



CITY OF FORT LUPTON
CITY COUNCIL/ENTERPRISE BOARDS
REGULAR MEETING AGENDA
Tuesday, August 6, 2024
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/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

Approval of Agenda

Review of Accounts Payables

a. August 6, 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. July 16, 2024 City Council Meeting Minutes
- b. July 30, 2024 City Council Special Meeting Minutes
- c. Second Reading Ordinance 2024-1168 Approving Special District Policy and Repealing and Replacing in its Entirety Chapter 19 of the Fort Lupton Municipal Code
- d. AM 2024-129 Ratifying the Mayor's Signature on the Colorado Rangers Intergovernmental Agreement Amendment
- e. AM 2024-130 Approve Mayor's Signing of Tri-State Generation and Transmission Association, Inc. Temporary License Agreement for Survey and Pothole Access Along Highway 52 Frontage for the Water Tower Project Design Work
- f. AM 2024-132 Accepting a Public Improvements Agreement with Rollie LLC. for the Extension of Water, Sewer, Storm, and Driveway Access
- g. AM 2024-134 Approve a Resolution Approving the "Safety Wellness Program Manual" for City-wide Safety Standards

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 2024-133 Approving a Resolution Accepting a Special Use Permit for an Accessory Dwelling Unit (ADU), Known as the Hargett Family Special Use Permit

Action Memorandum

- a. AM 2024-135 Approving a Resolution Accepting a Final Plat and PUD Plan, Known as the Murata Farms Final Plat and PUD Plan, Filing No. 2

- b. AM 2024-131 Accepting a Public Improvements Agreement with Kinney Commercial Ventures for the Extension of Water, Storm, and Driveway Access
- c. AM 2024-136 Approving Payment of Invoices to BearCom for Patrol Vehicle Upfit for an Amount Not to Exceed \$75,000, Allocated from the Police Department's General Fund
- d. AM 2024-137 Adopting an Ordinance Approving the Submission of a Ballot Issue to the Registered Electors at the November 5, 2024, Election Whether to Impose a New Sales and Use Tax Increase by One Half of One Percent (.5%) for the Purposes of Funding the City of Fort Lupton Law Enforcement Services; Setting the Title and Content of the Ballot for the Election; and Declaring an Emergency

Staff Reports

Mayor/Council Reports

Future City Events

- a. August 6, 2024 Upcoming Events

Upcoming Meetings

- a. August 13, 2024 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
August 20, 2024 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
August 27, 2024 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
September 3, 2024 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.

Adjourn

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
August 06, 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, August 6, 2024. Mayor Pro Tem Chris Ceretto called the meeting to order at 6:00 p.m. and invited everyone to join him in the Pledge of Allegiance.

ROLL CALL

Mari Peña, City Clerk, called the roll. Those present were, Mayor Pro Tem Chris Ceretto, Councilmembers, Bruce Fitzgerald, Carlos Barron, Claud Hanes, David Crespín and Valerie Blackston. Mayor Zo Hubbard was absent.

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

PERSONS TO ADDRESS COUNCIL

There was no one to address the City Council.

APPROVAL OF AGENDA

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

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the August 6, 2024, payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

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

- July 16, 2024 City Council Meeting Minutes
- July 30, 2024 City Council Special Meeting Minutes
- Second Reading Ordinance 2024-1168 APPROVING SPECIAL DISTRICT POLICY AND REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 19 OF THE FORT LUPTON MUNICIPAL CODE
- Ratifying the Mayor's Signature on the Colorado Rangers Intergovernmental Agreement Amendment (AM 2024-129)

**RECORD OF PROCEEDINGS
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- Approve Mayor's Signing of Tri-State Generation and Transmission Association, Inc. Temporary License Agreement for Survey and Pothole Access Along Highway 52 Frontage for the Water Tower Project Design Work (AM 2024-130)
- Accepting a Public Improvements Agreement with Rollie LLC. for the Extension of Water, Sewer, Storm, and Driveway Access (AM 2024-132)
- Approve Resolution 2024R040 APPROVING THE "SAFETY WELLNESS PROGRAM" MANUAL FOR CITY-WIDE SAFETY STANDARDS (AM 2024-134)

Motion passed unanimously on roll call vote.

