



CITY OF FORT LUPTON
CITY COUNCIL/ENTERPRISE BOARDS
REGULAR MEETING AGENDA
Tuesday, November 1, 2022
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 Stieber

Approval of Agenda

Review of Accounts Payables

a. November 1, 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. October 15, 2022 Special Meeting Minutes
- b. October 18, 2022 Meeting Minutes
- c. AM 2022-149 Approving a Resolution to Appoint Louis A. Gresh as the Municipal Judge for the City of Fort Lupton and Approving the Service Agreement
- d. AM 2022-150 Approving a Resolution to Appoint Ausmus Law Firm, P.C. as the City Attorney for the City of Fort Lupton and Approving the Service Agreement
- e. AM 2022-151 Approving a Resolution to Appoint Willard B. Hardesty as the Associate Municipal Judge for the City of Fort Lupton and Approving the Service Agreement
- f. AM 2022-152 Approving a Resolution to Appoint Maricela Peña as the City Clerk for the City of Fort Lupton
- g. AM 2022-153 Approving a Resolution to Appoint Christopher Cross as the City Administrator for the City of Fort Lupton
- h. AM 2022-161 Approving a Resolution Ratifying the Appointment of Certain Nominees to the Board of Trustees of the High Plains Library District

Action Memorandum

- a. AM 2022-165 Adopting an Ordinance Approving a Loan from the Colorado Water Resources and Power Development Authority ("CWRPDA") in the Aggregate Principal Amount not to Exceed \$25,000,000 Payable from the Wastewater Revenue; Authorizing the Form and Execution of the Loan Agreement and Governmental Agency

Bond to Evidence Such Loan; Authorizing the Construction of a Project; Prescribing other Details in Connection and Declaring an Emergency on Second and Final Reading

- b. AM 2022-158 Approving an Ordinance Amending Section 10-1.4 of the Municipal Code to Establish a Diversion/Probation Service Fee to be Collected and Utilized by the Fort Lupton Municipal Court for the Purposes of Such Programs
- c. AM 2022-159 Purchase of Two (2) Full Matrix Message Boards from Holland Signs, Inc. for an Amount not to Exceed \$37,850.00 From the General Fund
- d. AM 2022-160 Purchase Three (3) Speed Alert Traffic Signs from All Traffic Solutions Inc. for an Amount not to Exceed \$21,469.00 From The General Fund

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. Memo to Request Continuance of the Public Hearing for the Family Dollar Stores of Colorado, LLC dba Family Dollar #25949 for a Fermented Malt Beverage ("FMB") Off-Premise License to December 6, 2022
- b. AM 2022-162 Approving a Resolution Accepting the Coyote Creek PUD Filing No. 5 Preliminary Plat
- c. AM 2022-163 Adopt Ordinance Annexing Land, Known as the High Pointe Hills Annexation, and Legally Described in Exhibit "A" to the Proposed Ordinance, and Approving the Annexation Agreement
- d. AM 2022-164 Adopt an Ordinance to Initially Zone Land Legally Described in Exhibit "A" of the Proposed Ordinance, Known as The High Pointe Hills Initial Zoning, to the 'A' Agricultural Zone District

Information Memorandum

- a. IM 2022-017 Update to the Letter of Intent with Todd Creek Village Metropolitan District ("Todd Creek") Regarding the Wastewater Collection Service Area Agreement
- b. IM 2022-018 Discussion of the High Pointe Hills Concept Plan

Staff Reports

Mayor/Council Reports

Future City Events

- a. November 1, 2022 Upcoming Events

Adjourn

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

Councilmember Valerie Blackston participated remotely through GoToMeeting.

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

PERSONS TO ADDRESS COUNCIL

There was no one to address the Council.

