



CITY OF FORT LUPTON
CITY COUNCIL/ENTERPRISE BOARDS
REGULAR MEETING AGENDA
Tuesday, March 21, 2023
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

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 Hubbard

Approval of Agenda

Review of Accounts Payables

a. March 21, 2023 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. March 7, 2023 City Council Meeting Minutes**
- b. Second Reading Ordinance 2023-1153 Amending Section 2-155 of the Municipal Code to Set the Victim Compensation Guidelines by Resolution**
- c. AM 2023-049 Approving the Purchase of Annual Software for Cyber Security for an Amount Not to Exceed \$39,588.00 Allocated from the Information Technology Budget**
- d. AM 2023-051 A Resolution of the City of Fort Lupton City Council Approving the Event Application as a Guide for Planning Events on Public Property within the City and Approving the Application Fees**
- e. AM 2023-052 Accepting a Proposal from Dean Contracting for the Construction of the Community Center Park Fence Extension South of Community Center Park to County Road 12 for an Amount not to Exceed \$27,616.00 to be Paid from the Parks Department Account**
- f. AM 2023-053 Authorize the Mayor to Execute an Agreement to Lease 500 Acre Feet of Colorado Big Thompson Water Units to Kerr-McGee Oil & Gas Onshore LP for the Amount of \$375,000 for the 2023 Water Year**
- g. AM 2023-058 Approval of the Five (5) Year Agreement with AXON Enterprises for Fleet Mounted Camera Systems for Patrol Vehicles for an Annual Cost of \$40,092.47**

Action Memorandum

- a. AM 2023-050 Authorizing an Additional Payment for the Overages in the Jacobs Contract in the Amount of \$11,706.44, Allocated from the Utility Fund**
- b. AM 2023-054 Authorize the Mayor to Execute an Agreement to Purchase Six Shares of Fulton Irrigation from Howard Binder for \$360,350.00**

- c. AM 2023-055 Approving a Resolution Authorizing the Submittal of an Energy and Mineral Impact Assistance Grant with the Colorado Department of Local Affairs for the Fort Lupton Wastewater System Improvements for a Project Cost Estimate of \$26,000,000.00
- d. AM 2023-056 Award Contract to Colorado Paving Inc. for an Amount Not to Exceed \$300,000.00 for the Coyote Creek Golf Course Cart Path Repaving Project, Allocated from the Golf Course Maintenance Fund
- e. AM 2023-057 Approving a Resolution for Supplemental Budget for Two (2) Positions, for an Amount not to Exceed \$165,550 Allocated from the General Fund Budget

Staff Reports

Mayor/Council Reports

Future City Events

- a. March 21, 2023 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)." Golf Course

Adjourn

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
March 21, 2023**

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, March 21, 2023. 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, Bruce Fitzgerald, Valerie Blackston, Carlos Barron, David Crespín and Claud Hanes.

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

PERSONS TO ADDRESS COUNCIL

There was no one to address the Mayor or Council.

APPROVAL OF AGENDA

Staff requested to change the title of AM 2023-057, to approving the addition of two (2) positions allocated from the general fund with removal of the resolution. It was moved by Carlos Barron and seconded by Bruce Fitzgerald to approve the agenda as amended. Motion passed unanimously on voice vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the March 21, 2023, payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

It was moved by David Crespín and seconded by Valerie Blackston to approve the Consent Agenda as presented with the following items:

- March 7, 2023 City Council Meeting Minutes
- Second Reading Ordinance 2023-1153 AMENDING SECTION 2-155 OF THE MUNICIPAL CODE TO SET THE VICTIM COMPENSATION GUIDELINES BY RESOLUTION
- Approving the Purchase of Annual Software for Cyber Security for an Amount Not to Exceed \$39,588.00 Allocated from the Information Technology Budget (AM 2023-049)
- Approving RESOLUTION 2023R012 OF THE CITY OF FORT LUPTON CITY COUNCIL APPROVING THE EVENT APPLICATION AS A GUIDE FOR PLANNING EVENTS ON PUBLIC

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PROPERTY WITHIN THE CITY AND APPROVING THE APPLICATION FEES (AM 2023-051)

- Accepting a Proposal from Dean Contracting for the Construction of the Community Center Park Fence Extension South of Community Center Park to County Road 12 for an Amount not to Exceed \$27,616.00 to be Paid from the Parks Department Account (AM 2023-052)
- Authorize the Mayor to Execute an Agreement to Lease 500 Acre Feet of Colorado Big Thompson Water Units to Kerr-McGee Oil & Gas Onshore LP for the Amount of \$375,000 for the 2023 Water Year (AM 2023-053)
- Approval of the Five (5) Year Agreement with AXON Enterprises for Fleet Mounted Camera Systems for Patrol Vehicles for an Annual Cost of \$40,092.47 (AM 2023-058)

Motion passed unanimously on roll call vote.

