

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
October 6, 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, October 6, 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 7:02 p.m. and invited everyone to join her in the Pledge of Allegiance.

ROLL CALL

After technical difficulties, roll call was taken at 7:15 p.m.

Mari Peña, City Clerk, called the roll. Those present were Mayor Zo Stieber, Councilmembers Michael Sanchez Bruce Fitzgerald and Chris Ceretto. Councilmembers Tommy Holton and David Crespín participated remotely through GoToWebinar. Shannon Rhoda joined the meeting remotely through GoToWebinar at 7:17 p.m.

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

Assistant City Administrator, Glenda Aretxuloeta joined the meeting remotely through GoToWebinar.

PERSONS TO ADDRESS COUNCIL

Maggie Broadrick, who resides off County Road 14, stated that her daughter would be participating in barrel racing to qualify for the world finals in the Junior World Finals Rodeo in Fort Worth Texas. She asked the Council for a donation to help with her event. Mayor Stieber indicated that her request would be reviewed.

Due to audio issues, Councilmember Tommy Holton called in on his cell phone.

APPROVAL OF AGENDA

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

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the October 6, 2020 payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

It was moved by Michael Sanchez and seconded by Chris Ceretto to approve the Consent Agenda as amended with the following items: 09152020 City Council Meeting Minutes, Second Reading Ordinance 2020-1099 AN ORDINANCE ANNEXING LAND LEGALLY

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DESCRIBED IN EXHIBIT "A" KNOWN AS THE SMITH ANNEXATION AND APPROVING THE ANNEXATION AGREEMENT, Second Reading Ordinance 2020-1100 AN ORDINANCE INITIALLY ZONING LAND KNOWN AS THE SMITH INITIAL ZONING LEGALLY DESCRIBED IN EXHIBIT A TO THE 'A' AGRICULTURAL ZONE DISTRICT, Approving the Weld County Terminal Services Agreement with Weld County Sheriff's Office Records (AM 2020-166), Approve Payment to Weld County for the State Highway 52 Planning & Environmental Linkages (PEL) Study and Access Control Plan (ACP) to be Paid from the General Fund for an Amount not to Exceed \$28,000 (AM 2020-167), Approve an Agreement with Integral Recoveries, Inc. to Provide Collection Services for the Recreation Department (AM 2020-170). Motion passed unanimously on roll call vote.

ACTION AGENDA

AM 2020-169 An Ordinance to Accept Right of Way from Richard Allen and Deborah L Smith for 190 Feet of the Northern Portion of County Road 24

The Smith Special Use Permit Site Plan was required to dedicate Right of Way along County Road 24 as part of the planning process approved with Resolution No. 2020R065 on September 1, 2020.

It was moved by Tommy Holton and seconded by David Crespino to approve Ordinance 2020-1101 A ORDINANCE OF THE CITY COUNCIL OF FORT LUPTON ACCEPTING THE RICHARD ALLEN AND DEBORAH L. SMITH PUBLIC RIGHT OF WAY DEDICATION FOR COUNTY ROAD 24. Motion passed unanimously on roll call vote.

AM 2020-171 Approving a Resolution Establishing All of the City of Fort Lupton as the Neighborhood for the Application Submitted by SGH Dhillon & 7-Eleven, Inc. dba 7-Eleven Store 41243A for a Fermented Malt Beverage License Application at 1400 2nd Street and Setting a Public Hearing for November 3, 2020 for Consideration of the Application

Under CRS §44-3-301 the Local Licensing Authority, before granting any license, shall consider the reasonable requirements of the neighborhood and the desire of the adult inhabitants as evidenced by petitions, remonstrances, or otherwise, and all other reasonable restrictions that are or may be placed upon the neighborhood by the local licensing authority.

Upon receipt of an application the local licensing authority shall schedule a public hearing upon the application not less than thirty days from the date of the application and shall post and publish the public notice thereof not less than 10 days prior to the hearing.

Staff suggests the City Council, acting as the Local License Authority Board, set all of the City of Fort Lupton as the neighborhood that will be affected by the license. The needs of the neighborhood and desires of the inhabitants are to be considered at the hearing.

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It was moved by Tommy Holton and seconded by Bruce Fitzgerald to approve Resolution 2020R068 A RESOLUTION OF THE FORT LUPTON CITY COUNCIL, ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY, ESTABLISHING ALL OF THE CITY OF FORT LUPTON AS THE NEIGHBORHOOD FOR THE APPLICATION SUBMITTED BY SGH DHILLON, INC & 7-ELEVEN, INC., DBA 7-ELEVEN STORE 41243A FOR A FERMENTED MALT BEVERAGE LICENSE AND SETTING A PUBLIC HEARING FOR NOVEMBER 3, 2020, FOR CONSIDERATION OF THE APPLICATION. Motion passed unanimously on roll call vote.

AM 2020-168 Approving Repairs for Well 5 by Quality Well and Pump for an Amount not to Exceed \$22,200.84 Allocated from the Utility Fund

The City has 5 non-potable wells that are connected to the non-potable system. This water is used for irrigation and industrial use. Well 5 is at 451 Kahil Street south of the High School ball fields. This Well has failed and does not pump any water. This Well is a vertical turbine pump with a motor on top and a drive shaft inside the Column going down to the pump at the bottom of the Well. Jacobs and Quality Well and Pump checked the Well and determined that the problem was down in the Well. Quality Well and Pump are one of very few contractors who have equipment to pull large municipal well. They have performed several jobs for the City and have performed very well.

