CITY OF Fort Lupton EST 1836	**City of Fort Lupton** **City Council** **REGULAR MEETING AGENDA** Tuesday, November 3, 2020 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/3302585894167381776

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. 11032020 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. 10202020 City Council Meeting Minutes

b. 10172020 City Council Special Meeting Minutes

c. Second Reading Ordinance 2020-1101 An Ordinance of the City of Fort Lupton, County of Weld, State of Colorado, Authorizing the Real Estate Purchase Agreement of Real Property Owned by Highway 160 General Partnership LLLP and Declaring an Emergency

d. Second Reading Ordinance 2020-1102 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

e. AM 2020-182 Ratify the Appointment of Certain Nominees to the Board of Trustees of the High Plains Library District Board

f. AM 2020-183 Accepting an Intergovernmental Agreement Concerning Library Services Between High Plains Library District, the City of Fort Lupton and the Weld Re-8 School District

g. AM 2020-184 Approving the Purchase of Audio/Visual System to be Installed in the Council Chambers from Rushworks for an Amount not to Exceed $24,535.00 Allocated from the IT Department

h. AM 2020-185 Approve Amendment 1 to the Agreement for Operations, Maintenance and Management Services for Fort Lupton, Colorado (OMI Contract)

i. AM 2020-186 Purchase of HVAC Iconizers for Aid in Air Filtration and Cleaning Using Cares ACT Federal Coronavirus Relief Fund Money in the Amount of $54,370.00

j. AM 2020-187 Approve Changes for Employee Benefit Plans - Total Cost of $1,077,473.56 Per Year

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. AM 2020-181 Seeking Approval by the Fort Lupton City Council Acting as the Local Licensing Authority for a Joint Application Submitted by SGH Dhillon, Inc. and 7-Eleven, Inc. dba 7-Eleven Store 41243A for a Fermented Malt Beverage License at 1400 2nd Street

Action Memorandum

a. AM 2020-188 Approval of the Subdivision Improvements Agreement with Land 5 Investments, LLC for the Northland Filing 3, Phase 2, Final Plat

Information Memorandum

a. IM 2020-007 Transfer of Land from LG Everist, Inc. to the City of Fort Lupton

Staff Reports

Mayor/Council Reports

Future City Events

a. 11032020 Upcoming Events

Adjourn

City of Fort Lupton
City Council
Regular Meeting Agenda
7:00 PM
November 3, 2020

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
November 3, 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, November 3, 2020. 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, Councilmembers Shannon Rhoda, Chris Ceretto, Michael Sanchez and Tommy Holton. Councilmember David Crespin participated remotely through GoToWebinar.

Also present were City Administrator, Chris Cross, City Clerk, Mari Pena, City Attorney, Andy Ausmus, Chief John Fryar, HR Director, Laura Howe and Public Works Director, Roy Vestal.

Assistant City Administrator, Glenda Aretxuloeta, Finance Director, Leann Perino, and Planning Director, Todd Hodges participated remotely through GoToWebinar.

PERSONS TO ADDRESS COUNCIL

There was no one to address the Council.

APPROVAL OF AGENDA

It was moved by Tommy Holton and seconded by Chris Ceretto to approve the Agenda as presented. Motion passed unanimously on roll call vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the November 3, 2020 payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

