

**City of Fort Lupton
City Council Agenda
Regular Meeting**

June 2, 2020

7:00 p.m.

130 South McKinley Avenue

Remote Meeting Instructions

To join the meeting from your computer, tablet or smartphone:

<https://global.gotomeeting.com/join/623516477>

To join the meeting by phone:

United States (Toll Free): 1 866 899 4679

United States: +1 (312) 757-3117

Access Code: 623-516-477

Additional Instructions for the Virtual Meeting can be found at the end of this Agenda.

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

06022020 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. 05192020 City Council Meeting Minutes
- b. Second Reading Ordinance 2020-1087 An Ordinance Annexing Land Legally Described In Exhibit "A" Known As The Morrison Annexation And Approving The Annexation Agreement
- c. Second Reading Ordinance 2020-1088 Initially Zoning Land Known As The Morrison Initial Zoning, Legally Described In Exhibit A, To The 'A' Agricultural Zone District
- d. AM 2020-105 Rejection Of Bids For The Koshio Park Renovation

Action Memorandum

- a. AM 2020-102 Approve Payment Back To Department Of Local Affairs (DOLA) For County Road 12 EIAF Grant Overpayment Of \$27,650.37
- b. AM 2020-103 Approval Of The Public Improvements Agreement With Fort Lupton Fire Protection District For The Fire Station #3 Site Plan
- c. AM 2020-104 Approval Of The Subdivision Improvements Agreement With Arbor Capital Partners LLC For The Cottonwood Green PUD
- d. AM 2020-106 Adopt An Ordinance Amending Specific Provisions Of The Fort Lupton Municipal Code For Retail Mobile Food Vending, Chapter 6, Article I, Section 6-20
- e. AM 2020-107 An Emergency Ordinance Of The City Council Of Fort Lupton Enacting, Chapter 2, Administration And Personnel Article II Mayor And City Council, Section 2-38 Connected Meetings, Of The Fort Lupton Municipal Code And Declaring An Emergency
- f. AM 2020-108 Approving A Resolution Establishing Connected Meeting Policy And Procedures

Staff Reports

Mayor/Council Reports

Executive Session

"To hold a conference with the City's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-405(4)(b)". Related to investigation into matters involving City business.

Future City Events

- a. 06022020 Upcoming Events

Adjourn

City Council Remote Meeting Instructions

NOTE: The meeting will be held at City Hall in the Council Chambers. You are welcome to attend either in person or remotely through GoToMeetings. For your safety and ours we will be enforcing social distancing protocols, including but not limited to, limiting the number of people allowed into Council Chambers at a time, encouraging the use of face masks, and requiring a six-foot separation. Additional instructions on meeting conduct will be provided prior to the start of the meeting.

When calling in, please be sure to mute your microphone on your computer, phone or tablet. City Staff and/or the Mayor will provide instructions on when and how comments can be made by the

public. Other instructions on meeting conduct will be provided at the start of the meeting.

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

Call: United States (Toll Free): 1 866 899 4679

- One-touch: tel:+18668994679,,623516477#

United States: +1 (312) 757-3117

- One-touch: [Tel:+13127573117,,623516477#](tel:+13127573117,623516477)

Access Code: 623-516-477

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://Global.Gotomeeting.Com/Install/623516477>

If you have already installed the app, click on the following link:

<https://Global.Gotomeeting.Com/Join/623516477>

Please read the entirety of the procedures listed below for your use.

Remote Participation: Options for Remote Participation

1. By Telephone: The Town Hall meeting is for the public to have open discussion with Council regarding any topic. Members of the public who wish to provide public comment on any item must call:

1 866-899-4679 or 1 (312) 757-3117, then there will be a prompt to enter the Access Code 623-516-477.

2. By Electronic Mail: Members of the public may also provide public comment or comment on a specific item by sending an email to mpena@fortluptonco.gov. The email must be received by 6:00 p.m. the day of the meeting. Your email will be read to the City Council.

3. In Person: To promote social distancing, the lobby at City Hall will have a tablet available to participate electronically if you would like to provide public comment. There will be seating spread six feet apart throughout the lobby while waiting for the opportunity to speak

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
June 2, 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, June 2, 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 Chris Ceretto, David Crespín, Michael Sanchez and Bruce Fitzgerald. Councilmember Tommy Holton participated by electronic communication (GoToMeeting).

Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, City Attorney, Andy Ausmus, and Public Works Director, Roy Vestal.

The following staff participated by electronic communication (GoToMeeting): Assistant City Administrator, Glenda Arextuloeta,

PERSONS TO ADDRESS COUNCIL

Jennifer Balliew, who lives in the Coyote Creek Subdivision, addressed the council via GoToMeeting. She stated that speeding is a big concern on her street due to her child being deaf/hard of hearing. She suggested a stop sign be placed to allow for drivers to be cautious.

Mayor Stieber stated that staff would take a look at the options and research the sign criteria and she would call Ms. Balliew the following day to discuss the concern in detail.

