

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
July 7, 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, July 7, 2020. Due to the COVID-19 virus, the meeting was held with remote access provided through GoToMeetings. 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 Council Members Shannon Rhoda, David Crespin, Tommy Holton, Michael Sanchez, and Bruce Fitzgerald.

Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, City Attorney, Andy Ausmus, Planning Director, Todd Hodges, Planner, Maria Lancto, Public Works Director, Roy Vestal and Chief John Fryar.

The following staff participated by electronic communication (GoToMeeting): Assistant City Administrator, Glenda Arextuloeta and Finance Director Leann Perino.

Mayor Stieber read the Connected Meeting general advisement to all.

PERSONS TO ADDRESS COUNCIL

Mr. Raul Martinez, participating by electronic communication, indicated that he would like to speak on the agenda item concerning the 2020 Asphalt Repairs Project. Mayor Stieber indicated that Mr. Martinez would have the opportunity to speak on the item as it becomes available.

Chief John Fryar presented several police officers with commendations and promotions including Sergeant Hempel being promoted to Lieutenant, and promotions to two Master Officers Grossman and Carnes. Chief Fryar also presented letters of commendation and lifesaving awards to Officers Walker and Goddard for performing CPR on a citizen. The citizen lived due to the quick actions of the officers. Officer Gallegos was also presented for her outstanding efforts and commitment in supporting her fellow Officers.

APPROVAL OF AGENDA

It was moved by Tommy Holton and seconded by Bruce Fitzgerald to approve the removal of item 'b' under Action Memorandum, AM 2020-124 Reject Bid from Dream Builders for 2020 Asphalt Repairs. Motion passed unanimously on roll call vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the July 7, 2020 payables; there were no questions or comments from the Mayor or Council.

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CONSENT AGENDA

It was moved by Michael Sanchez and seconded by Tommy Holton to approve the Consent Agenda the following items: 06162020 City Council Meeting Minutes, Second Reading Ordinance 2020-1089 AN ORDINANCE AMENDING SPECIFIC PROVISIONS OF THE FORT LUPTON MUNICIPAL CODE FOR CHAPTER 6, ARTICLE I, SECTION 6-20, RETAIL MOBILE FOOD VENDING, Second Reading Ordinance 2020-1091 AN ORDINANCE ACCEPTING THE CITY OF FORT LUPTON PUBLIC RIGHT OF WAY DEDICATION FOR ROLLIE AVENUE, Second Reading Ordinance 2020-1092 AN ORDINANCE DELETING IN ITS ENTIRETY CHAPTER, 6, BUSINESS LICENSES AND REGULATIONS, ARTICLE VI MISCELLANEOUS LICENSES, SECTION 6-163 GARAGE SALES PERMITTED AND SECTION 6-164, GARAGE SALES PERMIT REQUIRED OF THE, FORT LUPTON MUNICIPAL CODE, Second Reading 2020-1093 ADOPTING AN ORDINANCE REZONING LAND LEGALLY DESCRIBED IN EXHIBIT A, AND KNOWN AS THE THUNDER VALLEY REZONING TO THE PUD PLANNED UNIT DEVELOPMENT ZONE DISTRICT, Authorize the Purchase of Topaz Signature Pads from Tyler Technologies for an Amount not to Exceed \$7,000 (COVID19) (AM 2020-118), Adopting Ordinance 2020-1094 AN ORDINANCE TO ACCEPT PUBLIC RIGHT OF WAY FROM JACQUELINE WADE FOR 331.90 FEET OF THE SOUTHERN PORTION OF COUNTY ROAD 24 (AM 2020-123), Adopting Ordinance 2020-1095 AN ORDINANCE TO ACCEPT PUBLIC RIGHT OF WAY FROM MELECIO AND MARGARET CHAVEZ FOR 309.73 FEET OF THE SOUTHERN PORTION OF COUNTY ROAD 10 (AM 2020-122), Authorize the City Administrator to Sign an Agreement with Integral Recoveries to Provide Collection Services for the Fort Lupton Municipal Court (AM 2020-119), Approve Southern Water Supply Pipeline (SWSP) Consent Agreement (AM 2020-121), and Approving Payment to Invoice Office Furniture EZ for Reconfiguration of the Administration Cubicle and Reception Areas for an Amount not to Exceed \$9,883.69 Allocated from the General Fund (COVID19) (AM 2020-120). Motion passed unanimously on roll call vote.

