



CITY OF FORT LUPTON
CITY COUNCIL/ENTERPRISE BOARDS
REGULAR MEETING AGENDA
Tuesday, April 4, 2023
6:00 PM
130 South McKinley Avenue

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

Call to Order

Pledge of Allegiance

Roll Call

Proclamation

a. 2023 Sexual Assault Awareness Month

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. April 4, 2023 Accounts Payables

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 21, 2023 City Council Meeting Minutes**
- b. AM 2023-059 Approving a Resolution Ratifying the Mayor's Appointment of Roberto Cardenas to the Cemetery Advisory Committee for a Term Beginning April 4, 2023, and Ending December 31, 2023**
- c. AM 2023-060 Approval of Payment to the Weld Regional Communications Center (WRCC) in the Amount of \$88,413.00 for Dispatch Services, Allocated from the Police Department Fund**
- d. AM 2023-061 Approving the Purchase of a John Deere Gator from 4 Rivers Equipment for an Amount Not to Exceed \$20,941.86**
- e. AM 2023-063 Approving the Agreement to Retain Stifel as the Underwriter for the Issuance of Certificates of Participation (COPs)**
- f. AM 2023-064 Approving an Addendum to the Service Agreement dated November 1, 2022 by and between Ausmus Law Firm, P.C. and The City of Fort Lupton to Amend Paragraph 4 of the Municipal Services Agreement to a Flat Fee of \$6500.00 per month for legal services performed as City Attorney**

Information Memorandum

- a. IM 2023-001 Update on the Opioid Settlement to Include Five Additional Companies**

Action Memorandum

- a. AM 2023-062 Accepting the Award of Contract to Farnsworth Group Inc. for Engineering Design of CR 12 Railroad Crossing for an Amount Not to Exceed \$96,985.00 from the Street Sales Tax Fund**

- b. AM 2023-065 Adopting an Ordinance Authorizing a Lease Purchase Transaction and in Connection Therewith, Authorizing the Leasing of Certain City Property and the Execution and Delivery of a Site Lease, a Lease Purchase Agreement and Other Financing Documents in Connection Therewith; and Proving Other Matters Related Thereto

Staff Reports

Mayor/Council Reports

Future City Events

- a. April 4, 2023 Upcoming Events

Adjourn

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
APRIL 4, 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, April 4, 2023. Mayor Zo Hubbard called the meeting to order at 6:03 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, Valerie Blackston, Carlos Barron, and Claud Hanes. Councilmember David Crespín was absent.

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

PROCLAMATION

Mayor Hubbard read the Sexual Assault Awareness Month Proclamation and proclaimed the month of April as Sexual Assault Awareness Month for the City of Fort Lupton.

PERSONS TO ADDRESS COUNCIL

Shasta Baca, Brighton Police Department Lead Victim Advocate Specialist, stated the Brighton Office for victim assistance is proud to provide services to the community of Fort Lupton and that every person that reports sexual assault is heard and believed. She thanked the City Council, Chief Fryer, and the Fort Lupton Police Department for their support in helping the victims of sexual assault and by issuing the Proclamation it aids in lifting the veil of secrecy against sexual assault.

APPROVAL OF AGENDA

Staff requested to add RESOLUTION 2022R078 to the Consent Agenda to add wording to the Resolution that states, "Authorize the Mayor to Sign." Staff also requested to add AM 2023-066 to the Action Memorandum for approval of a Resolution in opposition to statewide land use and zoning preemptions in senate bill 23-213. It was moved by Bruce Fitzgerald and seconded by Valerie Blackston to approve the agenda as amended. Motion passed unanimously on voice vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the April 4, 2023, payables; there were no questions or comments from the Mayor or Council.