APPROVAL OF AGENDA

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

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the June 2, 2020 payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

It was moved by Michael Sanchez and seconded by David Crespín to approve the Consent Agenda the following items: 05192020 City Council Meeting Minutes, Second Reading Ordinance 2020-1087 AN ORDINANCE ANNEXING LAND LEGALLY DESCRIBED IN EXHIBIT "A" KNOWN AS THE MORRISON ANNEXATION AND APPROVING THE ANNEXATION AGREEMENT, Second Reading Ordinance 2020-1088 INITIALLY ZONING LAND KNOWN AS THE MORRISON INITIAL ZONING, LEGALLY DESCRIBED IN

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EXHIBIT A, TO THE 'A' AGRICULTURAL ZONE DISTRICT, Rejection Of Bids For The Koshio Park Renovation (AM 2020-105). Motion passed unanimously on roll call vote.

ACTION AGENDA

AM 2020-102 Approve Payment Back To Department Of Local Affairs (DOLA) For County Road 12 EIAF Grant Overpayment Of \$27,65037

The City executed the DOLA EIAF Grant award agreement February 4, 2019 for paving of CR 12. The grant award was for \$400,000.00 with matching funds of \$774,300.00. The total project estimate was \$1,174,300.00.

Monthly progress payment requests were submitted to DOLA throughout the project based on a percentage of project costs. At project closeout, it was brought to our attention that the grant agreement had changed from previous grants. The City is required to contribute a minimum amount of \$743,300.00. The project costs were under budget from the original estimate due to changes during project execution. Final cost of project is \$1,068,247.74 of which the City contribution was only \$695,235.34. Request for grant reimbursements up to Request #4 totaled \$321,598.11. With payment of retention to contractor, total City contribution is less than the required \$743,300.00.

FUNDING	Orig Budget	DOLA App Match	Final
	\$		
Anadarko	588,740.00	\$ 588,740.80	\$ 588,740.80
	\$		
City	185,560.00	\$ 157,908.83	\$ 185,559.20
	\$		
DOLA match	<u>400,000.00</u>	<u>\$ 321,598.11</u>	<u>\$ 293,947.74</u>
TOTAL			
FUNDS	\$1,174,300.00	\$1,068,247.74	\$1,068,247.74

The DOLA over payment to the City is \$27,650.37.

It was moved by Michael Sanchez and seconded by Bruce Fitzgerald to approve the payment back to Department of Local Affairs for County Road 12 EIAF Grant Overpayment of \$27,650.37. Motion passed with Zo Stieber voting 'no' to the motion.

AM 2020-103 Approval Of The Public Improvements Agreement With Fort Lupton Fire Protection District For The Fire Station #3 Site Plan

This Public Improvements Agreement was drafted for the Fire Station #3 site development by City Council on February 4, 2020, which is located at northeast corner of the intersection of County road 8 and South Rollie Avenue.

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Improvements are for the construction of east side improvements to South Rollie Avenue road sections adjacent to the development site. Approximate cost of this agreement for construction is \$171,000 which includes a 15% contingency.

Resolution 2020R025, approved by Council on February 4, 2020 requires the applicant to enter into a Public Improvements Agreement.

It was moved by Chris Ceretto and seconded by Michael Sanchez to approve Resolution 2020R49 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE FORT LUPTON FIRE PROTECTION DISTRICT PUBLIC IMPROVEMENTS AGREEMENT OF THE FIRE STATION #3. Motion passed unanimously on roll call vote.

AM 2020-104 Approval Of The Subdivision Improvements Agreement With Arbor Capital Partners LLC For The Cottonwood Green PUD

This Subdivision Improvement Agreement was drafted for the Cottonwood Greens PUD approved by City Council on May 19, 2020, which is located north of South 9th Street, west of County Road 31 and south of future 14th Street.

Improvements are for the construction of water, nonpotable water, sanitary sewer main extensions, roadway construction and storm drainage system improvements. Also included are north side improvements to 9th Street, west side improvements to County Road 31 and south half of 14th Street road sections adjacent to the subdivision. Approximate cost of this agreement for construction is \$20,339,115.00 which includes a 20% contingency.

Resolution 2020R048, approved by Council on May 19, 2020 requires the applicant to enter into a Subdivision Improvements Agreement.

It was moved by David Crespin and seconded by Bruce Fitzgerald to approve Resolution 2020R050 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE ARBOR CAPITAL PARTNERS, LLC SUBDIVISION IMPROVEMENT AGREEMENT OF THE COTTONWOOD GREENS PUD SUBDIVISION. Motion passed with Shannon Rhoda voting 'no' to the motion.

AM 2020-106 Adopt An Ordinance Amending Specific Provisions Of The Fort Lupton Municipal Code For Retail Mobile Food Vending, Chapter 6, Article I, Section 6-20

Currently, Fort Lupton Municipal Code *Section 6-20. Retail mobile food vending*, requires the City Clerk to collect a \$25.00 application fee for a mobile retail food vending application and complete background checks as described in *Section 6-9 Investigations*. As part of the Investigations, the owner of the business must be fingerprinted. Approving the Ordinance would require a Business License and remove the Investigations requirement.

