

City of Fort Lupton

REGULAR MEETING AGENDA

Tuesday, October 5, 2021

7:00 PM

130 South McKinley Avenue

Zo Stieber, Mayor

Shannon Rhoda, Ward 1

Chris Ceretto, Ward 2

Mike Sanchez, Ward 3

David Crespín, 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

a. Jacobs Presentation

Approval of Agenda

Review of Accounts Payables

a. October 5, 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. September 21, 2021 City Council Meeting Minutes

b. Second Reading Ordinance 2021-1127 An Ordinance of the City Council of the City of Fort Lupton and Enacting a New Article XII of Chapter 6 of the Fort Lupton Municipal Code Regarding the Regulations and Licensing of Regulated Marijuana

c. Second Reading Ordinance 2021-1128 An Ordinance of the City of Fort Lupton Acting By and Through the Utility Enterprise Board, Declares 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

- d. Second Reading Ordinance 2021-1129 An Ordinance of the City Council of Fort Lupton Accepting the McIntosh Farm CO LLLP Public Right of Way Dedication for County Road 16

Public Hearings - Public Hearings allow members of the audience to present comments and questions to the City Council on the item being presented. Comments and questions may be limited to three (3) minutes- Mayor Stieber

- a. Withdrawal of the Been RV Park Special Use Permit
- b. AM 2021-159 Motion to Show Cause Hearing for Determination by the City Council Acting as the Local Licensing Authority on the Renewal Liquor License for Silvermoon LLC DBA Silvermoon Bar and Cafe Located at 334 Main Street

Action Memorandum

- a. AM 2021-157 Approve Change Order Number 3 to Colorado Paving Inc Contract Agreement for Kahil Repaving Project for an Amount not to Exceed \$124,368.10 From Street Sales Tax Fund
- b. AM 2021-158 Adopt an Ordinance to Set a Public Hearing Date for November 2, 2021 for the Purposes of Amending Chapter 18 Building Regulations of the Fort Lupton Municipal Code and Adopting by Reference the 2018 International Building and Fire Codes
- c. AM 2021-160 Approve a Resolution Nominating up to two Individuals or Organizations That are Officially Sanctioned by a General Purpose Local Government to do Work on Behalf of That Authority for the Small Town America Civic Volunteer Award (STACVA) Presented by CivicPlus

Information Memorandum

- a. IM 2021-004 Presentation of the 2022 Financial Plan and Six Year Capital Improvement Program

Staff Reports

Mayor/Council Reports

Future City Events

- a. Upcoming Events

Executive Session "To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e)." Infrastructure

Adjourn

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
October 5, 2021**

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 5, 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 Shannon Rhoda, Chris Ceretto, David Crespin, Tommy Holton, Michael Sanchez, and Bruce Fitzgerald.

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

PERSONS TO ADDRESS COUNCIL

Jon Mays, Operator for the wastewater treatment plant, presented the City with funds from the Jacobs Golf Tournament. The amount presented to both the Fort Lupton Recreation Youth Sports and Boys and Girls Club of Weld County, Fort Lupton was \$3,370.95.

APPROVAL OF AGENDA

Staff asked that items 'b' and 'c' from Consent Agenda, Second Reading of Ordinances 2021-1127 and 2021-1128 be moved to the end of Action Memorandum for further discussion. It was moved by Tommy Holton and seconded by Chris Ceretto to approve the Agenda as amended. Motion passed unanimously on roll call vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the October 5, 2021, payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

It was moved by David Crespin and seconded by Bruce Fitzgerald to approve the Agenda as presented with the following items: September 21, 2021 City Council Meeting Minutes and Second Reading Ordinance 2021-1129 An Ordinance of the City Council of Fort Lupton Accepting the McIntosh Farm CO LLLP Public Right of Way Dedication for County Road 16 Motion passed unanimously on roll call vote.

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PUBLIC HEARING

Withdrawal of the Been RV Park Special Use Permit

The Planning Director, Todd Hodges, stated that the applicant for the Been RV Special Use Permit has withdrawn the case. Since the matter was withdrawn, there was no public hearing.