It was moved by Chris Ceretto and seconded by Tommy Holton to approve the Consent Agenda as presented. The following items were part of the Consent Agenda: 10202020 City Council Meeting Minutes, 10172020 City Council Special Meeting Minutes, Second Reading Ordinance 2020-1101 AN ORDINANCE OF THE CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO, AUTHORIZING THE REAL ESTATE PURCHASE AGREEMENT OF REAL PROPERTY OWNED BY HIGHWAY 160 GENERAL PARTNERSHIP LLLP AND DECLARING AN EMERGENCY, Second Reading Ordinance 2020-1102 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, Ratify Resolution 2020R073 APPOINTING CERTAIN NOMINEES TO THE BOARD OF TRUSTEES OF THE HIGH PLAINS LIBRARY DISTRICT BOARD (AM 2020-182), Accepting an Intergovernmental Agreement Concerning Library Services Between High Plains Library District, the City of Fort Lupton and the Weld Re-8 School District (AM 2020-183), Approving the Purchase of Audio/Visual System to be Installed in the Council Chambers from Rushworks for an Amount not to Exceed $24,535.00 Allocated from the IT Department (AM 2020-184), Approve Amendment 1 to the Agreement for Operations, Maintenance and Management Services for Fort Lupton, Colorado (OMI Contract) (AM 2020-185), Purchase of HVAC Iconizers for Aid in Air Filtration and Cleaning Using Cares ACT Federal Coronavirus Relief Fund Money in the Amount of $54,370.00 (AM 2020-186), Approve Changes for Employee Benefit Plans - Total Cost of $1,077,473.56 Per Year (AM 2020-187). Motion passed unanimously on roll call vote.

PUBLIC HEARINGS

Mayor Stieber read the advisement regarding connected meetings prior to the start of the public hearing.

AM 2020-181 Seeking Approval by the Fort Lupton City Council Acting as the Local Licensing Authority for a Joint Application Submitted by SGH Dhillon, Inc. and 7- Eleven, Inc. dba 7-Eleven Store 41243A for a Fermented Malt Beverage License at 1400 2nd Street

Mayor Stieber read the following advisement to Mr. Kevin Coates, 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? Kevin Coates replied yes, to all questions.

Mayor Stieber opened the public hearing at 7:10 p.m. and asked for a brief description of the proposal. The City Clerk, Mari Pena, stated that Sukhbir Dhillon, President of SGH Dhillon, Inc., and 7-Eleven, Inc, dba 7-Eleven Store 41243A have submitted a joint application for a Fermented Malt Beverage (full strength beer) License at 1400 2nd Street. The application was received September 3, 2020 and deemed complete on September 18, 2020. At the October 6, 2020, City Council meeting, staff presented the City Council acting as the Local Licensing Authority with Resolution 2020R068, "Establishing the Neighborhood" as the City of Fort Lupton city limits. The resolution also set the Public Hearing for November 3, 2020. All public notification requirements including posting of the premises have been met. The deadline for the public to submit comments regarding this application was November 2, 2020. As of tonight, no comments were filed with the City Clerk regarding the application.

The application is under concurrent review which means that the Colorado Department of Revenue, Liquor Enforcement Division will review the application while it is under review with the City. An email received on October 8, 2020 from the Department of Revenue indicated that the application appeared to be in order, and awaiting approval from the City to finalize the application. All fees have been paid by the applicant.

Pursuant to CRS 44-3-301(12)(a.5)(1) New Fermented Malt Beverage off premises licenses shall not be located within 500 feet of a retail liquor store license. 7 Eleven Inc.'s premises was measured as "the crow flies" and is approximately 646' feet from Whipsaw Wine & Spirits at 1400 Dexter Street. The Statute also states that the applicant is to produce evidence supporting the "needs and desire" of the neighborhood (city limits). Liquor Licensing Professionals, LLC dba LiquorPros was hired by the applicant to obtain signatures from residents regarding the license. On October 23, 2020, LiqourPros, submitted a petition with results as followed:

Total door knocks:	222
Persons who signed the petition:	80
Persons who declined to sign the petition:	16
Ineligible contacts: (younger than 21; Nonresident; non-English speaking; not a business owner or manager)	16
No answer at the door knock:	109

The petition also contained a master map and several maps indicating the area canvassed.

The Local Liquor License Authority needs to consider the character, reputation or record of the applicant(s) prior to granting a liquor license. The City Council acting as the Local Liquor Licensing Authority shall consider the facts and evidence presented as well the reasonable requirements of the neighborhood for the Fermented Malt Beverage License, the desires of the adult inhabitants, the number, type and availability of alcohol beverage outlets located in or near the neighborhood, and any other pertinent matters affecting the qualifications of the applicants for the conduct of the type of business proposed.

