

AGENDA

Fort Lupton Urban Renewal Authority

Regular Meeting*

Virtual Meeting via GoToMeeting

Thursday, November 19, 2020 – 6:30 PM

**This meeting will be held virtually only. Please refer to the end of this Agenda for instructions for logging into GoToMeeting.*

1. Call To Order – Roll Call
2. Approval Of The Agenda
3. Consent Agenda
 - a. Approval of the Minutes of the October 15, 2020 Meeting
4. Public Comment
5. Accounts Payable
6. Action Items
 - a. Election of Secretary
 - b. Determination on Façade Grant Program Applications
7. Discussion Items
 - a. Bylaws Discussion and Refresher
 - b. Development Agreement Policy Update
8. Staff Reports
9. Board Reports
10. Adjournment

VIRTUAL MEETING LOG-IN INSTRUCTIONS

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/399465085>

You can also dial in using your phone.

United States (Toll Free): [1 877 568 4106](tel:18775684106)

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Access Code: 399-465-085

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If you have issues getting into the virtual meeting, please email PlanningDept@Fortluptonco.gov
or call (303) 304-4498 for assistance.

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**RECORD OF PROCEEDINGS
FORT LUPTON URBAN RENEWAL AUTHORITY
October 15, 2020**

FLURA Meeting

Thursday, October 15, 2020 at 6:30PM

Call to Order by the Chairman at 6:30 PM – Gary Montoya

Roll Call – Present were Gary Montoya, Michelle Bettger, Tommy Holton (arrived after roll call), Mark Grajeda, Eugene Reynolds, and Kathy Kvasnicka (alternate). Absent were Mathew Darnell and Barbara Kirkmeyer.

Approval of Agenda – Kathy Kvasnicka made a motion to approve, Mark Grajeda seconded. Roll call vote made – Yes - Gary Montoya, Michelle Bettger, Mark Grajeda, Eugene Reynolds, and Kathy Kvasnicka. No - none. APPROVED

Approval of Consent Agenda – Mark Grajeda made a motion to approve, Kathy Kvasnicka seconded. Roll call vote made – Yes - Gary Montoya, Michelle Bettger, Mark Grajeda, Eugene Reynolds, and Kathy Kvasnicka. No - none. APPROVED

Public Comments – None

Account Payable – Payables were presented with no questions.

Action Items – None

New Business

- a) Dale's Pharmacy release of approved funds. Dale's Pharmacy has obtained its Certificate of Occupancy and provided the required documentation for release of the approved FLURA funding in the amount of \$25,000. Anna Fluckey from McCauley Construction was there to answer any questions and thank the board for helping make the project come true.
- b) Façade Grant Program Applications. Had two applications that submitted. Teri Kopfman from First United Methodist Church presented their request asking for \$987.50 in funds for façade improvements. The second grant request presentation was from Pamela Miller-Chavez for a property at 711 Denver Ave. This was to replace degrading windows and doors on the building. The board will evaluate and make a decision in the November meeting on the two applications.
- c) Presentation of the Budget. Chris Cross presented the budget to the Board and discussed changes. Will have final approval of the 2021 budget at the December meeting.
- d) Streetscape plan update. The engineering is complete and will be bid out at the beginning of the year for construction to happen in 2021.

Old Business

- a) Intergovernmental Agreements – No updates.
- b) Development Agreement Policy Update
Alyssa Knutson has completed with no requested changes from the board. Sent to the FLURA attorney to finalize and will be able to begin utilizing. The final agreement portion is still being developed but the policy and application are complete.

RECORD OF PROCEEDINGS
FORT LUPTON URBAN RENEWAL AUTHORITY
October 15, 2020

Staff Reports

- a) Executive Director –The Field of Honor is coming up Veteran’s Day week, all the information is on the website. City Budget retreat is this Saturday for the 2021 year.
- b) Staff Liaisons – David Hushbeck has officially submitted his resignation letter as he moved out of town. Kathy Kvasnicka did apply to fill his spot and if Council approves her application, it will create an alternate spot vacancy to be filled. Also spoke on the possibility of sidewalk improvement areas along Highway 52. Would require discussion for easements from private property and may be an item to budget for in 2022 or coming years to help with walkability and safety. Tommy Holton added to be sure to work with the Highway 52 Coalition as the a PEL Study is underway for the entire corridor.