AM 2021-159 Motion to Show Cause Hearing for Determination by the City Council Acting as the Local Licensing Authority on the Renewal Liquor License for Silvermoon LLC DBA Silvermoon Bar and Cafe Located at 334 Main Street

The City Attorney, Andy Ausmus stated, that the matter was continued for show-cause hearing to today. The matter was discussed with the owner Jason Cardenas, and a stipulation agreement has been reached. The agreement states that the Licensee acknowledges that the Authority issued a Notice to Show Cause seeking determination of renewal of the Tavern License for Silvermoon, LLC d/b/a Silvermoon Bar. The Licensee stipulates that the allegations contained in the Notice to Show Cause and the Colorado Department of Revenue letter dated June 28, 2021, are factual. The Licensee understands that it has the right to a due process hearing. In lieu of further hearing or proceedings, Licensee agrees to accept the following as conditions for approval of the renewal of its Tavern License: (1) The Licensee shall have all employees who serve alcohol at the licensed premises complete an approved alcohol server's training course within 60 days of entry of this Stipulation and provide proof thereof; (2) Upon reasonable request, Licensee shall provide the State and or City officials access to, inspection of and or copies of Licensee's books, receipts, invoices for the business; (3) Licensee shall provide sandwich type food during hours of operation; (4) The Licensee's local liquor license needs to be posted at the business at all times; and (5) Licensee shall remain in compliance with local liquor laws and the Colorado Liquor Code and Regulations. The Authority agrees that no sanction shall be imposed against the Licensee and Licensee's license shall be renewed subject to the conditions stated above.

Mr. Ausmus stated that if the City Council accepts the stipulation agreement, no hearing is required.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to approve the renewal liquor license for Silvermoon LLC dba Silvermoon Bar and Café at 334 Main Street with the stipulation agreement. Motion passed on roll call vote with Tommy Holton abstaining.

ACTION MEMORANDUM

AM 2021-157 Approve Change Order Number 3 to Colorado Paving Inc Contract Agreement for Kahil Repaving Project for an Amount not to Exceed \$124,368.10 From Street Sales Tax Fund

Council approved the engineering services agreement with Colorado Paving, Inc. with AM 2021-037 On March 2, 2021 for repaving Kahil Street, Fulton Ave and Kahil Pl.

Change Order #1 provided an additional \$20,000 to repair the driveway 615 S Grand Avenue.

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Change Order #2 added \$194,872.25 to complete the 6th Street Project.

This change order is to correct quantities missed during the design process, add incidental items that were required to appease the residents in the area and add quantities for overruns from unforeseeable conditions.

Original contract agreement is not to exceed \$844,492.20. This change order will increase the construction contract to \$1,242,778.80. The Kahil reconstruction Project cost of construction was \$1,047,906.55. Street Sales Tax Fund = \$124,368.10.

It was moved by Tommy Holton and seconded by Chris Ceretto to approve Change Order Number 3 to Colorado Paving Inc., contract agreement for Kahil Repaving Project for an amount not to exceed \$124,368.10 from the Street Sales Tax Fund with the stipulation that final payment not be issued until the project is completed and signed off. Motion passed unanimously on roll call vote.

AM 2021-158 Adopt an Ordinance to Set a Public Hearing Date for November 2, 2021 for the Purposes of Amending Chapter 18 Building Regulations of the Fort Lupton Municipal Code and Adopting by Reference the 2018 International Building and Fire Codes

Staff is recommending adoption of the 2018 International Building and Fire Codes to replace the existing 2012 Codes. The resolution is to initiate the public notice period as required by C.R.S. 31-16-206. Approval of the ordinance does not constitute approval of the proposed changes to Chapter 18 of the Fort Lupton Municipal Code (FLMC). Approval of the ordinance simply means that there is an interest in considering the 2018 International Building and Fire Codes, with the final decision to be made by City Council at a public hearing on November 2, 2021.

It was moved by Tommy Holton and seconded by Chris Ceretto to adopt Ordinance 2021-1130 AN ORDINANCE SETTING THE PUBLIC HEARING FOR NOVEMBER 2, 2021 FOR THE PURPOSES OF AMENDING CHAPTER 18 BUILDING REGULATIONS OF THE FORT LUPTON MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2018 INTERNATIONAL BUILDING AND FIRE CODES. Motion passed unanimously on roll call vote.

AM 2021-160 Approve a Resolution Nominating up to two Individuals or Organizations That are Officially Sanctioned by a General Purpose Local Government to do Work on Behalf of That Authority for the Small Town America Civic Volunteer Award (STACVA) Presented by CivicPlus

CivicPlus is offering an opportunity to award public service volunteers in localities with populations under 25,000 people, as nominated by any elected or administrative official from an eligible locality, with the approval of the chief elected official. CivicPlus will provide a cash award of \$20,000 to the national STACVA winner, \$10,000 to the first runner-up, and \$5,000 to the second runner-up. Each locality can nominate up to two individuals or organizations, but each nomination requires a separate submission.