PUBLIC HEARINGS

AM 2020-128 Approve a Resolution for an Application for a Special Use Permit for a Produced Water Pipeline, Known as the Pioneer Water Pipeline LLC Special Use Permit

Mayor Stieber opened the public hearing at 7:24 p.m. and asked for a description of the proposal. City Planner, Maria Lancto, stated that the applicant, Pioneer Water Pipeline LLC has submitted a request for a special use permit for a produced water pipeline. The proposed pipeline will transport water from holding tanks at various well sites in both Adams County and Weld County, crossing through multiple municipalities including the City of Fort Lupton, the City of Brighton, and the City of Thornton. Two parcels within the City of Fort Lupton are effected, as well as County Road 14 right of way. The pipeline will run through areas that are within the 'I-1' Light Industrial Zone District and the 'A' Agricultural Zone District. In determining to run the application as a special use permit, staff relied on Section 6-7 of the Municipal Code, which states that "the list of permitted uses in each zone district is exclusive, meaning that uses not

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specifically described are not permitted, but similar uses and compatible uses, may be permitted as special uses.” Pipelines are not specifically listed as a use in the ‘I-1’ or ‘A’ Zone Districts, however public utility facilities are listed as a use permitted subject to a special use permit. Even though the pipeline is not a public utility facility, staff has determined that this use is similar to public utility facilities and therefore requires a special use permit. A special use review requires a public hearing before Planning Commission and City Council. The presentation a layout of the pipeline crossing 2 parcels within the City. The parcel numbers are and a portion of County Road 14

Ryder Reddick, a Planner with Tetra Tech and representing Pioneer Pipeline, and Spence McCallie, VP of engineering for Pioneer Water were present before Council. Mr. Reddick provided the City Council with a presentation which included a description of the services provided by Pioneer Water Pipeline and a map of the parcels being included within the pipeline project.

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 7:36 p.m.

It was moved by Michael Sanchez and seconded by Tommy Holton to approve Resolution 2020R057 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING A SPECIAL USE PERMIT FOR A PRODUCED WATER PIPELINE, KNOWN AS THE PIONEER WATER PIPELINE LLC SPECIAL USE PERMIT. Motion passed unanimously on roll call vote.

ACTION AGENDA

AM 2020-129 Approve a Resolution Accepting an Annexation Petition for the Smith Annexation Submitted by Richard Allen Smith and Deborah L Smith and to Set a Public Hearing Date to September 1, 2020

Richard Allen Smith and Deborah L Smith, the applicants, have submitted an annexation petition to initiate annexation proceedings for one parcel of land. The parcel is located north and adjacent to County Road 24 right of way and approximately 0.72 miles east of County Road 19. This proposed annexation, known as the Smith Annexation, consists of a total of 1.21 acres more or less. The resolution is to accept the annexation petition and initiate the two-month review process that involves staff, referral agencies, Planning Commission and City Council. Approval of the resolution simply means that there is an interest in considering the annexation, with the final decision to be made by City Council at a public hearing on September 1, 2020. The application includes an initial zoning request to Agriculture.

It was moved by Tommy Holton and seconded by Bruce Fitzgerald to approve Resolution 2020R058 A RESOLUTION INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE SMITH ANNEXATION AND SETTING THE PUBLIC HEARING FOR SEPTEMBER 1, 2020. Motion passed unanimously on roll call vote.

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AM 2020-125 Award Contract to Colorado Paving, Inc. for \$40,000.00 Allocated from Public Works - Street Sales Tax Fund

Bid documents were advertised from June 5, 2020 with bid opening on June 26, 2020. Six bids were received with Colorado Paving, Inc. providing the responsible bid as shown in the attached Bid Tabulation. Colorado Paving, Inc. is a new company formed in October 2019. The team is composed of experienced construction personnel. The company is family owned and operated. The City contracted with Colorado Paving this past spring for the 2019 Streets projects. City staff has a very high opinion of this contractor, the company has done an excellent job with the construction work. The anticipated project start mid-July with patching services through November 2020.

Raul Martinez, Project Manager with Dream Builders, stated that that Dream Builders was the lowest bidder for the project however; the contract wasn't awarded to them due to inaccurate information received about the business.

Nor further discussion occurred.

It was moved by Bruce Fitzgerald and seconded by Shannon Rhoda to award the contract to Colorado Paving Inc., for \$40,000 allocated from Public Works – Street Sales Tax Fund. Motion passed unanimously on roll call vote.

AM 2020-126 Approval of Return of Security Payment to Brannon Sand and Gravel Company, LLC for County Road 8 Improvements

The Subdivision Improvements Agreement, "SIA", for Thomas Minor Subdivision Plat was approved by City Council on November 21, 2016, which provided for coordination in County Road 8 roadway improvements.

The Improvements included a deceleration lane into the Thomas Minor Subdivision access drive for Brannon's pit development. The intent was to coordinate with the Transwest development across County Road 8 so all improvements would occur at the same time. The decel lane construction was delayed due to undergrounding of overhead power lines in the way required by United Power. Estimated cost of improvements secured for this agreement was \$61,890.62. The City received \$61,890.62 from Brannon Sand and Gravel as security for the improvements to comply with the SIA for building permit application.

Brannon has completed and received initial acceptance of the County Road 8 improvements. Section 3.0 of the agreement was supposed to include "In the event that Developer has made a Cash Contribution and/or supplemental surety amount to guarantee implementation of the Improvements, all such funds shall be held by the City as a fiduciary until Improvements have been constructed or performance has been assigned or otherwise legally delegated to a third party or the City. If Developer performs the Improvements, all such moneys are refundable to

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Developer upon acceptance of Improvements by the City in accordance with this Agreement, such acceptance not to be unreasonably withheld.”