Board Reports

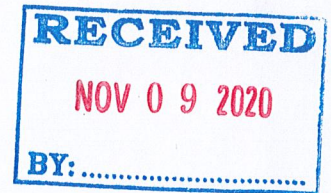
Michelle Bettger advised Fort Lupton football game is this week. Tickets are sold out but look for the future ones as the season goes on.

Adjournment – Meeting adjourned.

Murray Dahl Beery & Renaud LLP
Attorneys at Law
710 Kipling Street, Suite 300
Lakewood, CO 80215

Ph:303-493-6670

Fax:



November 5, 2020

Fort Lupton Urban Renewal Authority
130 S. McKinley Ave
Fort Lupton, CO 80621

Attention: Leann Perino

Matter #: 16-242
Inv #: 16284

RE: General Counsel

DATE	DESCRIPTION	ATTY	RATE	HOURS	AMOUNT
Oct-23-20	Review grant application and guidelines	MMM	\$250.00	0.25	62.50
Oct-28-20	Revise reimbursement agreement	MMM	\$300.00	0.50	150.00
Totals				0.75	\$212.50
Total Fee & Disbursements					\$212.50
Previous Balance					150.00
Previous Payments					150.00
Balance Now Due					\$212.50

TAX ID Number 20-1943771

TIMEKEEPER LIST

MMM Malcolm M. Murray

Senior Counsel

**AMENDED BYLAWS OF THE
FORT LUPTON URBAN RENEWAL AUTHORITY
OF THE CITY OF FORT LUPTON, COLORADO**

**ARTICLE I.
INTRODUCTION**

Section 1. The name of this urban renewal authority shall be the “Fort Lupton Urban Renewal Authority,” as established by Resolution 2014R043 of the Fort Lupton City Council on August 18, 2014, and hereinafter referred to as the “Authority.”

Section 2. The within Bylaws have been adopted by the Authority, and all previously adopted bylaws are hereby repealed.

Section 3. The purpose of these Bylaws is to establish rules and procedures necessary to carry out the purpose and duties of this Authority, as set forth in the Colorado Revised Statute Title 31, Article 25, Part 1, and hereinafter referred to as the “Colorado Urban Renewal Law.”

**ARTICLE II.
MISSION STATEMENT**

Section 1. Mission. The mission of the Authority is to promote redevelopment and reinvestment within the City of Fort Lupton and to create a thriving community that is economically diverse.

**ARTICLE III.
POWERS AND DUTIES**

Section 1. Powers and Duties. The Authority shall have all the general powers granted to it by the Fort Lupton City Council and by the Colorado Urban Renewal Law, and shall perform all duties required by law.

Section 2. Acquisition of Property. The Authority may acquire any interest in property by any manner available, except that the Authority may not acquire property by means of eminent domain. The Authority may acquire property, or any interest therein, by agreement for the following reasons: to eliminate or prevent conditions of blight; to carry out one or more objectives of any plan formally adopted by the Authority; to assemble property for redevelopment by private enterprise; for needed public improvements; for any other lawful purpose authorized by any plan formally adopted by the Authority. The Authority may authorize all expenditure of funds in excess of \$5,000.00.

ARTICLE IV.
MEMBERSHIP

Section 1. Membership. Membership on the Authority will be in accordance with the Authority's Second Amended Structure, Responsibilities and Operational Guidelines ("Guidelines"), which were adopted by the Fort Lupton City Council on December 7, 2015 by Resolution No. 2015R052. The Colorado Urban Renewal Law shall govern where there are conflicts between the Guidelines and Colorado Revised Statutes.

- A. The Authority shall be comprised of nine regular members and one alternate, and those members shall include:
 - 1. One member shall be appointed by agreement of the board of county commissioners.
 - 2. One member shall be a board member of a special district whose property taxes are subject to allocation under the urban renewal plan.
 - 3. One member shall be an elected member of the school board.
 - 4. One member shall be an elected official that is currently serving on the Fort Lupton City Council at the time of appointment to the Board.
 - 5. One member shall be a board member of the Fort Lupton Fire Protection District.
 - 6. Two members shall serve as business representatives and must own and operate a business within the City and reside within the City at the time of their appointment and at all times while serving on the Authority.
 - 7. Two members shall represent the citizens of Fort Lupton and must reside within the City at the time of their appointment and at all times while serving on the Authority.
 - 8. One alternate, who is eligible to fill the alternate position if they either (1) operate a business within the City and reside within the City at the time of their appointment and at all times while serving on the Authority, or (2) reside within the City at the time of their appointment and at all times while serving on the Authority.
- B. The Mayor, with the consent of City Council, shall appoint the members of the Authority. A resolution of the appointment or reappointment of any member shall be conclusive evidence of the due and proper appointment of such Authority member.
- C. The Authority members who are first appointed shall be designated by the Mayor to serve for staggered terms so that the term of at least one member will expire each year. Thereafter, the term of office for Authority members is five years.
- D. An Authority member shall hold office until his successor has been appointed and has qualified.