APPROVAL OF AGENDA

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

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the November 1, 2022, payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

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

- October 15, 2022 Special Meeting Minutes
- October 18, 2022 City Council Meeting Minutes
- Approving Resolution 2022R065 TO APPOINT LOUIS A. GRESH AS THE MUNICIPAL JUDGE FOR THE CITY OF FORT LUPTON AND APPROVING THE SERVICE AGREEMENT (AM 2022-149)
- Approving Resolution 2022R066 TO APPOINT AUSMUS LAW FIRM, P.C. AS THE CITY ATTORNEY FOR THE CITY OF FORT LUPTON AND APPROVING THE SERVICE AGREEMENT

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(AM 2022-150)

- Approving Resolution 2022R067 TO APPOINT WILLARD B. HARDESTY AS THE ASSOCIATE MUNICIPAL JUDGE FOR THE CITY OF FORT LUPTON AND APPROVING THE SERVICE AGREEMENT (AM 2022-151)
- Approving Resolution 2022R068 TO APPOINT MARICELA PEÑA AS THE CITY CLERK FOR THE CITY OF FORT LUPTON (AM 2022-152)
- Approving Resolution 2022R069 TO APPOINT CHRISTOPHER CROSS AS THE CITY ADMINISTRATOR FOR THE CITY OF FORT LUPTON (AM 2022-153)
- Approving Resolution 2022R070 RATIFYING THE APPOINTMENT OF CERTAIN NOMINEES TO THE BOARD OF TRUSTEES OF THE HIGH PLAINS LIBRARY DISTRICT (AM 2022-161)

Motion passed unanimously on roll call vote.

ACTION MEMORANDUM

AM 2022-165 Adopting an Ordinance Approving a Loan from the Colorado Water Resources and Power Development Authority ("CWRPDA") in the Aggregate Principal Amount not to Exceed \$25,000,000 Payable from the Wastewater Revenue; Authorizing the Form and Execution of the Loan Agreement and Governmental Agency Bond to Evidence Such Loan; Authorizing the Construction of a Project; Prescribing other Details in Connection and Declaring an Emergency on Second and Final Reading 2022-157 Approving Insurance Benefits for Employees for 2023

The City Council, acting by and through the Enterprise, has determined the need to pay the estimated tap fee for connecting the City to the Metro Water Recovery Northern Treatment Plant (the "Project"). The City has made application to the Colorado Water Resources and Power Development Authority (the "CWRPDA"), a body corporate and political subdivision of the State of Colorado, for a loan to finance all or a portion of the cost of the Project. The City Council has determined that in order to finance all or a portion of the cost of the Project, it is necessary and advisable and in the best interests of the City

- (i) to enter into a loan agreement with CWRPDA (the "Loan Agreement"), pursuant to which CWRPDA shall loan the City an amount of not to exceed \$25,000,000 at 2.75% interest (the "Loan") for such purposes, and
- (ii) to issue a governmental agency bond (the "Bond") to CWRPDA to evidence the City's repayment obligations under the Loan Agreement.

The forms of the Loan Agreement and the Bond have been presented to the Council. The Bond and the Loan Agreement shall constitute revenue obligations of the City, payable from the Net Revenues of the wastewater utility portion of the Enterprise (the "System" as defined in the Loan Agreement). The City Council desires to approve the form of the Financing Documents and other documents referenced therein, authorize the execution of the Loan Agreement, and authorize the execution and delivery of the Bond.

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Pursuant to Section 31-16-105, C.R.S., because of the urgent need for the financing of the Project and the limited availability of low or no interest loans, and in order to consummate the financing prior to the close of the calendar year, the City Council has determined that an emergency exists and that adoption of this Ordinance as an emergency measure on second and final reading is necessary for the immediate preservation of the public peace, health, safety and welfare.

It was moved by Carlos Barron and seconded by Bruce Fitzgerald to adopt Ordinance 2022-1146 AN ORDINANCE APPROVING A LOAN FROM THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY ("CWRPDA") IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$25,000,000 PAYABLE FROM THE WASTEWATER REVENUE; AUTHORIZING THE FORM AND EXECUTION OF THE LOAN AGREEMENT AND GOVERNMENTAL AGENCY BOND TO EVIDENCE SUCH LOAN; AUTHORIZING THE CONSTRUCTION OF A PROJECT; PRESCRIBING OTHER DETAILS IN CONNECTION AND DECLARING AN EMERGENCY ON SECOND AND FINAL READING 2022-157 APPROVING INSURANCE BENEFITS FOR EMPLOYEES FOR 2023. Motion passed unanimously on roll call vote.

