

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 1, 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, December 1, 2020. Due to the COVID-19 virus, the meeting was held with remote access provided through GoToWebinar. Mayor Pro-Tem Shannon Rhoda 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 Pro-Tem Shannon Rhoda, Councilmembers Chris Ceretto, David Crespín, and Bruce Fitzgerald. Mayor Zo Stieber, Tommy Holton, and Michael Sanchez participated electronically through GoToWebinar.

Also present were City Administrator, Chris Cross, City Clerk, Mari Pena, City Attorney, Andy Ausmus, Planning Director, Todd Hodges, Court Coordinator Jeanelle Anderson and Chief John Fryar.

Assistant City Administrator, Glenda Aretxuloeta, Golf Course Manager, Tyler Tarpley and Finance Director, Leann Perino participated remotely through GoToWebinar.

City Attorney, Andy Ausmus, read the advisement regarding connected meetings.

PERSONS TO ADDRESS COUNCIL

There was no one to address the Council.

APPROVAL OF AGENDA

It was moved by Tommy Holton and seconded by Bruce Fitzgerald to amend the Agenda by tabling item 'h' under the Action Memorandum: Approve Amended Employee Handbook and City Compensation Policy for a Total Estimate of \$XXX per year, to the Special Meeting of December 8, 2020. Motion passed unanimously on roll call vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the December 1, 2020 payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

It was moved by Bruce Fitzgerald and seconded by Tommy Holton to approve the Consent Agenda as presented. The following item was part of the Consent Agenda: 11172020 City Council Meeting Minutes. Motion passed unanimously on roll call vote.

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PUBLIC HEARINGS

AM 2020-201 approving a Resolution for the McDonald's Restaurant Site Plan

The City Attorney read the following advisement to Mr. Robert Palmer, with Strategic Land Solutions and applicant's representative: You understand that members of the City Council may be appearing tonight via a virtual connection and may not be appearing in person? You consent to the applicable member voting on your submittal even though said member is not present in person? You understand that the Applicant has a right to continue this public hearing to such a date to allow a full in person public hearing? You have agreed to voluntarily waive that right on behalf of the Applicant by proceeding tonight electronically, is that correct? On behalf of the Applicant, you have voluntarily signed and submitted the written waiver and consent to proceed electronically tonight, correct? Therefore, on behalf of the Applicant, you waive Applicant's right to proceed in an in person public hearing and have consented to proceed forward voluntarily tonight in this virtual City Council meeting, is that correct? Mr. Palmer replied yes, to all questions.

Mayor Pro-Tem Rhoda opened the public hearing at 7:09 p.m. and asked for a description of the proposal. The City Planner, Maria Lancto, stated that an application has been submitted for a site plan known as the McDonald's Restaurant Site Plan by Strategic Land Solutions – Agent for McDonald's Corporation. The Site Plan includes a 3,915 square foot building that will serve as a fast-food style restaurant with a drive-thru. The Property includes two parcels located at the northeast corner of 1st Street and Grand Avenue. The property is located within the C-1 General Commercial Zone District, which allows restaurants as a permitted use. The proposed site plan complies with this zone district. All notification requirements including posting and notification of surrounding property owners, have been met. Ms. Lancto also stated that there was a change to the Resolution, item 1(a) refers to a Special Use Permit and should be Site Plan Map.

Mr. Palmer provided a presentation of the site which consisted of two (2) parcels; a closed service station and a liquor store with a residence in the back. The front of the building would face 1st Street with the existing three (3) accesses being reduced to one (1) access. Vehicles coming off 1st Street will enter directly into the drive thru or parking lot. If a vehicle is going east it should make a left to the site or make a left on Grand Avenue and enter through the alley. Mr. Palmer stated that discussions are being held with the housing authority to formalize an easement over the alleyway, since the housing authority owns the alleyway. The connection with Mr. Palmer was lost. Trevor Prophet, also a representative for McDonalds stated that the alley agreement is being worked out through an easement which is needed for approval to finalize the site plan.

Discussion occurred over the access on 1st Street and Grand Avenue. The Public Works Director Roy Vestal stated that the preferred access coming east is to turn on Grand Avenue. The access point on 1st Street is likely to be a right in/right out access. Mr. Vestal also stated that if the alley access isn't granted to McDonalds, then McDonalds would have to resubmit the plan.

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The Planning Director stated that the Resolution contains a condition pertaining to the access agreement.

Mr. Palmer was able to connect to the meeting. He indicated that there is a letter of understanding with the housing authority agreeing to work out the details of the easement of the alleyway.

Mayor Pro-Tem Rhoda asked if anyone from the public wished to speak for or against the proposal. There was no one from the public.

