



CITY OF FORT LUPTON
CITY COUNCIL/ENTERPRISE BOARDS
REGULAR MEETING AGENDA
Tuesday, February 7, 2023
6:00 PM
130 South McKinley Avenue

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

You may join the Public Hearing in person or join remotely by clicking on:
<https://meet.goto.com/514188181>

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 Hubbard

Approval of Agenda

Review of Accounts Payables

a. February 7, 2023 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. January 17, 2023 City Council Meeting Minutes
- b. AM 2023-022 Award of Contract to Prairie Dog Pros, LLC for Prairie Dog Mitigation Services During the 2023 Season for an Amount Not to Exceed \$16,000.00 from the Public Works Shop General Fund
- c. AM 2023-023 Award of Contract to Vector Disease Control International, LLC for Integrated Mosquito Management Services During the 2023 Season for an Amount Not to Exceed \$19,807.20 from the Public Works Shop General Fund
- d. AM 2023-024 Approving a Five-Year Lease Agreement for City Office Space at 1200 Dexter Street #W-12 and #W-13 with Kim Investments Inc. not to Exceed Total Monthly Payments per Schedule Below to be Allocated from the General Fund
- e. AM 2023-026 Renew Agreement with Williams and Weiss Consulting LLC, to Provide Water Engineering Services for the City of Fort Lupton for an Amount of \$109,010 From the Utility Fund and Water Sales Tax Funds
- f. AM 2023-027 Authorize Replacement of the Police Department's In-Vehicle Internet Modems for an Amount Not to Exceed \$27,680.00 Allocated From the General Fund, IT Department Capital Expenditures
- g. AM 2023-028 Authorize Purchase of 10 Mobile Data Terminals for the Police Department's Patrol Vehicles for an Amount Not to Exceed \$47,525.00 Allocated From the General Fund, IT Capital
- h. AM 2023-029 Approving the Purchase of Two (2) Mowers for Coyote Creek Golf Course ("CCGC") in the Amount of \$54,633 Each, Allocated from the Golf Fund

- i. AM 2023-031 Approving a Resolution Adopting an Economic Incentive Policy to Support the City of Fort Lupton's Goal of Economic Sustainability

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 Hubbard

- a. AM 2023-025 A Resolution Approving a Request for a Special Use Permit by Kerr McGee Oil & Gas Onshore, LP for Ten Horizontally Drilled Wells and One Production Facility

Action Memorandum

- a. AM 2023-030 Adopting an Ordinance Authorizing the Issuance of the City of Fort Lupton, Colorado, General Obligation Bonds, Series 2023 and Declaring an Emergency on Second and Final Reading

Staff Reports

Mayor/Council Reports

Future City Events

- a. February 7, 2023 Upcoming Events

Adjourn

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
February 7, 2023**

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, February 7, 2023. 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, David Crespín, Valerie Blackston, Carlos Barron, and Claud Hanes.

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

PERSONS TO ADDRESS COUNCIL

There was no one to address the Mayor or Council.

APPROVAL OF AGENDA

It was moved by Carlos Barron and seconded by Bruce Fitzgerald to remove the word "below" on AM 2023-024 and approving the agenda as presented. Motion passed unanimously on voice vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the February 7, 2023, payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

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

- January 17, 2023, City Council Meeting Minutes
- Award of Contract to Prairie Dog Pros, LLC for Prairie Dog Mitigation Services During the 2023 Season for an Amount Not to Exceed \$16,000.00 from the Public Works Shop General Fund (AM 2023-022)
- Award of Contract to Vector Disease Control International, LLC for Integrated Mosquito Management Services During the 2023 Season for an Amount Not to Exceed \$19,807.20 from the Public Works Shop General Fund (AM 2023-023)
- Approving a Five-Year Lease Agreement for City Office Space at 1200 Dexter Street #W-

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12 and #W-13 with Kim Investments Inc. not to Exceed Total Monthly Payments per Schedule Below to be Allocated from the General Fund (AM 2023-024)

- Renew Agreement with Williams and Weiss Consulting LLC, to Provide Water Engineering Services for the City of Fort Lupton for an Amount of \$109,010 from the Utility Fund and Water Sales Tax Funds (AM 2023-026)
- Authorize Replacement of the Police Department's In-Vehicle Internet Modems for an Amount Not to Exceed \$27,680.00 Allocated From the General Fund, IT Department Capital Expenditures (AM 2023-027)
- Authorize Purchase of 10 Mobile Data Terminals for the Police Department's Patrol Vehicles for an Amount Not to Exceed \$47,525.00 Allocated From the General Fund, IT Capital (AM 2023-028)
- Approving the Purchase of Two (2) Mowers for Coyote Creek Golf Course ("CCGC") in the Amount of \$54,633 Each, Allocated from the Golf Fund (AM 2023-029)
- Approving Resolution 2023R007 ADOPTING AN ECONOMIC INCENTIVE POLICY TO SUPPORT THE CITY OF FORT LUPTON'S GOAL OF ECONOMIC SUSTAINABILITY (AM 2023-031)

Motion passed unanimously on voice vote.

PUBLIC HEARING

AM 2023-025 A Resolution Approving a Request for a Special Use Permit by Kerr McGee Oil & Gas Onshore, LP for Ten Horizontally Drilled Wells and One Production Facility

Mayor Hubbard opened the public hearing at 6:03 p.m.

City Planner, Clay Hartley, stated the Applicant has submitted a request for a Special Use Permit that would allow for ten horizontally drilled oil and gas wells and one production facility. The facility will have employees and contractors onsite 24 hours a day, seven days a week during the drilling and completion phases. Once the wells are brought online and producing, a lease operator will inspect the wells on a regular basis under normal conditions, and as required by any special circumstances under the supervision of the Kerr McGee Oil & Gas Onshore (KMOG) Area Manager. In addition, all new well sites are remotely monitored 24 hours a day, seven days a week by representatives in KMOG's Integrated Operations Center (IOC), located in Platteville, Colorado.

