



CITY OF FORT LUPTON
CITY COUNCIL/ENTERPRISE BOARDS
REGULAR MEETING AGENDA
Tuesday, November 21, 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 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 Hubbard

a. Recognition of Police Officer

Approval of Agenda

Review of Accounts Payables

a. November 21, 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. November 7, 2023 City Council Meeting Minutes

b. AM 2023-162 Accepting a Proposal from Commercial Fitness Solutions to Purchase Cardio Equipment for the Recreation Center for an Amount Not to Exceed \$28,121.00, Allocated from the Recreation Center Fund's Capital Expenditures

c. AM 2023-163 Approving the Resolution Ratifying the Reappointment of Eugene Reynolds as a Member of the Fort Lupton Urban Renewal Authority to Serve as the Business Representative for a Term Expiring December 31, 2028

d. AM 2023-164 Approving the Resolution Ratifying the Reappointment of Gary Montoya as a Member of the Fort Lupton Urban Renewal Authority to Serve as a Resident Representative for a Term Expiring December 31, 2028

e. AM 2023-168 Authorize the Mayor's Signature on Amendment 5 to the Jacobs contract

f. AM 2023-169 Adopting an Ordinance Accepting the Right of Way Dedication from Anna Marie Taylor and George Paul Taylor Along College Avenue and County Road 12 for the Taylor Minor Subdivision

g. AM 2023-171 Accepting a Proposal from Sweet Roofing LTD to Provide for Construction Observation and Reroof Buildings for the Public Works Shop for an Amount Not to Exceed \$99,365.00 Allocated from the General Fund Public Works Shop 2024 Budget

h. AM 2023-172 Approving a Resolution Ratifying the Appointment of Certain Nominees to the Board of Trustees of the High Plains Library 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 Hubbard

- a. AM 2023-166 Approving a Resolution Accepting the Coyote Creek PUD Filing No. 5 Preliminary Plat

Action Memorandum

- a. AM 2023-167 Approving a Resolution Accepting the Coyote Creek PUD Filing No. 5 Final Plat
- b. AM 2023-165 Adopting an Ordinance Accepting the Real Estate Purchase Agreement for Purchase of the Property Located at 1025 1st Street, Fort Lupton, Colorado, known as the Fort Lupton Veterinary Clinic, in the Amount of \$460,000 Allocated from the 2024 Police Department Capital Expenditure Budget
- c. AM 2023-170 Approve Award of Contract with HCL Engineering & Surveying, LLC for Survey Services for the 14th Street Drainage Survey Project for an Amount Not to Exceed \$44,980.00 from the Storm Drainage Enterprise Fund- Plans and Studies

Staff Reports

Mayor/Council Reports

Future City Events

- a. November 21, 2023 Upcoming Events

Upcoming Meetings

- a. November 28, 2023 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
December 5, 2023 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
December 12, 2023 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
December 19, 2023 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.

Adjourn

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
November 21, 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, November 21, 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, Carlos Barron, Claud Hanes, Bruce Fitzgerald, David Crespín and Valerie Blackston.

Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, City Attorney, Andy Ausmus, Planning Director, Todd Hodges, Public Works Director, Roy Vestal, Finance Director, Leann Perino, and Police Chief, John Fryer.

PERSONS TO ADDRESS COUNCIL

Chief of Police, John Fryer addressed Council to acknowledge and congratulate Police Officer Guadalupe Gallegos Watson for obtaining a Master's Degree in Criminal Justice, Leadership, and Policy.