PUBLIC HEARING

AM 2024-133 Approving a Resolution Accepting a Special Use Permit for an Accessory Dwelling Unit (ADU), Known as the Hargett Family Special Use Permit

Mayor Pro Tem Ceretto opened the public hearing at 6:06 p.m.

Sean McDermott, City Planner, provided an overview of the special use permit. He stated Chad and India Hargett (Owners) have applied for approval of a Special Use Permit for an Accessory Dwelling Unit (ADU), known as the Hargett Family Special Use Permit for City Council's consideration. A public hearing for this application was held before the Planning Commission on July 25, 2024, and Planning Commission recommended approval with conditions to City Council.

The site that is the subject of this Special Use Permit is located at 1662 and 1692 Virginia Drive in Filing No. 2 of Appel Farms. The site is currently two legal lots, with the owners completing an administrative review process with City staff to consolidate the two lots into one legal lot for the construction of a single-family residence. The proposed Special Use Permit is for an ADU above the proposed garage, with the purpose of housing the owner's parents. Once consolidated, the property will be 0.55 acres, more or less.

Per the Fort Lupton Development Code, ADUs require a Special Use Permit in the R-1 and R-1A zone district. This property is zoned R-1, meaning the Special Use Permit process was necessary, along with a condition that either the accessory dwelling unit or principal dwelling unit shall be occupied by the owner of record. If the Special Use Permit is approved, the ADU will be subject to all applicable standards for accessory dwellings in Chapter 16 Section 4.03 of the Fort Lupton Municipal Code. This includes regulations for size, design, parking, etc.

The Applicant has paid all applicable land use application fees and is covering ongoing review expenses. All notification requirements have been met.

Mayor Pro Tem questioned if the applicant will be able to tap into the existing water and sewer taps or if they have to get new ones. David Rausch, City Engineer, responded stating there are

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two existing taps on the property and meters were never installed. There are two shares that were designated for these two lots. He stated the applicants will most likely be installing a new one and he believes the sewer is going to work for them. It would be the size that will be changing since the two lots will be combined into one.

Councilmember Claud Hanes questioned if the Home Owners Authority (HOA) has blessed the project. Todd Hodges, Planning Director, answered stating the HOA was at the planning commission meeting and they are waiting to see if City Council will approve the project.

Mayor Pro Tem Ceretto asked if anyone from the public wished to speak for or against the case, hearing none, he closed the public hearing at 6:13 p.m.

It was moved by Carlos Barron and seconded by Bruce Fitzgerald to approve Resolution 2024R041 ACCEPTING A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT (ADU), KNOWN AS THE HARGETT FAMILY SPECIAL USE PERMIT. Motion passed unanimously on roll call vote.

ACTION MEMORANDUM

AM 2024-135 Approving a Resolution Accepting a Final Plat and PUD Plan, Known as the Murata Farms Final Plat and PUD Plan, Filing No. 2

Greg DiDonna of Viva Land Ventures, LP and John Cork of CW-Briggs LLC (Owners) and Karen Henry of Henry Design Group (Representative) have applied for approval of a Final Plat and PUD Plan, known as the Murata Farms Final Plat and PUD Plan, Filing No. 2 for City Council's consideration. Per the applicable code regulations for Final Plats and PUD Plans within the Murata Farms PUD, this Final Plat and PUD Plan is reviewed by City Council at a public meeting, with no Planning Commission meeting.

The site that is the subject of this Final Plat and PUD Plan is located south and adjacent to Highway 52 and west and adjacent to County Road 29 ½. The proposed Final Plat and PUD Plan is for a residential subdivision that will include 45 townhome residential lots with a 2.414-acre commercial tract for future development on the SW corner of Hwy 52 and CR 29½. The commercial tract has been included in this subdivision at the direction of staff for the purpose of dedicating the full public ROW for S. Grosbeak Ave with this plat. The commercial tract will meet applicable commercial development standards at the time of development. The townhome development with this Final Plat and PUD Plan includes infrastructure, landscaping and common open space including landscaping on the Hwy 52-facing side of the townhome lots, and a pocket park. The subdivision is 7.645 acres, more or less (including areas to be dedicated as public ROW).

The property is a part of the overall Murata Farms PUD Plan and is zoned PUD accordingly.

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Filing No. 1 of the Murata Farms Final Plat and PUD Plan was approved in 2021. Filing No. 1 platted this property as a tract for future residential development and a tract for future commercial development, with PUD development standards for the residential portion to be provided at time of future development. Standards specific to this filing are proposed with this Final Plat and PUD Plan.