It was moved by Tommy Holton and seconded by Michael Sanchez to approve the return of security payment to Brannon Sand and Gravel Company, LLC for County Road 8 Improvements. Motion passed unanimously on roll call vote.

AM 2020-127 Approve Change Order Number 2 to Colorado Paving, Inc., for Not to Exceed \$53,254.54 From Street Sales Tax Fund

Colorado Paving, Inc. was awarded 2 street reconstruction projects (7th Street and Greenwood Court) on March 17, 2020 for \$370,000.00.

Change Order #1 covered Broadway Avenue from 9th Street south to the alley between 8th Street and 7th Street.

The Change Order amount resulted from an unexpected utility conflict with the new storm sewer line. The existing water main in McKinley required lowering to allow the new storm sewer to be installed. Water main lowering cost was \$14,360. Additional plan changes unforeseen during design included expanding area of asphalt replacement, accommodating adjacent property owners for grade changes to the streets and having to rework the subgrade in Greenwood Court due to moisture and stability issues. Total cost of additions is \$53,254.54.

It was moved by David Crespin and seconded by Tommy Holton to approve Change Order Number 2 to Colorado Paving Inc. for an amount not to exceed \$53,254.54 from Street Sales Tax Fund. Motion passed unanimously on roll call vote.

AM 2020-130 Approve Payment to Colorado Department of Public Health and Environment (CDPH&E) Invoice for Waste Water Treatment Plant (WWTP) Site Location Application Fee of \$14,396.00

CDPH&E has invoiced the City for Site Location Application and Design Review in association with the current redesign of the City’s WWTP.

\$22,658.00 for Site Location Application Inv # WUSA201097863

\$14,396.00 for Design Review Inv # WUDR201097864

The Guidance Document for the “Site Location and Design Approval Regulations for Domestic Wastewater Treatment Works” (5CCR 1002-22), The Colorado Water Quality Control Act establishes the statutory framework for Regulation No. 22 by requiring site location and design approval with the Division. The Division is authorized to assess fees for the review of wastewater site applications and wastewater design reviews in accordance with the provision of Section 25-8-702 of the Water Quality Control Act. The fees for site application and design reviews are set by statute and are based upon the type of project and associated, proposed hydraulic capacity. Because fees are set by statute, the Division cannot waive fees for site

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location or design review work that is required and performed in accordance with the statute and Regulation 22.

CDPHE will not place the site application for the WWTF expansion project in their queue for review until they receive the fee payment from the City. They do not have a deadline to do this; their review will not begin, however, until after the fee is paid.

The Process Design Report will be submitted by Burns McDonnell the week of July 6, 2020. CDPHE will not begin the review until the fee is paid.

It was moved by Tommy Holton and seconded by David Crespino to approve payment to Colorado Department of Public Health and Environment on an invoice for Waster Water Treatment Plant Site location application fee of \$14,396.00. Motion passed unanimously on roll call vote.

INFORMATION MEMORANDUM

IM 2020-001 Approval of Engineering Work Order with Jacobs

The 2019 agreement with Jacobs for plant operations included a provision of on-call engineering services to provide consultation, planning and design assistance to the City for various Projects at the Water Treatment Plan, Wastewater Treatment Plant, Collection System, Distribution System and related facilities. Public Works/Engineering would like to make use of this provision to assist with various specialty engineering decisions.

IM 2020-002 City Project for Consultant Claud Hanes to Proceed on Tied to a Grant Award From 2016

In 2020 Council approved funding for consultant work from Claud Hanes on special projects as needed from the City. An outstanding grant award from the Colorado Department of Parks and Wildlife intended for a shooting sports complex is a special project that Claud Hanes has the expertise to advise the City on. Mr. Hanes will be taking the lead on viability and additional funding options necessary to proceed with a possible shooting sports complex concept.

STAFF

There were no reports from staff.

MAYOR/COUNCIL REPORTS

There were no reports from the Mayor or Council.

FUTURE CITY EVENTS

July 10-11th Citywide Yard Sales

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July 14th Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.

July 21st City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.

July 28th Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.

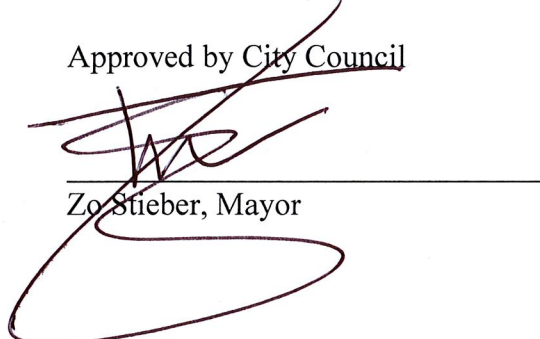
ADJOURNMENT

Mayor Stieber adjourned the meeting at 8:03 p.m.

Respectfully Submitted,


Maricela Peña, City Clerk

Approved by City Council


Zo Stieber, Mayor