AM 2022-158 Approving an Ordinance Amending Section 10-1.4 of the Municipal Code to Establish a Diversion/Probation Service Fee to be Collected and Utilized by the Fort Lupton Municipal Court for the Purposes of Such Programs

During the 2023 City Budget process, City Council approved the formation of a diversion and probation division within the Municipal Court and decrease use of third-party vendors. City Council further authorized for the collection of diversion and probation fees from qualifying defendants to assist with the operational expense of such programs. The newly assessed fee is \$10.00 per month for the length of the ordered program. Typically, diversion and probation cases are for a 12-month period.

It was moved by Valerie Blackston and seconded by Carlos Barron to adopt Ordinance 2022-1147 AN ORDINANCE AMENDING SECTION 10-1.4 OF THE MUNICIPAL CODE REGARDING FEE FOR DIVERSION OR PROBATION CASES OF THE FORT LUPTON MUNICIPAL COURT. Motion passed unanimously on roll call vote.

AM 2022-159 Purchase of Two (2) Full Matrix Message Boards from Holland Signs, Inc. for an Amount not to Exceed \$37,850.00 From the General Fund

The General Fund Streets budget includes \$54,000 in the 2022 Capital Improvements Budget to purchase 2 new traffic message boards. The City's existing 2 message boards were purchased used prior to 2015 and have become nonoperational.

Holland Signs, Inc. has quoted 2 message boards with solar power operation for \$18,925.00 each unit (total order \$37,850.00). This company is located in Parker, Colorado. The WANCO message

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boards are manufactured in Arvada, Colorado. We avoid \$900.00 delivery charge per panel by purchasing from Holland Signs and picking up the panels at the WANCO plant in Arvada.

Other quotes received included

TransSupply = \$17,995.00

Dana Supply = \$23,655.58

ACME Tools = \$19,100 + \$999 Delivery charge

It was moved by Bruce Fitzgerald and seconded by David Crespino to approve the Purchase of Two (2) Full Matrix Message Boards from Holland Signs, Inc. for an Amount not to Exceed \$37,850.00 From the General Fund. Motion passed on roll call vote.

AM 2022-160 Purchase Three (3) Speed Alert Traffic Signs from All Traffic Solutions Inc. for an Amount not to Exceed \$21,469.00 From The General Fund

Numerous complaints related to speeding at several locations throughout the City have been received. Staff would like to try a new approach using an electronic speed radar sign with flashing messages. The SpeedAlert 18 sign system has a radar detector that posts the speed being traveled and can be programmed to flash messages. The system includes a mobile web interface for programming and documenting traffic speeds, time of day and photos of the vehicles.

The General Fund Streets budget included \$54,000 in the 2022 Capital Improvements Budget to purchase 2 new traffic message boards. The cost of the message boards to be purchased is \$37,850.00 (\$16,150). The budget also included \$10,000 for a mobile light tower. Public Works staff purchased a used one at auction for \$2,250.00 (\$7,750). Total unused capital budget is \$23,900.00.

All Traffic Solutions Inc. has quoted 3 SpeedAlert 13 signs with solar power operation for \$7,148.00 each unit (total order \$21,469.00). This product does not have an equivalent system competitor. Another similar system without the photo and mobile app interface costs \$3,285 through TreeTopProducts.com.

It was moved by Carlos Barron and seconded by Claud Hanes to Purchase Three (3) Speed Alert Traffic Signs from All Traffic Solutions Inc. for an Amount not to Exceed \$21,469.00 from the General Fund. Motion passed unanimously on roll call vote.