The site is situated a half mile north of County Road 16 and approximately 0.6 miles east of Highway 85. The oil wells and facility will be in the northwestern portion of the Southeast Quarter of Section 29. KMOG shall construct one temporary operations area of approximately 13.72 acres for the drilling, completion, and production facility. After drilling and completion activities are finished, the site will be reclaimed to approximately 3.78 acres, (approximately 1.9 acres for the wells and 1.88 acres for the production facility).

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The proposed use is specifically listed as requiring a special use permit in all zone districts in the Fort Lupton Development Code. The intent of the special use permit is to provide flexibility, to provide a means for setting performance standards for individual land uses, and to help diversify uses within a zoning district. A special use review requires a public hearing before Planning Commission and City Council.

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 1000 feet of the site, and publishing notice of the hearing at least 15 days prior to the hearing.

Matt Wells, Regulatory Advisor for Kerr McGee Oil and Gas a subsidiary of Oxy, USA presented the Council with an overview of the company, processes for oil and gas, and technology of Kerr McGee Oil and Gas Onshore LP (KMOG). Within the presentation was a video of oil-tankless facility design with the project overview, tentative phases of operations and timeline. Best management practices were also described. Margaret Hess, also a representative of the applicant, provided information on community outreach and resources available to the City.

Mr. Wells indicated that black rod-iron fencing will be placed around the facility. There are no homes within 2000 feet of this location. A modeling for sound and noise was completed and didn't require fencing or screening for this site.

Mayor Hubbard asked if anyone from the public wished to speak for or against the proposal. Hearing none, Mayor Hubbard closed the public hearing at 6:22 p.m.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to approve Resolution 2023R008, FOR THE SPECIAL USE PERMIT FOR KERR MCGEE OIL & GAS ONSHORE, LP FOR TEN HORIZONTALLY DRILLED WELLS AND ONE PRODUCTION FACILITY KNOWN AS THE LAND FED 10-29 HZ SPECIAL USE PERMIT. Motion passed with Councilmember Valerie Blackston voting 'no' to the motion.

ACTION MEMORANDUM

AM 2023-030 Adopting an Ordinance Authorizing the Issuance of the City of Fort Lupton, Colorado, General Obligation Bonds, Series 2023 and Declaring an Emergency on Second and Final Reading

The City of Fort Lupton issued bonds in 2002 to construct the recreation center, and those bonds were refunded in 2011 and matured on December 1, 2022. The City asked the voters at a November 2022 election whether it could extend the tax that they were paying for those bonds and issue new bonds to complete more improvements to the Rec Center (Phase II). The Election was successful.

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The first step in issuing bonds is for the Council to approve an authorizing ordinance. That ordinance sets out the parameters of the ballot question – i.e. the new bonds cannot exceed \$10 million principal amount, with a \$18,240,000 total repayment cost (principal and interest) and \$608,000 maximum annual tax increase. The bonds are General Obligation Bonds and the City will impose an ad valorem property tax in each year sufficient to pay the bonds back, but that annual tax revenue cannot exceed \$608,000 annually, which is the tax increase that was approved by the voters in 2002 and is being extended. The ordinance authorizes the mayor and the city administrator to approve the pricing of the bonds (subject to the voted restrictions) and to enter into agreements relating to the sale of the bonds. It is currently expected that the bonds will be sold on March 22, 2023 and the funds will be available to the City by April 5, 2023.

Every year as part of the budget process, Finance calculates the mill levy needed for the following year's debt service. The last debt payment on the construction bond was made November 30, 2022, the 2021. Valuations provided by the Weld County Assessor equaled \$242,057,526, the mill levy calculation for the Recreation Center Construction Bond equaled 2.054 mills, and revenue collected equaled \$497,186. Based on Weld County Assessors valuations, future debt mill levies will increase or decrease as needed to meet the annual debt payments on the new bonds but will never exceed the voter approved revenue limit of \$608,000.

It was moved by Claud Hanes and seconded by Carlos Barron to adopt Ordinance 2023-1152 AUTHORIZING THE ISSUANCE OF THE CITY OF FORT LUPTON, COLORADO, GENERAL OBLIGATION BONDS, SERIES 2023 AND DECLARING AN EMERGENCY ON SECOND AND FINAL READING. Motion passed unanimously on roll call vote.

STAFF

Leann Perino, Finance Director, indicated that the Audit was started this week. Ms. Perino provided council with the manager's letter from Clifton Larson Allen.

Jason Reitz Information Technology Assistant Administrator stated the data center is being commissioned and the servers will be moving.

Roy Vestal stated that the streets have been cleared and public works is working on gutter issues.

Michelle Magelssen thanked the Council for approving the incentive policy.

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MAYOR/COUNCIL REPORTS

There were no reports from the Mayor or Council.

FUTURE CITY EVENTS

February 07, 2023	City Council Meeting, 130 S. McKinley Ave. 6:00 p.m.
February 14, 2023	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m.
February 21, 2023	City Council Meeting, 130 S. McKinley Ave. 6:00 p.m.
February 28, 2023	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m.

ADJOURNMENT

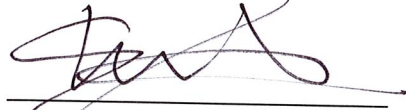
The meeting adjourned at 6:27 p.m.

Submitted by,


Maricela Peña, City Clerk



Approved by City Council,



Zo Hubbard, Mayor