



CITY OF FORT LUPTON
CITY COUNCIL/ENTERPRISE BOARDS
REGULAR MEETING AGENDA
Tuesday, September 19, 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. September 19, 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. September 5, 2023 City Council Meeting Minutes**
- b. AM 2023-133 Approve the 2023 Colorado Big Thompson assessment from Northern Colorado Water Conservancy District for an amount not to exceed \$167,990.70**
- c. AM 2023-134 Accepting the 2024 CIRSA Property Casualty, Renewal Quotation Estimated to be \$53,7446.36**
- d. AM 2023-137 Approve a Resolution for an Intergovernmental Agreement for the Weld County On-Demand Transit Program to Operate in the City of Fort Lupton to Provide Service for Residents of the City**

Action Memorandum

- a. AM 2023-135 Award of Contract to Burns and McDonnell for Engineering Services for Owner Engineering and Resident Project Representative for the Lift Station/Force Main to METRO Project Design for an Amount Not to Exceed \$1,218,877.00 from the Sewer Enterprise Fund - Sewer Treatment Plant**
- b. AM 2023-136 Approve Change Order Number 5 to Contract Agreement with Colorado Paving Inc. for College Ave/9th St Repaving Project for an Amount Not to Exceed \$43,754.80 from the Street Sales Tax Fund - Patching & Crack Sealing Budget**
- c. AM 2023-138 A Motion to Direct the City of Fort Lupton Planning Department to File the Local Government Affordable Housing Commitment in Order to Participate in Funding Programs Associated with Proposition 123 – Colorado Statewide Affordable Housing Fund (Prop 123-C.R.S. 29-32-101 – 29-32-106)**

Staff Reports

Mayor/Council Reports

Future City Events

a. September 19, 2023 Upcoming Events

Upcoming Meetings

- a. September 26, 2023 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
October 3, 2023 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
October 10, 2023 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
October 17, 2023 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
October 21, 2023 Budget Retreat, City Hall, 130 S. McKinley Ave. 9:00 a.m.

Adjourn

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
September 19, 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 19, 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. David Crespín was absent.

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

PERSONS TO ADDRESS COUNCIL

There was no one to address the Council.

APPROVAL OF AGENDA

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

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the September 19, 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:

- September 5, 2023 City Council Meeting Minutes
- Approve the 2023 Colorado Big Thompson assessment from Northern Colorado Water Conservancy District for an amount not to exceed \$167,990.70 (AM 2023-133)
- Accepting the 2024 CIRSA Property Casualty, Renewal Quotation Estimated to be \$537,446.36 (AM 2023-134)
- Approve Resolution 2023R030 FOR AN INTERGOVERNMENTAL AGREEMENT FOR THE WELD COUNTY ON-DEMAND TRANSIT PROGRAM TO OPERATE IN THE CITY OF FORT

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LUPTON TO PROVIDE SERVICE FOR RESIDENTS OF THE CITY (AM 2023-137)

Motion passed unanimously on roll call vote.

ACTION MEMORANDUM

AM 2023-135 Award of Contract to Burns and McDonnell for Engineering Services for Owner Engineering and Resident Project Representative for the Lift Station/Force Main to METRO Project Design for an Amount Not to Exceed \$1,218,877.00 from the Sewer Enterprise Fund - Sewer Treatment Plant

The Request for Qualifications (RFQ) was advertised August 13, 2021 and selection of consultant following the requirements of the Brooks Act (40 U.S.C. 1101). Burns McDonnell was awarded the contract November 2, 2021 for the design and permitting of the METRO Lift Station and Force Main. The design is completed and currently under review by the United States Department of Agriculture (USDA).