APPROVAL OF AGENDA

It was moved by Bruce Fitzgerald and seconded by Valerie Blackston to approve the agenda as amended. Motion passed unanimously on voice vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the November 21, 2023, payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

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

- November 7, 2023 City Council Meeting Minutes
- Accepting a Proposal from Commercial Fitness Solutions to Purchase Cardio Equipment for the Recreation Center for an Amount Not to Exceed \$28,121.00, Allocated from the Recreation Center Fund's Capital Expenditures (AM 2023-162)
- Approving Resolution 2023R039 RATIFYING THE REAPPOINTMENT OF EUGENE REYNOLDS AS A MEMBER OF THE FORT LUPTON URBAN RENEWAL AUTHORITY TO

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SERVE AS THE BUSINESS REPRESENTATIVE FOR A TERM EXPIRING DECEMBER 31, 2028 (AM 2023-163)

- Approving Resolution 2023R040 RATIFYING THE REAPPOINTMENT OF GARY MONTOYA AS A MEMBER OF THE FORT LUPTON URBAN RENEWAL AUTHORITY TO SERVE AS A RESIDENT REPRESENTATIVE FOR A TERM EXPIRING DECEMBER 31, 2028 (AM 2023-164)
- Authorize the Mayor's Signature on Amendment 5 to the Jacobs contract (AM 2023-168)
- Adopting Ordinance 2023-1160 ACCEPTING THE RIGHT OF WAY DEDICATION FROM ANNA MARIE TAYLOR AND GEORGE PAUL TAYLOR ALONG COLLEGE AVENUE AND COUNTY ROAD 12 FOR THE TAYLOR MINOR SUBDIVISION (AM 2023-169)
- Accepting a Proposal from Sweet Roofing LTD to Provide for Construction Observation and Reroof Buildings for the Public Works Shop for an Amount Not to Exceed \$99,365.00 Allocated from the General Fund Public Works Shop 2024 Budget (AM 2023-171)
- Approving Resolution 2023R041 RATIFYING THE APPOINTMENT OF CERTAIN NOMINEES TO THE BOARD OF TRUSTEES OF THE HIGH PLAINS LIBRARY BOARD (AM 2023-172)

Motion passed unanimously on roll call vote.

PUBLIC HEARINGS

AM 2023-166 Approving Resolution 2023R042 Accepting the Coyote Creek PUD Filing No. 5 Preliminary Plat

Mayor Hubbard opened the public hearing at 6:07 p.m.

Magaly Morales, City Planner, provided an overview of the application.

The applicants, Lupton Land L.L.C. and JR Engineering have applied for approval of a Preliminary Plat, known as the Coyote Creek PUD Filing No. 5 Preliminary Plat. A public hearing with the Fort Lupton Planning Commission for this application was held on November 9, 2023, and Planning Commission recommended approval to City Council of the Preliminary Plat.

The site that is the subject of the Preliminary Plat is located adjacent to the north and south of Coyote Creek Drive. It is west and adjacent to College Ave. in the Northwest Quarter of Section 4, Township 1 North, Range 66 West of the 6th Principal Meridian, City of Fort Lupton, County of Weld, State of Colorado (the Property). The proposed Preliminary Plat is for a single-family detached residential subdivision that will include 76 lots. The subdivision is 10 acres, more or less.

The property is currently zoned PUD, with details of the PUD on the Coyote Creek Development Plan from 1996. Pursuant to the Municipal Code, prior to a preliminary plat for a proposed

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subdivision, a sketch plat must be approved by City Council. The above-mentioned Coyote Creek Development Plan serves as the Master Plan and Sketch Plan for this property.

All notification requirements were met. However, there was a misprint of the date for the planning commission hearing on the public notice sign posted on the property. Correct information was published in the newspaper and mailed to property owners within 500 feet of the site. Per section 2.01 (F)(6) of the development code, the Planning Director deemed this misprint satisfied the criteria in 2.01(F)(6)(a-c) and approved the proceeding of the hearing.

Ken Merritt with JR Engineering, representing the applicant, Lupton Land provided a presentation to Council and an overview of the property. He also stated that the home builder is Century Communities and provided an overview of the different home elevations and home plans.

Councilmember, Chris Ceretto, asked if there will be different housing designs along the highway and the golf course. Planning Director, Todd Hodges, stated there is a condition for the perimeter houses to be slightly different, which is stated in the resolution.

Mayor Hubbard asked how we are ensuring purchasers are receiving a golf course disclosure. Mr. Merritt stated that before purchasers close on the house, they have to sign a golf course easement agreement which discloses that there can be damage caused by play at the golf course.

