

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
MAY 16, 2011**

The City Council of the City of Fort Lupton met in regular session at the City Complex, 130 South McKinley Avenue, the regular meeting place of the City Council, on Monday, May 16, 2011. Mayor Holton called the meeting to order at 7:00 p.m., and invited everyone to join him in the Pledge of Allegiance.

ROLL CALL

Shannon Crespin	Absent	Bob McWilliams	Present
Chris Cross	Present	S. David Norcross	Present
Tommy Holton	Present	Debora Yates	Absent
Zo Hubbard	Present		

Others present were:

- City Administrator – Claud Hanes
- City Clerk – Barbara Rodgers
- City Attorney – Bill Wallace
- Chief of Police – Ken Poncelow
- Interim City Planner – Todd Hodges

The record is to reflect there was a quorum.

PERSONS TO ADDRESS COUNCIL

Betty Oliver – 222 7th Street, representative of the local Relay for Life Team, requested consideration for a \$300 donation from the City of Fort Lupton to help with team entry fee to participate in events scheduled for June 3 – 4 at Island Grove Park in Greeley.

It was the consensus of the Council to contribute \$300 as requested.

APPROVAL OF AGENDA

It was moved by Bob McWilliams and seconded by David Norcross to approve the agenda as presented.

Motion carried on voice vote.

PROCLAMATION

- **NATIONAL PUBLIC WORKS WEEK – MAY 15 – 21, 2011**

The record is to reflect that Barbara Rodgers, City Clerk, read the proclamation, proclaiming May 15 – 21, 2011 as National Public Works Week in the City of Fort Lupton. Mayor Tommy Holton presented the proclamation to Public Works staff in attendance.

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REVIEW OF PAYABLES

The record is to reflect that Council reviewed the payables to May 16, 2011.

CONSENT AGENDA

It was moved by Bob McWilliams and seconded by David Norcross to approve the following consent agenda items:

- Approval of the Minutes of the May 9, 2011 City Council/Enterprise Board Meeting.

- **AM 2011-040 APPROVING RESOLUTION NO. 2011-018
RATIFYING THE MAYOR'S APPOINTMENT OF
MONA SANDOVAL TO THE CULTURE/ PARKS/
RECREATION (CPR) ADVISORY COMMITTEE FOR
A TERM BEGINNING MAY 16, 2011 AND ENDING
DECEMBER 31, 2011**

Bob McWilliams	Yes	Chris Cross	Yes
S. David Norcross	Yes	Tommy Holton	Yes
Zo Hubbard	Yes		

Motion carried on roll call vote.

INFORMATION MEMORANDA (IMs)

IM 2011-002 ADOPTION OF THE "GOOD NEIGHBOR" ORDINANCE

During the presentation and discussion of AM 2011-038, AM 2011-928 and IM 2011-003 on May 2, 2011 and May 9, 2011 concerning the proposed revision to the Municipal Code pertaining to management of Code Enforcement and adoption of the adjudication process, staff made reference to this ordinance. The adoption of this ordinance will enable staff to delineate between individuals that violate the municipal code and those that is habitual offenders. The adoption of this ordinance will also enhance the penalties for habitual offenders of the municipal code.

The purpose of this ordinance is to promote the health, safety, and welfare of the residents of the City by encouraging good neighbor relations and to promote compliance with this code. In furtherance of this policy, the City shall provide mechanisms to prosecute chronic offenders of this Code or otherwise abate chronic offenses as further outlined in this chapter. Code Enforcement deals with

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many levels of violations in the City and as the City grows more of the violations will involve more complex zoning issues.

**IM 2011-004 REFINANCING ALTERNATIVE ON UTILITY DEBT
INCLUDING THE 2005 ISSUE AND PROVIDING ROOM
FOR FUTURE OBLIGATIONS**

In evaluating the bond re-financing, an issue has arisen that would hinder our rating with Standard & Poors. Because of this conflict, the following alternative was proposed:

The re-financing will be inclusive of the 2005 issue thus removing the reserve restriction and lower payments to allow for both Windy Gap Firming and NISP to be funded in the future.

ACTION MEMORANDA (AMs)

**UAM 2011-005 SECOND READING BY TITLE ONLY, ORDINANCE NO.
2011-925, AUTHORIZING THE REFUNDING OF CITY OF
FORT LUPTON, COLORADO, ACTING BY AND
THROUGH ITS WATER UTILITY ENTERPRISE, WATER
REVENUE BONDS, SERIES 1995, SERIES 1996 AND
SERIES 2000; AUTHORIZING THE ISSUANCE OF CITY
OF FORT LUPTON, COLORADO, ACTING BY AND
THROUGH ITS UTILITY ENTERPRISE, WATER SYSTEM
REVENUE REFUNDING BONDS, SERIES 2011, IN AN
AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED
\$12,000,000; APPROVING THE FORM AND TERMS OF
SUCH BONDS; DELEGATING TO THE UTILITY
ENTERPRISE FINANCIAL OFFICER THE AUTHORITY
TO SIGN THE BOND PURCHASE AGREEMENT AND
MAKE OTHER DETERMINATIONS IN RELATION TO
THE SERIES 2011 BONDS SUBJECT TO THIS
ORDINANCE; MAKING CERTAIN FINDINGS AND
DETERMINATIONS; AUTHORIZING INCIDENTAL
ACTIONS IN CONNECTION THEREWITH; AND
DECLARING AN EMERGENCY.
PASSED ON FIRST READING APRIL 25, 2011**