The City Attorney read the following advisement to Mr. Palmer: Have you had a full and fair opportunity to present all facts, submittals, documents, testimony and presentations in support of the Applicant's application before the City Council tonight? Mr. Palmer responded 'yes'. Has there been anything that you or the Applicant would have liked to have presented in support of Applicant's application that you feel you were prevented from doing so? Mr. Palmer responded 'no'.

The City Attorney asked the Councilmembers participating electronically if they have had a full and fair opportunity to see and hear the presentation or were there any instances where the presentation and information couldn't be heard? Mayor Stieber, Tommy Holton, and Michael Sanchez, indicated they were able to see the presentation and hear everything.

Mayor Pro-Tem Rhoda closed the public hearing at 7:24 p.m.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to approve Resolution 2020R079 A RESOLUTION APPROVING THE MCDONALD'S SITE PLAN. Motion passed unanimously on roll call vote.

AM 2020-202 Approve a Resolution Accepting the Willow Bend (F/K/A Fulton Ranch) Subdivision Preliminary Plat and Preliminary PUD Plan

The City Attorney read the following advisement to Mr. John McLaren, the applicants representative. You understand that members of the City Council may be appearing tonight via a virtual connection and may not be appearing in person? You consent to the applicable member voting on your submittal even though said member is not present in person? You understand that the Applicant has a right to continue this public hearing to such a date to allow a full in person public hearing? You have agreed to voluntarily waive that right on behalf of the Applicant by proceeding tonight electronically, is that correct? On behalf of the Applicant, you have voluntarily signed and submitted the written waiver and consent to proceed electronically tonight, correct? Therefore, on behalf of the Applicant, you waive Applicant's right to proceed in an in person public hearing and have consented to proceed forward voluntarily tonight in this virtual City Council meeting, is that correct? Mr. McLaren replied yes, to all questions.

Mayor Pro-Tem Rhoda opened the public hearing at 7:27 p.m. and asked for a description of the proposal. The City Planner, Alyssa Knutson, stated that the applicant, Sun Land Development,

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has applied for approval Preliminary Plat and Preliminary PUD Plan for the City Council's consideration for the Willow Bend Subdivision (f/k/a Fulton Ranch).

The site that is the subject of the Preliminary Plat and PUD Plan is located east and adjacent to County Road 29 (also known as Northrup Avenue), and south and adjacent to 14th Street right of way in Fort Lupton. The Preliminary Plat and PUD Plan is for a residential subdivision that will include one parcel of land with 449 lease spaces for single-family manufactured homes on approximately 127.52 acres, more or less. The proposed development will include an amenity center, pocket parks, and interconnecting trails. The planned density for the subdivision is four dwelling units per acre. All notification requirements have been met including posting on the property and notice to the surrounding property owners.

Mr. McLaren provided a brief presentation on Sun Land Development and their long standing commitment to residents in their communities along with aid provided to first responders. Mr. McLaren's presentation included updated manufacture housing architectures including progressive and efficient interior designs.

Bill Anderson, also representing Sun Land Development, provided the overview of the proposed site plan including 449 homes sites with a density of 3.5 units/acre, a three (3) acre central amenity center, 5.5 acres of pocket parks, trail system and trail connections with 43.8 acres of open space. The plan also contained boulevard entrances with a trail leading to the large amenity center, and a detention pond off Northrup Avenue. The manufactured homesite details plan indicated the layouts to be both perpendicular and parallel with three (3) parking spaces per lot, a tree and optional garage buildout. Mr. Anderson also noted the plan changes from the first meeting held with City Council. The plan changes include detention ponds, 14th Street re-alignment, emergency access points, centralized 14th Street access driveway, expanded trail system north of 14th Street, bridge connections across the Fulton Ditch and relocated maintenance facility.

Mayor Stieber and Michael Sanchez indicated that there was a concern over density.

Mayor Pro-Tem Rhoda clarified that these spaces are leased and not purchasable and asked if the homes were movable? Mr. McLaren stated that the spaces are for lease and that the homes are movable however most homes are in the park for approximately 50 years. The homes are not moved very often but are movable.

David Crespín asked if there was a tornado shelter for residents. Mr. McLaren stated there was no tornado shelter and none of their other communities have shelters.

Mayor Pro-Tem Rhoda asked if anyone from the public wished to speak for or against the proposal, however there was no public.

The City Attorney read the following advisement to Mr. McLaren: Have you had a full and fair opportunity to present all facts, submittals, documents, testimony and presentations in support of the Applicant's application before the City Council? Mr. McLaren responded 'yes'. Has there

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been anything that you or the Applicant would have liked to have presented in support of Applicant's application that you feel you were prevented from doing so? Mr. McLaren responded 'no'.

