



CITY OF FORT LUPTON
CITY COUNCIL/ENTERPRISE BOARDS
REGULAR MEETING AGENDA
Tuesday, January 16, 2024
6:00 PM
130 South McKinley Avenue

Zo 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/353347597>

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. Police Department Staff Promotions

Approval of Agenda

Review of Accounts Payables

a. January 16, 2024 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 2, 2024 Marijuana Licensing Authority Meeting Minutes**
- b. January 2, 2024 City Council Meeting Minutes**
- c. Second Reading Ordinance 2023-1162 Amending Article IV Business Licenses and Regulations of the Fort Lupton Municipal Code to Amend Sections 6-111 Definitions; 6-112 License Fees; 6-113 Insurance; and Enacting the Following Sections Sec 6-116 Responsibilities of Contractor, and Sec 6-117 – Disciplinary Procedures, Violations, and Penalties**
- d. AM 2024-013 Approving the Purchase of Annual Software for Cyber Security for an Amount Not to Exceed \$41,520.00 Allocated from the Information Technology Budget, Professional Services Account**
- e. AM 2024-014 Approving Payment to Axon Enterprises Inc. for an Amount not to Exceed \$55,212.53 for User Licenses, Maintenance and Equipment for the Police Department Allocated from the General Fund 2024 PD Contractual Services Fund**
- f. AM 2024-015 Approving Payment to Northern Colorado Water Conservancy District for the 2024 Windy Gap Firing Assessment to be Paid from the Water Sales Tax Fund for an Amount Not to Exceed \$98,805.55**
- g. AM 2024-016 Renew Agreement with Williams and Weiss Consulting, LLC and J&T Consulting to Provide Water Engineering Services for the City of Fort Lupton for an Amount Not to Exceed \$109,010 from the Utility Fund and Water Sales Tax Funds**

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 2024-018 Adopting a Resolution Approving the Intergovernmental Agreement with the Town of Hudson Regarding Annexation, Growth Boundaries, and Planning Areas
- b. AM 2024-019 Approving a Resolution Accepting an Amendment to the Future Land Use Map that was Adopted in 2018 as a Part of the Fort Lupton Comprehensive Plan
- c. AM 2024-020 Approving a Resolution Accepting the Lupton Greens Preliminary Plat
- d. AM 2024-021 Approving a Resolution Accepting the Lupton Greens Change of Zone

Action Memorandum

- a. AM 2024-017 Approving the Purchase of (2) Ford Transits 350 Vans for the Recreation Center for an Amount Not to Exceed \$116,930.00, Allocated from the Culture Parks & Recreation Fund's Capital Projects Account

Information Memorandum

- a. IM 2024-001 Approved Public Works Agreement to Backhoe & Dozer Services Inc. for Maximum Amount Not to Exceed \$30,000.00 for On Call Snow Services for Street Plowing During Snow Events From the Street Sales Tax Fund
- b. IM 2024-002 Temporary Change to the Police Department Hiring Bonus Structure to Encourage Qualified Applicants to Fill Patrol Staff Vacancies

Staff Reports

Mayor/Council Reports

Future City Events

- a. January 16, 2024 Upcoming Events

Upcoming Meetings

- a. January 30, 2024 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
February 6, 2024 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
February 13, 2024 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
February 20, 2024 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.

Adjourn

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
January 16, 2024**

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, January 16, 2024. 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, Carlos Barron, Claud Hanes, Bruce Fitzgerald, Chris Ceretto and Valerie Blackston. David Crespín was absent.

Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, Public Works Director, Roy Vestal, Finance Director, Leann Perino, Planning Director, Todd Hodges and Lieutenant, William Carnes.

PERSONS TO ADDRESS COUNCIL

Lieutenant, William Carnes presented January 6, 2024 Police Department promotions and staff recognition to Council. Joe Sandoval, Albert Castillo, Kenneth Parsons, Steven Michael, Trey Devich and Guadalupe Gallegos were acknowledged.

APPROVAL OF AGENDA

Staff requested to add IM 2024-003 Increase Processing Fees Assessed on ACH/E-Check Payments for Building Permits and stated that Item d under Public Hearings should state "AM 2024-021 Approving an Ordinance Accepting the Lupton Greens Change of Zone." It was moved by Bruce Fitzgerald and seconded by Carlos Barron to approve the agenda as amended. Motion passed unanimously on voice vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the January 16, 2024, payables. Mayor Hubbard had a question regarding the amount of transfers to Bank of Colorado which amounted to about 4 million dollars. Finance Director, Leann Perino, responded stating that these were internal transfers from the deposit account to the checking account to ensure there was enough money to cover wires and debt payments.

