for the overages. This year the overage is large enough and known soon enough for Jacobs to request payment of the overages within the contract year.

We are expecting an overage of \$60k on the rebateable budget due to unexpected repairs. The centrifuge went down earlier this year which resulted in over \$15k of repairs and \$45k in liquid hauling. These types of repairs are atypical and are not expected in the coming years.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to authorize the payment of the overages in the Jacobs Contract. Motion passed unanimously on roll call vote.

AM 2022-190 Approving a Contract with Perkins and Will to Provide Design and Engineering Services for the Recreation Center for the New Addition for an Amount not to Exceed \$878,220.00

Perkins and Will (formally Sinks Combs and Dethlefs) were the Architects for the Recreation Center build and included in the original drawings with the expansion areas for the building. Chris Kastelic was the project lead for this building and knows the history and what the original concepts were for the facility and would be the lead once again for this project. Their firm has done numerous projects not only in our area but nationally as well. In 2005 the Recreation Facility won a major design award and was honored nationally in Recreation Management Magazine. They will provide the following as lined in Exhibit A:

1. Concept/Schematic Design
2. Design Development
3. Construction Contract Administration (CA)
4. Post Construction
5. Drawings Packages Meetings

Timeline for the project would be to get a General Contractor/General Manager on board by the

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 6, 2022**

middle of February 2023 with final construction drawings being done by the end of June 2023. Ground breaking planned for late July early Aug. 2023. Building construction estimated to be 12 months.

It was moved by Claud Hanes and seconded by Valerie Blackston approving a contract with Perkins and Will to provide design and engineering services for the Recreation Center for the new addition for an amount not to exceed \$878,220.00. Motion passed unanimously on roll call vote.

AM 2022-191 Approving a Levying General Property Taxes for the Assessed Tax Year 2022, to Fund the Cost of Government for the City of Fort Lupton, Colorado for the 2023 Fiscal Year

Every year the City must certify the mill levy for the following year by December 15th. The 2022 assessed valuation is \$282,052,650. This is a \$82,955,457 increase over the 2021 valuations. The expected revenue is approximately \$10,483,228 from a 30.360 general mill levy, a 2.127 recreation center debt mill levy and a 4.68 recreation center operating mill levy. The budget has been built around a 5.5% increase in the property tax revenue in the general fund. With the increase in property valuations we were able to lower the mill levy 7.527 mills.

In November voters approved the continuation of the recreation center debt mill levy. A 2.381 mill levy has been included to cover the debt payments expected with a new bond issue for construction of additions to the recreation center. The 4.86 mills approved by voters in 2004 for the operations and maintenance of the recreation center continues in the 2022 mill levy.

The total mill levies for 2022, 2023 revenue collection, is 37.167 mills.

It was moved by Bruce Fitzgerald and seconded by Valerie Blackston approving Levying General Property Taxes for the Assessed Tax Year 2023, to fund the cost of government for the City of Fort Lupton, Colorado, for the 2023 Fiscal Year. Motion passed unanimously on roll call vote.

AM 2022-192 Accept the 2023 Workers' Compensation quotation from Pinnacol Assurance in the amount of \$238,107, accept the boiler and machinery quotation from Travelers in the amount of \$5,688, accept the cyber liability quotation from Travelers in the amount of \$14,883 for a total of \$258,678

IMA is the City's broker of record for Worker's Compensation, Boiler and Machinery and Cyber Liability coverages. They have provided the renewal numbers for these lines of coverage for 2023.

The total cost for the Workers Compensation has gone up for 2023. There are three major factors in Workers Compensation rates: total payroll, rate by occupation and experience rating (eMod). Total payroll is expected to increase in 2023 over 2022. The rates by occupation have mostly decreased with a few increasing for high risk jobs.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 6, 2022**

The City of Fort Lupton had a very significant claim at the end of 2019 that is still the primary factor in the City's rating going from 0.78 in 2019 to 1.09 in 2020 to 1.25 in 2021. The eMod rating for 2022 is 1.25. For reference, a number above 1 means that your claims are above average; below 1.00 means your claims are below average.