The City Council nominated the Senior Citizen Committee and the Cemetery Committee for the

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award on two separate motions.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to approve Resolution 2021R054 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON NOMINATING THE SENIOR CITIZEN COMMITTEE FOR THE SMALL TOWN AMERICA CIVIC VOLUNTEER AWARD (STACVA) PRESENTED BY CIVICPLUS. Motion passed unanimously on voice vote.

It was moved by Chris Ceretto and seconded by Tommy Holton to approve Resolution 2021R055 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON NOMINATING THE CEMETERY CITIZEN COMMITTEE FOR THE SMALL TOWN AMERICA CIVIC VOLUNTEER AWARD (STACVA) PRESENTED BY CIVICPLUS. Motion passed unanimously on voice vote.

Second Reading Ordinance 2021-1127 an Ordinance of the City Council of the City of Fort Lupton and Enacting a New Article XII of Chapter 6 of the Fort Lupton Municipal Code Regarding the Regulations and Licensing of Regulated Marijuana

The second reading came before council. Staff noted that the Ordinance has two (2) typos, no other concerns were raised.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to approve the AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO 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 roll call vote.

Second Reading Ordinance 2021-1128 An Ordinance of the City of Fort Lupton Acting By and Through the Utility Enterprise Board, Declares 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

The City Council and staff discussed concerns regarding the cost estimates of the pipeline construction. Concerns were raised about the fully engineered amount. After paying Metro the 20 million, there is no way of getting it back. Once the agreement is signed, the City will proceed. This concern has been raised previously with Metro. Without a safety net there are too many unknowns. Estimated guess, on a percentage confidence, the percent estimate was 10-20% within margin of the estimated price. Burns and McDonnell will not have numbers until late November. Council stated that numbers are needed for consideration.

It was moved by Tommy Holton and seconded by Bruce Fitzgerald to table the second reading of the ORDINANCE 2021-1128 BY THE CITY COUNCIL ACTING BY AND THROUGH THE

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UTILITY ENTERPRISE BOARD matter to November 16, 2021. The motion failed with 3 ‘yes’ votes and 4 ‘no’ votes.

Since the first motion failed, it was moved by David Crespín and seconded by Michael Sanchez to approve the Second Reading of Ordinance 2021-1128 AN ORDINANCE OF THE CITY OF FORT LUPTON ACTING BY AND THROUGH THE UTILITY ENTERPRISE BOARD, DECLARES THAT THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE REQUIRE THE INCLUSION OF FORT LUPTON WITHIN THE METRO WASTEWATER RECLAMATION DISTRICT (DISTRICT). Motion passed with 5 ‘yes’ votes and 2 ‘no’ votes.

INFORMATION MEMORANDUM

IM 2021-004 Presentation of the 2022 Financial Plan and Six Year Capital Improvement Program

The 2022 Budget was presented on the October 5th meeting. The deadline is October 15th as defined in Colorado Revised Statutes. The budget will be reviewed and amended by council at 9:00 AM, October 16, 2021, 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
<https://www.fortluptonco.gov/203/Budget-Resources>

STAFF

The City Administrator indicated that the library is having their 100th birthday party on October 9th and the Boot Scott event will be held on October 16th at the Fort.

MAYOR/COUNCIL REPORTS

There were no reports from the Mayor or Council.

FUTURE CITY EVENTS

October 1-31, 2021	Scarecrow Contest
October 12, 2021	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
October 14, 2021	Apple Days, 203 S. Harrison Ave., 11:30 a.m.
October 19, 2021	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
October 26, 2021	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
October 30, 2021	Pumpkin Fest & Haunted Hay Ride
November 2, 2021	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.

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2021 Election

November 5-19, 2021

Art Show at the Library

EXECUTIVE SESSION

It was moved by Chris Ceretto and seconded by David Crespin to move into Executive Session "To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e)." Infrastructure. Motion passed unanimously on roll call vote.

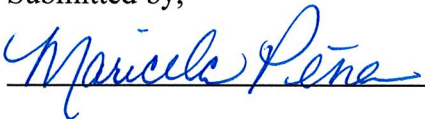
The following entered into the Executive Session at 7:47 p.m. Mayor Stieber, Councilmembers Bruce Fitzgerald, Chris Ceretto, Tommy Holton, and Michael Sanchez. Councilmember Shannon Rhoda participated by phone. Also, City Administrator Chris Cross, City Attorney, Andy Ausmus, Finance Director, Leann Perino, Public Works Director, Roy Vestal and Planning Director, Todd Hodges.

The executive session ended at 8:22 p.m.

ADJOURNMENT

The meeting adjourned at 8:23 p.m.

Submitted by,



Maricela Peña, City Clerk

Approved by City Council



Zo Stieber, Mayor

