



CITY OF FORT LUPTON
CITY COUNCIL/ENTERPRISE BOARDS
REGULAR MEETING AGENDA
Tuesday, September 3, 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

Proclamation

- a. 2024 Suicide Awareness and Prevention Month Proclamation

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. September 3, 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. August 20, 2024 City Council Meeting Minutes
- b. Second Reading of Emergency Ordinance 2024-1173 Approving the Submission of a Ballot Issue to the Registered Voters to Increase Sales and Use Tax by One Half of One Percent to Fund the City of Fort Lupton Law Enforcement Services
- c. AM 2024-150 Approving a Resolution Ratifying the Mayor's Appointment of David Garcia to the Golf Advisory Committee for a Term Beginning September 3, 2024 and Ending December 31, 2025
- d. AM 2024-151 Approve Public Works Wastewater Disposal Agreement with Colorado Portables for Disposal of Domestic Wastewater to the City Sanitary Sewer System
- e. AM 2024-153 Approve the 2025 Colorado Big Thompson (CBT) Assessment from Northern Colorado Water Conservancy District (NCWCD) for an Amount Not to Exceed \$168,297.55
- f. AM 2024-154 Approving a Resolution Ratifying the Mayor's Appointment of the Attached List of Candidates (Exhibit A) to the Community Engagement Ad-Hoc Advisory Committee for a Term Beginning September 3, 2024 and Ending September 31, 2025 and Designating the City Liaison and Ex-Officio for the Committee
- g. AM 2024-155 Adopting an Ordinance Accepting the Right of Way Dedication from Brannan Sand and Gravel Co., LLC of Lot 4 of the Thomas Minor Amendment No. 1 Subdivision, also Known as 13600 County Road 8

Information Memorandum

- a. IM 2024-017 Discussion Regarding the Lancaster Crossing Concept Plan

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 2024-148 Adopting an Ordinance Accepting an Annexation Known as the Lancaster Crossing Annexation and Approving the Annexation Agreement
- b. AM 2024-149 Adopting an Ordinance to Initially Zone Land Legally Described in Exhibit A of the Proposed Ordinance, and Known as the Lancaster Crossing Initial Zoning, to the 'A' Agricultural Zone District
- c. AM 2024-146 Adopting an Ordinance Accepting an Annexation Known as the Silver Lining Annexation and Approving the Annexation Agreement
- d. AM 2024-147 Adopting an Ordinance to Initially Zone Land Legally Described in Exhibit A of the Proposed Ordinance, and Known as the Silver Lining Initial Zoning, to the 'A' Agricultural Zone District and R-1 Single-Family Residential Zone District

Action Memorandum

- a. AM 2024-152 Approving a Resolution for a Non-Exclusive Master License Agreement for Fiber Networks with Intrepid Fiber Networks
- b. AM 2024-156 Approve Capital Improvement Project Plans by Jacobs (OMI) Budgeted for 2024 for an Amount Not to Exceed \$241,285.00 from the Utility Fund

Staff Reports

Mayor/Council Reports

Future City Events

- a. September 3, 2024 Upcoming Events

Upcoming Meetings

- a. September 10, 2024 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
September 17, 2024 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
September 24, 2024 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
October 1, 2024 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.

Adjourn

RECORD OF PROCEEDINGS
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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, September 3, 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, Mayor Pro Tem Chris Ceretto, Councilmembers, Bruce Fitzgerald, Carlos Barron, Claud Hanes and David Crespín. Valerie Blackston participated remotely.

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.

PROCLAMATION

Mayor Hubbard read the Suicide Awareness Proclamation and proclaimed the month of September 2024, as "Suicide Awareness and Prevention Month" in the City of Fort Lupton.

PERSONS TO ADDRESS COUNCIL

Isabel Hood-Farley, representative with North Range Behavioral Health, thanked the Council for proclaiming September as suicide awareness and protection month.

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 September 3, 2024, 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:

- August 20, 2024 City Council Meeting Minutes
- Second Reading of Emergency Ordinance 2024-1173 APPROVING THE SUBMISSION OF A BALLOT ISSUE TO THE REGISTERED VOTERS TO INCREASE SALES AND USE TAX

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BY ONE HALF OF ONE PERCENT TO FUND THE CITY OF FORT LUPTON LAW ENFORCEMENT SERVICES