The applicant's Attorney, Kevin M. Coates, with Dill and Dill Carr Stonbraker and Hutchings P.C. was in attendance via GoToWebinar as well as Sukhbir Dhillon, joint applicant and president of SGH Dhillon, Carol Johnson with LiquorPros and Rachel Berry, field consultant for 7-Eleven.

Mr. Coates explained that the application was for a joint license due to the franchisee/franchisor relationship between Sukhbir Dhillon and 7-Eleven Inc. Mr. Dhillon is sole owner of SGH Dhillon and currently owns 2 other stores in Frederick and Westminster. Rachel Berry, who is also present, is the field consultant and her priority is to make sure operations are conducted properly. Mr. Coates also explained the needs and desires petition survey that was completed by Carol Johnson with LiquorPros and the "come of age" training conducted to employees at 7-Eleven. Employees are not permitted to handle the cash register without the proper training for carding and spotting visually intoxicated persons. Training is done on an annual basis and the store itself conducts compliance operations.

Mayor Stieber asked if anyone from the public wished to speak for or against the proposal however there was no public.

Mayor Stieber read the following advisement to Mr. Coates: 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 and or Planning Commission tonight? Mr. Coates 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. Coates responded 'no'.

Mayor Stieber asked Councilmember David Crespin if he was able to see and hear the entire presentation. Mr. Crespin answered yes.

Mayor Stieber closed the public hearing at 7:22 p.m.

It was moved by Tommy Holton and seconded by Chris Ceretto to approve the joint application submitted by SGH Dhillon, Inc. and 7-Eleven, Inc., doing business as 7-Eleven Store 41243A for a Fermented Malt Beverage License at 1400 2nd Street. Motion passed unanimously on roll call vote.

Action Memorandum

AM 2020-188 Approval of the Subdivision Improvements Agreement with Land 5 Investments, LLC for the Northland Filing 3, Phase 2, Final Plat

This Subdivision Improvement Agreement was drafted for the Northland Filing No 3 - Phase 2 Final Plat and approved by City Council on March 17, 2020, which is located north of County Road 16, immediately south of County Road 18 along Northland Drive extended north.

Improvements are for the construction of water, sanitary sewer main extensions, roadway construction and storm drainage system improvements. Approximate cost of this agreement for construction is $1,137,360.00.

Resolution 2020R036, approved by Council on March 17, 2020 requires the applicant to enter into a Subdivision Improvements Agreement.

It was moved by Chris Ceretto and seconded by Michael Sanchez to approve Resolution 2020R074 approving the Subdivision Improvements Agreement with Land 5 Investments, LLC for the Northland Filing 3, Phase 2, Final Plat. Motion passed unanimously on roll call vote.

INFORMATION MEMORANDUM

AM 2020-188 Transfer of Land from LG Everist, Inc. to the City of Fort Lupton

Paragraphs 23 and 24 of the Annexation Agreement for the LG Everist Annexation call for the land dedication of Lot 3, Everist South Minor Subdivision (also known as "Willow Lake") to the City. Resolution 2013R018 also indicates that Lots 2 and 3 are to be legally transferred to the City per the annexation agreement. The current landowner, LG Everist, is now prepared to convey Lot 3 to the City by Warranty Deed. Lot 2 will be dedicated to the City in the future.

STAFF

An update was provided on the current ballot questions for the City and it appeared that all were passing.

MAYOR/COUNCIL REPORTS

There were no reports from the Mayor or Council.

FUTURE CITY EVENTS

November 7-14th	Field of Honor, Pearson Park
November 10th	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
November 11th	City Offices Closed in Observance of Veteran's Day
November 17th	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
November 24th	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
November 26-27th	City Offices Closed in Observance of the Thanksgiving Holiday

ADJOURNMENT

Mayor Stieber adjourned the meeting at 7:29 p.m.

Respectfully Submitted,

Maricela Peña

Maricela Peña, City Clerk

Approved by City Council

Zo Stieber, Mayor

CITY OF FORT LUPTON
SEAL
STATE OF COLORADO