



CITY OF FORT LUPTON
CITY COUNCIL/ENTERPRISE BOARDS
REGULAR MEETING AGENDA
Tuesday, September 6, 2022
6:00 PM
130 South McKinley Avenue

Zo Stieber-Hubbard,
Mayor
Valerie Blackston, Ward 1
Chris Ceretto, Ward 2
Carlos Barron, Ward 3
David Crespin, Ward 1
Claud Hanes, Ward 2
Bruce Fitzgerald, Ward 3

You may join in person or join remotely by clicking on:
<https://global.gotomeeting.com/join/851983253>

Call to Order

Pledge of Allegiance

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

Proclamation

- a. 2022 Bluedevil Proclamation

Review of Accounts Payables

- a. September 6, 2022 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. August 16, 2022 City Council Meeting Minutes
- b. August 30, 2022 City Council Special Meeting Minutes
- c. AM 2022-139 Approval of the Second Amendment to the Intergovernmental Agreement with the Colorado Rangers
- d. AM 2022-140 Approving a Resolution Appointing Stephen P. Hasler as a Governor to the Colorado Rangers Law Enforcement Shared Reserved Board

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 2022-135 A Resolution Approving a Request for a Site Plan for a RV, Boat, and Limited Heavy Equipment Storage Facility Located on County Road 19. This Site is situated east and adjacent to Weld County Road 19 and approximately 0.13 miles north of Weld County Road 10

Action Memorandum

- a. AM 2022-134 Approving a Resolution of the City Council of Fort Lupton Initiating Annexation Proceedings for the Annexation Known as High Pointe Hills and Setting the Public Hearing for November 1, 2022

- b. AM 2022-136 Hire a Full-time Planner I at Earliest Possible Date in the Amount of \$17,200-\$20,000 for Remainder of 2022 and Based on a Full-time Starting Pay Rate of \$50,000-57,500 for 2023
- c. AM 2022-138 City Consent to Dissolution of the Cottonwood Greens Metropolitan District No. 1
- d. AM 2022-137 Hire a Full-time Design Review Engineer for the Engineering Department for a Maximum not to Exceed \$37,254.38 for Remainder of 2022 and Based on a Full-time Starting Pay Rate of \$64,000-73-600 for 2023

Staff Reports

- a. Senior Citizen Advisory Board Letter of Support

Mayor/Council Reports

Future City Events

- a. September 6, 2022 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)." Annexation Rebates

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)." Cell Tower

Adjourn

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
September 6, 2022**

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, September 6, 2022. Mayor Zo Hubbard called the meeting to order at 6:00 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 Hubbard, Councilmembers, Chris Ceretto, Bruce Fitzgerald, Claud Hanes, David Crespín and Carlos Barron. Councilmember Valerie Blackston participated remotely.

Also present were City Administrator, Chris Cross, City Attorney, Andy Ausmus, Planning Director, Todd Hodges, Finance Director, Leann Perino and Public Works Director, Roy Vestal.

PERSONS TO ADDRESS COUNCIL

Barbara Kirkmeyer, who resides on County Road 4 and is currently State Senator, addressed the Council stating that she is a candidate for new Congressional District C-D8. C-D8 is a new district that includes Fort Lupton and other surrounding municipalities. She spoke about working on public safety and transportation of the Hwy 85 corridor. She asked Council to continue thinking of her as a resource, just as she was when she was County Commissioner. Ms. Kirkmeyer mentioned her long time history with the City including being on the Fort Lupton Urban Renewal Authority ("FLURA"), serving on the Recreation Center Committee when it was first built with Mayor Phil Jennings and her children and grandchildren attending the school district. Ms. Kirkmeyer expressed honor to serve and work with the City.

Mayor Hubbard thanked Senator Kirkmeyer.

APPROVAL OF AGENDA

It was moved by Carlos Barron and seconded by Bruce Fitzgerald to approve the agenda as presented. Motion passed unanimously on voice vote.

