

**RECORD OF PROCEEDINGS**  
**FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS**  
**April 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, March 17, 2020. Due to the City's Disaster Declaration of March 17, 2020 related to the COVID-19 virus, the meeting was held with virtual 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, Council Members, Shannon Rhoda, Chris Ceretto, David Crespino, Michael Sanchez and Bruce Fitzgerald. Councilmember Tommy Holton participated by phone.

Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, City Attorney, Andy Ausmus and Planning Director, Todd Hodges.

The following staff participated by electronic communication (GoToMeeting): Assistant City Administrator, Glenda Aretxuloeta, Public Works Director, Roy Vestal, Chief John Fryar, Finance Director, Leann Perino, Human Resources Director, Laura Howe, and Planner, Alyssa Knutson

**PERSONS TO ADDRESS COUNCIL**

There was no one from the public to address the Council.

**APPROVAL OF AGENDA**

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

**REVIEW OF ACCOUNTS PAYABLES**

Council reviewed the April 7, 2020 payables; there were no questions or comments.

**CONSENT AGENDA**

It was moved by Bruce Fitzgerald and seconded by Michael Sanchez to approve the Consent Agenda as presented with the following items: 03172020 City Council Meeting Minutes, Second Reading Ordinance 2020-1080 AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VII, SECTION 2-182 MEMBERSHIP, APPOINTMENT; TERMS, OF THE FORT LUPTON MUNICIPAL CODE, Second Reading Ordinance 2020-1081 AN ORDINANCE AMENDING CHAPTER 16, ARTICLE I, SECTION 16-11, BOARD OF ADJUSTMENT, OF THE FORT LUPTON MUNICIPAL CODE. Motion passed unanimously on roll call vote.

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**PUBLIC HEARINGS**

**Continuance Request For The Murata Farms Sketch PUD Plat**

Mayor Stieber opened the public hearing at 7:06 p.m.

The Planning Director, Todd Hodges, stated that staff is requesting an extension of the public hearing to April 21, 2020. The request will allow staff to establish a method and procedure for conducting public meeting virtually. All posting and notification requirements have been met.

Tommy Holton asked if the hearing could be continued to a date uncertain. The City Attorney stated that, if the hearing can't be held on the date or there is some type of interruption, then the new policy would allow for a continuance. If the connected meeting can't happen the applicant would get a new date. The new policy is coming before Council tonight.

Mayor Stieber asked if anyone from the public wished to speak for or against the continuance Hearing none, Mayor Stieber closed the public hearing at 7:10 p.m.

No further discussion occurred.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to approve the continuance request for the Murata Farms Sketch PUD Plat to April 21, 2020. Motion passed unanimously on roll call vote.

**Continuance Request For The Conner Family Trust - Fort Lupton Fire Protection District  
Minor Subdivision**

Mayor Stieber opened the public hearing at 7:10 p.m.

The Planning Director, Todd Hodges, stated that staff is requesting an extension of the public hearing to April 21, 2020. The request will allow staff to establish a method and procedure for conducting public meeting virtually.

Chief Phil Tiffany, representing the subdivision, explained that he had no concerns with the continuance.

Mayor Stieber asked if anyone from the public wished to speak for or against the continuance Hearing none, Mayor Stieber closed the public hearing at 7:12 p.m.

No further discussion occurred.

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It was moved by David Crespin and seconded by Bruce Fitzgerald to approve the continuance for the Conner Family Trust – Fort Lupton Fire Protection District Minor Subdivision to April 21, 2020. Motion passed unanimously on roll call vote.

**ACTION MEMORANDUM**

**AM 2020-071 Approving A Resolution Declaring The City Of Fort Lupton A 'Second Amendment Sanctuary City'**

Mayor Stieber stated that she spoke with Sherriff Reams and he was very supportive with the municipality becoming Second Amendment Sanctuary. The resolution reflects what the county is enforcing, and enforces that the police department can enforce the same actions as the county.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to approve Resolution 2020R037 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON DECLARING THE CITY OF FORT LUPTON A “SECOND AMENDMENT SANTUARY CITY” Motion passed on roll call vote with David Crespin voting ‘no’ to the motion.