It was moved by David Crespín and seconded by Claud Hanes to Approve Resolution 2024R042 ACCEPTING A FINAL PLAT AND PUD PLAN, KNOWN AS THE MURATA FARMS FINAL PLAT AND PUD PLAN, FILING NO. 2. Motion passed unanimously on roll call vote.

AM 2024-131 Accepting a Public Improvements Agreement with Kinney Commercial Ventures for the Extension of Water, Storm, and Driveway Access

Kinney Commercial Venture submitted the Site Plan for development of Kinney Commercial Ventures Site Plan (SPR24-009). The developer is required to construct certain public improvements (the "Improvements") as a condition of site plan approval for the development. Section 17-23(c) of the City of Fort Lupton Municipal Code requires that a Public Improvement Agreement for the public improvements be executed by the Developer and the City and recorded in the office of the Weld County Clerk and Recorder. The total cost of the water line improvements paid by the developer is \$154,205.00 that will become a City asset following final acceptance by the City.

It was moved by Claud Hanes and seconded by Bruce Fitzgerald to accept a Public Improvements Agreement with Kinney Commercial Ventures for the Extension of Water, Storm, and Driveway Access. Motion passed unanimously on roll call vote.

AM 2024-136 Approving Payment of Invoices to BearCom for Patrol Vehicle Upfit for an Amount Not to Exceed \$75,000, Allocated from the Police Department's General Fund

As part of the budgeted vehicle purchases for 2024, BearCom provided vehicle upfitting for the three new Dodge police vehicles as well as adjustments to three existing vehicles in order to maximize patrol vehicle effectiveness.

It was moved by Claud Hanes and seconded by Valerie Blackston to approve payment of Invoices to BearCom for Patrol Vehicle Upfit for an Amount Not to Exceed \$75,000, Allocated from the Police Department's General Fund. Motion passed unanimously on roll call vote.

AM 2024-137 Adopting an Ordinance Approving the Submission of a Ballot Issue to the Registered Electors at the November 5, 2024, Election Whether to Impose a New Sales and Use Tax Increase by One Half of One Percent (.5%) for the Purposes of Funding the City of Fort Lupton Law Enforcement Services; Setting the Title and Content of the Ballot for the Election; and Declaring an Emergency

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The City has determined that it requires additional revenue to provide law enforcement services. These services would include additional personnel and equipment to ensure the optimal number of police officers are on duty at all times and to support up-to-date policing needs, improve the recruitment and retention of officers, maintain and upgrade technology to improve efficiency and effectiveness of law enforcement services, and strengthen proactive policing efforts to enhance public safety. The City is asking for an increase in .5% in Sales and Use Tax.

The City of Fort Lupton is growing. The vibrant community continues to attract citizens looking for a safe and affordable place to live. Construction on the east end of town continues to add new neighborhoods, which are quickly filled by families living the American dream.

As the population grows, the need for police services increases. Staffing levels are constrained by budget. Unfortunately, property tax can take more than a year before the city receives additional tax revenue to support the increased needs of the community. This revenue must be split between all city services impacted by a growing population. Roads, parks, water, sewer, and other services need to be maintained.

Adding police officers can take a year between recruiting, hiring, and training. Coupled with the delay in receiving tax revenue, the city does not realize the additional resources for at least two years after the need is created. The public safety fund bridges the gap and allows the city to respond to growing needs quicker.

Determining an appropriate staffing level factors in the number of calls received, the population, the goals of the city, and the desired level of community engagement. The Department of Justice utilizes numerous metrics to develop guidelines based on population allowing for communities to have sufficient police officers. Mid-year 2023, the estimated population of Fort Lupton was 9619. Based on the Department of Justice numbers, the city should have 4.6 patrol officers for every 1000 residents, although this number drops to 1.7 once the population goes above 10,000. Based on the police departments goals, the city should have 2.5 patrol officers for every 1000 residents. The population is anticipated to exceed 11,348 by the end of 2024. Based on these figures, the Department should have 24 officers allocated to patrol, increasing to 28 by the end of 2024. In actuality, the city has 20 officers and sergeants allocated to patrol. This number is not anticipated to increase for 2025. Combined with staff vacancies, the city currently has half the number of patrol officers needed to effectively respond to the community needs.