- E. Vacancies other than by reason of expiration of terms shall be filled by the Mayor, with consent of City Council, for the unexpired term.
- F. Members of the Authority shall receive no compensation for their services, except that they may be entitled to necessary expenses, including traveling expenses, incurred in the discharge of their duties.

Section 2. Resignation. The resignation of a member of the Authority shall be made in writing to either the Executive Director or Chair of the Authority, and the resignation shall be forwarded to the City Clerk. The resignation of a member of the Authority shall be effective immediately upon receipt and verification by the City Clerk's office.

Section 3. Executive Director. A non-voting Executive Director provides the following support and assistance to the Authority, including, but not limited to the following duties:

- A. Ensure that the agenda is prepared and distributed on schedule.
- B. Post notice of meetings in the official posting places, and in any additional places designated by the Authority.
- C. Ensure that minutes are taken, posted and submitted to the City Clerk for the City's permanent archives.
- D. Assist the Chair during the meeting, if necessary.
- E. Ensure that actions and activities of the Authority are consistent with policies and procedures of the City.
- F. Offer insights about City organization, policies, and efforts.
- G. Notify the Authority of events, meetings, or circumstances when the City Liaison(s) is asked to speak on behalf of the Authority.
- H. Maintain the Authority's presence on the City website.
- I. Act as point person for contact with other City liaisons, departments or boards, unless otherwise delegated.
- J. Facilitate communication among members in compliance with City of Fort Lupton and Colorado open meetings laws.

Section 4. Attendance and Dismissal Requirements.

- A. Any member who has not provided notice of their absences from two consecutive regular meetings or three regular meetings in a six-month period shall receive a written

notification from the Chair of the Authority advising the member of his/her absences. If a continued pattern of absences occurs, the Chair shall notify the Mayor.

- B. The Mayor, with the consent of the City Council, may remove an Authority member for inefficiency, neglect of duty or misconduct in office, but only after the member has been given a copy of the charges made by the Mayor against them and has had an opportunity to be heard in person or by Counsel before the governing body. In the event of the removal of any member, the Mayor shall file in the office of the City Clerk a record of the proceedings, together with the charges made against the member and findings thereon.

ARTICLE V. **OFFICERS**

Section 1. Officer Terms and Duties. The officers of the Authority shall be a Chair, Vice-Chair, Secretary, and a Treasurer.

- A. The Chair shall preside over all regular and special meetings of the Authority, and shall, subject to these Bylaws and rules of procedure, decide all points of procedure, unless otherwise directed by a majority of the members present at a particular meeting. The Chair shall sign all documents of the Authority, and shall serve as the primary contact between the Authority and the Executive Director.
- B. The Vice-Chair shall assume the duties and responsibilities of the Chair in the event the Chair is absent or unable to perform his/her duties.
- C. When both the Chair and Vice-Chair are absent, the members present shall select a member to preside over the meeting by a majority vote.
- D. The Secretary shall keep the minutes of all meetings of the Authority in an appropriate minute book, give or serve all notices required by law, be a custodian of the Authority's records, sign official documents of the Authority that require the signature of the Secretary, and perform such other duties of the Secretary as required by law. Performance of duties of the Secretary may be delegated to City staff by a majority vote of the members of the Authority.
- E. The Treasurer shall have the care and custody of all funds of the Authority. The Treasurer shall keep records of accounts and other financial matters of the Authority and shall provide to the Authority not less than quarterly, or as often as requested by the Authority, a report of all expenditures. The Treasurer shall prepare and submit to the Authority members an annual budget for the operation of the Authority and shall cause the financial records, documents and accounts of the Authority to be audited annually. If required by the members of the Authority, or required by law, the Treasurer shall be bonded. Performance of duties of the Treasurer may be delegated to City staff by a majority vote of the members of the Authority.

Section 2. Elections. Officers shall be elected by a majority vote of the Authority, at the first meeting of the calendar year. Nominations for an officer position do not require a second. Nominees may have an opportunity to speak to their nomination before the vote is taken. A voice vote may be taken to elect all officers. Officers shall be elected by a majority of the members present.

