



City of Fort Lupton

REGULAR MEETING AGENDA

Tuesday, September 7, 2021

7:00 PM

130 South McKinley Avenue

Zo Stieber, Mayor

Shannon Rhoda, Ward 1

Chris Ceretto, Ward 2

Mike Sanchez, Ward 3

David Crespin, Ward 1

Tommy Holton, Ward 2

Bruce Fitzgerald, Ward 3

You may join in person or join remotely by registering at:

<https://attendee.gotowebinar.com/register/8202213119026433036>

Pledge of Allegiance

Call to Order

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 Stieber

Approval of Agenda

Review of Accounts Payables

- a. September 7, 2021 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. August 17, 2021 City Council Meeting Minutes
- b. August 31, 2021 City Council Special Meeting Minutes
- c. Second Reading Ordinance 2021-1123 Adopt Ordinance 2021-1123 Annexing Land Legally Described in Exhibit "A" Known as the Raterink Annexation and Approving the Annexation Agreement
- d. Second Reading Ordinance 2021-1124 Adopt Ordinance 2021-1124 Initially Zoning Land Known as the Raterink Initial Zoning, Legally Described in Exhibit A, to the 'A' Agricultural Zone District
- e. (Correction to Ordinance Number) Ordinance 2021-1125 An 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

Action Memorandum

- a. AM 2021-139 Permit Application to Change, Alter, or Modify Licensed Premises Submitted by Ft Lupton Ristorante LLC DBA Wholly Stromboli at 410 Denver Avenue
- b. AM 2021-147 Adopting an Ordinance of the City Council of the City of Fort Lupton Enacting a New Article XII of Chapter 6 of the Fort Lupton Municipal Code Regarding the Regulations and Licensing of Regulated Marijuana Stores
- c. AM 2021-143 Accepting the 2022 Property/Casualty Preliminary Contribution Quotation From CIRSA Estimated at \$349,107
- d. AM 2021-144 Approval of an Ordinance Declaring That the Public Health, Safety, and General Welfare Require the Inclusion of the City of Fort Lupton Within the Metro Wastewater Reclamation District and That the City Council Desires to Have the City Included Therein Upon the Terms and Conditions Perscribed by the Metro Board of Directors
- e. AM 2021-145 Adopt Ordinance to Accept Public Right of Way From McIntosh Farm CO LLLP for 250 Feet of the Northern Portion of County Road 16
- f. AM 2021-146 Ratifying the Mayor's Signature for Contract Agreement with CDOT for State Highway Maintenance

Staff Reports

Mayor/Council Reports

Future City Events

- a. September 7, 2021 Upcoming Events

Adjourn

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
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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 7, 2021. 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 and Councilmembers Chris Ceretto, Michael Sanchez, and Bruce Fitzgerald. Councilmembers David Crespin and Shannon Rhoda participated remotely through GoToWebinar.

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

PERSONS TO ADDRESS COUNCIL

Sandra Smith, resident of the City of Fort Lupton, addressed Council about her continued ground water issues. She stated that she was unsure of how to make it stop in many areas of her house including the basement and the front yard. She also stated that the water and electricity bills have more than doubled, with her August balance reached \$267.46 with water in her basement. She requested a resolution from Council, as her house is the only one experiencing the ground water issues.

Roy Vestal, Public Works Director, stated that so far they were able to check if water was traveling up the gravel bed from the sewer service. He also stated that the recommended service line for the under drain is under the sewer line which should be draining water out of the gravel bed. He also stated they were able to pump down the pond approximately two feet and pump water out of her front yard, but only pumping the water out of the front yard affected the owner's sump pump. Roy Vestal recommended that the City hire a Geotechnical and Hydrogeological expert to monitor the water elevation to find a solution.

Mayor Stieber asked if water was flowing through the sub-drain as it is supposed to be. Roy Vestal stated that it is flowing correctly.

Councilmember Chris Ceretto asked if the water meter for the property was at the street and if there was a possible leak between the meter and the house. Roy Vestal confirmed that the meter was at the street and that part of the water bill increase is due to the recent fee implemented.

Mayor Stieber asked how much a Hydro Engineer would cost. Roy Vestal stated that he would put together a formal quote to present to Council at a later date.

Andy Ausmus, City Attorney, stated for the record that the City is not assuming any liability for the issue. Sandra Smith stated that she understood.