- Approving Resolution 2024R046 RATIFYING THE MAYOR’S APPOINTMENT OF DAVID GARCIA TO THE GOLF ADVISORY COMMITTEE FOR A TERM BEGINNING SEPTEMBER 3, 2024 AND ENDING DECEMBER 31, 2025 (AM 2024-150)
- Approve Public Works Wastewater Disposal Agreement with Colorado Portables for Disposal of Domestic Wastewater to the City Sanitary Sewer System (AM 2024-151)
- Approve the 2025 Colorado Big Thompson (CBT) Assessment from Northern Colorado Water Conservancy District (NCWCD) for an Amount Not to Exceed \$168,297.55 (2024-153)
- Approving Resolution 2024R047 RATIFYING THE MAYOR’S APPOINTMENT OF THE ATTACHED LIST OF CANDIDATES (EXHIBIT A) TO THE COMMUNITY ENGAGEMENT AD-HOC ADVISORY COMMITTEE FOR A TERM BEGINNING SEPTEMBER 3, 2024 AND ENDING SEPTEMBER 31, 2025 AND DESIGNATING THE CITY LIAISON AND EX-OFFICIO FOR THE COMMITTEE (AM 2024-154)
- Adopting Ordinance 2024-1176 ACCEPTING THE RIGHT OF WAY DEDICATION FROM BRANNAN SAND AND GRAVEL CO., LLC OF LOT 4 OF THE THOMAS MINOR AMENDMENT NO. 1 SUBDIVISION, ALSO KNOWN AS 13600 COUNTY ROAD 8 (AM 2024-155)

Motion passed unanimously on roll call vote.

INFORMATION MEMORANDUM

IM 2024-017 Discussion Regarding the Lancaster Crossing Concept Plan

Magaly Morales, City Planner, provided an overview of the Lancaster Crossing Concept Plan.

Thermo Farms General Partnership (the “Applicants”) has submitted a request for the consideration of a Concept Plan. The proposed Concept Plan includes 200 multi-family units, 28 alley loaded units and 181 single-family units, as well as open-space and trail connectivity. An annexation and initial zoning to the ‘A’ Agricultural district is being reviewed concurrently with this request.

Pursuant to the Fort Lupton Development Code, Article 2.02 (D), a Concept Plan is an initial review of a proposed development. The intent of this process is to provide a general concept that describes the applicants’ development vision. Similarly, review of a Concept Plan shall not have any formal decision or approval, but merely provides general consensus and offers the applicant direction for preparing a formal submittal. 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.

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The Property (Parcel No. 130933100006) is located approximately north and adjacent to 14th St. and west and adjacent to WCR 31. Nearby uses include agricultural land with rural residences to the north and west, a power plant to the east and the Willow Crossing and Cottonwood Farms subdivisions to the south and west. The Fulton Ditch runs north/south through the western edge of the site.

Melissa Wheeler, Land Entitlement Manager for Baessler Homes, presented an overview of their concept plan.

PUBLIC HEARING

AM 2024-148 Adopting an Ordinance Accepting an Annexation Known as the Lancaster Crossing Annexation and Approving the Annexation Agreement

Mayor Zo Hubbard opened the public hearing at 6:15 p.m.

Magaly Morales, City Planner, stated all notification requirements have been met.

Baessler Development as the representative for Thermo Farms General Partnership (the "Applicants") has submitted a request for annexation of land totaling 91.46 acres more or less, known as the Lancaster Crossing Annexation. The parcels approximately located north and adjacent to 14th St. and west and adjacent to WCR 31 (Parcel No. 130933100006). 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 use of the property is for a residential subdivision. This proposed use is being reviewed under a concept plan concurrently with this annexation, and will be reviewed by City Council at a separate meeting.

Mayor Zo Hubbard asked if anyone from the public wished to speak for or against the case. Janie Turner, Weld County Resident, approached the podium. She stated she is not in the City limits; however, this development will be right across the street from her. She stated she is concerned for her asthma as she doesn't know how she is going to live when they start to move the dirt. She stated she is also concerned that there is only one way in and out of the subdivision and that road will come directly to the side of her property. She also stated that the road will not align with the current road that she uses to get to her property.

No one else wished to speak for or against the case. Mayor Hubbard encouraged staff to work with the developers to ensure the access to the subdivision is appropriate. Mayor Hubbard closed the public hearing at 6:20 p.m.

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It was moved by Bruce Fitzgerald and seconded by Carlos Barron to adopt Ordinance 2024-1177 ACCEPTING AN ANNEXATION KNOWN AS THE LANCASTER CROSSING ANNEXATION AND APPROVING THE ANNEXATION AGREEMENT. Motion passed unanimously on roll call vote.

AM 2024-149 Adopting an Ordinance to Initially Zone Land Legally Described in Exhibit A of the Proposed Ordinance, and Known as the Lancaster Crossing Initial Zoning, to the 'A' Agricultural Zone District

Mayor Zo Hubbard opened the public hearing at 6:21 p.m.

Magaly Morales, City Planner, stated all notification requirements have been met.

