



CITY OF FORT LUPTON
CITY COUNCIL/ENTERPRISE BOARDS
REGULAR MEETING AGENDA
Tuesday, December 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 Crespino, 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

Approval of Agenda

Review of Accounts Payables

- a. December 5, 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. November 21, 2023 City Council Meeting Minutes
- b. AM 2023-173 Authorize the City Administrator to Accept a Service Agreement from Dig Deep to Provide Grants-Related Technical Assistance Services for the 2024 Year for an Amount Not to Exceed \$260,000.00 Allocated from the 2024 General Fund Budget
- c. AM 2023-174 Approving a Resolution Adopting a City Capitalization Policy Effective January 1, 2023
- d. AM 2023-177 Adopting a Resolution for the 2024 Budget and Financial Plan and Setting Appropriations for Various Funds for the Period Beginning January 1, 2024 and Ending December 31, 2024
- e. AM 2023-178 Approving a Resolution Increasing the Rate for Green Fees at Coyote Creek Golf Course for the 2024 Season

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 2023-176 Approving a Transfer of Ownership Application to Transfer the Retail Liquor Store License from NUVVO LLC dba Whipsaw Wine and Spirits to Manihani Manihani Inc. dba Whipsaw Wine and Spirits, 1400 Dexter Street

Action Memorandum

- a. AM 2023-175 Approving a Resolution Adopting the City of Fort Lupton Purchasing Policy, Effective January 1, 2024
- b. AM 2023-180 Adopting a Resolution Allowing the Finance Department to use Property Tax Special Assessment as the Primary Collection Method for Delinquent Accounts

- c. AM 2023-179 Award Contract to RN Civil Construction for an Amount Not to Exceed \$3,454,000.00 for the Water Treatment Plant Expansion Project from the Utility Fund

Staff Reports

Mayor/Council Reports

Future City Events

- a. December 5, 2023 Upcoming Events

Upcoming Meetings

- a. December 12, 2023 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
December 19, 2023 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
December 26, 2023 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
January 2, 2024 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 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). IGA

Adjourn

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 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, December 5, 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 David Crespín. Valerie Blackston 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, Finance Director, Leann Perino, and Lieutenant, William Carnes.

OATH OF OFFICE

Mari Peña, City Clerk, preformed the Oath of Office to Councilmembers David Crespín of Ward 1, Chris Ceretto of Ward 2, and Bruce Fitzgerald of Ward 3 as they were re-elected to continue serving in the City of Fort Lupton's City Council.

PERSONS TO ADDRESS COUNCIL

There was no one to address the Council.

APPROVAL OF AGENDA

It was moved by Bruce Fitzgerald and seconded by Carlos Barron to approve the agenda as amended. Motion passed unanimously on voice vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the December 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 Chris Ceretto to approve the Consent Agenda as presented with the following items:

- November 21, 2023 City Council Meeting Minutes
- Authorize the City Administrator to Accept a Service Agreement from Dig Deep to

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Provide Grants-Related Technical Assistance Services for the 2024 Year, for an Amount Not to Exceed \$260,000.00 Allocated from the 2024 General Fund Budget (AM 2023-173)

- Approving Resolution 2023R044 ADOPTING A CITY CAPITALIZATION POLICY EFFECTIVE JANUARY 1, 2023 (AM 2023-174)
- Adopting Resolution 2023R045 FOR THE 2024 BUDGET AND FINANCIAL PLAN AND SETTING APPROPRIATIONS FOR VARIOUS FUNDS FOR THE PERIOD BEGINNING JANUARY 1, 2024 AND ENDING DECEMBER 31, 2024 (AM 2023-177)
- Approving Resolution 2023R046 INCREASING THE RATE FOR GREEN FEES AT COYOTE CREEK GOLF COURSE FOR THE 2024 SEASON (AM 2023-178)

Motion passed unanimously on roll call vote.

PUBLIC HEARINGS

AM 2023-176 Approving a Transfer of Ownership Application to Transfer the Retail Liquor Store License from NUVVO LLC dba Whipsaw Wine and Spirits to Manihani Manihani Inc. dba Whipsaw Wine and Spirits, 1400 Dexter Street

Mayor Hubbard opened the public hearing at 6:07 p.m.

City Attorney, Andy Ausmus, read the connected meeting advisement to the applicant, Vikram Singh Manihani and Michael Nuanes who was assisting the applicant as they appeared remotely. They consented to move forward with the hearing.

City Clerk, Mari Peña, provided an overview of the application. She stated Vikram Singh Manihani has submitted on behalf of Manihani Manihani Inc. dba Whipsaw Wine and Spirits, an application for Transfer of Ownership of a Retail Liquor Store License from NUVVO LLC dba Whipsaw Wine and Spirits, located at 1400 Dexter Street. The applicant has paid all required fees, completed the application, and all notification requirements have been met. Due to information received regarding Mr. Manihani's fingerprint results, the transfer of ownership application came before the local licensing authority.

Mr. Nuanes presented to Council and explained the charge that was on Mr. Manihani's record and informed Council that Mr. Manihani was convicted of a minor misdemeanor. He stated Mr. Manihani successfully completed probation and has had no other convictions since 2016. Mr. Nuanes also stated that Mr. Manihani requires all employees to sign the stores written alcohol policy. All employees are also TIPS certified. The store also has a POS system that has an ID scanner in which all employees are required to use before selling alcohol.

