



**CITY OF FORT LUPTON**  
**CITY COUNCIL/ENTERPRISE BOARDS**  
**REGULAR MEETING AGENDA**  
Tuesday, September 5, 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**

**Proclamation**

- a. Suicide Awareness and Prevention Month Proclamation
- b. Bluedevil Homecoming Week Proclamation - To be Presented on September 8, 2023 at Fort Lupton High School

**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. September 5, 2023 Account 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. August 15, 2023 City Council Meeting Minutes
- b. Second Reading Ordinance 2023-1158 Adopting an Ordinance of The City of Fort Lupton, Colorado, Repealing and Re-Enacting Chapter 16, Article X, Section 16-10.01 Floodplain Regulations of The City of Fort Lupton Municipal Code for the Flood Insurance Study, Weld County, Colorado and Incorporated Areas Effective October 14, 2023
- c. Second Reading Ordinance 2023-1159 An Ordinance of the City of Fort Lupton, Amending Portions of Chapter 16 – Development Code
- d. AM 2023-129 Accepting a Bid Proposal from CTL Thompson, Inc. To Provide for Construction Observation and Materials Testing Services for the City of Fort Lupton Recreation Center Expansion for an Amount Not to Exceed \$36,591.00, Allocated from the Recreation Center Fund.
- e. AM 2023-131 Approving a Resolution Appointing Alice Garboczi as a Professional Member of the Historic Preservation Board for a Three-year Term to Expire September 5, 2026

**Action Memorandum**

- a. AM 2023-130 Approving a Proposal from United Power, Inc. for Underground Conversion of Power Lines Along Harrison Avenue from 9<sup>th</sup> Street South to 4th Street, Paid Through the Undergrounding Fund at a Cost of \$107,441.00

**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 2023-132 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.

#### **Staff Reports**

#### **Mayor/Council Reports**

#### **Future City Events**

- a. September 5, 2023 Upcoming Events

#### **Upcoming Meetings**

- a. September 12, 2023 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.  
September 19, 2023 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.  
September 26, 2023 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.

#### **Adjourn**

**RECORD OF PROCEEDINGS  
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS  
September 5, 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, September 5, 2023. Mayor Pro-Tem Chris Ceretto called the meeting to order at 6:00 p.m. and invited everyone to join him in the Pledge of Allegiance.

**ROLL CALL**

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

Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, City Attorney, Andy Ausmus, Sergeant Kaitlyn Walker and Finance Director, Leann Perino.

**PROCLAMATIONS**

Mayor Pro-Tem Ceretto proclaimed Suicide Awareness and Prevention Month for the Month of September. The Mayor Pro-Tem indicated that Mayor Hubbard will present the Bluedevil Homecoming Week Proclamation on September 8, 2023 at Fort Lupton High School.

**PERSONS TO ADDRESS COUNCIL**

There was no one to address the Council.

**APPROVAL OF AGENDA**

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

**REVIEW OF ACCOUNTS PAYABLES**

Council reviewed the September 5, 2023, payables; there were no questions or comments from the Mayor or Council.

**CONSENT AGENDA**

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

- August 15, 2023 City Council Meeting Minutes
- Second Reading Ordinance 2023-1158 Adopting an Ordinance of The City of Fort Lupton, Colorado, Repealing and Re-Enacting Chapter 16, Article X, Section 16-10.01 Floodplain Regulations of The City of Fort Lupton Municipal Code for the Flood Insurance Study, Weld County, Colorado and Incorporated Areas Effective October 14,

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- Second Reading Ordinance 2023-1159 An Ordinance of the City of Fort Lupton, Amending Portions of Chapter 16 – Development Code
- Accepting a Bid Proposal from CTL Thompson, Inc. To Provide for Construction Observation and Materials Testing Services for the City of Fort Lupton Recreation Center Expansion for an Amount Not to Exceed \$36,591.00, Allocated from the Recreation Center Fund (AM 2023-129)
- Approving Resolution 2023R029 Appointing Alice Garboczi as a Professional Member of the Historic Preservation Board for a Three-year Term to Expire September 5, 2026 (AM 2023-131)

Motion passed unanimously on roll call vote.

**ACTION MEMORANDUM**

**AM 2023-130 Approving a Proposal from United Power, Inc. for Underground Conversion of Power Lines Along Harrison Avenue from 9th Street South to 4th Street, Paid Through the Undergrounding Fund at a Cost of \$107,441.00**

United Power has completed the design and cost estimate to convert the overhead power lines along Harrison Ave, serving the street lights from 9th St to 4th St, to underground and replacing the telephone pole/mast arm lights with LED fixture and new poles.