PROCLAMATION

On August 25, 2022, Mayor Hubbard proclaimed September 5-10, 2022, to be Bluedevil Week in the City of Fort Lupton and additionally on Monday, September 5, 2022, designated South Denver Avenue to be Bluedevil Way for the week.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the September 6, 2022, payables; there were no questions or comments from

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
September 6, 2022**

the Mayor or Council.

CONSENT AGENDA

It was moved by David Crespin and seconded by Chris Ceretto to approve the Consent Agenda as presented with the following items:

- August 16, 2022 City Council Meeting Minutes
- August 30, 2022 City Council Special Meeting Minutes
- Approval of the Second Amendment to the Intergovernmental Agreement with the Colorado Rangers (AM 2022-139)
- APPROVING RESOLUTION 2022R058 APPOINTING STEPHEN P. HASLER AS A GOVERNOR TO THE COLORADO RANGERS LAW ENFORCEMENT SHARED RESERVED BOARD (AM 2022-140).

Motion passed unanimously on roll call vote.

PUBLIC HEARING

AM 2022-135 A Resolution Approving a Request for a Site Plan for a RV, Boat, and Limited Heavy Equipment Storage Facility Located on County Road 19. This Site is Situated East and Adjacent to Weld County Road 19 and Approximately 0.13 miles North of Weld County Road 10

Mayor Hubbard opened the public hearing at 6:06 p.m. and asked for a description of the proposal. Molly Nelson, City Planner, stated that County Road 19 Investments LLC (the "Applicant") has submitted a request for a Site Plan RV, Boat, and Limited Heavy Equipment Storage Facility. The proposed use is a specific listed use by right in the 'I-1' Light Industrial Zone District under the prior code. A site plan review, under the prior code, requires a public hearing before Planning Commission and City Council. The Property is located within the 'I-1' Light Industrial Zone District, which lists outdoor storage as a use by right and therefore requires a Site Plan.

The property was annexed in 2018 and was zoned I-1 Light Industrial. The property is approximately 14.25 Acres and is situated east and adjacent to Weld County Road 19 and approximately 0.13 miles north of Weld County Road 10. All notification requirements were met, including posting notice of the hearings on the property at least 15 days prior to this public hearing, mailing notice to property owners within 100 feet of the site, and publishing notice of the hearing at least 15 days prior to the hearing.

Ms. Nelson indicated that there are multiple objections within the packet as well as additional correspondence that was received tonight; all objections have been reviewed. It's been concluded that the Fort Lupton Municipal Code was taken out of context. The objections referenced the municipal code for parking. However, because this project isn't a parking lot, the

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
September 6, 2022**

parking code doesn't apply. The objections also mention a failure to send referrals to the state geologist; this is unnecessary for this type of project. Based on the direction by the Planning Commission, the planning department reached out to the City of Dacono, where the City indicated no concerns.

The Planning Director, Todd Hodges, provided the Council with the conditions of approval as listed on the Resolution. Mr. Hodges stated that dust abatement listed, as item 'h' was an addition to the Resolution. Mr. Hodges indicated that the Planning Department reached out to the City of Dacono, and the City of Dacono noted no objections to the zoning or the proposed use.

Kelsey Bruxvoort, with AGPROfessional, 3050 67th Avenue, Greeley, CO 80634, representing County Road 19 Investments provided a presentation. Ms. Bruxvoort stated that the site plan includes RV and boat storage with 412 parking space and commercial vehicle and equipment parking of 12 spaces.

Ms. Bruxvoort stated that Distant Thunder Industrial Subdivision, the neighboring subdivision located within the City of Fort Lupton, received approval from Dacono City council 2 weeks ago from light industrial to rural residential and civic open space. Both the proposal and the Distant Thunder Subdivision are being developed by the same developer. Dacono rezoned Distant Thunder with the knowledge that Zadel Industrial Subdivision is to the south. County Road 19 Investments will be located in Lot 1 of the minor subdivision. Northern Colorado Constructors "NCC" and Kerr McGee are south of the site and permitted as a Use by Special Review. The facility will include all weather gravel surface and a row of evergreen trees on the north side of the site. The Phase II site plan with full build-out will possibility include 2-5,000 square foot buildings. As improvements are constructed, the parking areas will be reduced and screening will be that of a solid fence. Ms. Bruxvoort also provided primary hours of operations with access 24 hours per day Monday thru Sunday. The project meets the requirements of the City of Fort Lupton with adequate conditions of approval for potential impacts.