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Background

The City has three debts that payments are currently being made on. The first is a 1995 issuance that the Finance Department refers to as "Big Water 1" and has a current principal balance of \$5,014,000 with final payment in 2035. The second issuance was done in 1996 and is what is referred to as "Big Water 2" which has a principal balance of \$4,630,400 and has a maturity in 2036. The third bonding is for the water treatment plant done in 2000 and has a current principal balance of \$1,140,000 with maturity in 2020. The three issuances total \$10,784,400 and the proposed savings of \$325,000 equates to 3.5% savings after paying all of the associated cost of re-issuance.

Ordinance 2011-925 will allow the City to facilitate this re-financing option and will go through two readings (April 25, 2011; and May 16, 2011) as well as two publications (May 4, 2011; and May 25, 2011) and becoming effective May 16, 2011 on second reading.

Staff recommends approval of UAM 2011-005 adopting emergency Ordinance 2011-925 authorizing the refunding of City of Fort Lupton, Colorado, acting by and through its Water Utility Enterprise, Water Revenue Bonds, Series 1995, 1996 and 2000; authorizing the issuance of City of Fort Lupton, Colorado, acting by and through its Utility Enterprise, water system revenue refunding bonds, series 2010, in an aggregate principal amount not to exceed \$[12,000,000]; approving the form and terms of such bonds; delegating to the utility enterprise financial officer the authority to sign the bond purchase agreement and make other determinations in relation to the series 2010 bonds subject to this ordinance; making certain findings and determinations; authorizing incidental actions in connection therewith; and declaring an emergency.

It was moved by Chris Cross and seconded by Bob McWilliams to disapprove the Ordinance on the second reading.

Bob McWilliams	Yes	Chris Cross	Yes
S. David Norcross	Yes	Tommy Holton	Yes
Zo Hubbard	Yes		

Motion to disapprove the Ordinance carried on roll call vote.

The record is to reflect that the Ordinance was read into the record by title only by Claud Hanes.

**AM 2011-039 THE MUNICIPAL CODE CHANGING MANAGEMENT OF
CODE ENFORCEMENT OFFICERS TO THE PLANNING
& DEVELOPMENT DEPARTMENT**

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Background

Adopt Ordinance 2011-929 revising the Municipal Code Section 2-63 to change the management of Code Enforcement Officers to the Planning and Development Department.

Staff desires to change code enforcement organization and management to the Planning and Development Department while leaving the Community Service Officer under the management of the Police Department. This item was discussed with Council on May 9, 2011 and it was the direction from Council to bring the proposed ordinance change back before Council for review.

It was moved by Bob McWilliams and seconded by Zo Hubbard to adopt Ordinance 2011-929 revising the Municipal Code Section 2-63 to change the management of Code Enforcement Officers to the Planning and Development Department.

Bob McWilliams	Yes	Chris Cross	Yes
S. David Norcross	Yes	Tommy Holton	Yes
Zo Hubbard	Yes		

Motion carried on roll call vote.

The record is to reflect that Bill Wallace read Ordinance 2011-929 into the record.

CITY ADMINISTRATOR

Claud Hanes addressed the following items:

- Mark Payler approached Claud Hanes requesting permission to place an addition to the Welcome to the City of Fort Lupton sign located at the edge of Koshio Park, recognizing Fort Lupton Middle School as the 2011 National Middle School of the year. Claud stated that the school would pay for the sign, if the City would install it. Claud requested direction from Council on this matter. It was the consensus of the Council to honor the request.
- Claud Hanes advised that the Public Works Department was preparing a couple of Action Memoranda that would be brought to the Council.
- Claud Hanes reminded the Council the NISP Business Rally would be held Thursday, May 19, 2011 at the Ranch in Loveland.

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CITY CLERK

North Range Behavioral Health will be holding an Open House at its new facility in Fort Lupton, 145 1st Street, on May 18th, from 11-1pm.

POLICE CHEIF

Chief Poncelow addressed the following:

- The Police Department will be having its first Annual Senior Citizens Appreciation Picnic in August.
- The Public Safety Committee brought to his attention that the Police Department no longer does home checks on Seniors who have no family members living in the city. Plans are being made to re-implement this service again.
- Thanked ACE Hardware for the offer to donate flowers to be placed at the Information Center in the near future.

ADJOURNMENT

It was moved by Bob McWilliams and seconded by Zo Hubbard to adjourn the May 16, 2011 City Council/Enterprise Boards meeting.

Motion carried on voice vote.

The meeting was adjourned 7:40 p.m.

Tommy Holton, Mayor

Barbara Rodgers, City Clerk

Prepared by Tammy Sharmer