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APPROVAL OF AGENDA

Staff asked that Action Memorandum Items: AM 2021-148 Award Contract to Imperial Custom Concrete for not to Exceed \$506,000.00 for 2021 – Repairs, Trail and Parking Lot Project From Street Sales Tax Fund and General Fund be added to the Agenda. It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to approve the Agenda as amended. Motion passed unanimously on a roll call vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the September 7, 2021, payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

It was moved by Bruce Fitzgerald and seconded by Michael Sanchez to approve the Consent Agenda as presented with the following items: August 17, 2021 City Council Meeting Minutes, August 31, 2021 City Council Special Meeting Minutes, Second Reading Ordinance 2021-1123 ADOPT ORDINANCE 2021-1123 ANNEXING LAND LEGALLY DESCRIBED IN EXHIBIT “A” KNOWN AS THE RATERINK ANNEXATION AND APPROVING THE ANNEXATION AGREEMENT, Second Reading Ordinance 2021-1124 INITIALLY ZONING LAND KNOWN AS THE RATERINK INITIAL ZONING, LEGALLY DESCRIBED IN EXHIBIT A, TO THE ‘A’ AGRICULTURAL ZONE DISTRICT, (Correction to Ordinance Number) Ordinance 2021-1125 AN 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.

ACTION MEMORANDUM

**AM 2021-139 Permit Application to Change, Alter, or Modify Licensed Premises
Submitted by Ft Lupton Ristorante LLC DBA Wholly Stromboli at 410 Denver Avenue**

An application has been submitted by Melissa Rickman, to modify the liquor licensed premises at her restaurant Wholly Stromboli located at 410 Denver Ave.

Attached is the application and supporting documents defining the additional exterior area to be included. Regulation 47-302 of the Liquor and Beer Code Regulations provides an opportunity for the licensee to modify their licensed premise with prior written consent of the local and state licensing authorities. The proposed modification permit application will include modification of the patio on the east, a new patio on the north and south sides as well as additional storage on the east side of the building and using space that is currently vacant in the building.

Mari Peña, City Clerk, made a presentation on the liquor license modification. She stated the modification includes the Wholly Stromboli restaurant building, the area that used to be the tattoo shop and the eye doctor. There will be outdoor patio seating on the north and south side of the

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building, with additional patio seating on the east side of the building, as well as the patio seating that already exists.

Melissa Rickman, owner of Wholly Stromboli, was present to answer any questions.

It was moved by Chris Ceretto and seconded by Michael Sanchez to approve the permit application to Change, Alter, or Modify Licensed Premises Submitted by FT Lupton Ristorante LLC DBA Wholly Stromboli at 410 Denver Avenue. Motion passed unanimously on a roll call vote.

AM 2021-147 Adopting an Ordinance of the City Council of the City of Fort Lupton Enacting a New Article XII of Chapter 6 of the Fort Lupton Municipal Code Regarding the Regulations and Licensing of Regulated Marijuana Stores

On November 3, 2020, the registered electors of the City of Fort Lupton approved ballot initiatives permitting for the establishment and operation of medical marijuana centers and retail marijuana stores subject to the requirements of the State of Colorado medical and retail marijuana codes and regulations and the ordinances and codes to be adopted by the City of Fort Lupton.

Originally, staff started with two ordinances for medical marijuana and retail marijuana. Staff was ready to proceed with the Second Reading of the Ordinances, however after much concern and discussion with the Council and the public, Council directed staff to write one ordinance rather than two and establish additional regulations within the ordinance. The ordinance reflects the changes after the discussion.

Key Points:

- Maximum number of licensed establishments shall not exceed four (4);
- Stores are permitted only within the following zoning districts: the C-1 General Commercial District, C-2 Heavy Commercial District, I-1 Light Industrial Zone District, I-2 Heavy Industrial Zone District and PUD Planned Unit Development District, which specifically permits retail marijuana stores, and upon obtaining all land use approvals necessary for such use;
- Within one thousand (1,000) feet of any school, any child care center, any juvenile or adult halfway house, correctional facility or substance abuse rehabilitation center;
- Within five hundred (500) feet any public park with playground equipment;

The Ordinance creates: Prohibited marijuana license types, License/bond requirements, Application, Co-location, Licensing Process, Local licensing authority, Issuance of license, duration, renewal; Annual operating and administrative fees, Location, operational restrictions and requirements, marijuana stores, Inspection of books, records, and licensed premises, Transfer of Ownership, change of Corporate Structure, Unlawful acts of licensees and persons, Nonrenewal suspension or revocation of license and Violations and penalties.