Section 3. Vacancies of Officers. A vacancy in an officer position shall be filled by election at the next regular or special meeting of the Authority from among the Authority members. Until such election, the Vice-Chair shall serve as acting Chair, if the Chair position is vacant. All officers elected to fill a vacant officer position shall serve until the next officer election.

ARTICLE VI. **LEGAL COUNSEL OF THE AUTHORITY**

Section 1. Legal Counsel. The Authority may call upon the municipal counsel or chief legal officer of the municipality for such legal services as it may require, or it may employ its own counsel and legal staff.

ARTICLE VII. **MEETINGS**

Section 1. Schedule. Meetings shall occur on the regularly scheduled meeting dates established by the Authority. Regular meetings may be postponed, rescheduled, or cancelled by the Authority, if necessary, or if there is no business to conduct. If inclement weather requires that a meeting be postponed or rescheduled, the Chair shall have the authority to reschedule or postpone the meeting, and shall promptly notify all Authority members accordingly. A record of the cancellation, postponement or rescheduling must be written into the minutes of the next meeting.

Section 2. Notice of Meetings. Meeting agendas shall be posted in compliance with the Fort Lupton Municipal Code and Colorado law. The meeting agenda shall be posted as notice of a meeting. The Authority may designate additional posting places in for its agendas at its first meeting of each year. Notice of any regular or special meeting shall be posted in the designated posting places no less than 24 hours prior to the holding of such meeting, unless an emergency requires posting within 24 hours of the meeting time. Any executive session must comply with applicable law.

Section 3. Meeting Types

- A. **Public Meetings.** All meetings of the Authority shall be open to the public, pursuant to the Fort Lupton Municipal Code and Colorado law. All meetings of three or more members of the Authority, at which any Authority business is

discussed or at which any formal action may be taken, shall constitute a meeting for purposes of this section.

- B. **Special Meetings.** Special meetings may be called by the Chair, plus one regular Authority member. When a special meeting is scheduled, all Authority members must be notified at least 24 hours prior to the time set for such meeting by phone and written notice (via e-mail or hand delivery), including a listing of all items to be considered (agenda) at the special meeting, unless an emergency requires posting within less than 24 hours prior to such meeting. Formal action taken at a special meeting called in accordance herewith shall be considered as though it were taken in a regular meeting for those, and only those, matters referred to in the agenda contained in the notice of the meeting.
- C. **City Council Quarterly Meeting.** The Authority shall meet with the Fort Lupton City Council on a quarterly basis in order to provide an update on Authority activities.
- D. **Special District Meetings.** The Authority shall meet at least annually with special districts that are included within any adopted urban renewal plan to provide an update on Authority activities.

Section 4. Quorum; Voting Required.

- A. A majority of the voting members of the Authority in office shall constitute a quorum. In the absence of a quorum, no business shall be conducted by the Authority, except rescheduling of the meeting, except as otherwise provided in subparagraph D. of this Section 4, below.
- B. All members are required to vote unless recused or disqualified from voting. In determining whether a member shall be recused or disqualified from voting on a matter before the Authority, the Authority shall follow the procedures outlined in the City Council Code of Ethics and Conduct.
- C. If it is determined that any Authority members are disqualified from voting, and such disqualification causes the Authority to lose its quorum (as defined by these Bylaws) on the matter before the Authority, the matter shall be continued until the next meeting at which a sufficient number of qualified Authority members are present to constitute a quorum. In the event that the number of disqualifications are such that tabling the matter will not result in a quorum of qualified Authority members, the quorum necessary to conduct that item of business shall be adjusted to consist of at least fifty percent of those members not disqualified.
- D. Remote participation by Authority members via telephone, internet, or other remote communication technology is permitted for an Authority that are not sitting in a quasi-judicial capacity, if such remote participation technically

feasible. Any member of the Authority who wishes to participate in a meeting by remote communication shall give as much advanced notice to the Executive Director as possible, prior to the meeting.

Section 5. Rules of Procedure. The Authority may adopt its own rules of procedure, or may conduct its meetings in accordance with Robert's Rules of Order.

Section 6. Public Participation. Meeting agendas shall include a designated time for public comments, not including comment on those items scheduled for a public hearing. All public comments must be made during the public comment segment of the agenda. Public attendees shall sit in the audience unless asked to sit with the Authority during their comments. The Authority may identify time limits for public comments at its discretion.

Section 7. Meeting Agendas. The form of agendas shall be determined by the Authority. Agendas shall be posted in accordance with all open meetings laws.

