



CITY OF FORT LUPTON
CITY COUNCIL/ENTERPRISE BOARDS
REGULAR MEETING AGENDA
Tuesday, July 18, 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

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 Hubbard

- a. Brian Blehm, Key Account Advisor with United Power

Approval of Agenda

Review of Accounts Payables

- a. July 18, 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. July 5, 2023 City Council Meeting Minutes
- b. AM 2023-113 Approving Submittal of a Grant with the US Department of Justice for School Resource Officers and Authorizing the Mayor's Signature on the Application
- c. AM 2023-114 Accept the USDA Rural Development Loan of \$21,163,000 for the construction of the Metro Force Main and Lift Station
- d. AM 2023-115 Authorize the Mayor to Execute an Agreement to Lease 150-Acre Feet Equivalent Colorado Big Thompson ("CBT") Water Units to Platte River Power Authority ("PRPA")

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 Hubbard

- a. AM 2023-110 Seeking Consideration by the Fort Lupton City Council Acting as the Local Licensing Authority for an Application Submitted by Everyday Stores LLC dba Everyday 5722 for a Fermented Malt Beverage and Wine License at 104 Denver Ave.

Action Memorandum

- a. AM 2023-111 Accept the Audited 2022 Annual Comprehensive Financial Report (ACFR)
- b. AM 2023-112 Accepting a Bid Proposal from Adolfson & Person Construction to Serve as General Manager/General Contractor for the Community Center Park Renovation Project for an Amount not to Exceed \$1,634,251.00 Allocated from the Park Recreation Fund and Other Various Grants and Funds

- c. AM 2023-116 Approval of Payment to Cross Line Construction in the Amount not to Exceed \$596,000.00 with a Contingency Fund, for Renovation of the Police Department Basement Project Phases 1 and 2

Information Memorandum

- a. Alcohol Beverage Festival Permit Application Received from Canas Enterprises, Inc. dba Patricia's Mexican Restaurant for 217 1st St. for September 9, 2023

Staff Reports

- a. City Clerk - Call for Nominations

Mayor/Council Reports

Future City Events

- a. July 23, 2023 Benefit Car Show for Eric Thorpe,
Patricia's Sports Bar, 217 1st St.,
9 a.m. - 3 p.m.

- July 28, 2023 Movie in the Park, Hosted by Mt. Calvary Lutheran Church,
Koshio Park, 1st & S. McKinley Ave., 8:30 p.m.

- August 1, 2023 National Night Out,
Koshio Park, 1st St. and S. McKinley Ave. 5:00 – 8:00 p.m.

- August 4, 2023 Summer Concert Series - Trouble Bound
Fort Lupton Library, 425 Denver Ave. 6 p.m.

- August 25, 2023 Summer Concert Series – Kelsie Jo & the Wildcards
Fort Lupton Library, 425 Denver Ave. 6 p.m.

Upcoming Meetings

- a. July 25, 2023 Town Hall Meeting
City Hall, 130 S. McKinley Ave. 6 p.m.

- August 1, 2023 City Council Meeting
City Hall, 130 S. McKinley Ave. 6 p.m.

- August 8, 2023 Town Hall Meeting
City Hall, 130 S. McKinley Ave. 6 p.m.

- August 15, 2023 City Council Meeting
City Hall, 130 S. McKinley Ave. 6 p.m.

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) - Intergovernmental Agreements

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) -Potential Negotiations Pertaining to Economic Development

Adjourn

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
July 18, 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, July 18, 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, Chris Ceretto, Carlos Barron, Claud Hanes, Bruce Fitzgerald, and Valerie Blackston. Councilmember David Crespín was absent.

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

PERSONS TO ADDRESS COUNCIL

Brian Blehm, Key Account Advisor with United Power presented the City of Fort Lupton with a check of \$12,772.91, as part of their 2023 capital credit.

APPROVAL OF AGENDA

It was moved by Bruce Fitzgerald and seconded by Claud Hanes to approve the agenda as presented. Motion passed unanimously on voice vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the July 18, 2023, payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

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

- July 5, 2023 City Council Meeting Minutes
- Approving Submittal of a Grant with the US Department of Justice for School Resource Officers and Authorizing the Mayor's Signature on the Application (AM 2023-113)
- Accept the USDA Rural Development Loan of \$21,163,000 for the construction of the Metro Force Main and Lift Station (AM 2023-114)

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- Authorize the Mayor to Execute an Agreement to Lease 150-Acre Feet Equivalent Colorado Big Thompson ("CBT") Water Units to Platte River Power Authority ("PRPA") (AM 2023-115)

Motion passed unanimously on roll call vote.