Councilmember, Valerie Blackston, asked what the price range is for the homes. Mr. Merritt stated he is not aware of the price but he expects them to be in the mid 400's to low 500's. Councilmember Blackston also asked if snow removal for the property was maintained by the HOA or by the City. Mr. Merritt, stated homeowners are responsible for clearing their own sidewalk and driveway. Public Works Director, Roy Vestal, stated since this subdivision has an HOA, they have passed responsibility to the Metro District for clearing the streets themselves and any streets that are public right-of-way will be cleared by City Crews. Discussion regarding snow removal for the trail system is still in the works.

Councilmember, David Crespin, asked if traffic flow has been reviewed. Mr. Merritt responded stating a traffic report was completed with the project and it was determined that everything met City standards and code.

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

Michael Blumingthal, Managing Partner with Lupton L.L.C. shared with Council his appreciation for Public Works Director, Roy Vestal and Planning Director, Todd Hodges. He stated they have been wonderful to work with.

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There was no further discussion or comments from the public. Mayor Hubbard closed the public hearing at 6:23 p.m.

It was moved by Bruce Fitzgerald and seconded by David Crespín Approving Resolution 2023R042 Accepting the Coyote Creek PUD Filing No. 5 Preliminary Plat. Motion passed unanimously on roll call vote.

ACTION MEMORANDUM

AM 2023-167 Approving Resolution 2023R043 Accepting the Coyote Creek PUD Filing No. 5 Final Plat

The applicants, Lupton Land L.L.C. and JR Engineering have applied for approval of a Final Plat, known as the Coyote Creek PUD Filing No. 5 Final Plat.

The site that is the subject of the Final Plat is located adjacent to the north and south of Coyote Creek Drive. It is west and adjacent to College Ave. in the Northwest Quarter of Section 4, Township 1 North, Range 66 West of the 6th Principal Meridian, City of Fort Lupton., County of Weld, State of Colorado (the Property). The proposed Preliminary Plat is for a single-family detached residential subdivision that will include 76 lots. The subdivision is 10 acres, more or less.

This final plat is being reviewed under the final plat provisions of the municipal code in the Subdivision Regulations. Section 17-23 states that a final plat is to be reviewed by City Council, and does not require Planning Commission review. The Code requires that a subdivision improvements agreement be submitted by the applicant for review by the City Attorney and City Council. Completion of the Subdivision Improvements Agreement has been made a condition of approval.

Magaly Morales, City Planner, stated on the Final Plat Resolution, there are more conditions than on the Preliminary Plat Resolution. Also, due to scheduling conflicts the requirement to transfer water rights within 90 days has been changed to 180 days.

It was moved by Carlos Barron and seconded by David Crespín to Approve Resolution 2023R043 Accepting the Coyote Creek PUD Filing No. 5 Final Plat and Amending the Number of Days to Transfer Water Shares from 90 days to 180 days. Motion passed unanimously on roll call vote.

AM 2023-165 Adopting Ordinance 2023-1161 Accepting the Real Estate Purchase Agreement for purchase of the Property Located at 1025 1st Street, Fort Lupton, Colorado, known as the Fort Lupton Veterinary Clinic, in the Amount of \$460,000 Allocated from the 2024 Police Department Capital Expenditure Budget

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Dr. McMillan approached the City to purchase the building and grounds utilized for his practice due to his retirement. Dr. McMillan accepted an offer from the City to purchase the real estate for \$460,000.

The intended use of the property is to create a local short-term holding area for impounded dogs and office space for the Code Enforcement Officers. With the retirement of Dr. McMillan, the current animal control accommodation will no longer be available, necessitating that all impounded dogs be immediately transported to NOCO Humane Society in Evans, CO. By purchasing 1025 1st St, the Police Department can hold dogs locally, thus not requiring an officer immediately to take animals to NOCO and allowing the dogs to be reclaimed by the owner at a lower expense.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to Accept the Real Estate Purchase Agreement for purchase of the Property Located at 1025 1st Street, Fort Lupton, Colorado, known as the Fort Lupton Veterinary Clinic, in the Amount of \$460,000 Allocated from the 2024 Police Department Capital Expenditure Budget. Motion passed unanimously on roll call vote.