CONSENT AGENDA

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

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- January 2, 2024 Marijuana Licensing Authority Meeting Minutes
 - January 2, 2024 City Council Meeting Minutes
 - Second Reading Ordinance 2023-1162 AMENDING ARTICLE IV BUSINESS LICENSES AND REGULATIONS OF THE FORT LUPTON MUNICIPAL CODE TO AMEND SECTIONS 6-111 DEFINITIONS; 6- 112 LICENSE FEES; 6-113 INSURANCE; AND ENACTING THE FOLLOWING SECTIONS SEC 6-116 RESPONSIBILITIES OF CONTRACTOR, AND SEC 6-117 – DISCIPLINARY PROCEDURES, VIOLATIONS, AND PENALTIES
 - Approving the Purchase of Annual Software for Cyber Security for an Amount Not to Exceed \$41,520.00 Allocated from the Information Technology Budget, Professional Services Account (AM 2024-013)
 - Approving Payment to Axon Enterprises Inc. for an Amount not to Exceed \$55,212.53 for User Licenses, Maintenance and Equipment for the Police Department Allocated from the General Fund 2024 Police Department Contractual Services Fund (AM 2024-014)
 - Approving Payment to Northern Colorado Water Conservancy District for the 2024 Windy Gap Firming Assessment to be Paid from the Water Sales Tax Fund for an Amount Not to Exceed \$98,805.55 (AM 2024-015)
 - Renew Agreement with Williams and Weiss Consulting, LLC and J&T Consulting to Provide Water Engineering Services for the City of Fort Lupton for an Amount Not to Exceed \$109,010 from the Utility Fund and Water Sales Tax Funds (AM 2024-016)
- Motion passed unanimously on roll call vote.

PUBLIC HEARINGS

AM 2024-018 Adopting a Resolution Approving the Intergovernmental Agreement with the Town of Hudson Regarding Annexation, Growth Boundaries, and Planning Areas

Mayor Hubbard opened the public hearing at 6:10 p.m.

City Planner, Sean McDermott, provided an overview of the agreement. The agreement is between the City of Fort Lupton and Town of Hudson. This agreement will establish an updated planning area for which growth boundaries, land use, and service provision will be coordinated between the two municipalities. This agreement would replace the intergovernmental agreement dated February 14, 2007 and terminated on November 12, 2021.

Mayor Hubbard asked if anyone from the public wished to speak for or against the proposal. A question was asked by Fred Croci in the audience relating to terms of the agreement. The City Planner stated that after the 10-year period the agreement is renewed for successive 1-year terms. There being no further comments or questions, Mayor Hubbard closed the public hearing at 6:12 p.m.

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It was moved by Carlos Barron and seconded by Valerie Blackston to approve the Intergovernmental Agreement with the Town of Hudson Regarding Annexation, Growth Boundaries, and Planning Areas. Motion passed unanimously on roll call vote.

AM 2024-019 Approving a Resolution Accepting an Amendment to the Future Land Use Map that was Adopted in 2018 as a Part of the Fort Lupton Comprehensive Plan

Mayor Hubbard opened the public hearing at 6:13 p.m.

Councilmember Chris Ceretto was recused from the meeting.

City Planner, Magaly Morales presented the comprehensive plan amendment, preliminary plat, and change of zone all together as all three pertain to the Lupton Greens project (AM 2024-019, AM 2024-020, and AM 2024-021). She stated the application is for a residential and commercial subdivision.

City staff has determined that an amendment to the 2018 Future Land Use Map is required in order for the property that is the subject of the Lupton Greens applications to conform with the Fort Lupton Comprehensive Plan. This proposed amendment is to reclassify a portion of the property from the General Commercial land use type to the Single-Family Detached use type.

The site is located south and adjacent to County Road 12 and approximately .16 miles west of S. Denver Ave. The Applicant has submitted a request for a preliminary plat for a mixed-use subdivision that will include 1 commercial lot, 5 commercial tracts, 1 residential tract and two outlots.

The Property is primarily vacant with an existing residence along the northern portion. Towards the middle of the western portion of property, there is an existing oil and gas facility that will remain. There is a gravel road that runs south from CR 12 that provides access to the oil and gas facility. This facility contains production equipment and multiple wells.

The applicant, Fort Lupton Greens LLC has applied for approval of a Change of Zone, known as the Lupton Greens Change of Zone. A public hearing with the Fort Lupton Planning Commission for this application was held on December 14, 2023, and Planning Commission recommended approval to City Council of the Change of Zone.