**AM 2020-072 An Emergency Ordinance Enacting Section 2-34 Emergency Or Disaster Declared, Section 2-35 Electronic Meetings, Section 2-36 Emergency Meetings, Section 2-37 Effect On Existing Laws, Of The Fort Lupton Municipal Code And Declaring An Emergency**

The City currently doesn't have any ordinance for electronic communications during declared disaster emergencies. This Ordinance will establish guidelines to ensure that City business can be conducted and all residents can be represented by their elected officials during a declared emergency or disaster without endangering public health, including the health of the public, the City Council, and City staff and the community at large, while retaining a maximum of transparency, openness, and public participation consistent with the Code and the Colorado Open Meetings Law.

It was moved by Michael Sanchez and seconded by Bruce Fitzgerald to approve Ordinance 2020-1082 AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO ENACTING CHAPTER 2, ADMINISTRATION AND PERSONNEL, ARTICLE II MAYOR AND CITY COUNCIL, SECTION 2-34 EMERGENCY OR DISASTER DECLARED, SECTION 2-35 ELECTRONIC MEETINGS, SECTION 2-36 EMERGENCY MEETINGS, SECTION 2-37 EFFECT ON EXISTING LAWS OF THE FORT LUPTON MUNICIPAL CODE AND DECLARING AN EMERGENCY. Motion passed unanimously on roll call vote.

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**AM 2020-073 Establishing A Policy For City Council Meeting Special Procedures During Declared Emergencies**

The City currently doesn't have any policy regarding electronic meeting procedures during declared disaster emergencies. This Policy shall only be in effect upon a declaration of emergency or disaster pursuant to as set forth in the Fort Lupton Municipal Code and Colorado law.

The City Attorney, Andy Ausmus, stated that quasi-judicial is making decisions that impacts other people's rights, in the instance of the Planning Commission. A decision on quasi-judicial matters can't be made in electronic meetings. In the emergency declaration, during a connected meeting, you can do that. With the policy there is a waiver the that applicant consents to a connected meeting, if the applicant doesn't consent then the hearing is continued. We are allowing decision to be made during local emergencies. Once the emergency is rescinded, we can't make quasi-judicial decisions.

Mayor Stieber stated that if anyone joining electronically wished to speak they could unmute themselves. No one wished to speak.

The further discussion occurred.

It was moved by Chris Ceretto and seconded by Michael Sanchez to approve Resolution 2020R038 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON, APPROVING AND ADOPTING CITY COUNCIL MEETING SPECIAL PROCEDURES DURING DECLARED EMERGENCIES. Motion passed unanimously on roll call vote.

**AM 2020-074 Police Equipment Purchase/Installation For Four (4) Patrol Vehicles For A Total Of \$91,555.68 Allocated From The General Fund**

This AM is for the purchase and installation of police equipment by BEARCOM for four (4) police patrol vehicles totaling \$76,699.68 and \$14,856.00 to Tyler Technologies for four (4) E-ticket writers, printers and service agreement. This is a total of \$91,555.68.

It was moved by Bruce Fitzgerald and seconded by David Crespin to approve the purchase and installation of police equipment in four (4) patrol vehicles for an amount of \$91,555.68 allocated from the general fund. Motion passed with Shannon Rhoda voting 'no' to the motion.

**AM 2020-075 Approve Emergency Repairs To The Floating Pumps At The Perry Pit By Arvada Pump For An Amount Not To Exceed \$6,292.00 Allocated From The Utility Fund's Water Storage Department**

The Floating Pumps at the Perry Pit are out of Service. The connection between the large pump and the discharge piping has failed. Arvada Pump initially installed the Pumps and they are

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familiar with the pumps and the required repairs. They are a supplier of the replacement parts also. The small pump will be checked for operation while work is being done on the larger pump. The pumps are needed now as the Water Commissioner is requesting discharge from the reservoir. Staff discovered that the large pump had failed when trying to start the discharge. Temporary pumping has been set up by Jacobs staff to meet the Water Commissioners discharge requirements.

No further discussion occurred.

It was moved by Chris Ceretto and seconded by Michael Sanchez to approve emergency repairs to the floating pumps at the Perry Pit by Arvada Pump for an amount not to exceed \$6,292.00 allocated from the utility fund's water storage department. Motion passed unanimously on roll call vote.

**AM 2020-076 Award Contract To AJI Irrigation Inc. For An Amount Not To Exceed \$217,000 For Irrigation Booster Pumps Project From Water Sales Tax Fund**

Bid documents were advertised from January 10, 2020 with bid opening on February 21, 2020. One bid was received with from AJI Irrigation, Inc. AJI Irrigation, Inc., is a respected company within the irrigation field. The company provided references for projects in Thornton and Adams County.