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CONSENT AGENDA

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

- March 21, 2023 City Council Meeting Minutes
- Approving a Resolution 2023R014 RATIFYING THE MAYOR'S APPOINTMENT OF ROBERTO CARDENAS TO THE CEMETERY ADVISORY COMMITTEE FOR A TERM BEGINNING APRIL 4, 2023, AND ENDING DECEMBER 31, 2023 (AM 2023-059)
- Approval of Payment to the Weld Regional Communications Center (WRCC) in the Amount of \$88,413.00 for Dispatch Services, Allocated from the Police Department Fund (AM 2023-060)
- Approving the Purchase of a John Deere Gator from 4 Rivers Equipment for an Amount Not to Exceed \$20,941.86 (AM 2023-061)
- Approving the Agreement to Retain Stifel as the Underwriter for the Issuance of Certificates of Participation (COPs) (AM 2023-063)
- Approving an Addendum to the Service Agreement dated November 1, 2022 by and between Ausmus Law Firm, P.C. and The City of Fort Lupton to Amend Paragraph 4 of the Municipal Services Agreement to a Flat Fee of \$6500.00 per month for legal services performed as City Attorney (AM 2023-064)
- A Resolution of the City of Fort Lupton Authorizing Submittal of The Full Application for the Community Impact Program Grant with the Great Outdoors Colorado for the Community Center Park Renovation Project and Authorize the Mayor to Sign

Motion passed unanimously on roll call vote.

INFORMATION MEMORANDUM

IM 2023-001 Update on the Opioid Settlement to Include Five Additional Companies

On November 2, 2021 City Council approved AM 2021-181 to Participate in the Opioid Settlement with the State of Colorado. The Colorado Opioid Settlement Tracker (COST) has been set up and will be the program used to help organize the opt-in or opt-out process. The City is proceeding with the Opt-out of direct funding option. It will join the regions resource group to maximize funding potential and limit staff requirements for tracking of funds.

Colorado has reached settlements with Teva Pharmaceutical Industries Ltd. and Allergan Finance, LLC/Allergan Limited, as well as with Walmart Inc., CVS Health Corporation/CVS Pharmacy, Inc., and Walgreen Co.

In order for Colorado to maximize its share of the settlement proceeds, these opioid

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settlements (like prior opioid settlements) require that Colorado's Local Governments participate in the settlements by releasing their opioid-related legal claims against the settling Defendants. Fort Lupton cannot receive funds from any opioid settlement it does not join. Staff will process the documents to send to the regional group similar to the first round.

Importantly, the terms of the Colorado Opioid Memorandum of Understanding ("Colorado MOU"), which governs the distribution of opioid settlement funds in Colorado, will also apply to the recent opioid settlements. Fort Lupton has already signed the Colorado MOU and does not need to re-sign it to participate in the recent opioid settlements.

ACTION MEMORANDUM

AM 2023-062 Accepting the Award of Contract to Farnsworth Group Inc. for Engineering Design of CR 12 Railroad Crossing for an Amount Not to Exceed \$96,985.00 from the Street Sales Tax Fund

Improvements to the Union Pacific Railroad crossing at CR 12 are required to maintain safe crossing with increasing traffic along CR 12.

Farnsworth Group responded to the City's On-Call Engineering Services request for qualifications and is the only firm with extensive railroad experience.

Proposal includes survey, subsurface utility survey, preliminary design (30%), final design, and construction contract documents.

It was moved by Carlos Barron and seconded by Valerie Blackston to Accept the Award of Contract to Farnsworth Group Inc. for Engineering Design of CR 12 Railroad Crossing for an Amount Not to Exceed \$96,985.00 from the Street Sales Tax Fund. Motion passed unanimously on roll call vote.

AM 2023-065 Adopting an Ordinance, as Amended Showing the Increased Parameters, Authorizing a Lease Purchase Transaction and In Connection Therewith, Authorizing the Leasing of Certain City Property and the Execution and Delivery of a Site Lease, a Lease Purchase Agreement and Other Financing Documents in Connection Therewith; and Proving Other Matters Relating Thereto

Andy Ausmus, City Attorney, presented the item to Council and indicated the lease financing option will allow the City to borrow funds without conducting an election because the payments are subject to annual appropriation, which is supported by statute. The City is authorized to enter into lease hold agreements providing collateral. The City leases a certain property to a bank or other financial institution, in consideration, leasing the property under site lease, the bank pays the city a certain amount of dollars. Mr. Ausmus specified the

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maximum parameters of repayment. The maximum annual repayment cost of base rentals payable by the City shall not exceed \$660,000.00 amended from \$600,000.00. The total repayment cost shall not exceed \$7,260,000.00, amended from \$6,600,000.00.

Alan Matlosz, Managing Director with Stifel, Stacey Mast, Vice President of Stifel, and Maria Harwood, and Courtney Diguardi with Butler Snow were also present via gotomeeting to answer any questions Council had.

