

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
September 15, 2020**

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 15, 2020. Due to the COVID-19 virus, the meeting was held with remote access provided through GoToWebinar. Mayor Zo Stieber called the meeting to order at 7:00 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 Stieber, Councilmembers Shannon Rhoda, David Crespín, Michael Sanchez and Bruce Fitzgerald. Councilmember Chris Ceretto participated through cell phone.

The City Attorney asked if Councilmember Ceretto could view the content. Mayor Stieber indicated that Councilmember Ceretto responded "yes."

Also present were City Administrator, Chris Cross, Assistant City Administrator, Glenda Aretxuloeta, City Clerk, Mari Pena, City Attorney, Andy Ausmus, Chief John Fryar, 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 David Crespín to approve the Agenda as amended with the addition of the special meeting minutes of the August 25, 2020 City Council Special Meeting to the Consent Agenda. The special meeting minutes were amended to add the paragraph of the ballot questions within the minutes. Motion passed unanimously on roll call vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the September 15, 2020 payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

It was moved by Bruce Fitzgerald and seconded by David Crespín to approve the Consent Agenda as amended with the following items: 09012020 City Council Meeting Minutes, Authorize the Mayor to Execute an Agreement for the Purchase of Windy Gap Firming Units from Longmont for \$74,607.72 Funded from the Water Sales Tax Fund and Petition to the Subdistrict of Northern Colorado Water Conservation District for 87 Windy Gap Firming Units (AM 2020•158), Approve Payment for the 2021 Colorado Big Thompson (CBT) Assessment from the Utility Fund for an Amount not to Exceed \$148,832 (AM 2020•159), Accepting 2021

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Property/Casualty Preliminary Contribution Quotation from CIRSA Estimated at \$301,230.01 (AM 2020-160), Accept a Contract for the Fort Lupton Public & School Library to Engage Kristel Acre & Abigail Renner of Re/Max Nexus as Real Estate Broker for Buyer (AM 2020-163), Moving a Part Time Golf Course Maintenance Position to Full Time Irrigation Technician (AM 2020-164). 08252020 City Council Special Meeting Minutes as amended. Motion passed unanimously on roll call vote.

PUBLIC HEARING

AM 2020-161 Approve a Resolution Approving the Service Plan for Vincent Village Metropolitan District and Approve Intergovernmental Agreement with District

Mayor Stieber opened the public hearing at 7:07 p.m. and asked for a brief description of the project. Matt Ruhland, with Collins Cockrel & Cole, attorney and representative for the applicant, provided an overview of the Vincent Village Metropolitan District “metro district” general-purpose, service plan protections, and the powers, limitations and additional requirements of the Development.

The property within the Metropolitan District is located on the northeast corner of the intersection of Rollie Avenue and State Highway 52. Mr. Ruhland stated that the owners of both Dale’s Pharmacy and 7-Eleven, were aware of the plans to organize a metropolitan district and acknowledged it in their purchase and sale agreements. The Vincent Village Metropolitan District Service Plan is set to have a significantly lower mill levy than other comparable metropolitan districted approved in the City. The plan allows for 27.00 mills (25.000 mills maximum debt mill levy and 27.00 mills combined Maximum debt mill levy and maximum operation and maintenance mill levy).

Mr. Ruhland explained that the metro district is coming in after the fact due to unforeseen costs for construction of earthwork, infrastructure needs with lowering pipes, exposure in the road and Colorado Department of Transportation (CDOT) requirements in the road. Mr. Ruhland also added that the owner wanted to assess the costs before coming in to the City.

Bob Leino, owner of the property, stated that there may be a potential for residential property on one of the lots. Mr. Leino explained that he recently had conversations with Michaels Group regarding a CHAFA project. When Mr. Leino was asked if the CHAFA project would be exempt from taxes, he stated ‘they will pay taxes.’

Jennifer Tanaka, legal counsel for the City stated that the metro district complies with all city codes and all notifications requirements have been satisfied. The purpose of approving the service plan is to authorize the District to provide for planning, design, acquisition, construction, installation, relocation, redevelopment, and financing of the Public Improvements required for development of the Vincent Village PUD. Ms. Tanaka recommended approval of the service plan and intergovernmental agreement without conditions.

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Councilmember Shannon Rhoda stated that the development is now putting in low income housing and the attorney wasn't aware of it. Metro districts were designed for developers who didn't have the capital to put infrastructure in, however the infrastructure is already constructed.

Mr. Ruland stated the metro district would still be limited by 27 mills and therefore no need to amend the service plan because it is general in nature. It is not unheard of to do a metro district after the fact.

Jennifer Tanaka stated that this does not change her recommendation. Any change of use would still be subject to the same limitation on the service plan and mill levy imposed by the district. At the end of the day, the residential property is assessed at a lower amount and they would pay a lower dollar amount than commercial. It's possible on the amount of residential property coming in, it may lower their debt limitation and they won't be able to afford to issue much debt but it depends on how much would be converted to residential. Overall, the service plan complies with city code but is applicable evenly to commercial and residential. The city will be involved on the development approval side.

The City Attorney, Andy Ausmus, asked Ms. Tanaka if she agrees with Mr. Ruhland that this metro district, after the fact, is typical.

Ms. Tanaka indicated that she has seen this before. She agrees with Mr. Ruhland that it's not unusual. There are districts that have been organized a little later. The timing is mandated and set forth in Title 32.

Councilmember Shannon Rhoda stated that the mill levy would cause a huge addition to owners of low income apartments. The people will pay the added cost of the metro district.