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The Application Process is listed under Section 6-355 Application.

- Obtain an approved Zoning Verification Form from the Planning and Development Department.
- Applicant shall submit an application with the required documentation.
- Upon receipt of a complete application, the City Clerk shall notify all affected departments to determine whether the application is in full compliance with all state and local laws, rules, and regulations. The City Clerk will prepare a report to submit to the local licensing authority.

The Licensing Process is listed under Section 6-357 via a 3-Step Process.

- Initial Review
- Lottery
- Public Hearing

Mari Peña, City Clerk, stated that prohibited marijuana license types and bond requirements are now included. She stated that it is up to Council to keep the bond requirements in the Ordinance. Annual operating and administrative fees will be presented as a Resolution to Council at a later date. As discussed, the 3,000 foot requirement between stores was removed, but no more than four stores will be allowed.

Mayor Stieber clarified that this now includes medical and retail marijuana stores.

Mari Peña read the Bond Requirement section of the Ordinance for Council.

It was moved by Michael Sanchez and seconded by Bruce Fitzgerald to approve Ordinance 2021-1127 AN ORDINANCE ENACTING A NEW ARTICLE XII OF CHAPTER 6 OF THE FORT LUPTON MUNICIPAL CODE REGARDING THE REGULATIONS AND LICENSING OF REGULATED MARIJUANA. Motion passed unanimously on a roll call vote.

AM 2021-143 Accepting the 2022 Property/Casualty Preliminary Contribution Quotation From CIRSA Estimated at \$349,107

CIRSA annually submits an estimated billing for City's Property/Casualty Insurance coverage. The estimate for the 2022 fiscal year is \$349,107. This will be billed on January 1, 2022

Based on the performance of the City during the year, we are provided a preliminary billing by CIRSA for our Property/Casualty Insurance coverage for the following year. The City will not be billed for this payment until after January 1, 2022.

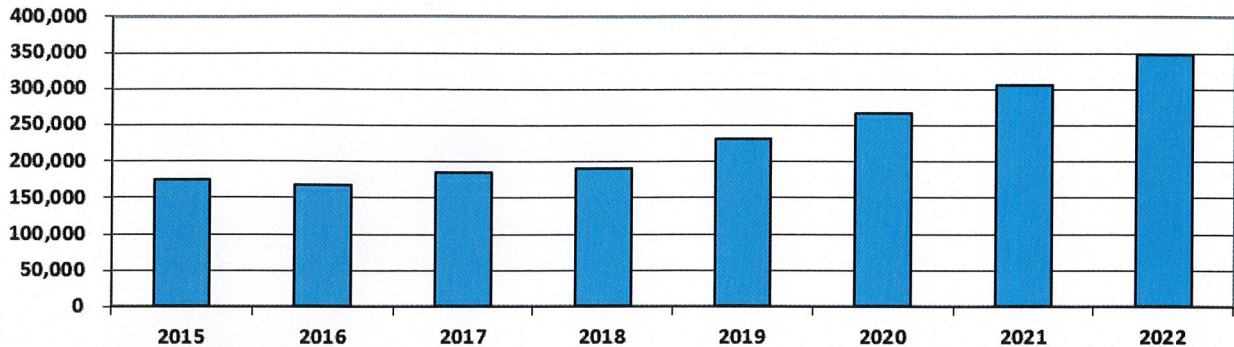
As a result of the City's claims history, premium contributions have changed over time as follows (it should be noted that "legal" expenses incurred by CIRSA to represent the City are also included in the claims costs):

2015	\$ 175,430	2019	\$ 231,152
2016	\$ 167,640	2020	\$ 267,758
2017	\$ 185,936	2021	\$ 305,176

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2018 \$ 190,464

*2022 \$ 349,107



(*Denotes the preliminary/estimated cost of contribution. This may increase due to actual costs at the end of the year).

The increase is mainly due to the City's loss experience which has increased our 2022 quote \$36,144.77. Other increases are due to the general increase in property insurance due to nationwide natural disasters.

Leann Perino, Finance Director, presented on the preliminary quote from CIRSA. She stated that the quote was 12% higher than last year due to an increase in Police Liability Insurance.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to accept the 2022 Property/Casualty Preliminary Contribution Quotation from CIRSA estimated at \$349,107. Motion passed unanimously on a roll call vote.