Dan Hal with Land 1 Engineering asked for the following requests to be placed into the records. The applicant requested confirmation of the following items: 1) water policy for any development of the project be based off the water policy that was in place at the original time of the application 2) development of parcels shall be subject to preliminary and final plat process for future submittals and shall not require conceptual review unless there is substantial deviation from the code.

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Mayor Hubbard responded stating these requests were not a part of the packet. Planning Director, Todd Hodges voiced concern regarding these requests and demands from the applicant.

Fred Croci, representative of the development team stated the reasoning for the requests are due to the fact that the developer has to develop Rollie Ave. which is an extreme cost and the developer believes it would be fair if the City gives back a little.

Councilmember Carlos Barron, voiced concern regarding the amount of land that has been rezoned to residential from Commercial. He believes that more commercial land is going to be needed in the future.

There was no further discussion. Mayor Hubbard closed the public hearing at 6:24 p.m.

It was moved by Claud Hanes and seconded by Bruce Fitzgerald to approve a Resolution Accepting an Amendment to the Future Land Use Map that was Adopted in 2018 as a Part of the Fort Lupton Comprehensive Plan. Motion failed unanimously on roll call vote.

AM 2024-020 Approving a Resolution Accepting the Lupton Greens Preliminary Plat

Mayor Hubbard opened the public hearing at 6:26 p.m.

Since the project was previously introduced in the first hearing, there was no presentation and no further information or comments.

Mayor Hubbard asked if the applicant has additional information for the Council. Daniel Hal with Land 1 Engineering, stated he had no further information to present.

Mayor Hubbard closed the public hearing at 6:26.

It was moved by Carlos Barron and seconded by Valerie Blackston to approve a Resolution Accepting the Lupton Greens Preliminary Plat. Motion failed by 4 no votes and 1 yes vote from Councilmember Bruce Fitzgerald.

AM 2024-021 Approving an Ordinance Accepting the Lupton Greens Change of Zone

Mayor Hubbard opened the public hearing at 6:27 p.m.

Since the project was previously introduced in the first hearing, there was no presentation and no further information or comments.

Daniel Hal and Land 1 Engineering stated he had no further information to present.

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Mayor Hubbard closed the public hearing at 6:27.

It was moved by Valerie Blackston and seconded Carlos Barron to Approve an Ordinance Accepting the Lupton Greens Change of Zone. Motion failed unanimously on roll call vote.

Councilmember Ceretto rejoined the meeting at 6:30 p.m.

ACTION MEMORANDUM

AM 2024-017 Approving the Purchase of (2) Ford Transits 350 Vans for the Recreation Center for an Amount Not to Exceed \$116,930.00, Allocated from the Culture Parks & Recreation Fund's Capital Projects Account

As part of the 2024 Capital Projects for the Community Center, the Recreation Department would like to replace the 2008 Chevy Express 12 passenger van and the 2005 Ford Mini Bus with (2) 2024, 15 Passenger, High Profile Ford Transit 350 vans from Larry H. Miller Ford Lakewood. Both the Chevrolet Van and the Mini Bus have seen significant usage over the years with physical wear and tear, including significant paint wear off on the van. These are the 2 oldest vehicles from the Recreation Center's passenger fleet. The (2) 2024 Ford Transits will include a 5 Year, 100,000-mile warranty. Both Vans are expected to be delivered by end of May 2024.

The Community Center offers regular Senior Trips, Teen Trips and Summer Camp Field Trips. All have seen an increase in usage and require 2 vans on most trips. During the summer months, trips go out 4-5 times per week requiring a rotation of passenger vehicles. By not providing safe and reliable transportation, it could prohibit these programs from offering outings that are appealing.

The Recreation Department planned to purchase 1 van in 2023. However, there was not enough money budgeted.

It was moved by Bruce Fitzgerald and seconded by Carlos Barron to Approve the Purchase of (2) Ford Transits 350 Vans for the Recreation Center for an Amount Not to Exceed \$116,930.00, Allocated from the Culture Parks & Recreation Fund's Capital Projects Account. Motion passed unanimously on roll call vote.

INFORMATION MEMORANDUM

IM 2024-001 Approved Public Works Agreement to Backhoe & Dozer Services Inc. for Maximum Amount Not to Exceed \$30,000.00 for On Call Snow Services for Street Plowing

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During Snow Events From the Street Sales Tax Fund

Backhoe & Dozer Services Inc. is owned and operated by Willie Taylor, a local resident. Willie has provided emergency snow assistance for the City in the past.

The City can use additional help during snow events to plow City owned streets. Past annexations have added many miles of roadway to the city limits. By assigning the northern out skirt roadways to contract, City crews can focus snow removal operations on the core area where the majority of the residents live and work.