The price was fairly presented and there is no equipment in the final price as negotiated with the contractor. The Filing No. 3 pump has to be operational for the beginning of the irrigation season this year. There is no additional time to rebid the project.

Anticipated project start end of April with the Filing No. 3 pump operational in May and completion in June, 2020.

<b>FUNDING</b>	<b>Costs</b>	<b>Budgeted</b>
<i>Irrigation Pumps Project</i>	<i>\$ 217,000.00</i>	<i>\$ 52,000.00</i>
<i>Well 26</i>		<i>\$ 250,000.00</i>
<i>Mustang Irrigation Line</i>	<i>\$ 84,035.00</i>	
<b>TOTAL FUNDS</b>	<b>\$ 301,035.00</b>	<b>\$ 302,000.00</b>

It was moved by David Crespin and seconded by Bruce Fitzgerald to award the contract to AJI Irrigation Inc. for an amount not to exceed \$217,000 for irrigation booster pumps project allocated from the water sales tax fund. Motion passed unanimously on roll call vote.

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**AM 2020-077 Reduced Staffing at City Facilities**

The Mayor has declared a Local Emergency for the City due to COVID 19. City Operations have changed in response to developing orders by federal government and the State of Colorado and further changes in staffing may be evaluated as emergency circumstances develop. Per the Fort Lupton Municipal Code Section 2-57 (b), the City Administrator is charged with general administration of the City and specifically to perform the functions and exercise the authority set forth in the personnel rules of the City. Per section 903 of the Employee Handbook, the City Administrator and Human Resources, in collaboration with the Department Heads and with the approval of City Council, will determine the size and scope of the layoffs and reduction in force.

In response to the Governor of Colorado issuing Public Health Order 20-22 and 20-24, the City has closed the Public and School Library, the Recreation and Community Center and Coyote Creek Golf Course. The City has taken multiple actions to reduce costs including freezing pay, freezing most hiring, cutting back as many nonessential expenditures and evaluating capital expenditures for postponement.

The City has continued pay for employees based on their normally scheduled hours through today and proposes to continue this through Friday, April 17, 2020. The cost of staffing represents approximately 40% of the City's budget, so this area should be considered for cost reduction.

Effective Saturday, April 18, 2020, staff is proposing the following:

Furlough all part-time staff positions at the Recreation and Community Center and Coyote. Employees' final pay date would be April 24, 2020.

Classify eligible furloughed staff as 'Job Attached' for unemployment purposes. Furloughed staff would be eligible to file for unemployment but not be required to look for a job. They would also be required to be available to be called back to work. Please refer to the attachment.

Furloughed staff are permitted to look for other work, but are not required to, as is normally required by unemployment. Classifying furloughed staff as job attached does not nullify or impact the employee's at-will employment status or create any contractual obligations for the City to guarantee future employment. The City specifically reserves all rights under Colorado law to assert that its employees are at-will employment and by pursuing the plan referenced herein, the City is not intending in any way to waive any rights to change an employee's at will employment status or contractually provide any expectation of future employment.

Follow the model of the newly mandated Family and Medical Leave Act to continue to keep employees who are still working whole, namely

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Grant employees a bank of two weeks' of full pay to cover normally scheduled hours where in-person or telework is not available;

For time not worked in excess of two weeks' pay, pay employees at 2/3 of their normal rate.

This pay model for non-furloughed employees would be effective through Friday, May 15th. It would apply to full and part-time staff for all departments.

If federal, state and or local public health orders are rescinded, the City will have the option to call back employees as soon as practical, on an as needed basis.

In addition to the specific actions outlined above, staff is seeking approval for the City Administrator, in collaboration with the Human Resources Director and the Department Heads, to be authorized to take additional employment action if necessary as circumstances dictate. To be specific, if all parties agree that it is appropriate to place employees on a partial or full furlough due to the public health emergency and related circumstances, Council approves the City Administrator to make these decisions as necessary without additional formal action of the Council.

Staff also seeks approval for taking other actions beyond that described above, such as extending benefit eligibility for employees not actively at work. The City Administrator and Human Resources Director will provide official notification of any additional personnel actions taken to Council through an Information Memorandum. Staff will seek Council's approval for any long-term layoffs or reductions in force, significant employment actions or any action(s) that would require additional funds

No further discussion occurred.