Thermo Farms General Partnership, LLC (the "Applicants") has submitted a request for initial zoning of certain land identified in Exhibit A of the Ordinance to the 'A' Agricultural Zone District. The property to be zoned is located west and adjacent to County Road 31 and south and adjacent to County Road 16 (Parcel No. 130933100006).

No questions or comments from the Mayor or Council.

Mayor Zo Hubbard asked if anyone from the public wished to speak for or against the case, hearing none, she closed the public hearing at 6:21 p.m.

It was moved by David Crespín and seconded by Claud Hanes to adopt Ordinance 2024-1178 TO INITIALLY ZONE LAND LEGALLY DESCRIBED IN EXHIBIT A OF THE PROPOSED ORDINANCE, AND KNOWN AS THE LANCASTER CROSSING INITIAL ZONING, TO THE 'A' AGRICULTURAL ZONE DISTRICT. Motion passed unanimously on roll call vote.

AM 2024-146 Adopting an Ordinance Accepting an Annexation Known as the Silver Lining Annexation and Approving the Annexation Agreement

Mayor Zo Hubbard opened the public hearing at 6:22 p.m.

Magaly Morales, City Planner, provided an overview of the Silver Lining Annexation request.

Silver Lining Investments (the "Applicants") has submitted a request for annexation of land totaling 49.09 acres more or less, known as the Silver Lining Annexation. The parcels approximately located north and adjacent to County Road 24 and approximately .25 miles west of County Road 23 (Parcel No. 131102400001). The proposed initial zoning is to the 'A' Agricultural Zone District for the southern portion and 'R-1' Single-Family Residential for the northern portion of the property. The proposed zoning is being presented to City Council for approval under a separate Action Memorandum and Ordinance following the hearing on this Annexation.

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The proposed use of the property is for a 4-lot rural residential subdivision. This proposed use is being reviewed administratively under a minor subdivision concurrently with this annexation.

All notification requirements have been met.

Derek Barnes, Silver Lining Investment Group, informed Council that his home is to the South of the lot that he is wanting to annex. He stated he wants to split the north end of his property into three agricultural/ residential lots that will consist of single-family homes with a minimum square footage of 3,000. The size of the lots will be between 3-4.5 acres and a minor HOA will be involved to ensure upkeep of the properties.

Councilmember Carlos Barron asked if the lots will be accessed off of County Road 24 ½ and if that will be the only access for the lots. Mr. Barnes responded stating yes.

Todd Hodges, Planning Director, stated the zoning for the three smaller lots will be zoned R-1 which will not allow livestock on the property. However, the bigger lot will be zoned agricultural and will be allowed to have livestock on the property. He also stated sewage will be through Weld County and water is through Central Weld County Water. Also, three new septic systems will be placed for the new homes that will be built.

Rick Sharbino, Weld County Resident, stated he was confused about the annexation as he isn't sure where annexation b touches the City of Fort Lupton. Planning Director, Todd Hodges, responded stating the annexations will be a two-step process. They will do 'a' then 'b' which ensures 'b' has contiguity and ties the annexations together.

No one else wished to speak for or against the case, Mayor Hubbard closed the public hearing at 6:32 p.m.

It was moved by David Crespín and seconded by Bruce Fitzgerald to adopt Ordinance 2024-1179 ACCEPTING AN ANNEXATION KNOWN AS THE SILVER LINING ANNEXATION AND APPROVING THE ANNEXATION AGREEMENT. Motion passed unanimously on roll call vote.

AM 2024-147 Adopting an Ordinance to Initially Zone Land Legally Described in Exhibit A of the Proposed Ordinance, and Known as the Silver Lining Initial Zoning, to the 'A' Agricultural Zone District and R-1 Single-Family Residential Zone District

Mayor Zo Hubbard opened the public hearing at 6:33 p.m.

Magaly Morales, City Planner, stated all notification requirements have been met.

Silver Lining Investment Group, LP (the "Applicants") has submitted a request for initial zoning

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of certain land identified in Exhibit A of the Ordinance to the 'A' Agricultural Zone District and 'R-1' Single Family Residential Zone District. The property to be zoned is located north and adjacent to County Road 24 and approximately .25 west of County Road 23 (Parcel No. 131102400001).

Mayor Zo Hubbard asked if anyone from the public wished to speak for or against the case, hearing none, she closed the public hearing at 6:34 p.m.

It was moved by Bruce Fitzgerald and seconded by Carlos Barron to adopt Ordinance 2024-1180 TO INITIALLY ZONE LAND LEGALLY DESCRIBED IN EXHIBIT A OF THE PROPOSED ORDINANCE, AND KNOWN AS THE SILVER LINING INITIAL ZONING, TO THE 'A' AGRICULTURAL ZONE DISTRICT AND R-1 SINGLE-FAMILY RESIDENTIAL ZONE DISTRICT. Motion passed unanimously on roll call vote.