ACTION MEMORANDUM

AM 2023-050 Authorizing an Additional Payment for the Overages in the Jacobs Contract in the Amount of \$11,706.44, Allocated from the Utility Fund

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. The overage amount of \$71k on the rebateable budget was due to unexpected repairs and costs, which is \$11k over the original estimate from December. There were multiple high-cost repairs, including repairs on the centrifuge, which resulted in over \$15k of repairs and \$45k in additional liquid hauling. These types of repairs are atypical and are not expected in the coming years.

It was moved by Carlos Barron and seconded by Valerie Blackston to Authorize an Additional Payment for the Overages in the Jacobs Contract in the Amount of \$11,706.44, Allocated from the Utility Fund. Motion passed unanimously on roll call vote.

AM 2023-054 Authorize the Mayor to Execute an Agreement to Purchase Six Shares of Fulton Irrigation from Howard Binder for \$360,350.00

Mr. Binder offered to sell to the City of Fort Lupton, six shares of the Fulton Irrigation Ditch Company with dry-up for \$60,000 per share. The City continues to ensure we have adequate water for City operations and this water is one source that can be used to accomplish that goal. As part of this transaction, Mr. Binder has requested the City pay a nonrefundable \$350 for the 2023 Fulton water assessment on the shares. Prior to closing, there is a 120 day due diligence

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time to allow for investigations into the shares history. The investigations will allow the City to confirm whether there is adequate yield, dry up and easements. If the results of the investigations are not satisfactory, the City can terminate the purchase agreement before the end of the due diligence period, and the \$60,000 earnest money shall be refunded. The total purchase price is \$360,350.00.

After closing on the Fulton shares, it will be necessary to file a water court case to change the Fulton shares to new uses, including municipal and augmentation. Until the City proceeds with the water court case, the shares will be used in the City Irrigation operations.

It was moved by Claud Hanes and seconded by Bruce Fitzgerald to Authorize the Mayor to Execute an Agreement to Purchase Six Shares of Fulton Irrigation from Howard Binder for \$360,350.00. Motion passed unanimously on roll call vote.

AM 2023-055 Approving a Resolution Authorizing the Submittal of an Energy and Mineral Impact Assistance Grant with the Colorado Department of Local Affairs for the Fort Lupton Wastewater System Improvements for a Project Cost Estimate of \$25,000,000.00

As a requirement of the Colorado Department of Local Affairs' grant application for Energy and Mineral Impact Assistance Grant funds, City Council must approve a resolution authorizing the City's application submission in order to be considered for the grant.

As part of our grant application for financial assistance for the Fort Lupton Wastewater System Improvements, City Council must approve a resolution officially authorizing the submission of said application. The estimated total amount of the above-mentioned project is \$25,000,000.00. Of this amount, the City will commit to a ninety-six percent match of \$25,000,000.00 of which is pending submission to the USDA for Rural.

The EIAF grant request is a Tier 1 request for \$1,000,000.00 to help cover the City's required funds for the USDA loan.

It was moved by Bruce Fitzgerald and seconded by Valerie Blackston to Authorize the Mayor to Execute an Agreement to Purchase Six Shares of Fulton Irrigation from Howard Binder for \$360,350.00. Motion passed unanimously on roll call vote.

AM 2023-056 Award Contract to Colorado Paving Inc. for an Amount Not to Exceed \$300,000.00 for the Coyote Creek Golf Course Cart Path Repaving Project, Allocated from the Golf Course Maintenance Fund

Bid documents were advertised from February 10, 2023 with bid opening on March 10, 2023. Four bids were received, with Colorado Paving Inc. providing the lowest responsible bid.

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Colorado Paving Inc. is a highly respected contractor in Front Range communities with several local municipalities' projects in the area. The City contracted with them this past year for the College Ave. and 9th Street Reconstruction Project. As well as, the Kahil repaving Project in 2021. City staff has a very high opinion of this contractor, and they have done an excellent job with the construction work.

The Golf Enterprise Fund budgeted \$300,000 for this project.

The project is anticipated to start this April with completion in mid-May.