Mayor Hubbard asked if there are any accommodations to keep the noise levels down during sleeping hours. Ms. Burxvoort stated it will be used mostly for parking vehicles and no trucking operations will be operated from the site.

Mayor Hubbard asked Councilmember Valerie Blackston if she was able to hear and see the entire presentation. Councilmember Blackston answered yes.

Mayor Hubbard asked Kelsey Bruxvoort if she 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 tonight? Ms. Bruxvoort answered '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? Ms. Bruxvoort answered 'no'.

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
September 6, 2022

Mayor Hubbard asked if anyone from the public wished to speak for or against the proposal.

Nicki Thompson, resident in the area, stated there is a lot of traffic on the road currently and more traffic is not needed.

Stephanie Vest, resident in the area, stated that she noticed in the meeting minutes that were posted for the planning commission that thirty minutes of meeting was not documented. Her question is how can the planning commission give the city council advice about a project if they don't know what they said. She mentioned that the site plan shows outlot A, however, lot A is owned by a separate owner. She questioned how a separate property is going to build a detention pond without any documentation. She stated that the term parking has been cited frequently in the documents regarding this project and she does not understand how this is not a parking lot as cars will be parked and left on the property. She read parts of the municipal code and stated the screening is not an approved type of screening. She suggested that something better than corrugated metal fencing should be placed since the project is near a residential area. She mentioned that part of the municipal code states that the driveway leading to this facility must be paved. If it is not paved, she stated that mud, rocks, and dirt will be tracked all over County Road 19 which is bound to go through someone's windshield. She stated this facility is something the residents in the area have to live with and drive past and they are asking for the applicant to follow the rules of code and pave the road and put up a nice-looking fence.

Nate McBride, also a resident in the area, stated that while he is not opposed to the project, he questioned why another storage yard was needed when there are other storage yards in the area. He noted that Harold's, a neighboring storage lot, has nice landscaping and fencing. He thanked the comments on the trucking hours which is an area of concern in the County.

Steve Stratton, resident in the area, also made comment regarding the traffic on County Road 19, the potential for accidents, and questioned why another storage facility was needed in the area.

Molly Wright, resident in the area, also made comment regarding the traffic on County Road 19 and the potential for accidents.

Paul, resident in the area, also made comment regarding the traffic on County Road 19 and the potential for accidents.

Steve Lafforge, resident in the area, questioned why so many storage units are needed in the area. He also stated that if the facility is open 24/7 that the trucks will take advantage and be in and out of the facility all night. He also commented on the weight limit of the road. Questioning who enforces the weight limit and if any services such as police and fire will be supplied in the area. He questioned if any landscaping would be planted. Mayor Hubbard asked if he had an opportunity to look at the packet. Mr. Lafforge stated he had not. He also stated that in the presentation by Kelsey Bruxford she said that units would be parked at the facility and in his

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
September 6, 2022

mind that is a parking lot.

Ron Haake, resident in the area, asked if there was going to be an overflow pond for the detention pond. He also asked who would be enforcing the landscaping.

Pat Thorpe, resident in the area, stated that he runs machinery up and down the road and as it is now it is already very hard driving the road. He stated that adding RV's is going to make it even harder. He believes that an accel/decel lane should be added. He also stated that the water from the detention pond is going to dump water across the road on to another farm.

Bruce Stratton, a resident of Washington State and professional fire fighter, stated that these things cause problems. He was helping Steve Stratton farm and they were nearly run off the road by the trucks. He stated that on big weekends, people go to pick-up their RV's and they don't know what they're doing and end up running people off the road. He stated that in his career, he has seen these kinds of wrecks many times.