It was moved by David Crespin and seconded by Michael Sanchez to approve the reduction in staffing at various departments. Motion passed unanimously on roll call vote.

**AM 2020-078 A Resolution Extending the Declaration of Local Disaster Emergency**

On March 10, 2020, the Governor of the State of Colorado recognized the COVID-19 pandemic and declared a state of emergency. The Mayor declared a local emergency on March 17, 2020, with an expiration date of April 16, 2020, unless extended or rescinded. The Mayor is authorized, pursuant to the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, et seq., (the "Act"), to extend the declaration of a local emergency. Pursuant to C.R.S. §24-33.5-709, the declaration activates the response and recovery aspects of any applicable disaster emergency plans and authorized the furnishing of aid and assistance under such plans. The emergency conditions caused by the COVID-19 pandemic, as defined by C.R.S. § 24-33.5-702, persist and require additional and sustained action by the City and therefore the Mayor is extending the declaration of the local disaster emergency.

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It was moved by Chris Ceretto and seconded by Michael Sanchez to approve RESOLUTION 2020R039 AN ORDER FO THE MAYOR OF THE CITY OF FORT LUPTON, COLORADO EXTENDING THE DECLARATION OF A LOCAL DISASTER EMERGENCY AND A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT LUPTON CONSENTING TO SUCH DECLARATION. Motion passed unanimously on roll call vote.

**STAFF REPORTS**

City Administrator, Chris Cross thanked everyone who joined the first virtual meetings. As the City continues doing virtual meetings, staff will continue to enhance remote options. He also indicated that the decisions taken tonight are not easy. He also thanked all first responders and Chief Phil Tiffany with the fire department.

Chief Phil Tiffany stated that the department has been doing pretty well. He indicated that the community helped provide the necessary supplies to much continued safety and health of all residents.

City Attorney Andy Ausmus stated that the policy for the Special Procedures during Emergency Declared extends Planning Commission and any other meetings. The resolution references City Council however it extends to Planning Commission. Mr. Ausmust asked the Council if there were any concerns with this. Council indicated there were no concerns.

Public Works Director, Roy Vestal, provided a brief update on City projects including, 7<sup>th</sup> Street construction of sidewalks and the Mustang Avenue irrigation line. Lastly, he stated that South McKinley Ave. will be closed in front of city hall for a water line repairs tomorrow morning.

**MAYOR/COUNCIL REPORTS**

Tommy Holton and Chris Cross had minor discussion on the use of the Fulton Ditch operations and usage of the augmentation ditch.

Mayor Stieber congratulated citizens for stepping up and getting things done. She also stated that Weld County's rating is per 100,000 is higher than most counties in the front range. As a community we need to pay attentions. She is very proud of the community.

**FUTURE CITY EVENTS**

April 4<sup>th</sup> Easter Egg Hunt, **Cancelled**  
Fort Lupton Recreation Center, 203 S. Harrison Ave.

April 13<sup>th</sup> Hillside Cemetery Clean Up, 13750 County Road 12 (all week)  
Mayor Stieber asked if any banners were placed at the cemetery.

April 14<sup>th</sup> Town Hall Meeting, 6:30 p.m. at 130 S. McKinley Ave.

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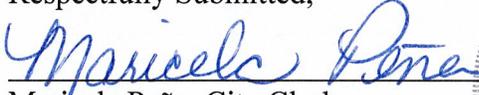
April 20 <sup>th</sup>	Shredding Day, 130 S. McKinley Ave. <b>Cancelled</b>
April 21 <sup>st</sup>	City Council Meeting, 7:00 p.m. at 130 S. McKinley Ave.
April 23 – 24 <sup>th</sup>	Clean-Up Day for Senior/Disabled Curbside Pick Up <b>Cancelled</b>
April 25 <sup>th</sup>	Clean-Up Day, Public Works Shop, 800 12 <sup>th</sup> St. <b>Cancelled</b>
April 25 <sup>th</sup>	Fort Lupton Annual Vaccination Clinic, <b>Cancelled</b> Fort Lupton Veterinary Hospital, 1025 1 <sup>st</sup> St.

Mayor Stieber asked if anyone that was participating electronically from the public wished to speak. There was no one.

**ADJOURNMENT**

It was moved by Chris Ceretto and seconded by David Crespin to adjourn the meeting at 7:46 p.m.

Respectfully Submitted,

  
\_\_\_\_\_  
Maricela Peña, City Clerk



Approved by City Council

  
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Zo Stieber, Mayor