AM 2023-170 Approve Award of Contract with HCL Engineering & Surveying, LLC for Survey Services for the 14th Street Drainage Survey Project for an Amount Not to Exceed \$44,980.00 from the Storm Drainage Enterprise Fund- Plans and Studies

The Public Works Department is working with Tri-State, Cottonwood Greens, and Willow Crossing developments on a regional solution for the developed drainage for the 14th street corridor. Through this coordination it has been identified that stormwater infrastructure, namely a large diameter pipe will be required on County Road 14.5, or 14th street, to route the drainage to what is referred to as the "Golden Pond", which is a regional detention basin owned and maintained by the City. Therefore, a detailed topographic (surface) survey is required to be utilized in the engineering design of the large diameter pipe. This survey will also include office research by the selected consultant to determine ownership of adjacent parcels to determine if future Right of Way may need to be acquired for the future project, utilities in the Right of Way will be identified as conflicts with the proposed design and the existing utilities will need to be identified and mitigated. The survey information may also be used for the future annexation of County Road 14.5 to the City, and as well as future roadway improvements. The Request for Proposal (RFP) was sent to the four consultants on the Engineering Services List that stated survey as a provided service October 16, 2023. HCL Engineering & Surveying, LLC provided a proposal that met the intent of the Request for Proposal in more detail and scope than other proposals received.

It was moved by Claud Hanes and seconded by David Crespin Approve Award of Contract with

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HCL Engineering & Surveying, LLC for Survey Services for the 14th Street Drainage Survey Project for an Amount Not to Exceed \$44,980.00 from the Storm Drainage Enterprise Fund-Plans and Studies. Motion passed unanimously on roll call vote.

STAFF REPORTS

City Clerk, Mari Peña, reported that official election results are in and congratulated David Crespin, Chris Ceretto, and Bruce Fitzgerald for being reelected to City Council.

Finance Director, Leann Perino, reported that the Governor signed Senate Bill 23B-001 the Property Tax Relief Bill. Weld County will have final assessments out January 3rd and the City has to certify the Mill Levy by January 10th. A special meeting will be held on January 9th to meet the Mill Levy deadline.

Public Works Director, Roy Vestal, stated the 9th street water main is repaired and back in service. The Metro Lift Station and Force Main project is currently out for bid.

Planning Director, Todd Hodges, stated the new City Planner is starting next week. He also showed appreciation towards his staff for their good work while he was on vacation.

Chief of Police, John Fryer, stated the Police Department's basement project passed inspection and staff is starting to move in.

MAYOR/COUNCIL REPORTS

Councilmember, Valerie Blackston, reported she was at an open house for a school in Frederick and noticed they have a youth commission to obtain youth input on things that impact youth. She thought it was a good idea and believes it may be beneficial to start one in Fort Lupton.

Councilmember, David Crespin, thanked everyone who voted for him. He is happy to be back on Council.

Councilmember, Chris Ceretto, also thanked everyone who voted for him and he is also happy to be reelected.

Councilmember, Bruce Fitzgerald, stated he didn't have any worries since no one was running against him. However, he also appreciates all the votes he received.

Councilmember, Carlos Barron, stated he attended a few days of the special session that was at the Capitol last weekend. He didn't want to go into detail but stated he can't wait.

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FUTURE CITY EVENTS

November 23-24, 2023	City Offices Closed in Observance of Thanksgiving Day
November 28, 2023	Public Meeting to Discuss Changes in Monthly Shut-off Procedures, City Hall, 130 S. McKinley Ave. 6:00 p.m.
December 2, 2023	Cookies & Cocoa with Santa, Fort Lupton Public and School Library, 370 S. Rollie Ave., 10 a.m. – 2 p.m.

UPCOMING MEETINGS

November 28, 2023 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
December 5, 2023 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
December 12, 2023 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
December 19, 2023 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.

ADJOURNMENT

The meeting adjourned at 6:39 p.m.

Submitted by,


Maricela Peña, City Clerk



Approved by City Council,


Zo Hubbard, Mayor.