It was moved by Carlos Barron and seconded by David Crespino to Award Contract to Colorado Paving Inc. for an Amount Not to Exceed \$300,000.00 for the Coyote Creek Golf Course Cart Path Repaving Project, Allocated from the Golf Course Maintenance Fund. Motion passed unanimously on roll call vote.

AM 2023-057 Approving the Addition of Two (2) Positions, for an Amount not to Exceed \$165,550 Allocated from the General Fund Budget

The City Clerk's office will be soliciting applications for a Marketing and Communications Specialist. The salary range is expected to be between \$67,000 and \$80,400 to start. The Marketing and Communications Specialist will develop and administer communications strategies to establish proactive relationships with the media and the public, City Council and City Staff. The position will also respond to requests for information from the media acting as a public information officer.

Public Works Department (PW) will add the PW Sanitary Supervisor position. The salary range (exempt employee) is expected to be between \$62,000 and \$71,300 to start. The Sanitary Supervisor will be a mid-level management position in PW operations, focused on sanitary and storm sewer maintenance.

It was moved by Carlos Barron and seconded by Valerie Blackston to Approve the Addition of Two (2) Positions, for an Amount not to Exceed \$165,550 Allocated from the General Fund Budget. Motion passed unanimously on roll call vote.

STAFF

Roy Vestal, Public Works Director, stated posted speed signs will be placed soon. The first one will be posted on Fulton Street and they are also targeting to have one placed on South Rollie Ave. and lower Kahil St. He also mentioned Clean-up day for seniors and/or disabled individuals is scheduled for April 20th and Clean-up day for all is scheduled for April 22nd from 8:00 a.m. –

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12:00 p.m. at the Public Works Shop, located at 800 12th Street.

Mari Peña, City Clerk, gave appreciation and recognition to Leann Perino, Finance Director, and Chris Cross, City Administrator for their contribution and hard work in the bond meetings. She also mentioned that the annual shredding day is scheduled for April 26, 2023, from 8:00 a.m. – 10:00 a.m. at City Hall, located at 130 S. McKinley Ave.

MAYOR/COUNCIL REPORTS

Councilmember, Valerie Blackston, questioned Mari Peña, City Clerk, regarding clarification on the wording for the cemetery clean-up days. Ms. Peña responded, stating she has reached out to other municipalities to see if they have wording that better defines what is and what is not unsightly. However, she found that different wording still came to the same conclusion. It is difficult to define what is unattractive due to differences in opinion. Mayor Hubbard questioned if other municipalities have a policy to restrict plastic decorations during certain times of the year. She stated she will look into it for future discussion.

FUTURE CITY EVENTS

March 28, 2023	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m.
April 4, 2023	City Council Meeting, 130 S. McKinley Ave. 6:00 p.m.
April 8, 2023	Easter Egg Hunt, 203 S. Harrison Ave. 9:00 a.m.
April 11, 2023	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m.
April 20, 2023	Clean-up Day, Curbside Pick-up for Seniors and/or Disabled Individuals
April 22, 2023	Clean-up Day, 800 12 th St. 8:00 a.m. – 12:00 p.m.
April 26, 2023	Shredding Day, 130 S. McKinley Ave. 8:00 a.m. – 10:00 a.m.

EXECUTIVE SESSION

It was moved by Carlos Barron and seconded by David Crespín 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)." Golf Course. Motion passed unanimously on roll call vote. The following moved into Executive Session: Mayor Hubbard, Councilmembers Bruce Fitzgerald, Valerie Blackston, Carlos Barron, David Crespín and Claud Hanes, City Attorney, Andy Ausmus, City Administrator, Chris Cross, Finance Director, Leanne Perino and Golf Course Manager, Tyler Tarpley.

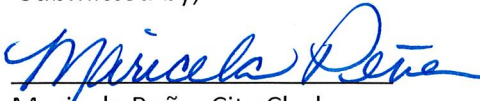
The Executive Session ended at 6:51 and the regular meeting reconvened.

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ADJOURNMENT

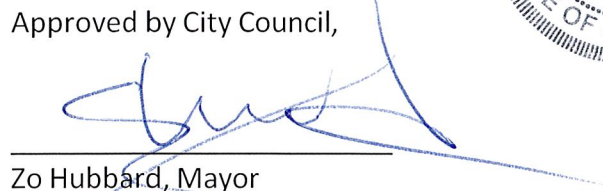
The meeting adjourned at 6:51 p.m.

Submitted by,


Maricela Peña, City Clerk



Approved by City Council,


Zo Hubbard, Mayor