Mr. Leino added that if Michaels is approved by CHAFA, it won't be low income housing. There have been several metro districts that go through the process and never put a shovel on the ground. Mr. Leino has paid cash for the ground and got a construction loan to put in the infrastructure.

Councilmember Shannon Rhoda stated that regardless of low income housing, the extra costs will be passed on to the people that rent.

Mayor Stieber asked if anyone from the public wished to speak for or against the proposal. Hearing none, Mayor Stieber closed the public hearing at 7:31 p.m.

It was moved by Bruce Fitzgerald and seconded by David Crespino to approve Resolution 2020R067 APPROVING THE SERVICE PLAN FOR THE VINCENT VILLAGE METROPOLITAN DISTRICT AND APPROVING THE INTERGOVERNMENTAL AGREEMENT. Motion passed with 4 "yes" votes and Mayor Stieber and Shannon Rhoda voting "no" to the motion.

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ACTION AGENDA

AM 2020-162 Accepting City of Fort Lupton's Audit Report of Financial Statements for the Year Ending December 31, 2019

Paul Niedermuller, principal with Clifton, Larson and Allen stated that the City of Fort Lupton has presented and completed the audit and management report. Mr. Niedermuller noted that a governance letter issued to the City included 2 items that have already been addressed by the Finance Director.

The 2019 Comprehensive Annual Financial Statements are available on the City's website at www.fortluptonco.gov under Government Services, Finance Department, and Budget & Resources.

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

It was moved by Michael Sanchez and seconded by Chris Ceretto to accept the City of Fort Lupton Audit Report of Financial Statements for the Year ending December 31, 2019. Motion passed unanimously on roll call vote.

AM 2020-165 Authorize the Mayor to Execute a Purchase Agreement with the Highway 160 General Partnership, LLC and/or Assigns for \$779,750.00

The City approached Highway 160 General Partnership, LLP to purchase property located on Highway 52 and County Road 35 (155.95 acres+-). An offer to purchase has been accepted by Highway 160 General Partnership, LLP for the purchase price of \$779,750 with earnest funds required of \$50,000 upon execution of the purchase agreement.

The property is better described as: Northwest of the Highway 52 and CR 35 intersection and directly east of the solar panel facility in unincorporated Weld County, Colorado.
"The Northeast Quarter of Section 2, Township 1 North, Range 66 West of the 6th P.M. Weld County Colorado"

Claud Hanes, with Claud Hanes Consulting, LLC, consultant for the City, stated that the City has a due diligence period.

The City Attorney stated that he has reviewed the documents and the contract may be terminated within 45 days with or without reason from the date from mutual execution of the document.

City Administrator, Chris Cross stated that the cost would be allocated from the supplemental budget, general fund reserved.

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It was moved Bruce Fitzgerald and seconded by David Crespin to authorize the Mayor to execute a purchase agreement with the Highway 160 General Partnership, LLC and/or assigns for \$779,750.00. Motion passed unanimously on roll call vote.

INFORMATION MEMORANDUM

IM 2020•004 Purchase of a 2015 Ford Explorer for Code Enforcement

The Planning/Zoning department budgeted \$30,000 for a code enforcement vehicle in Budget year 2020. This capital expense was transferred to the Police Department with the move of Code Enforcement to the that department. This expenditure is for \$18,979.00 for a used 2015 Ford Explorer with 16,027 miles through Spradley-Barr Ford in Greeley. The vehicle comes equipped with a basic law enforcement package (lights, console, controller, and cage). This also leaves sufficient funds to do the remaining up-fit needs (MDT, MDT Mounts, radio, antennas, ticket writer and printer, safety equipment).

STAFF

City Administrator, Chris Cross provided an update on the grant fund to residents.

Planning Director, Todd Hodges, provided an update of the development for residential subdivisions.

MAYOR/COUNCIL REPORTS

There were no reports from the Mayor or Council.

FUTURE CITY EVENTS

September 21st Shred Day at City Hall, 130 S. McKinley Ave. 8:00 a.m. – 10 a.m.

September 29th Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.

EXECUTIVE SESSION

It was moved by David Crespin and seconded by Bruce Fitzgerald to move into Executive Session "To hold a conference with the City's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24•6•402(4)(b)." Related to investigation into matters involving City business.

The following entered into executive session at 7:50 p.m.: Mayor Stieber, Councilmembers Shannon Rhoda, Bruce Fitzgerald, Michael Sanchez, David Crespin. Councilmember Chris Ceretto continued participation by cell phone. Also City Administrator, Chris Cross, City Attorney, Andy Ausmus and Chief John Fryar.

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Ceretto continued participation by cell phone. Also City Administrator, Chris Cross, City Attorney, Andy Ausmus and Chief John Fryar.

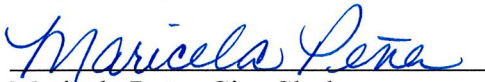
The executive session ended at 8:42 p.m.

The regular meeting reconvened at 8:43 p.m.

ADJOURNMENT

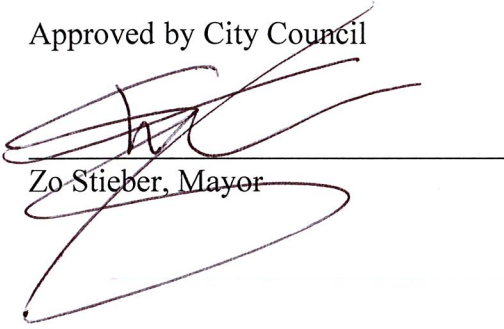
Mayor Stieber adjourned the meeting at 8:43 p.m.

Respectfully Submitted,



Maricela Peña, City Clerk

Approved by City Council



Zo Stieber, Mayor