The City Attorney asked the Councilmembers participating electronically if they have had a full and fair opportunity to see and hear the presentation or were there any instances where the presentation and information couldn't be heard? Mayor Stieber, Tommy Holton, and Michael Sanchez, indicated they were able to see the presentation and hear everything.

Mayor Pro-Tem Rhoda closed the public hearing at 7:47 p.m.

It was moved by Bruce Fitzgerald and seconded by David Crespin to approve Resolution 2020R080 A RESOLUTION ACCEPTING THE WILLOW BEND (FKA FULTON RANCH) SUBDIVISION PRELIMINARY PLAT AND PRELIMINARY PUD PLAN. Motion failed with Tommy Holton, Bruce Fitzgerald and Chris Ceretto voting 'yes' to the motion and Michael Sanchez, Shannon Rhoda, David Crespin and Mayor Zo Stieber voting 'no' to the motion.

ACTION MEMORANDUM

AM 2020-194 Amend the agreement with Tyler Technologies making the City of Fort Lupton responsible for online payment fees

The year 2020 has been continuously changing due to Covid-19. On various occasions, City Hall has closed to the general public. In turn affecting some of the payment options available to customers. Credit card customers are charged a 3.21% processing fees, instead of the City. Online customers are charged an additional fee of \$2.50 Court / \$1.50 Utility Billing per transaction. Over-the-phone and in-person payments require staff to be in the facility.

Current Covid levels are requiring staff to transition to remote. By amending the Agreement, staff could efficiently process payments without an extra cost to citizens. Customers would still pay the credit card processing fee of 3.21%. Tyler Technologies would bill the City quarterly.

It was moved by Mayor Zo Stieber and seconded by Chris Ceretto to approve the amendment of the agreement with Tyler Technologies making the City of Fort Lupton responsible for online payment fees.

AM 2020-195 Approve Purchase of 140M3 Motor Grader for Public Works Streets from Wagner Equipment Co. for not to Exceed \$198,900.00 from the General Fund Public Works Streets Budget

The new road grader is needed by Public Works for maintaining the City's dirt roads and alleys. The current grader is a 2001 CAT 140 with over 16,280 operating hours. The machine has been having maintenance issues for the last year and is becoming difficult to keep operational. In 2020 approximately 2 weeks of time was lost due to waiting for repairs.

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Used graders have been a challenge to find. Staff found a used 2014 grader with 4,662 hours and negotiated the sale to \$198,900 that included new tires (\$6,000) and a 2-year warranty. Its currently on hold. A new CAT 140 Motor Grader would cost \$415,000. The selected 2014 CAT 140M3 has been determined to be an excellent value compared to other available machines.

It was moved by Tommy Holton and seconded by Chris Ceretto to approve the purchase of 140M3 Motor Grader for Public Works Streets from Wagner Equipment Co. for an amount not to exceed \$198,900 allocated from the General Fund Public Works Streets Budget. Motion passed unanimously on roll call vote.

AM 2020-196 Approve Change Order Number 2 to JBS Pipeline Contractors Contract for the Kahil Street Project, for not to Exceed \$223,844.75 from Utility Fund - Water Lines

During utility work for the Fulton Village subdivision, it was discovered that the existing potable water main in Kahil is not in very good condition. In preparation for the existing paving project, it is determined that the water main should be replaced. Change Order #2 is to add replacement of the 8-inch water main in Kahil Street. Total cost is \$223,844.75 with a 1-month extension for project time. Total project cost is \$1,050,172.45. The anticipating completion in time for paving project to start in early spring.

It was moved by Mayor Zo Stieber and seconded by Bruce Fitzgerald to approve Change Order No. 2 to JBS Pipeline Contractors Contract for the Kahil Street Project for an amount not to exceed \$223,844.75 from the Utility Fund – Water. Motion passed unanimously on roll call vote.

AM 2020-197 Purchase of a Tow Behind Aerator at Coyote Creek Golf Course

The Ryan Renovaire tow-behind aerator will be a new piece of equipment for Coyote Creek Golf Course. This aerator will be used to aerate the 42 acres of rough at the golf course. In the past we have borrowed the parks department aerator that is four feet wide. The new aerator is six feet wide and will allow staff to complete the process in less time. The aerator will work with the tractor that the parks department has and they will be able to use it to aerate all the parks and the ball fields. The aerator has trays that can hold up to 150 pounds allowing the tines to go deeper into the ground in compacted areas.

An RFP was issued for this purchase, LL Johnson and Potestio Brothers were the only two companies to complete and submit bids. Potestio Brothers was the low bid at \$8,125.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to approve the purchase of a tow behind aerator at Coyote Creek Golf Course. Motion passed unanimously on roll call vote.