ACTION MEMORANDUM

AM 2024-152 Approving a Resolution for a Non-Exclusive Master License Agreement for Fiber Networks with Intrepid Fiber Networks

Intrepid Fiber Networks has requested the approval of an agreement with the City of Fort Lupton to install a fiber-based telecommunications network or networks in the public right-of-way to serve the company's customers. The City will retain ownership of the right-of-way and all equipment installations will adhere to Federal Communications Commission (FCC) regulations and other applicable laws. The company will own, maintain, operate, and control the network(s). Network services will be available to residential and non-residential customers.

It was moved by Claud Hanes and seconded by Carlos Barron to Approve Resolution 2024R048 FOR A NON-EXCLUSIVE MASTER LICENSE AGREEMENT FOR FIBER NETWORKS WITH INTREPID FIBER NETWORKS. Motion passed unanimously on roll call vote.

AM 2024-156 Approve Capital Improvement Project Plans by Jacobs (OMI) Budgeted for 2024 for an Amount Not to Exceed \$241,285.00 from the Utility Fund

Jacobs (OMI) has obtained quotes and estimates related to the Capital Improvements Projects (CIP) budgeted in the Utility Fund for 2024. The amount budgeted overall is more than the projects will cost.

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Capital Project	Budget	Estimated Cost	Over / Under	Comments
Critical Spares	\$ 30,000.00	\$ 29,254.42	\$ 745.58	
Asset Condition Assessment	\$ 40,000.00	\$ 9,930.00	\$ 30,070.00	Using Jacobs regional maintenance. Bypassed an expensive report, which saved a lot of money. Instead, we'll just develop maintenance strategies and a replacement plan for all critical equipment that's assessed.
Ross Valve	\$ 75,000.00	\$ 85,447.50	\$ (10,447.50)	Ross valve was more expensive than anticipated. We'll want to rebuild this valve to keep as a spare.
Perry Pit	\$ 15,000.00	\$ 6,672.39	\$ 8,327.61	Transducer and labor came in lower than expected.
Caustic Tank	\$ 10,000.00	\$ -	\$ 10,000.00	Original plan was to empty, clean, then refill tank because chemical hadn't been used in a couple years. After using the chemical over the last year, it's been determined the composition is fine and chemical is working as designed.
Radios	\$ 50,000.00	\$ 38,935.55	\$ 11,064.45	We will be installing cellular modems at all sites to improve existing radio system, which is unreliable.
Well Repairs	\$ 20,000.00	\$ 20,000.00	\$ -	We've recently identified some opportunities for capital funding and will probably utilize entire amount.
South Lift Station	\$ 50,000.00	\$ 51,045.05	\$ (1,045.05)	We had multiple quotes and the most reliable pump was the most expensive. However, this vendor is the sole proprietor of these pumps and we received a \$6,600 discount. This is also a company we've worked with in the past and have done great work for us.
Total	\$ 290,000.00	\$ 241,284.91	\$ 48,715.09	

Anticipated project starts is immediately.

It was moved by Bruce Fitzgerald and seconded by Chris Ceretto to Approve Capital Improvement Project Plans by Jacobs (OMI) Budgeted for 2024 for an Amount Not to Exceed \$241,285.00 from the Utility Fund. Motion passed unanimously on roll call vote.

STAFF REPORTS

Chris Cross, City Administrator, stated there were discussion to cancel next weeks Town Hall on September 10, 2024 since staff and council members will be out of town to attend a water conference.

William Carnes, Chief of Police, stated tomorrow September 4, 2024 is the graduation for the citizen police academy.

Roy Vestal, Public Works Director, stated the city-wide clean-up day is September 14, 2024 and the senior/ disables citizens trash pick-up will be September 12, 2024.

MAYOR/COUNCIL REPORTS

Mayor Hubbard stated the first meeting in October, October 1st, will be wear a tie or tye-dye day.

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FUTURE CITY EVENTS

September 4, 2024 Coffee with a Cop – Hard Bean Coffee, 107 Dales Place, 8:00 a.m.
September 6, 2024 Trapper Days Golf Tournament- Coyote Creek Golf Course, 8:00 a.m.
September 7, 2024 The Tomato Festival and Market at Trapper Days
September 12, 2024 Senior/Disabled Curbside Trash Pickup
September 14, 2024 Fall Clean-up Day- 800 12th Street, 8:00 am. – 12:00 p.m.

UPCOMING MEETINGS

September 10, 2024 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m. - CANCELED
September 17, 2024 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
September 24, 2024 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
October 1, 2024 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.

ADJOURNMENT

The meeting adjourned at 6:42 p.m.

Submitted by,


Maricela Peña, City Clerk



Approved by City Council,


Zo Hubbard, Mayor