Kelsey Bruxvoort responded to some of the questions raised by the residents. She stated that they were in receipt of the initial letter from Stephanie Vest at the Planning Commission hearing and they were able to have a meeting with staff to go over what needed to be addressed. She stated a couple conditions were added such as the dust abatement. The traffic memo that they submitted was prepared by their engineers and they evaluated the impacts to the road. CDOT returned their referral with no concern. The purpose of the detention pond is designed to capture water. Drainage studies have been conducted to ensure no impacts occur to downstream properties. She stated that they have conditions of approval and have requirements that they have to meet before they can operate on site which should be adequate to address any concerns.

There were no further comments from the public. Mayor Hubbard closed the public hearing at 6:43 p.m.

Discussion occurred between Council and staff. Councilmember Carols Barron stated he also has concerns regarding the impact to traffic. Todd Hodges, Planning Director, stated they have a referral from CDOT. The City of Dacono controls the road to the property and may be the ones who put the weight limit on the road so it would be up to Dacono to enforce the weight limit. Mr. Hodges stated that with the review from CDOT and their approval, staff believes that is sufficient to address the impact of traffic. He also stated that this is a use-by-right which has been annexed and zoned industrial and the impacts have been met with conditions of approval. The applicant shall submit an updated landscape plan that addresses the design and screening. He also mentioned that Weld County, Dacono, and Fort Lupton will work together to ensure the property and roads are maintained. Mr. Hodges recommended that the project move forward. Roy Vestal, Public Works Director, also spoke about the detention pond.

There was no further discussion among the Council.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
September 6, 2022**

It was moved by David Crespín and seconded by Claud Hanes to approve Resolution 2022R059 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING A SITE PLAN FOR COUNTY ROAD 19 INVESTMENTS LLC SITE PLAN FOR A BOAT, RV, AND LIMITED HEAVY EQUIPMENT STORAGE. Motion passed with '6' yes votes and '1' no vote from Mayor Hubbard.

ACTION MEMORANDUM

AM 2022-134 Approving a Resolution of the City Council of Fort Lupton Initiating Annexation Proceedings for the Annexation Known as High Pointe Hills and Setting the Public Hearing for November 1, 2022

William J. Johanningmeier as the representative party for Highway 52 General Partnership, L.L.P. (the "Applicant") has submitted an annexation petition to initiate annexation proceedings for one parcel of land. The parcel is located south and adjacent to State Highway 52 and approximately 0.25 miles east of County Road 31 (Parcel No. 147103000035). The proposed annexation, known as the High Pointe Hills Annexation, is composed of 181.907 acres, more or less. The resolution is to accept the annexation petition. Approval of the resolution does not constitute approval of the annexation request. Approval of the resolution simply means that there is an interest in considering the annexation, with the final decision to be made by City Council at a public hearing on November 1, 2022.

It was moved by Carlos Barron and seconded by Chris Ceretto to approve Resolution 2022R060 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS HIGH POINTE HILLS AND SETTING THE PUBLIC HEARING FOR NOVEMBER 1, 2022. Motion passed unanimously on roll call vote.

AM 2022-136 Hire a Full-time Planner I at Earliest Possible Date in the Amount of \$17,200-\$20,000 for Remainder of 2022 and Based on a Full-time Starting Pay Rate of \$50,000-57,500 for 2023

This request is to hire a Full Time Planner I at the earliest possible date to cover additional work load that the Planning Department is experiencing due to the increase in economic development and residential growth of the City. The intent is to fill the position at the earliest possible date due to a shortage of staff and assist in planning duties which have increased greatly.

It was moved by Carlos Barron and seconded by David Crespín to approve the hiring of a full-time Planner I at the earliest possible date in the amount of \$17,200-\$20,000 for remainder of 2022 and based on a full-time starting pay rate of \$50,000-57,500 for 2023. Motion passed unanimously on roll call vote.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
September 6, 2022**

AM 2022-138 City Consent to Dissolution of the Cottonwood Greens Metropolitan District No. 1

The City approved the Service Plan for the Cottonwood Greens Metropolitan District No. 1 (the "District") on September 1, 2006. Article XVI of the Service Plan provides, inter alia, that if the District has not issued general obligation bonds on or before December 31, 2012, the City has the right to require the District to dissolve and the District shall do so.