It was moved by Bruce Fitzgerald and seconded by Tommy Holton to approve the repairs for Well No. 5 by Quality Well and Pump for an Amount not to Exceed \$22,200.84 allocated from the Utility Fund. Motion passed unanimously on roll call vote.

AM 2020-172 To Accept Colorado Department of Transportation (CDOT) Revised Offer of \$1,200,000 for Devolution of Denver Avenue from 1st Street North to 14th Street

Colorado Revised Statute 43-2-106(1)(a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a State Highway, and with the agreement of each affected county or municipality, the State Highway, or portion thereof, can be abandoned to the affected county or municipality.”

Resolution 2018053 approved August 20, 2018. The City of Fort Lupton approached the Colorado Department of Transportation with an estimate for devolution of Denver Avenue from Highway 52 AKA 1st Street to CR 16. CDOT replied with a revised offer of \$2,500,000 for said devolution, and the City is desirable to proceed with the devolution process. The offer from CDOT should be sufficient to provide maintenance to this section of Denver Avenue for 20+ years.

Since 2018, CDOT has not had adequate funds available to complete the proposed devolution process. CRS 43-2-106 does not require payment by CDOT for the devolution. There are multiple devolutions on the Transportation Commission web site that do not indicate any payments.

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CDOT budgets do not prioritize devolution funding any longer. Highway funding in general is extremely tight with many projects underway and waiting to begin. There may not be any further funds available in the future, and several other municipalities are also in line currently with devolution plans.

CDOT has obtain \$1,200,000 in the last fiscal year that is being offered to the City. They have agreed to reduce the devolution to 1st Street to 14th Street. The revised offer is within \$200,000 of the original costs estimate with a reduced length and removal of the drainage to the section north of 14th Street.

This devolution will give the City of Fort Lupton control of Denver Avenue to allow independent actions relating to streetscape for better walkability and enhancement of the downtown area.

It was moved by Tommy Holton and seconded by Chris Ceretto to accept Colorado Department of Transportation (CDOT) revised offer of \$1,200,000 for devolution of Denver Avenue from 1st Street North to 14th Street. Motion failed with 2 'yes' votes and 5 'no' votes from Mayor Zo Stieber and Councilmembers, Tommy Holton, Bruce Fitzgerald, Shannon Rhoda and David Crespin.

**AM 2020-173 Approving Quit Claim Deed Exchange with Melissa and Adrian Vigil
Related to Northwest Addition Amendment No 2 Subdivision**

The North West Addition Subdivision Amendment No. 2 was approved by council on August 5, 2019 (AM 2019-152 and Resolution R2019R053) Project No. LUP2019-0011 & Plan No. FPL2019-0003. The intent of the amended plat was to designate 9th St. Right of Way with a land swap between the City and the Vigils.

Weld County has advised the Vigils that their property deed is "cloudy" due to the amended plat. The county recommended Quit Claim deeds to remedy the ownership clarity.

It was moved by Bruce Fitzgerald and seconded by Chris Ceretto to approve the Quit Claim Deed Exchange with Melissa and Adrian Vigil related to Northwest Addition Amendment No. 2 Subdivision.

INFORMATION MEMORANDUM

IM 2020-005 Accountant II Position in the Finance Department

The closing of the main doors at City Hall during the onset of COVID-19 as well as the open Front desk receptionist FTE position occurred soon after COVID-19 hit, presented us with a unique opportunity to evaluate how we provide customer service to our citizens that come to City Hall. We performed a 30-day count on the reasons Citizens were coming to City Hall. We found that approximately 80% of all walk-in business was utility payments. We performed an in-house efficiency study on how to best leverage all open FTE's at the time between the City Clerk's Office, the Courts Department and the Finance Department. Based on the data collected

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having the Utility Billing Clerk greet citizens at that window seemed to better meet the needs of the citizens. The Finance Department FTE that was the former City Front Desk Receptionist did not provide the senior level accounting professional that is and has been needed in the Finance Department for several years now. Changing the position an Accountant II position allow more flexibility in the finance department and a higher level of oversight in internal control.

IM 2020-006 Presentation of the 2021 Financial Plan and Six Year Capital Improvement Program

The Finance Director, Leann Perino presented of the 2021 Budget on October 7th meeting the deadline of October 15th as defined in Colorado Revised Statutes.

The budget will be reviewed and amended by council at 9:00 AM, October 17, 2020 in Council Chambers at 130 South McKinley Avenue, Fort Lupton, CO 80621.

The budget is posted on the City's Website on the Finance Department page.

STAFF

There were no reports from staff.

MAYOR/COUNCIL REPORTS

There were no reports from the Mayor or Council.

FUTURE CITY EVENTS

October 13th	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
October 20th	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
October 27th	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
October 31st	Trunk or Treat Street Drive Thru Trick or Treat, FLHS South Parking Lot 4:00 p.m. – 6 p.m.
November 7-14th	Field of Honor, Pearson Park

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ADJOURNMENT

Mayor Stieber adjourned the meeting at 7:43 p.m.

Respectfully Submitted,



Maricela Peña, City Clerk

Approved by City Council



Zo Stieber, Mayor