PUBLIC HEARINGS

AM 2023-110 Seeking Consideration by the Fort Lupton City Council Acting as the Local Licensing Authority for an Application Submitted by Everyday Stores LLC dba Everyday 5722 for a Fermented Malt Beverage and Wine License at 104 Denver Ave.

Mayor Hubbard opened the public hearing at 6:05 p.m.

City Clerk, Mari Peña, provided an overview of the application. She stated Everyday Stores LLC dba Everyday 5722 is applying for a Fermented Malt Beverage and Wine License. The applicant, Harban S. Lali, Attorney Erika Kaiser, and Carol Johnson with Liquor Pros were all in attendance remotely. City Attorney, Andy Ausmus, advised them about connected meetings in which they agreed to proceed with the hearing. The application is under concurrent review which means the Colorado Department of Revenue, Liquor Enforcement Division, will review the application while it is under review with the City. All fees have been paid by the applicant. All notifications have been met. New Fermented Malt Beverage and Wine licenses shall not be located within 500 feet of a retail liquor store license. Everyday 5722 is not located within 500 feet of a retail liquor store. Liquor Pros was hired by the applicant to obtain signatures from residents to produce evidence supporting the "needs and desires" of the neighborhood.

Carol Johnson, with Liquor Pros LLC presented the results of the petition. She was sworn in by City Attorney, Andy Ausmus. They conducted a total of 267 knocks on doors and obtained 91 signatures. 152 doors did not answer, 12 individuals were ineligible, and 12 people declined to sign the petition. Of the 91 signatures obtained, 84 were in favor and 7 were in opposition. With a total of 92% in favor.

Attorney Erika Kaiser, called upon the applicant, Harban S. Lali, to answer a few questions regarding his business. He was sworn in by City Attorney, Andy Ausmus. Ms. Kaiser asked Mr. Lali if he provides responsible vendor liquor training to his employees, in which he stated he does. He also stated his business has a no tolerance policy for anyone who sells alcohol to minors. He indicated that the store has an ID scanner in which the cashier has to scan the ID to ensure sales to persons under 21 years of age does not occur.

City Attorney, Andy Ausmus, questioned Mr. Lali, asking if out of the 16 stores he owns, that have a liquor license, if he has ever had a liquor license suspended, revoked, or had to surrendered a license. Mr. Lali responded stating yes. Attorney Erica Kaiser, read a list of stores

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that have had their liquor license suspended due to violations. Attorney Kaiser read the following violations and suspensions into the record:

Everyday Store, 17840 Cottonwood Drive, Parker, CO had the following violations:

Sale of alcohol to a minor on July 12, 2005, received a warning.

Sale of alcohol to a minor on June 1, 2007, active suspension for 5 days and 5 days in abeyance.

Sale of alcohol to a minor on May 31, 2008, active suspension for 10 days and 20 days in abeyance for 2 years.

Sale of alcohol to a minor on November 18, 2011, active suspension for 7 days; none in Abeyance.

Everyday Store, 10610 Longs Way, Parker, CO had the following violations:

Sale of alcohol to a minor on May 31, 2008, received a warning.

Sale of alcohol to a minor on November 18, 2011, active suspension for 3 days; 4 days held in abeyance for one year.

Sale of alcohol to a minor on February 22, 2014, active suspension for 5 days; 10 days held in abeyance for one year. Fine in lieu of suspension was granted.

Sale of alcohol to a minor on December 11, 2019, active suspension for 14 days; all paid by fine in lieu of suspension.

Everyday Store, 7990 N. Federal Blvd, Westminster, CO had a sale of alcohol to minor violation in June 2016, 5 days held in abeyance and 5 days fine in lieu of suspension.

Everyday Store, 1275 13th St., Boulder, CO had the following violations:

Sale to minor in 2015, 22 days suspended with 8 served and 14 days in abeyance.

Sale to minor in 2016, 44 days suspension, all served.

Everyday Store 5710, Greeley, Colorado: Sale to minor in 2015, 10 days suspended with 3 served and 7 days in abeyance.

Everyday Store, 799 E. College Dr., Durango, CO had a sale to minor on September 10, 2015, 10 days suspended with 5 served and 5 days held in abeyance.

Everyday Store 5709, Garden City, Colorado had a sale to minor in July 2018, 10 days suspended with 5 days served and 5 days held in abeyance.

Everyday Store 5705, 4595 Pecos St., Denver, CO had a sale to minor on January 29, 2021 and sale to minor on December 16, 2022, 5-day suspension.

Mr. Lali stated the employees that sold to minors were fired. Councilmember Chris Ceretto, mentioned the last violation he had was in December 2022. He asked when the POS system to scan ID's went into effect. Mr. Lali stated they installed the POS systems in March 2023. Mayor

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Hubbard, asked Mr. Lali if he has an age requirement for his staff members. He responded stating his employees must be at least 21 years of age.