We are pursuing a USDA Rural Development loan. The USDA standard engineering agreement has been used and the version being presented has been approved by USDA staff. The Resident Project Representative (RPR) portion is a requirement for USDA funding. Burns and McDonnell is subcontracting the RPR services through Inberg-Miller Engineers. The agreement includes an expected 24-month construction period. The Owner-Engineer portion cost is \$526,428.00 and the RPR cost is \$692,449.00, for a total engineering services agreement of \$1,218,877.00. An additional contracted amount of \$52,567.00 is included in the agreement which will be reimbursed by USDA for the additional services contracted with Burns and McDonnell for the extra work related to the USDA funding requirements.

We are expecting to go out for bid this fall and start construction on the force main.

It was moved by Bruce Fitzgerald and seconded by Claud Hanes to Award Contract to Burns and McDonnell for Engineering Services for Owner Engineering and Resident Project Representative for the Lift Station/Force Main to METRO Project Design for an Amount Not to Exceed \$1,218,877.00 from the Sewer Enterprise Fund - Sewer Treatment Plant. Motion passed unanimously on roll call vote.

AM 2023-136 Approve Change Order Number 5 to Contract Agreement with Colorado Paving Inc. for College Ave/9th St. Repaving Project for an Amount Not to Exceed \$43,754.80 from the Street Sales Tax Fund - Patching & Crack Sealing Budget

The current contract agreement with Colorado Paving Inc. was executed May 21, 2021 and was awarded \$2,172,394.50 to cover portions of the overall project as bid. Items that were deleted

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from the overall project included curb and gutter along College Avenue, sidewalks along 9th Street and half the pavement section for College Avenue. Change Order No. 1 was issued on October 19, 2021 to modify elements for priority. The College Avenue paving was deleted and curb and gutter and sidewalk were added back for 9th Street. Change Order No. 2 restored all elements of the 9th St. and College Ave. to complete the as bid project. Additionally, the south end of College was added to provide connection to Highway 52 and restore the originally constructed, 20-year old pavement. Total project cost is \$1,357,577.35. Change Order No. 3 was required to compensate the contractor for additional surcharges imposed by material suppliers and additional work orders in contingency for unforeseen utility conflicts. Change Order 4 revised unit item costs based on bid for Harrison Project.

Change Order 5 is needed to accommodate additional asphalt and excavation to repair soft soils. Remaining items in the construction project include pavement striping. Project will be completed in September.

It was moved by Chris Ceretto and seconded by Claud Hanes to approve Change Order Number 5 to Contract Agreement with Colorado Paving Inc. for College Ave/9th St. Repaving Project for an Amount Not to Exceed \$43,754.80 from the Street Sales Tax Fund - Patching & Crack Sealing Budget. Motion passed unanimously on roll call vote.

AM 2023-138 A Motion to Direct the City of Fort Lupton Planning Department to File the Local Government Affordable Housing Commitment in Order to Participate in Funding Programs Associated with Proposition 123 – Colorado Statewide Affordable Housing Fund (Prop 123-C.R.S. 29-32-101 – 29-32-106)

Prop 123 created the State Affordable Housing Fund which will provide funding for affordable housing programs in Colorado. Municipalities and counties can opt in to this program if they so choose. In order for affordable housing development projects within the city to be eligible for funding provided through Prop 123, Fort Lupton must file a commitment with the Colorado Department of Housing (DOH). This commitment establishes affordable housing cost limits for the City along with the current/baseline number of affordable housing units in Fort Lupton, which the City intends to increase by no less than three percent each year for three years, totaling nine percent by the end of 2026. If this targeted growth is not met, the City would be ineligible for funding for Year 4 (2027) and could make a new 2-year commitment in Year 5 (2028). Additional requirements for the commitment could come after the initial 3-year period.

The baseline (upon which the commitment to increase affordable housing stock growth is measured) is established through a calculation that considers median income and the cost of available units. Municipalities have flexibility in which median income and economic variables they use/adjust to make their baseline calculation. Staff believes that housing costs and income for Weld County most closely reflects current housing and economic conditions within the city.