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A Business License is required from anyone doing business in the City and is a \$25.00 application fee. All Business Licenses expire December 31st of each year. The Mobile Retail Food Vending Permit is issued for one (1) year. Requiring all mobile retail food vendors obtain a Business License rather than a mobile retail food vending permit will help keep track of all licenses plus there is no loss in revenue as the application fee is the same.

The City is looking into bringing in vendors to events such as 4th of July, Trapper's Day, Farmer's Markets, Fire Pit Fridays, etc. City staff have received comments from vendors indicating that they don't need to provide fingerprints in other cities. Food truck owners are choosing to skip events because of the time and expense to complete this requirement.

The proposed changes are as follows:

Removal of Code Section 6-20

(c) The criteria for operation is as follows:

- (1) A Business License is required.*
- (2) Licenses must be kept with the mobile retail food establishment or pushcart and presented to City officials upon request.*

It was moved by David Crespin and seconded by Chris Ceretto to approve the amendment to Ordinance 2020-1089 AN ORDINANCE OF THE CITY OF FORT LUPTON, COLORADO, AMENDING SPECIFIC PROVISIONS OF THE FORT LUPTON MUNICIPAL CODE FOR CHAPTER 6, ARTICLE I, SECTION 6-20, RETAIL MOBILE FOOD VENDING. Motion passed unanimously on roll call vote.

AM 2020-107 An Emergency Ordinance Of The City Council Of Fort Lupton Enacting, Chapter 2, Administration And Personnel Article II Mayor And City Council, Section 2-38 Connected Meetings, Of The Fort Lupton Municipal Code And Declaring An Emergency

This ordinance will establish regulations to ensure that City business can be conducted and all residents can be represented by their elected officials during non-emergency situations without endangering public health, including the health of the public, the City Council, and City staff and the community at large, while utilizing available technology and retaining a maximum of transparency, openness, and public participation consistent with the Code and the Colorado Open Meetings Law.

The City must be innovative in providing the public the most meaningful access possible and to address challenges presented and identified as a result of Covid-19 and or similar health and safety events in the future. Therefore, subject to social distancing and public health orders, members of the public will be offered both the opportunity to be physically and or electronically present for meetings at the City, subject to existing health conditions.

The ordinance will allow for City Council, Planning Commission, Board of Adjustment or similar enterprise boards to participate in Connected Meetings.

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Public hearings on quasi-judicial matters and votes taken on quasi-judicial actions may be taken during a Connected Meeting provided the City Council adopts a resolution establishing guidelines for such matters, consistent with this ordinance and in conformance with the requirements of the Code and the requirements of due process.

It was moved by Michael Sanchez and seconded by Tommy Holton to approve Ordinance 2020-1090 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 2-38 CONNECTED MEETINGS, OF THE FORT LUPTON MUNICIPAL CODE AND DECLARING AN EMERGENCY. Motion passed unanimously on roll call vote.

AM 2020-108 Approving A Resolution Establishing Connected Meeting Policy And Procedures

The intent and purpose of this Connected Meeting Policy and Procedures is to ensure that the City is innovative in utilizing technology in providing the public the most meaningful access possible and to address challenges presented and identified as a result of Covid-19 and or similar health and safety events in the future. Therefore, subject to social distancing and public health orders, members of the public will be offered both the opportunity to be physically and or electronically present for meetings at the City, subject to existing health conditions.

This Policy shall remain in effect until changed by the Fort Lupton City Council. The City Administrator, or his/her designee has the authority to establish, regulate, and enforce any additional procedures necessary to implement this Connected Meeting Policy. The City Administrator's Office shall provide technological support for the remote connection and the implementation of this Connected Meeting Policy. Except as modified by this Connected Meeting Policy, City Council, Planning Commission, Board of Adjustment and enterprise board meetings shall adhere to the provisions of the Fort Lupton Municipal Code.

This Connected Meeting Policy shall apply to meetings of the Fort Lupton City Council, Planning Commission, Board of Adjustment and enterprise board meetings.

It was moved by Michael Sanchez and Bruce Fitzgerald to approve Resolution 2020R051 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON, APPROVING AND ADOPTING CONNECTED MEETING POLICY AND PROCEDURES. Motion passed unanimously on roll call vote.

STAFF

City Administrator, Chris Cross, stated that questions have come up concerning the rates for non-potable and potable water. Council discussed rates and calculations for potable water and directed staff to provide further information. He also indicated that the recreation festivities for the 4th of July have been cancelled.

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The Public Works Director, Roy Vestal, provided an update of street paving.

MAYOR/COUNCIL REPORTS

There were no reports from the Mayor or Council.

FUTURE CITY EVENTS

- June 9th Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
- June 16th City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
- June 30th Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
- July 3rd City Offices Closed in Observance of Independence Day
- July 4th 4th of July Fireworks
- July 7th City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
- July 10-11th Citywide Yard Sales
- 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.

ADJOURNMENT

Mayor Stieber adjourned the meeting at 7:36 p.m.

Respectfully Submitted,



Maricela Peña, City Clerk

Approved by City Council



Zo Stieber, Mayor