For 2022, Pinnacol offered a renewal at \$238,107, a 45% and \$74,036 increase over 2022. Our broker, IMA, advised us not to shop the Workers Compensation coverage, with the eMod being the driving factor. Pinnacol offered a fair renewal based on the three major factors.

The City did apply and was awarded Cost Containment Certification by the state. This is a certification that verifies that organizations adhere to best safety practices. It also qualifies organizations for discounts on their renewal. Fort Lupton is awaiting approval from the state board. If approved, Fort Lupton may qualify for an additional deduction on the Worker's Compensation Renewal for 2023.

The cost of the Boiler and Machinery coverage increased due to the increase in the City's assets. For 2023, Travelers offered the renewal at \$5,688, a 8.4% and \$439 increase over 2022.

For 2023, Travelers offered the renewal at \$14,883, an 0% and \$0 increase over 2022. This coverage was marketed but all other carriers declined to bid. While the public entity sector has been particularly vulnerable to all manner of cyber-attacks, the City hasn't been subject to anything yet. This is a matter of when and not if. With that sentiment in mind, an increase is expected in 2024.

It was moved by Claud Hanes and seconded by Carlos Barron accepting the 2023 Workers' Compensation quotation from Pinnacol Assurance in the amount of \$238,107, accepting the boiler and machinery quotation from Travelers in the amount of \$5,688, accept the cyber liability quotation from Travelers in the amount of \$14,883 for a total of \$258,678. Motion passed unanimously on roll call vote.

STAFF

Roy Vestal, Public Works Director notified the Council of a flyer being placed on residences from a water company in Spanish. When calling the number, an answering service is answering in Spanish asking the caller to leave a message. Mr. Vestal indicated that there are no issues with the City's water. This is a company wanting to sell water softeners.

Leann Perino, Finance Director, stated that discussions regarding bonding have begun and she'll be providing Council with updates.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 6, 2022**

Mari Peña, City Clerk, thanked Olsen's Greenhouse for providing the City with poinsettias.

Chris Cross, City Administrator, stated that the library had a great turnout for Cookies with Santa event with approximately 430 participants and the Historic House Tour with the historic Preservation Board also had great participation. Mayor Hubbard stated that her aunt and mother mentioned they loved the driver of the historic tour.

MAYOR/COUNCIL REPORTS

There were no Mayor or Council reports.

FUTURE CITY EVENTS

December 6, 2022	City Council Meeting, 130 S. McKinley Ave. 6:00 p.m.
December 9, 2022	Parade of Lights
December 13, 2022	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m.
December 20, 2022	City Council Meeting – CANCELLED
December 26, 2022	City Offices Closed in Observance of the Holidays
December 27, 2022	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m.
January 2, 2023	City Offices Closed in Observance of New Year's
January 3, 2023	City Council Meeting, 130 S. McKinley Ave. 6:00 p.m.
January 10, 2023	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m.

EXECUTIVE SESSION

It was moved by David Crespín and seconded by Valerie Blackston to move to Executive Session "To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e)." Provisions of Utilities. Motion passed unanimously on roll call vote. The following moved into Executive Session: Mayor Hubbard, Councilmembers Carlos Barron, Valerie Blackston, Chris Ceretto, Bruce Fitzgerald, Claud Hanes and David Crespín. City Attorney, Andy Ausmus, City Administrator, Chris Cross, Planning Director, Todd Hodges, and Public Works Director, Roy Vestal, and Finance Director Leann Perino.

The Executive Session ended at 7:08 and the regular meeting reconvened.

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 6, 2022

ADJOURNMENT

The meeting adjourned at 7:08 p.m.

Submitted by,



Maricela Peña, City Clerk



Approved by City Council,



Zo Hubbard, Mayor