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The data used for Weld County was collected from the U.S. Census Bureau's American Community Survey (ACS).

Once a commitment is filed and accepted, new individual projects can pursue funding through a variety of programs established by Prop 123. Entities that can apply for loans and grants include the City of Fort Lupton, regional non-profits, private developers, individuals, and others. Although some details of the funding programs are currently unclear, there will surely be additional guidance as the program matures. The City and Planning Staff do not have ultimate authority to approve or reject funding applied for through Prop 123. However, State agencies have provided assurances that the City would be consulted during the application process, and any concerns expressed by Fort Lupton would need to be addressed by the applicant.

If the City intends to file a commitment, the deadline is November 1, 2023.

It was moved by Carlos Barron and seconded by Bruce Fitzgerald to approve a Motion to Direct the City of Fort Lupton Planning Department to File the Local Government Affordable Housing Commitment in Order to Participate in Funding Programs Associated with Proposition 123 – Colorado Statewide Affordable Housing Fund (Prop 123-C.R.S. 29-32-101 – 29-32-106). Motion passed unanimously on roll call vote.

STAFF REPORTS

Roy Vestal, Public Works Director, reported that the Harrison repaving project is proceeding. They are hoping to get asphalt laid before the snow flies. Most of the sidewalk and curb is in. However, they had to stop work on the sidewalk due to work being completed on the light pole. Mr. Vestal also reported that as of last week the centrifuge at the waste water treatment plant is not operational. They are working on getting a rental unit out to correct the issue. Councilmember Bruce Fitzgerald asked Mr. Vestal if the sidewalk on 1st between Pacific and Harrison is included in the project. Mr. Vestal responded stating that it is not included.

Todd Hodges, Planning Director, reported that the Business Resource Fair was a success. 14 organizations came and over 80 participants attended.

Chris Cross, City Administrator, reported that his son applied to be on City Council in school and he got the position.

MAYOR/COUNCIL REPORTS

Councilmember Valerie Blackston reported she is excited to see that a speed trailer has been placed on North Denver Avenue. She also mentioned that there is a lack of speed posted signs on the road since there is only one posted at 4th and Denver and the next one isn't until you reach Country Road 14 ½.

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Mayor Zo Hubbard, reported that her and Valerie road in the Fort Lupton High School Homecoming Parade. She stated that it was a bit disjointed as traffic was trying to drive south bound as the parade was going north bound. A better job needs to be done to ensure road closures are enforced. However, overall it was a good time and they threw out a lot of candy.

FUTURE CITY EVENTS

October 5, 2023 Fall Clean-Up Day, Curbside Pick-Up for Seniors and Disabled Citizens.
Deadline to schedule pick-up is October 3, 2023.

October 7, 2023 Fall Clean-Up Day, 8:00 a.m. – 12:00 p.m.
Public Works Shop, 800 12th Street

October 14, 2023 Pumpkinfest at the Fort, Historic Fort Lancaster,
2001 Historic Parkway, 3:00 p.m. – 8:00 p.m.

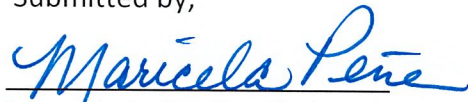
UPCOMING MEETINGS

September 12, 2023 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
October 3, 2023 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
October 10, 2023 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
October 17, 2023 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
October 21, 2023 Budget Retreat, City Hall, 130 S. McKinley Ave. 9:00 a.m.

ADJOURNMENT

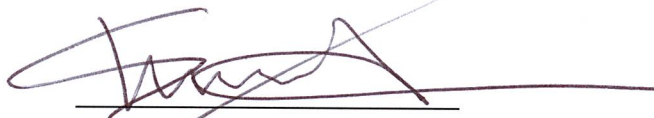
The meeting adjourned at 6:21 p.m.

Submitted by,


Maricela Peña, City Clerk



Approved by City Council,


Zo Hubbard, Mayor