To provide the best service to the community, the city must recruit high quality applicants. Recruitment efforts are often expensive: advertising, job fairs, military, and colleges are ways to recruit qualified applicants, but most of these require fees to set-up recruitment booths. Additionally, highly qualified police officers have their pick of employers. The city must be competitive in benefits and salary to attract these applicant's attention. Many applicants look at the quality of the department, evaluating the quality of the equipment and technology employed as well as the morale of staff members.

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Police equipment has a limited useful life. Patrol vehicles need to be replaced every four to five years. In addition to the cost of the vehicle, the equipment needed to upfit the vehicle needs to be factored in. In total, the police department budgeted nearly \$500,000 just for vehicles in 2024. Technology and other equipment also have a limited lifespan before it needs to be replaced. Uniforms, RADARs, less-lethal weapons, radios, and body-worn cameras, to name a few, wear out or become antiquated. Equipment has become more expensive and more difficult to acquire. Police effectiveness is increased through the use of technology, adding scientific approach to patrol strategies instead of random patrolling. Camera technology can be utilized to monitor multiple areas at once, even if the patrol officer is in a different location. This allows officers to respond when crimes occur instead of hours later when a victim calls in. Many of these items are out of the reach of the city, which must prioritize needs based on available funding.

Overall, the public safety tax would increase the City's ability to add needed staff positions quicker, recruit high-quality officers to fill the positions, replace aging equipment sooner, develop new technologies to improve crime response and prevention, and increase community engagement efforts.

Pursuant to C.R.S § 29-2-102, because the question of whether to impose a public safety tax for funding of the City of Fort Lupton Law Enforcement Services is an increase in sales and use tax, it must be directed to the registered voters.

If the registered electors approve the "BALLOT ISSUE" question the Council shall enact an implementing ordinance consistent with all of the terms and conditions contained in the Ballot Issue question.

It was moved by Bruce Fitzgerald and seconded by Carlos Barron to adopt Ordinance 2024-1173 APPROVING THE SUBMISSION OF A BALLOT ISSUE TO THE REGISTERED ELECTORS AT THE NOVEMBER 5, 2024, ELECTION WHETHER TO IMPOSE A NEW SALES AND USE TAX INCREASE BY ONE HALF OF ONE PERCENT (.5%) FOR THE PURPOSES OF FUNDING THE CITY OF FORT LUPTON LAW ENFORCEMENT SERVICES; SETTING THE TITLE AND CONTENT OF THE BALLOT FOR THE ELECTION; AND DECLARING AN EMERGENCY. Motion passed unanimously on roll call vote.

STAFF REPORTS

William Carnes, Chief of Police, stated National Night out is tonight, August 6, 2024 and Coffee with a Cop is tomorrow August 7, 2024.

Mari Peña, City Clerk, reported Juan, Marketing and Communication Specialist, is pushing out information regarding City Coordinated Trash and Recycle. The City will be conducting two focus groups, one in English and one in Spanish, to obtain information from residents to see what details they can provide about their service and how they would like to see the City proceed. The focus groups will be held on August 28, 2024 at the library and additional participants are needed.

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Chris Cross, City Administrator, stated Doug Cook, Recreation Manager, is in the process of recruiting members for a committee to help work through the process of revitalizing Koshio Park.

MAYOR/COUNCIL REPORTS

There were no Mayor or Council reports.

FUTURE CITY EVENTS

August 7, 2024 Coffee with a Cop – Hard Bean Coffee, 107 Dales Place, 8:00 a.m.
September 7, 2024 The Tomato Festival and Market at Trapper Days

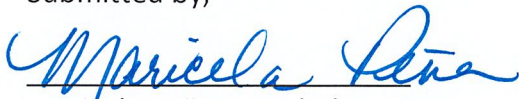
UPCOMING MEETINGS

August 13, 2024 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
August 20, 2024 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
August 27, 2024 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
September 3, 2024 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.

ADJOURNMENT

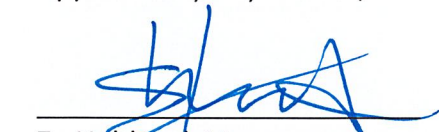
The meeting adjourned at 6:32 p.m.

Submitted by,


Maricela Peña, City Clerk



Approved by City Council,


Zo Hubbard, Mayor