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

City Attorney, Andy Ausmus asked if they've had a full and fair opportunity to provide any and all evidence to Council at this virtual hearing. Attorney Erica Kaiser responded, yes.

There was no further discussion and no one from the public wished to speak. Mayor Hubbard closed the public hearing at 6:26 p.m.

It was moved by Carlos Barron and seconded by Chris Ceretto approving the application submitted by Everyday Store LLC dba Everyday 5722 for a Fermented Malt Beverage and Wine License at 104 Denver Ave. The motion failed on roll call vote with 3 yes votes and 3 no votes with Mayor Hubbard, Councilmember Valerie Blackston and Councilmember Claud Hanes voting no.

ACTION MEMORANDUM

AM 2023-111 Accept the Audited 2022 Annual Comprehensive Financial Report (ACFR)

CliftonLarsonAllen LLC has completed their review of the year ended December 31, 2022 financial statements and have issued their report. The ACFR is available on the City's website www.FortLuptonCO.gov.

Audited Financial Statements are required to be filed with the State of Colorado Auditor every year by July 31st every year. The statements are also filed with the Multiple Securities Rule Making Board (MSRB) every year by June 30th to keep us in compliance with the continuing disclosure requirements of our bonds. The statements were filed with all agencies on June 29, 2023.

Paul Niedermuller, representing CliftonLarsonAllen, LLC provided the Council with a brief report of his findings.

It was moved by Bruce Fitzgerald and seconded by Carlos Barron to Accept the Audited 2022 Annual Comprehensive Financial Report (ACFR). Motion passed unanimously on roll call vote.

AM 2023-112 Accepting a Bid Proposal from Adolfson & Peterson Construction to Serve as General Manager/General Contractor for the Community Center Park Renovation Project for an Amount not to Exceed \$1,634,251.00 Allocated from the Park Recreation Fund and Other Various Grants and Funds

On February 8, 2023, a sub-committee of the Ad Hoc Committee interviewed the top three

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firms for the Recreation Center expansion. While all three firms were viewed as qualified, Adolfson & Peterson ("AP") really stood out due to the quality of their project team that would work on our Recreation Center, experience with multiple recreation centers with identical recreational components, and local/regional experience in the north front range area. Adolfson & Peterson Construction was selected by the Ad Hoc Committee in February 2023 to be the General Manager / General Contractor for the new Recreation Center expansion. With the timing of the Recreation Center expansion and the park renovation it made sense to ask for a proposal from Adolfson & Peterson. Both projects will be under construction at the same time.

It was moved by Carlos Barron and seconded by Bruce Fitzgerald to Accept a Bid Proposal from Adolfson & Peterson Construction to Serve as General Manager/General Contractor for the Community Center Park Renovation Project for an Amount not to Exceed \$1,634,251.00 Allocated from the Park Recreation Fund and Other Various Grants and Funds. Subject to legal approval. Motion passed unanimously on roll call vote.

AM 2023-116 Approval of Payment to Cross Line Construction in the Amount not to Exceed \$596,000.00 with a Contingency Fund, for Renovation of the Police Department Basement Project Phases 1 and 2

Cross Line Construction was chosen after no response to an RFP process. This project will demolish the existing basement configuration. In Phase 1; build an Evidence storage area and office, an investigations office and interview room, and both a men's and women's locker rooms. This new configuration includes improvements in the electric and HVAC systems along with the locker systems for both the locker rooms and the evidence transfer areas. There will also be data line construction and basement door lock system upgrades. The construction of a median wall in the existing police storage room to accommodate other city department storage will also be constructed. In Phase 2; the new training/meeting area, a second bathroom and breakroom area will be constructed. The initial structure for the City's Emergency Operations Center will be constructed in the training/meeting room area.

It was moved by Carlos Barron and seconded by Valerie Blackston to Approve Payment to Cross Line Construction in the Amount not to Exceed \$596,000.00 with a Contingency Fund, for Renovation of the Police Department Basement Project Phases 1 and 2. Motion passed unanimously on roll call vote.

INFORMATION MEMORANDUM

IM 2023-002 Alcohol Beverage Festival Permit Application Received from Canas Enterprises, Inc. dba Patricia's Mexican Restaurant for 217 1st St. for September 9, 2023

On July 13, 2023, Canas Enterprises, Inc. dba Patricia's Mexican Restaurant (Patricia's)

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submitted a Festival Permit application for September 9, 2023. Patricia's currently holds a Tavern license.