It was moved by Claud Hanes and seconded by Carlos Barron to Adopt Ordinance 2023-1154, AS AMENDED SHOWING THE INCREASED PARAMETERS, AUTHORIZING A LEASE PURCHASE TRANSACTION AND IN CONNECTION THEREWITH, AUTHORIZING THE LEASING OF CERTAIN CITY PROPERTY AND THE EXECUTION AND DELIVERY OF A SITE LEASE, A LEASE PURCHASE AGREEMENT AND OTHER FINANCING DOCUMENTS IN CONNECTION THEREWITH; AND PROVING OTHER MATTERS RELATING THERETO. Motion passed unanimously on roll call vote.

AM 2023-066 Approving a Resolution in Opposition to Statewide Land Use and Zoning Preemptions in Senate Bill 23-213

Senate Bill 23-213 (the "Bill") would place statewide mandates on hyper local land use matters and substitute the judgment of legislators and state regulators who lack the understanding needed to make the right decisions for our community. The Bill will undermine long-range planning efforts and will severely limit the ability to maintain reasonable zoning regulations to ensure a high quality of life and sound economic environment for our current and future residents, workers, and business owners.

Zoning and land use cannot be viewed separately from the impacts of proposed uses of land on surrounding properties and a community as a whole, including the ability to ensure adequate water and utilities; to provide enough public safety services, schools, and recreational services; to make sure that sufficient and safe infrastructure is available to handle increased population or more intense uses; to align development with the community's economic goals; to prevent displacement of existing people; to preserve important historical sites; and to protect open space and the environment in general.

It was moved by Bruce Fitzgerald and seconded by Valerie Blackston to Approve Resolution 2023R015 IN OPPOSITION TO STATEWIDE LAND USE AND ZONING PREEMPTIONS IN SENATE BILL 23-213. Motion passed unanimously on roll call vote.

STAFF

Chris Cross, City Administrator, mentioned Cris Criswell passed away this weekend. Mr. Cross took a minute to recognize him for all that he has done for the Fort Lupton Community and the positive impact he made. He also announced come Saturday, April 8, 2023, Mari Peña, City

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Clerk, will officially reach her 15-year mark of working for the City of Fort Lupton.

MAYOR/COUNCIL REPORTS

Councilmember Bruce Fitzgerald stated equipment for the Splash Park has come in and a ground-breaking ceremony will be taking place soon to commemorate the start of construction for the Community Center Park Renovation Project.

Councilmember Valerie Blackston stated Mayor Hubbard and herself attended the Union Pacific Railroad dinner on April 3, 2023. She stated she learned a lot and what she took away most is that the railroad wants a notice way in advance if we want them to collaborate on a project. Mayor Hubbard stated they mentioned the City now has a Library on the opposite side of the railroad tracks. Maybe in the future we can work with the railroad to facilitate a way to get to and from the Library. She also asked for the Big Boy Engine for the City's bicentennial. Councilmember Valerie Blackston also mentioned they discussed silent areas. All in all, it was an informative dinner.

Mayor Hubbard thanked all the citizens who have sent wishes, hopes, and prayers for her brother's recovery. Yesterday, they received approval to treat him with focused proton radiation.

FUTURE CITY EVENTS

April 8, 2023	Easter Egg Hunt, 203 S. Harrison Ave. 9:00 a.m.
April 10-17, 2023	Hillside Cemetery Annual Clean-up Days
April 11, 2023	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m.
April 18, 2023	City Council Meeting, 130 S. McKinley Ave. 6:00 p.m.
April 20, 2023	Curbside Clean-up Day (For Seniors and/or Disabled Residents)
April 22, 2023	Clean-up Day, 800 12th St. 8:00 a.m. – 12:00 p.m.
April 25, 2023	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m.
April 26, 2023	Shredding Day, 130 S. McKinley Ave. 8:00 a.m. – 10:00 a.m.
April 26-29, 2023	Field of Honor, Pearson Park 4 Complex
May 2, 2023	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m.

ADJOURNMENT

The meeting adjourned at 6:33 p.m.

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Submitted by,

Maricela Peña

Maricela Peña, City Clerk



Approved by City Council,

Zo Hubbard

Zo Hubbard, Mayor