Councilmember David Crespín asked if Mr. Manihani was aware of Colorado State Liquor Law since he currently is living in Georgia. Mr. Nuanes answered, stating Mr. Manihani is aware of

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Colorado State Law.

There was no further discussion or comments from the public. Mayor Hubbard closed the public hearing at 6:23 p.m.

It was moved by Carlos Barron and seconded by Bruce Fitzgerald to approve the Transfer of Ownership Application to Transfer the Retail Liquor Store License from NUVVO LLC dba Whipsaw Wine and Spirits to Manihani Manihani Inc. dba Whipsaw Wine and Spirits, 1400 Dexter Street. Motion passed unanimously on roll call vote.

ACTION MEMORANDUM

AM 2023-175 Approving a Resolution 2023R047 Adopting the City of Fort Lupton Purchasing Policy, Effective January 1, 2024

Periodically staff reviews policies and procedures and proposes changes. The new policy strives to clarify gaps in the current policy and adds language explaining the purchasing process. The new policy also increases the purchasing limits at all levels.

It was moved by Chris Ceretto and seconded by David Crespin to Approve Resolution 2023R047 Adopting the City of Fort Lupton Purchasing Policy, Effective January 1, 2024. Motion passed unanimously on roll call vote.

AM 2023-180 Adopting Resolution 2023R048 Allowing the Finance Department to use Property Tax Special Assessment as the Primary Collection Method for Delinquent Accounts

Colorado Revised Statute 31-20-105 gives municipal governments the authority to place special assessments on property tax bills for the collection of delinquent utility accounts. The Fort Lupton Municipal Code 13-131(d) gives the Finance Director the authority to use special assessments as an alternate collection method with water shut offs as the primary method of collection.

This resolution allows the finance department to use special assessment as the primary collection method and shut offs as the secondary method of collection. This will save time and be a safer collection method for staff.

It was moved by Carlos Barron and seconded by Claud Hanes to Adopt Resolution 2023R048 Allowing the Finance Department to use Property Tax Special Assessment as the Primary Collection Method for Delinquent Accounts. Motion passed unanimously on roll call vote.

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AM 2023-179 Award Contract to RN Civil Construction for an Amount Not to Exceed \$3,454,000.00 for the Water Treatment Plant Expansion Project from the Utility Fund

Bid documents were advertised from October 20, 2023 with bid opening on November 17, 2023. Seven bids were received, with RN Civil Construction providing the lowest responsible bid as shown in the attached Bid Tabulation.

RN Civil is a respected contractor in Front Range communities with several local municipalities' projects in the area (Lafayette and Sterling). CH2M check references and evaluated the bid proposals.

<i>Project Budget</i>	<u>Construction</u>	<u>Budget</u>	
	Engineering CH2M	\$ 886,305	WTP Expansion \$3,000,000
	PLC	\$ 104,796	pretreatment \$5,000,000
	Filtration Skids	\$2,409,959	
	RN Civil	\$3,454,000	
	Total	\$6,855,060	\$8,000,000

Contract award for \$3,140,000.00 in accordance with Bid Proposal submitted
Contingency of 10% = 314,000 authorized.

Anticipated project start beginning March 2024 with time of completion March 1, 2025

The 2023 budget includes \$3,000,000 for Water Treatment Plant Expansion (WTP) and \$5,000,000.00 for Pretreatment in the Utility Fund-WTP. The pretreatment project will not be occurring this year.

It was moved by Bruce Fitzgerald and seconded by Chris Ceretto to Award Contract to RN Civil Construction for an Amount Not to Exceed \$3,454,000.00 for the Water Treatment Plant Expansion Project from the Utility Fund. Motion passed unanimously on roll call vote.

STAFF REPORTS

There were no staff reports.

MAYOR/COUNCIL REPORTS

Councilmember Bruce Fitzgerald, reported Mayor Hubbard, Planning Director, Todd Hodges, and himself drove to Greeley to meet with the Planning Commission to look at a request to change property on Road 20, east of 19th, to be rezoned to C-3. The staff recommended denial due to the lengthy process and complications with the City's zoning plans.

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FUTURE CITY EVENTS

December 9, 2023 Annual Fort Lupton American Legion Holiday Dinner,
American Legion Post 102, 942 Denver Ave., 12:00 p.m.

UPCOMING MEETINGS

December 12, 2023 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
December 18, 2023 City Council Special Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
December 19, 2023 City Council Special Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.-
CANCELED and rescheduled to December 18, 2023.
December 26, 2023 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
January 2, 2024 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.

EXECUTIVE SESSION

It was moved by Carlos Barron and seconded by Bruce Fitzgerald to move to Executive Session at 6:39 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)." IGA. Motion passed unanimously on voice vote. The following moved into Executive Session: Mayor Hubbard, Mayor Pro-Tem, Chris Ceretto, Councilmembers Bruce Fitzgerald, Claud Hanes, David Crespín and Carlos Barron, City Attorney, Andy Ausmus, and City Administrator, Chris Cross, Planning Director, Todd Hodges, and Planner Sean McDermott.

The Executive Session ended at 6:56 p.m. and the regular meeting reconvened.

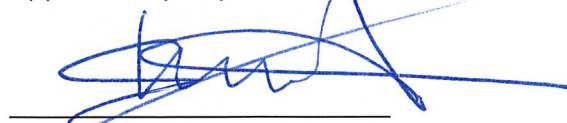
ADJOURNMENT

The meeting adjourned at 6:56 p.m.

Submitted by,


Marcela Peña, City Clerk

Approved by City Council


Zo Hubbard, Mayor