Section 8. Meeting Minutes. Written minutes shall be made for all Authority meetings. The form and contents of meeting minutes shall be consistent with the form and contents of meeting minutes for meetings of the Fort Lupton City Council. The Authority's minutes shall be posted on the Fort Lupton Urban Renewal Authority website when the agenda for the upcoming meeting is posted. The minutes of each meeting shall be approved by the Authority at its next meeting and the signed original shall be provided to the City Clerk.

ARTICLE VIII.

SPECIAL AND STANDING COMMITTEES

Section 1. Special Committees. Special committees may be authorized and formed for special, limited purpose(s), and to work on specific issues or projects, as needed. A special committee shall serve only until completion of the special, limited purpose(s) for which it was formed. Recommendations of a special committee must be approved by the Authority before being considered officially adopted.

Section 2. Standing Committees. There shall be no standing committee(s) of the Authority, unless authorized by City Council.

Section 3. Committee Chairs. A member of the Authority shall serve as the chair of any committee.

ARTICLE IX.

COMMITMENT TO THE PUBLIC

Section 1. Commitment to the Public. Authority members' commitment to the public shall be demonstrated by adherence to all Colorado and City of Fort Lupton laws, rules and regulations regarding conduct of public officials.

Section 2. Conflict of Interest. The Authority shall adhere to all Colorado and City of Fort Lupton laws, rules and regulations that may pertain to the avoidance of conflicts of interest.

No member of the Authority, other officer, or employee of the Authority, nor any immediate member of the family of any such member, officer, or employee shall acquire any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any specific redevelopment project. If any member, other officer, or employee of the Authority owns or controls an interest, direct or indirect, in any property included or planned to be included in any specific redevelopment project, he shall immediately disclose the same in writing to the Authority, and such disclosure shall be entered upon the minutes of the Authority. Upon such disclosure, such member, officer, or other employee shall not participate in any action by the Authority affecting the carrying out of the project planning or the undertaking of the specific redevelopment project unless the Authority determines that, in the light of such personal interest, the participation of such member in any such act would not be contrary to the public interest. Acquisition or retention of any such interest without such determination by the Authority that it is not contrary to the public interest, or willful failure to disclose any such interest, constitutes misconduct in office.

Section 3. Communications Among Members. Authority members shall adhere to all Colorado and City of Fort Lupton laws, rules and regulations governing government communications.

Section 4. Electronic Communications. Electronic communications (including e-mails) between Authority members with respect to the business of the Authority may only occur in a manner that complies with the Colorado Open Meetings Law. The Colorado Open Meetings Law prohibits the discussion of public business (including discussion via electronic means) by a group of three or more Authority members, except at properly noticed public meetings. All electronic communications pertaining to Authority business should be treated as a public record, and, as such, potentially subject to public disclosure under the Colorado Open Records Act. The following procedures shall be followed with respect to electronic communications:

- A. One member of the Authority may send an e-mail or electronic communication to one other Authority member on any one particular matter.
- B. E-mails or other electronic communications intended for more than one Authority member shall be sent as an e-mail to the Executive Director, who shall forward the e-mail to the entire Authority.
- C. All replies shall be sent to the Executive Director, who shall compile the replies into a single e-mail message and forward the compiled e-mails to the entire Authority.
- D. The Executive Director shall not edit any of the messages that are forwarded.
- E. There shall be no further electronic communication on the matter after the compiled replies have been forwarded to the entire Authority by the Executive Director. Any

further communication among the Authority members regarding the matter shall not occur unless and until a promptly posted public meeting is held.

Section 5. Communications Outside the Authority. The Authority may give individual members the authority to speak on behalf of the Authority as needs arise. Individuals shall not speak for the Authority without the Authority's authorization, and shall not make commitments on behalf of the Authority unless the Authority has formally approved such a commitment.

ARTICLE X.
AMENDMENTS TO BYLAWS

Section 1. Amendments. These Bylaws shall be reviewed as needed and proposed amendments shall be approved by an affirmative vote of not less than a majority of the total current members of the Authority. Copies of the proposed amendment(s) shall be provided to each member of the Authority at least one (1) week prior to the date of any regular or special meeting at which the Bylaws amendment(s) are on the agenda for consideration. These Bylaws, and any subsequent amendments thereto, shall be submitted to City Council for approval by resolution prior to going into effect.

Approved on: Feb. 21, 2018

Chair:

Barbara Kirkmeyer