On May 20, 2019, special counsel for the City contacted general counsel for the District, advising him of the requirement to dissolve and advising that the District could avoid dissolution if the District submitted an amended and restated Service Plan in accordance with the City's updated policy with regard to special districts. The deadline by which the District was required to submit the amended and restated Service Plan was December 31, 2019.

On July 31, 2019, the District requested that the deadline to submit an amended and restated service plan be extended to August 1, 2020. This extension was granted by the City.

On July 28, 2020, the District requested that the deadline to submit an amended and restated service plan be further extended to December 31, 2020. This extension was granted by the City.

On December 10, 2020, the District requested that the deadline to submit an amended and restated service plan be further extended to August 31, 2021. This extension was granted by the City; however, the City noted that this would be the final extension granted before dissolution would be required.

The District has not submitted an amended and restated service plan.

It was moved by Bruce Fitzgerald and seconded by Carlos Barron to consent to dissolution of the Cottonwood Greens Metropolitan District No. 1. Motion passed unanimously on roll call vote.

AM 2022-137 Hire a Full-time Design Review Engineer for the Engineering Department for a Maximum not to Exceed \$37,254.38 for Remainder of 2022 and Based on a Full-time Starting Pay Rate of \$64,000-73,600 for 2023

The engineering department requires additional staff to adequately support the Planning Department.

The City is in need of a professional engineer with experience in development design review and permitting for private development within the City. This will take a large load of tasks off of the City Engineer to allow for planning the City systems and managing the Public Works Department. Additional duties of the new position will include master planning, working with the CIP engineer and in-house design projects.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
September 6, 2022**

Contracting of work tasks was considered, but deemed troublesome. Anticipated questions and review uncertainties would result in nearly as much time as doing the tasks in house. Quantifying the cost of a contract for this effort would be difficult and unpredictable.

It was moved by Claud Hanes and seconded by Carlos Barron to approve the hiring a full-time Design Review Engineer for the Engineering Department for a maximum not to exceed \$37,254.38 for remainder of 2022 and based on a full-time starting pay rate of \$64,000-73,600 for 2023. Motion passed unanimously on roll call vote.

STAFF

The Senior Citizen Advisory Board submitted a Letter of Support of the Recreation Center Ballot Issue to the Council.

MAYOR/COUNCIL REPORTS

EXECUTIVE SESSION

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to move into Executive Session at 7:16 p.m. "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)." Annexation Rebates. Motion passed unanimously on roll call vote. The following moved into Executive Session Mayor Hubbard, Councilmembers Chris Ceretto, David Crespin, Claud Hanes, Carlos Barron, Bruce Fitzgerald, City Attorney Andy Ausmus, City Administrator Chris Cross, Planning Director, Todd Hodges and Finance Director Leann Perino. Councilmember Valerie Blackston participated remotely.

The Executive Session ended at 7:43 p.m. and the regular meeting reconvened.

EXECUTIVE SESSION

It was moved by David Crespin and seconded by Bruce Fitzgerald to move into a second Executive Session at 7:43 p.m. "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)." Cell Tower. Motion passed unanimously on roll call vote. The following moved into Executive Session Mayor Hubbard, Councilmembers Chris Ceretto, David Crespin, Claud Hanes, Carlos Barron, Bruce Fitzgerald, City Attorney Andy Ausmus, City Administrator Chris Cross, Planning Director, Todd Hodges and Finance Director Leann Perino. Councilmember Valerie Blackston participated remotely.

The Executive Session ended at 8:12 p.m. and the regular meeting reconvened.

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
September 6, 2022

ADJOURNMENT

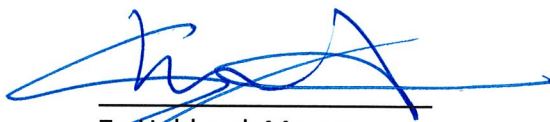
The meeting adjourned at 8:13 p.m.

Submitted by,


Maricela Peña, City Clerk



Approved by City Council,


Zo Hubbard, Mayor