Festival permit applications must be filed with the state licensing authority. The applicant must:

- (I) Specify the licensed premises for the first of the festivals to be held;
- (II) File the application at least thirty calendar days before the festival is to be held; and
- (III) Include a fifty-dollar processing fee for the first festival with the application filed with the state licensing authority.

The City does not currently have a festival permit process. Therefore, the licensee is not required to apply for a local permit.

If a festival permittee notifies the state licensing authority and the appropriate local licensing authority of the location of and dates of each festival at least thirty business days before holding the festival, the permittee may hold up to, but no more than, nine festivals during the twelve months after the festival permit is issued. Beginning January 1, 2024, a permittee may hold up to nine festivals during each calendar year.

A licensee may participate in up to fifty-two festivals each calendar year, including up to nine festivals held under a festival permit issued to the licensee

The state licensing authority may deny a festival permit or supplemental application for any of the following reasons:

- (a) A documented history of violations of article 3, Title 44 C.R.S. or rules issued under this by any participating licensee;
- (b) The filing of an incomplete or late application; or
- (c) A finding that the application, if granted, would result in violations of this article 3 or rules issued under this article 3, Title 44 C.R.S. or violations of the laws of a local government.

STAFF

Mari Peña, City Clerk, reported that Juan Arellano, Communications Specialist has been putting out information on Fort Lupton's social media accounts and has done a great job. She also mentioned that the call for nominations is on the City's social media accounts. She also stated that she received a letter from the Weld County Clerk and Recorder notifying her of the

termination of the intergovernmental agreement between the City of Fort Lupton and Weld County for the 24-hour ballot box that is currently at the Recreation Center. She mentioned that they may be moving the ballot box to Aims Community College due to pending legislature that is coming up.

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John Fryer, Chief of Police, stated he will be out of the office for several weeks due to undergoing surgery. In the interim, Lieutenant Carnes will be filling in while he is out.

MAYOR/COUNCIL REPORTS

Carlos Barron, Councilmember, reported he will be gone next week as he will be traveling to Mexico.

FUTURE CITY EVENTS

July 23, 2023	Benefit Car Show for Eric Thorpe, Patricia's Sports Bar
July 28, 2023	Movie in the Park, Hosted by Mt. Calvary Lutheran Church Koshio Park, & S. McKinley Ave. 8:30 p.m.
August 1, 2023	National Night Out Koshio Park, 1st St. and S. McKinley Ave. 5:00 – 8:00 p.m.
August 4, 2023	Summer Concert Series - Trouble Bound Fort Lupton Library, 425 Denver Ave. 6 p.m.
August 25, 2023	Summer Concert Series – Kelsie Jo & the Wildcards Fort Lupton Library, 425 Denver Ave. 6 p.m.

UPCOMING MEETINGS

July 25, 2023	Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6 p.m.
August 1, 2023	City Council Meeting, City Hall, 130 S. McKinley Ave. 6 p.m.
August 8, 2023	Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6 p.m.
August 15, 2023	City Council Meeting, City Hall, 130 S. McKinley Ave. 6 p.m.

Mayor Hubbard called for a recess at 6:54 p.m. The meeting reconvened at 7:01 p.m.

EXECUTIVE SESSION

It was moved by Carlos Barron and seconded by Valerie Blackston to move to Executive Session at 7:04 p.m. "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)." Intergovernmental Agreements. Motion passed unanimously on voice vote. The following moved into Executive Session: Mayor Hubbard, Mayor Pro-Tem, Chris Cerretto, Councilmembers Bruce Fitzgerald, Valerie Blackston, Claud Hanes, and Carlos Barron, City

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Attorney, Andy Ausmus, City Administrator, Chris Cross, and Finance Director, Leanne Perino.

The Executive Session ended at 7:27 p.m. and the regular meeting reconvened at 7:27 p.m.

It was moved by Bruce Fitzgerald and seconded by Carlos Barron to move to the second Executive Session at 7:30 p.m. "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)." Potential Negotiations Pertaining to Economic Development. Motion passed unanimously on voice vote. The following moved into Executive Session: Mayor Hubbard, Mayor Pro-Tem Chris Cerretto, Councilmembers Bruce Fitzgerald, Valerie Blackston, Claud Hanes, and Carlos Barron, City Attorney, Andy Ausmus, City Administrator, Chris Cross, Finance Director, Leanne Perino, Planning Director, Todd Hodges, Economic Development Manager, Michelle Magelssen and Public Works Director, Roy Vestal.

The Executive Session ended at 8:03 p.m. and the regular meeting reconvened at 8:03 p.m.

ADJOURNMENT

The meeting adjourned at 8:04 p.m.

Submitted by,


Maricela Peña, City Clerk



Approved by City Council,


Zo Hubbard, Mayor