Once approval is given to United Power, the turn-around will be 16-20 weeks. Anticipated project should occur late 2023. This project will save the City \$483.70 per year (2 lights removed + 5 lights to LED)

It was moved by Claud Hanes and seconded by Valerie Blackston to approve the proposal from United Power, Inc. for Underground Conversion of Power Lines Along Harrison Avenue from 9<sup>th</sup> Street South to 4<sup>th</sup> Street, Paid Through the Undergrounding Fund at a Cost of \$107,441.00 Motion passed unanimously on roll call vote.

**PUBLIC HEARING**

**AM 2023-132 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 Pro-Tem Ceretto opened the public hearing at 6:10 p.m. City Clerk, Mari Peña stated that on July 18, 2023, the City Council acting as the Local Licensing Authority, held a public hearing on the application for Everyday Stores LLC dba Everyday 5722. During the public

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hearing, the applicant and its attorney, Erika M. Kaiser, appeared virtually and provided evidence of the "needs and desires" of the neighborhood as well as information on the operations of other businesses owned by the applicant. The motion to approve the application for a Fermented Malt Beverage and Wine License at 104 Denver Ave. for Everyday 5722 failed on a 3-3 vote of council members present. The applicant has requested the application be brought before the Local Licensing Authority for determination.

The City Attorney, Andy Ausmus, indicated to Ms. Erika Kaiser that Mayor Hubbard was participating remotely, and asked Ms. Kaiser if she consented to Mayor Hubbard appearing remotely. Ms. Kaiser responded yes. The City Attorney asked Mayor Hubbard if she can hear everything. Mayor Hubbard indicated she could hear and see the documents.

Ms. Kaiser proceeded with her presentation and asked Carol Johnson with Liquor Pros to present the results of the neighborhood petitioning. The City Attorney swore in Ms. Carol Johnson. Ms. Johnson explained the petitioning process and presented her results to the Council. All information included in the petitions is in the packet. She indicated that the June 27<sup>th</sup> results were favorable.

Ms. Kaiser asked the Council if there were any questions of Ms. Johnson. Mayor Hubbard stated that on the petition, it allows for signatures of owners or managers. The Mayor stated her issue is that of a manager at Ace Hardware's Store ("Ace"). She stated, at Ace, they call everyone a manager. Ms. Johnson indicated that they ask the individual signing if he/she has hiring/firing capability and if the manager does, then he/she can sign. Mayor Hubbard stated that Ben Ibarra signed as a manager and he is not a general manager he is a shift manager.

Councilmember David Crespin asked for the reasoning of those in opposition. Ms. Johnson indicated that four (4) people placed the reason as "too many". Three (3) did not provide a reasoning. The reasoning of opposition is not required, however, petitioners are asked if they'd like to write in the reason why.

Lastly, Ms. Johnson stated that the neighborhood was supportive of the application. There being no further questions of Ms. Johnson, Ms. Johnson was excused by Ms. Kaiser.

Ms. Kaiser called upon Mr. Harbans Lali, the applicant. The City Attorney swore in Mr. Lali. Mr. Lali stated he has been in business 20 years and owns 16 stores. Super America owns the building and land and Mr. Lali owns the business, the current lease is for a period of (ten) 10 years. Mr. Lali stated he has not had any problems with the law. However, there have been violations in his other businesses. If any employee sells alcohol to a minor, the employee is then terminated. In the last (5) years there were only 3 violations for sales to minors. Last year a new system was implemented to assist employees in verifying IDs for sales of alcohol. The ID is swiped to verify its validity. Mr. Lali understands it's his responsibility and his business is doing their best, he doesn't want any sales to minors. Because some employees are careless, the new

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system, at an approximate cost of \$700,000, was implemented to assist. Employees still receive responsible vendor training.

Councilmember Claud Hanes asked that if an employee is terminated for sales to minors, is the manager terminated as well. Since the manager is responsible for the employee, the manager should be terminated as well.

Mr. Lali stated if the employees made the sale, then the employee is terminated not the manager. If the manager does the sale then he is terminated. There have only been three (3) violations in the past three years those were in Denver, Garden City and Parker.

Mayor Hubbard stated she has worked in liquor stores. When an employee sells to a minor and is caught, does the remaining staff receive a refresher in training? Mr. Lali stated that staff is trained, yes.

David Crespín asked if employees receive training regarding how to identify a fake ID. Mr. Lali stated that all IDs must be scanned.

Councilmembers Valerie Blackston asked Mr. Lali how often he checks in on his stores. Mr. Lali explained that he has staff that do routine checkups. However, he goes to stores about every 4-8 weeks.