AM 2020-198 Purchase of a Broadcast Topdresser at Coyote Creek Golf Course

The Dakota Topdresser will replace our current ProPass Topdresser. Every other week we use the topdresser to spread a light layer of sand on the greens. When the greens are aerated twice a year we use it to spread a heavy layer of sand down to fill all the holes on the greens. The current

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topdresser is a 2006 model making it 14 years old. In 2014 when we were using it to spread sand after aerifying and the engine on the topdresser caught on fire. We were able to repair it, but it just hasn't operated the same since the fire. Every year we have had to spend money on it to try to get it running better. This year we have had to put \$4,000 into the machine and it was not operational for a month and a half.

An RFP was issued for this purchase, LL Johnson and Potestio Brothers were the only two companies to complete and submit bids. Potestio Brothers was the low bid at \$14,650.

It was moved by Tommy Holton and seconded by Bruce Fitzgerald to approve the purchase of a broadcast topdresser at Coyote Creek Golf Course from Potestio Brothers for an amount not to exceed \$14,650.00. Motion passed unanimously on roll call vote.

AM 2020-199 Purchase of a Deeptine Aerator at Coyote Creek Golf Course

The ProCore SR54 deep-tine aerator will be a new piece of equipment for Coyote Creek Golf Course. The current aerator used to aerify fairways has the ability to make holes at a depth of four inches. The new deep-tine aerator will be able to create hole at a depth of up to ten inches. This will allow roots and water to grow deeper into the ground. It also has the ability to fracture the soil at ten inches creating a bigger cavity at the bottom of the hole. Using this type of aerator will help penetrate the compaction layer typically found within the four inches. In 2015 we contracted a company to deep tine three acres of greens at a cost of \$5,000. Staff would be able to do all the greens and also all 27 acres of fairways in house.

An RFP was issued for this purchase, LL Johnson and Potestio Brothers were the only two companies to complete and submit bids. LL Johnson was the low bid at \$19,601.85.

It was moved by Mayor Zo Stieber and seconded by Chris Ceretto to approve the purchase of a deeptine aerator at Coyote Creek Golf Course. Motion passed unanimously on roll call vote.

AM 2020-200 Purchase of Compact Utility Loader at Coyote Creek Golf Course

The Toro Dingo compact utility loader will be a new piece of equipment for Coyote Creek Golf Course. It will be purchased with a bucket, a trencher, a soil cultivator, and a plow. Any time we need to add sprinkler heads we have to dig trenches by hand. Some trenches have been up to 75 feet long and it sometimes takes two people two days to complete digging the trench. If we were to get the trencher, a trench can be dug in less than 30 minutes with one person operating it. There are a lot of areas on the Golf Course that need additional sprinkler heads but have not been installed due to not having the right equipment to get the job done. The Golf Course has a lot of areas with poor drainage. In order to improve drainage and eliminate wet spots on the golf course new drain lines need to be installed. The trencher will let us be more efficient and be able to complete projects faster. Over the years a lot of pot holes have been created in the turf around cart paths. The pot holes fill up with water which makes mowing impossible. The crew has to trim the grass down by hand. We will use the soil cultivator to till up those areas, re-grade the areas so water will not be standing on the cart paths, and then re-sod the turf areas. In 2016/2017

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we had a company complete a bunker renovation on all the green-side bunkers at a cost of \$120,000. The fairway bunkers did not have anything done to them and are in need of renovations. With this piece of equipment, staff will be able to start renovating all the remaining bunkers. The Toro Dingo will allow staff to do more golf course improvement projects in house saving money in the long run by not having to have some things contracted out.

An RFP was issued for this purchase, only one bidder (LL Johnson) completed and submitted the necessary materials.

It was moved by Bruce Fitzgerald and seconded by Chris Ceretto to approve purchase of a compact utility loader at Coyote Creek Golf Course for an amount not to exceed \$39,669.00. Motion passed unanimously on roll call vote.

STAFF

The City Administrator Chris Cross indicated that the next meeting on December 8th will be a Special City Council meeting for the presentation of the budget. The item that was tabled tonight, the Employee Handbook, will also be on the Agenda. The Town Hall meeting will be held following the Special Meeting.

MAYOR/COUNCIL REPORTS

There were no reports from the Mayor or Council

FUTURE CITY EVENTS

November 28- December 5th	Small Business Week of Deals
December 5th	Winterfest at Fort Lupton Recreation Center by Appointment
December 8th	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
December 15th	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
December 25th	City Offices and Fort Lupton Recreation Center Closed in Observance of the Christmas Holiday
December 26-27th	Recreation Center will be closed.

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ADJOURNMENT

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to adjourn the meeting at 8:11 p.m. Motion passed unanimously on voice vote.

Respectfully Submitted,


Maricela Peña, City Clerk

Approved by City Council


Zo Stieber, Mayor