PUBLIC HEARING

AM 2021-144 Approval of an Ordinance Declaring That the Public Health, Safety, and General Welfare Require the Inclusion of the City of Fort Lupton Within the Metro Wastewater Reclamation District and that the City Council Desires to Have the City Included Therein Upon the Terms and Conditions Prescribed by the Metro Board of Directors

Approval of this Ordinance is required to continue application with the Metro Wastewater Reclamation District for inclusion as a metropolitan connector.

Council approved pursuit of the METRO connection option on April 20, 2021 with AM2021-066. The City has determined that entering into an agreement with the Metro Wastewater Reclamation District's (MWRD) Regional Northern Treatment Plant may be a preferred alternative to expanding the City's Wastewater Treatment Plant (WWTP). The Metro District Board of Director's Resolution NO. 0721-B7.f was approved on July 20, 2021, which determined that the District could feasibly serve the City.

The next step for joining the regional facility is adopting an ordinance "declaring that the public

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health, safety, and general welfare require the inclusion of said municipality within the district and that the governing body desires to have said municipality included therein upon the terms and conditions prescribed by the board of directors.”

Roy Vestal, Public Works Director, presented on the Ordinance declaring the inclusion of Fort Lupton within the Metro Wastewater Reclamation District.

Councilmember, Shannon Rhoda, asked if this step was just to continue the process, not agreeing to the contract. Staff clarified that this was the service contract and agreement, but the engineering and construction piece is separate.

Council expressed concern of committing to this agreement without known costs. Staff informed Council of the estimated cost of \$50 million.

Andy Ausmus, City Attorney, stated that once the service contract is executed then the City has committed to this agreement.

Mayor Stieber opened the public hearing at 7:35 p.m. Chris Cross, City Administrator, presented on the service agreement with Metro Wastewater Reclamation District.

Mayor Stieber asked if anyone from the public wished to speak for or against the proposal.

Claud Hanes, resident of the City, stated that there has been a lot of back and forth on the matter and the logical choice in his opinion is to go with Metro Wastewater because of their technology and facility.

No further discussion occurred.

Mayor Stieber closed the public hearing at 7:42 p.m.

It was moved by Michael Sanchez and seconded by Bruce Fitzgerald to approve Ordinance 2021-1128 AN ORDINANCE OF THE CITY COUNCIL OF FORT LUPTON, ACTING BY AND THROUGH THE UTILITY ENTERPRISE BOARD, DECLARING THAT THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE REQUIRE THE INCLUSION OF FORT LUPTON WITHIN THE METRO WASTEWATER RECLAMATION DISTRICT (DISTRICT) AND THAT THE CITY OF FORT LUPTON INCLUDED THEREIN UPON THE TERMS AND CONDITIONS PRESCRIBED BY THE BOARD OF DIRECTORS OF THE DISTRICT; APPROVING THAT CERTAIN “SEWAGE TREATMENT AND DISPOSAL AGREEMENT (SERVICE CONTRACT) WITH THE METRO WASTEWATER RECLAMATION DISTRICT”: AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY; AND SETTING FORTH OTHER DETAILS RELATED THERETO. Motion passed with 5 ‘yes’ votes and 1 ‘no’ vote by Shannon Rhoda.

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ACTION MEMORANDUM

AM 2021-145 Adopt Ordinance to Accept Public Right of Way From McIntosh Farm CO LLLP for 250 Feet of the Northern Portion of County Road 16

To accept the dedication of a 42.5-foot wide public Right of Way located north of the centerline of County Road 16 approximately 250-feet along the frontage of the McIntosh special use permit site plan, in the Southwest ¼ of Section 29, Township 2 North, Range 66W from McIntosh Farm CO LLLP.

The Heavy Repair Shops Site Plan was required to dedicate Right of Way along County Road 16 as part of the planning process (Road 16 Annexation) approved with Resolution No. 2013R008 on March 11, 2013.

County Road 16 is designated as a Collector in the City's Transportation Plan with a future Right of Way of 85-feet required.

This dedication includes property from section line (southern property line) to 42.55-feet north for Right of Way dedication.

Roy Vestal, Public Works Director, provided a presentation on the Ordinance to accept the public right of way from McIntosh Farm CO LLLP.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to approve Ordinance 2021-1129 AN ORDINANCE OF THE CITY COUNCIL ACCEPTING THE MCINTOSH FARM CO LLLP PUBLIC RIGHT OF WAY DEDICATION FOR COUNTY ROAD 16. Motion passed unanimously on a roll call vote.