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PUBLIC HEARING

Memo to Request Continuance of the Public Hearing for the Family Dollar Stores of Colorado, LLC dba Family Dollar #25949 for a Fermented Malt Beverage ("FMB") Off- Premise License to December 6, 2022

The applicant has requested a continuance of the public hearing to December 6, 2022, to allow for the attorney to attend the meeting remotely. It was moved by Bruce Fitzgerald and seconded by David Crespino to approve the continuance of the public hearing Family Dollar Stores of Colorado, LLC dba Family Dollar #25949 for a Fermented Malt Beverage ("FMB") Off- Premise License to December 6, 2022. Motion passed unanimously on roll call vote.

AM 2022-162 Approving a Resolution Accepting the Coyote Creek PUD Filing No. 5 Preliminary Plat

The applicant has requested a continuance of the hearing to December 6, 2022, to provide sufficient time to analyze the need for any possible revisions to the current plat.

It was moved by Claud Hanes and seconded by Bruce Fitzgerald to approve the continuance of the public hearing for Coyote Creek Filing No. 5 Preliminary Plat to December 6, 2022. Motion passed unanimously on roll call vote.

AM 2022-163 Adopt Ordinance Annexing Land, Known as the High Pointe Hills Annexation, and Legally Described in Exhibit "A" to the Proposed Ordinance, and Approving the Annexation Agreement

Mayor Hubbard opened the public hearing at 6:20 p.m. The City Planner, Clay Hartley, provided an overview of the proposal. Highway 52 General Partnership L.L.P. has submitted a request for annexation of land totaling 181.907 acres, more or less, known as the High Pointe Hills Annexation. The annexation consists of one parcel of land. The proposed initial zoning is to the 'A' Agricultural Zone District, which is being presented to City Council for approval under a separate Action Memorandum and Ordinance following the hearing on this Annexation. The proposed future use of the property is for a residential and commercial subdivision.

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 500 feet of the site, and publishing notice of the hearing in the Fort Lupton Press for four consecutive weeks, with the first publication being at least 30 days prior to the City Council public hearing.

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.

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No discussion occurred.

It was moved by David Crespín and seconded by Claud Hanes to adopt Ordinance 2022-1148 ANNEXING LAND LEGALLY DESCRIBED IN EXHIBIT "A" KNOWN AS THE HIGH POINTE HILLS ANNEXATION AND APPROVING THE ANNEXATION AGREEMENT. Motion passed unanimously on roll call vote.

AM 2022-164 Adopt an Ordinance to Initially Zone Land Legally Described in Exhibit "A" of the Proposed Ordinance, Known as The High Pointe Hills Initial Zoning, to the 'A' Agricultural Zone District

Mayor Hubbard opened the public hearing at 6:24 p.m. City Planner, Clay Hartley, provided an overview of the proposal. Highway 52 General Partnership L.L.P. has submitted a request zoning to the 'A' Agricultural Zone District.

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 500 feet of the site, and publishing notice of the hearing in the Fort Lupton Press for four consecutive weeks, with the first publication being at least 30 days prior to the City Council public hearing.

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 6:25 p.m.

No discussion occurred.

It was moved by Carlos Barron and seconded by Bruce Fitzgerald to adopt Ordinance 2022-1149 INITIALLY ZONING LAND KNOWN AS THE HIGH POINTE HILLS INITIAL ZONING, LEGALLY DESCRIBED IN EXHIBIT A, TO THE 'A' AGRICULTURAL ZONE DISTRICT.

INFORMATION MEMORANDUM

IM 2022-017 Update to the Letter of Intent with Todd Creek Village Metropolitan District ("Todd Creek") Regarding the Wastewater Collection Service Area Agreement

The City worked with Todd Creek on a Letter of Intent on June 8, 2022. Council approved the letter and the Document was signed for special connector for them with Metro Water Recovery. As Todd Creek works through their connector status with Metro Water Recovery the term sewer service was requested to be changed to wastewater collection service. This is to make it clearer that the intent is for collection services from Todd Creek and the City, not treatment.

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IM 2022-018 Discussion of the High Pointe Hills Concept Plan

The City Planner, Clay Hartley, stated that the Applicant has submitted a request for consideration of a Concept Plan. The proposed Concept Plan would provide lots for housing and a significant portion of the development would be dedicated to open space. An Annexation and Change of Zone application has been submitted concurrently with this Concept Plan request.