The City currently has over 75 miles of streets to maintain. Past snow removal expenses average around \$20,000 per year. The last big event occurred in 2021 with a total expense of \$48,000 that included two contractors to assist with removal of snow.

The agreement has been signed by City Administrator, Chris Cross.

IM 2024-002 Temporary Change to the Police Department Hiring Bonus Structure to Encourage Qualified Applicants to Fill Patrol Staff Vacancies

The Police Department (PD) has five patrol staff vacancies, which is adversely affecting patrol effectiveness and efficiency. The PD has run an open hiring process for over a year and struggles to find qualified applicants. The PD has also participated in job fairs and police academy recruitment events to try to remedy this shortfall.

Currently, the PD pays a hiring bonus of \$1500 (new) / \$2500 (lateral) to new hires. This bonus is paid in two installments, with the first installment paid once the Officer completes initial training and is certified to work independently. The second installment is paid after the completion of the initial performance period. Many surrounding police departments offer a significantly higher bonus to new hires.

The PD is proposing to temporarily increase the hiring bonus to \$5000 for new Police Officers and \$10,000 for lateral Police Officers (defined as Colorado certified Peace Officers with at least two consecutive years' experience at one law enforcement agency and having left the agency in good standing, from the most recent law enforcement employer). The PD recommends running this temporary increase for 6 months, in 60-day recruiting cycles, and then returning to the current bonus structure. After each 60-day recruiting cycle, the PD and HR will evaluate the need to run an additional cycle based on the continuing need of the Department.

IM 2024-003 Increase Processing Fees Assessed on ACH/E-Check Payments for Building Permits.

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In 2023, our building inspection company, ProCode, Inc., was purchased by Safebuilt, LLC. Safebuilt has their own online building permit software solution. The new system is in the implementation process and requires a new credit card processor. Safebuilt gave us a list of five processors they have worked with; two of the five responded to our request for

information. The company chosen is Government Windows. Government Windows does not charge an implementation fee and can be terminated at any time without notice. References for Government Windows were positive.

Cascade, Pro-code's building permit solution, was implemented using Global Pay, the same credit card processor as our Court online payment system. At the time, Global Pay was charging \$3.95 per transaction for credit card processing and \$0.50 per transaction for ACH/E-Check processing. These are the rates currently in effect for building permits.

Government Windows agreed to keep our credit card processing fees of \$3.95 per transaction but require \$1.50 per transaction e-check processing fee. Government windows requested fees for credit card processing are \$4 per transaction and e-check processing varies between \$1 to \$5 per transaction. In the future we may see fees increased to this level.

STAFF REPORTS

Jacqueline Chavez, Safety and Risk Coordinator, provided an update regarding the City's Workers Compensation Policy.

Roy Vestal, Public Works Director, stated this Friday, January 19, 2024, bids open for the Metro Lift Station and Force Main Project.

Todd Hodges, Planning Director, stated the Community Development Office will host their first Welcome Wednesday which allows the community an opportunity to stop in and ask general questions and learn about different building and planning processes.

William Carnes, Lieutenant, mentioned on the first Wednesday of every month the Police Department will host Coffee with a Cop at the Hard Bean.

Andy Ausmus, City Attorney, thanked Council and City staff for their kind words and actions after the passing of his mother.

Leann Perino, Finance Director, announced the Finance Department has hired a new Utility Billing Clerk.

MAYOR/COUNCIL REPORTS

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Councilmember Valerie Blackston, stated Mari, City Clerk, Julie, Assistant Recreation Director, and herself will be meeting on Friday to discuss the Youth Commission Committee.

FUTURE CITY EVENTS

January 17, 2024 Welcome Wednesday- Community Development Office
1200 Dexter St. Unit W13, 7:30 a.m.- 9:00 a.m.
February 7, 2024 Coffee with a Cop
Hard Bean Coffee, 107 Dales Pl., 8:00 a.m.- 9:30 a.m.

UPCOMING MEETINGS

January 30, 2024 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
February 6, 2024 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
February 13, 2024 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
February 20, 2024 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.

ADJOURNMENT

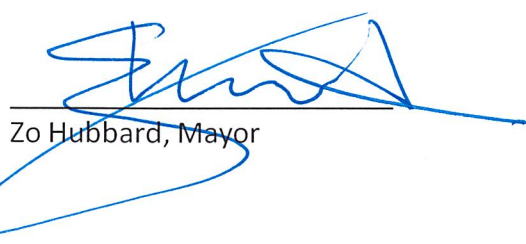
The meeting adjourned at 6:49 p.m.

Submitted by,


Maricela Peña, City Clerk



Approved by City Council,


Zo Hubbard, Mayor