AM 2021-146 Ratifying The Mayor's Signature for Contract Agreement with CDOT for State Highway Maintenance

To ratify the Mayor's signature on the contract with CDOT for maintenance services on Hwy 52 and US 85B.

The State has the responsibility to maintain state highways and contracts with local agencies for assistance to maintain the roadways within the jurisdiction. The annual payment by the state to the city will be \$13,543.00 (\$725.00 / lane mile). City Limits are currently from CR 21 to CR 35 along Hwy 52.

Contracted maintenance functions include:

- Pavement patching / minor repairs,
- Crack sealing pavements
- Base stabilization and repair,
- Fence cleaning and maintenance,
- Sign post installation, maintenance and replacement,
- Delineator, reference post installation, maintenance and replacement,

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Guard rail maintenance, installation and replacement,
Bridge / Structure painting,
Snow removal and traction application.

City public works is capable of performing these maintenance activities and has done so in the past. The contract agreement period is for 4.75-years.

Roy Vestal, Public Works Director, provided a presentation for the contract agreement with CDOT for state highway maintenance.

It was moved by Bruce Fitzgerald and seconded by Michael Sanchez to approve the ratification of the Mayor's Signature on the contract agreement with CDOT for State Highway Maintenance. Motion passed unanimously on a roll call vote.

AM 2021-148 Award Contract to Imperial Custom Concrete for not to Exceed \$506,000.00 for 2021 – Repairs, Trail and Parking Lot Projected From Street Sales Tax Fund and General Fund

Approve Contract Agreement with Imperial Custom Concrete for 2021 - Repairs, Trail and Parking Lot Project for not to exceed \$506,000.00 from Street Sales Tax Fund and General Fund.

Bid documents were advertised from August 6, 2021 with bid opening on September 3, 2021. Three bids were received with Imperial Custom Concrete providing the lowest responsible bid as shown in the attached Bid Tabulation.

Imperial Custom Concrete is a highly respected contractor in Front Range communities with several local municipalities' projects in the area. City staff has a verified company history and references of this contractor, and they have done an excellent job with the construction work.

Budgeted	Awarded	
City Hall Reconfiguration	\$300,000	\$ 31,000
Concrete Repairs	\$ 50,000	\$ 50,000.
Asphalt Repairs/Crack Sealing	\$120,000	\$ 75,000
Recreation Center Trail	\$100,000	\$244,000
Recreation Center Parking Lot	<u>\$250,000</u>	<u>\$105,025</u>
Total Funds available in 2021	\$520,000	\$506,000

Intent of the contract as advertised is to Change Order additional repair work in the 2022 budget year.

Anticipated project start October 1 with completion in 225 Calendar Days.

Roy Vestal, Public Works Director, provided a presentation on the contract with Imperial Custom Concrete for repairs, trail, and parking lot.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to approve awarding the contract agreement to Imperial Custom Concrete for not to Exceed \$506,000.00 for 2021 –

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Repairs, Trail and Parking Lot Project from Street Sales Tax and General Fund. Motion passed unanimously on a roll call vote.

STAFF

Leann Perino, Finance Director, reported that the auditors will be coming into the next Council meeting to present the 2020 audit.

Roy Vestal, Public Works Director, provided an update on 6th Street. He stated that there is a commitment for the pavers to supply on Friday.

MAYOR/COUNCIL REPORTS

There were no reports from the Mayor or Council.

FUTURE CITY EVENTS

September 10-11, 2021	Trapper Days, Downtown Fort Lupton
September 14, 2021	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
September 21, 2021	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
September 23, 2021	Senior and Disabled Citizen Fall Clean Up
September 28, 2021	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
October 5, 2021	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.

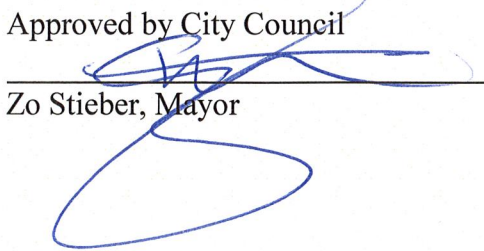
ADJOURNMENT

Mayor Stieber adjourned the meeting at 7:58 p.m.

Submitted by,


Maricela Peña, City Clerk

Approved by City Council


Zo Stieber, Mayor