Mayor Pro-Tem Ceretto asked Mr. Lali if he's had a violation since implementing the new ID swiping system. Mr. Lali responded that there may have been one (1) where the employee did an override by manually imputing the date of birth.

Mayor Hubbard asked Mr. Lali if he requires signatures or other types of identification? Mr. Lali responded that employees only look at face to make sure it's the same person. Mayor Hubbard stated that sometimes a signature is very helpful because it's hard to match.

David Crespín also asked if a customer comes in who is visibly between the age of 50 or 60, does Mr. Lali require IDs. Mr. Lali responded stating the cashier will require an ID for anyone less than 50 years of age.

Ms. Kaiser had no further evidence to provide. Ms. Kaiser added that the needs and desires provided for in favor of the application. There have been violations, however only three (3) were in the last 5 years and the applicant has consistently continued to work to avoid violations. Employees are terminated if a violation occurs. If a manager has an employee with more than two (2) violations, they are terminated as well. All liquor rules are being implemented with training to staff. Lastly, Ms. Kaiser requested a favorably response on the application.

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The City Attorney asked Ms. Kaiser if she's had a full and fair opportunity to present her evidence. Ms. Kaiser responded 'yes'.

The City Attorney asked Mayor Hubbard if she was able to see and hear all evidence presented. Mayor Hubbard responded 'yes'.

The City Clerk indicated that posting and publication requirements were met.

Mayor Hubbard asked the City Attorney if the application could be approved with conditions particularly since the application was declined, is there the option to approve the license where they would be watched more careful than the normal.

The City Attorney stated that the application is either approved or denied. The City does compliance checks if it was determined that violations may exist.

Ms. Kaiser stated that at the previous hearing the motion was not successful on a 3-3 vote. There was no denial.

The City Attorney concurred.

Mayor Pro-Tem Ceretto asked if anyone from the public wished to speak for or against the proposal. Hearing none, Mayor Pro-Tem Ceretto closed the public hearing at 6:37 p.m.

It was moved by Carlos Barron and seconded by David Crespín to approve the Application Submitted by Everyday Stores LLC dba Everyday 5722 for a Fermented Malt Beverage and Wine License at 104 Denver Ave. Motion passed unanimously on roll call vote.

**STAFF REPORTS**

Chris Cross stated the grand opening of the library and spaghetti dinner were well attended.

Mari Peña stated the petitions were received and were found sufficient from the following candidates: Ward 1, David Crespín and Kellie Cruz, Ward 2, Bushrod White and Chris Ceretto, Ward 3, Bruce Fitzgerald.

**MAYOR/COUNCIL REPORTS**

Mayor Hubbard stated that there was a wonderful turnout at remodel and addition of the recreation center.

Councilmember Carlos Barron, asked that residents continue supporting sports. Fort Lupton is playing in Weld Central with Luis Salinas as coach. Councilmember Barron expressed pride in his

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community and the sports.

Councilmember David Crespín, with regards to the proclamation, provided the emergency line for mental health, as 988. If anyone is overwhelmed and in need of support, give 988 a call.

**FUTURE CITY EVENTS**

|                   |                                                                                                   |
|-------------------|---------------------------------------------------------------------------------------------------|
| September 5, 2023 | Upcoming Events                                                                                   |
| September 8, 2023 | 28th Annual Trapper Days Golf Tournament                                                          |
| September 9, 2023 | Tomato Festival Trapper Days                                                                      |
| October 14, 2023  | Pumpkinfest at the Fort, Historic Fort Lancaster, 2001 Historic Parkway,<br>3:00 p.m. – 8:00 p.m. |

**UPCOMING MEETINGS**

September 12, 2023 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.  
September 19, 2023 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.  
September 26, 2023 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.

Mayor Hubbard stated she was nervous about bad behavior at football games and asked if there is a policy to have officers circulate during football events. Sergeant Walker responded that the School Resource Officers (SRO) will be attending the games and patrol staff swings by when available. Mayor Hubbard thank Sergeant Walker.

**ADJOURNMENT**

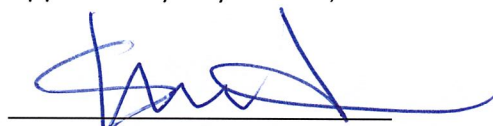
It was moved by David Crespín and seconded by Bruce Fitzgerald to adjourn the meeting at 6:44 p.m.

Submitted by,

  
Maricela Peña, City Clerk



Approved by City Council,

  
Zo Hubbard, Mayor