Pursuant to the Fort Lupton Development Code, Article 2.02 (D), a Concept Plan is an initial review of a proposed development. The Concept Plan phase is an optional step that may be recommended by the Planning Director for complex projects prior to submitting a Preliminary and Final Plan. The intent of this phase of the plan is to provide a general concept that describes the applicants' development vision. A Concept Plan is not intended to provide final comments or requirements, or restrict the City's discretion in subsequent stages of the review process.

The site consists of one parcel of land which is located south and adjacent to State Highway 52. The northwestern corner of the parcel is approximately one-quarter of a mile east of County Road 31. The Property is surrounded by agricultural and rural residential land uses. There are also several Weld County Use by Special Review permits nearby, including oil and gas wellheads, service lines, and mineral resource facilities.

Kristin Turner, with PD Group, and representative for the Applicant, provided an overview of the concept plan with the intent to receive feedback from the Council. The plan includes 170 single family square foot lots, 120 townhomes with a 20 feet alley and 8 estate lots of approximately 2.5 acres. Also within the property is a commercial lot for future development, neighborhood parks, open space and trails. Ms. Turner explained the different variations of homes within the development and stated there was plenty of neighborhood park space along with trails and open space around the property. Lastly, Ms. Turner indicated that while there is no design for the commercial lot the hope is the lot will complement the neighborhood.

JR Osborne, the applicant, stated that there will be full turn access and would build both accel and decel lanes. When asked about a buffer, Mr. Osborne answered that trees were added from the Planning Commission meeting and other discussions. Townhome properties are one of the most successful products. JR indicated that he would continue to work on the buffers. All single family homes on the property back up to greenspace which will allow for a nice open community. Mr. Osborne indicated that a metro district would maintain the green space and may have to create a Home Owner's Association to augment the mills. Mr. Osborne added that the trail would be concrete in the high impact area however due to costs, the remainder would be gravel. Within the development are two (2) oil pump jacks that are not wells and are owned by KP Kaufman. The eight (8) estate lots will be covenant controlled and will each have their own individual pump systems. Each system will then pump sewerage to the main line.

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Mr. Osborne received positive feedback of the variations of lots and homes on the property.

The Planning Director, Todd Hodges, explained the current development code as it pertains to this development.

STAFF

City Attorney, Andy Ausmus, thanked the Council for his appointment.

Planning Director, Todd Hodges introduced Michelle Magelssen Economic Development Manager to the Council.

City Clerk, Mari Peña, thanked the Council for her appointment. She also indicated that the any elections ballot can be dropped off at the recreation center.

City Administrator, Chris Cross, thanked the Council for his appointment and indicated that open enrollment starts Wednesday thanks for reappointment.

MAYOR/COUNCIL REPORTS

Council thanked staff for all the hard work and commitment.

FUTURE CITY EVENTS

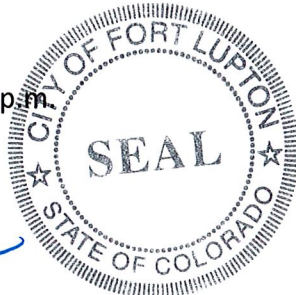
November 8, 2022	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m. and Election Day, 203 S. Harrison Ave. Voting closes at 7 p.m.
November 11, 2022	City Offices Closed in Observance of Veteran's Day
November 15, 2022	City Council Meeting, 130 S. McKinley Ave. 6:00 p.m.
November 24-25, 2022	City Offices Closed in Observance of Thanksgiving Day
November 29, 2022	Special Meeting followed by Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m.
December 3, 2022	Cookies & Cocoa with Santa, 425 S. Denver Ave. 10:00 a.m. - 12:00 p.m.
December 6, 2022	City Council Meeting, 130 S. McKinley Ave. 6:00 p.m.

ADJOURNMENT

The meeting adjourned at 7:04 p.m.

Submitted by,


Maricela Peña, City Clerk



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Approved by City Council,

A handwritten signature in blue ink, appearing to be 'Zo Hubbard', written over a horizontal line.

Zo Hubbard, Mayor