



CITY OF FORT LUPTON
CITY COUNCIL/ENTERPRISE BOARDS
REGULAR MEETING AGENDA
Tuesday, August 20, 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 20, 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 6, 2024 City Council Meeting Minutes
- b. AM 2024-138 Approving Award of Contract to Generator Source for an Amount Not to Exceed \$99,533.23 for the Emergency Replacement of the Transfer Switch at the Potable Pump House from the Utility 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 Hubbard

- a. AM 2024-142 Approve a Resolution for the JJ Kane Site Plan on Lot 4 of the North Land Planned Unit Development for a Building and Fenced Storage Yard Area as a Logistics Center for Items Auctioned in Monthly Online Auctions
- b. AM 2024-140 Approving an Ordinance of the City of Fort Lupton, Amending Portions of Chapter 16 – Development Code

Action Memorandum

- a. AM 2024-141 Approving an Ordinance of the City of Fort Lupton, Amending Chapter 18, Section 18-57 Amendments to the International Building Code
- b. Second Reading of the People's Ordinance 2024-1169 An Ordinance Amending Article XII of Chapter 6 and Article IV of Chapter 16 of the Fort Lupton Municipal Code Regarding the Regulation and Licensing of Regulated Marijuana Establishments as Authorized by the Colorado Constitution
- c. Second Reading of the People's Ordinance 2024-1170 An Ordinance Amending Article VIII of Chapter 4 of the Fort Lupton Municipal Code Regarding the Taxation of Regulated Marijuana Establishments

- d. Second Reading of Ordinance 2024-1171 Approving the Submission of a Ballot Question to the Registered Voters, a Ballot Question if the City Should Amend Ordinance 2024-1127 and the Municipal Code, to Allow for the Operation of a Limited Number of Licensed Marijuana Establishments Within Specific Zones, Declaring an Emergency, Setting the Title and Content of the Ballot for the Election.
- e. Second Reading of Ordinance 2024-1172 Approving the Submission of a Ballot Issue Pertaining to a Wholesale Marijuana Excise Tax of 1.5% with the Rate of Taxation Not to Exceed 4%; Declaring an Emergency, Setting the Title and Content of the Ballot for the Election
- f. AM 2024-143 Approving Changes to City Handbook Policy 218 Regarding City Vehicles
- g. AM 2024-139 Approve Change Order to Contract with Burns and McDonnell for Engineering Design Services for the Water Tower Project Design for an Amount Not to Exceed \$1,381,873.00 from the Utility Fund - Water Storage
- h. AM 2024-144 Award Change Order #2 to Contract with Vance Brothers, Inc. for an Amount Not to Exceed \$500,000.00 for the 2024 Crack Seal/Slurry Seal Project from Street Sales Tax Fund

Staff Reports

Mayor/Council Reports

Future City Events

- a. August 20, 2024 Upcoming Events

Upcoming Meetings

- a. 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.
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.

Adjourn

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
August 20, 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 20, 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 Valerie Blackston. David Crespín 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

Staff requested to add item c. under the Consent Agenda, AM 2024-154 Approving a Resolution Ratifying the Mayor's Appointment of Sofia Reyes to the Youth Advisory Committee for a Term Beginning August 20, 2024 and Ending August 31, 2025. Staff also requested to add a resolution to item f. under the Action Agenda, AM 2024-143 Approving Changes to City Handbook Policy 218 Regarding City Vehicles.

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 August 20, 2024, payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

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

- August 6, 2024 City Council Meeting Minutes
- Approving Award of Contract to Generator Source for an Amount Not to Exceed \$99,533.23 for the Emergency Replacement of the Transfer Switch at the Potable

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
August 20, 2024

Pump House from the Utility Fund (AM 2024-138)

- Approving Resolution 2024R043 RATIFYING THE MAYOR'S APPOINTMENT OF SOFIA REYES TO THE YOUTH ADVISORY COMMITTEE FOR A TERM BEGINNING AUGUST 20, 2024 AND ENDING AUGUST 31, 2025 (AM 2024-145)

Motion passed unanimously on roll call vote.

PUBLIC HEARING

AM 2024-142 Approve a Resolution for the JJ Kane Site Plan on Lot 4 of the North Land Planned Unit Development for a Building and Fenced Storage Yard Area as a Logistics Center for Items Auctioned in Monthly Online Auctions

Mayor Zo Hubbard opened the public hearing at 6:04 p.m.

Eric Turner, representative with JJ Kane, appeared remotely. City Attorney Andy Ausmus read the connected meeting advisement and Mr. Turner agreed to continue with the hearing.

Zachary Mettler, City Planner, provided an overview of the JJ Kane Site Plan. He stated JJ Kane Associates, Inc. has submitted a request for a site plan consisting of a new 2,400 SF building and fenced storage yard area along with associated parking, drives, and landscape areas. The site will serve as a logistics center for items auctioned in monthly online auctions. Storm drainage generally flows west and north and a proposed onsite detention pond is proposed for water quality and runoff attenuation. Water and sanitary services are proposed to connect to mains located in the public Right of Way along the east side of the site.

The property is located west and adjacent to Northland Drive and approximately .17 miles north of County Road 16 within the Northland PUD. This PUD allows all permitted uses in the Fort Lupton C-1, C-2, I-1 and I-2 Zone Districts. The property is surrounded by vacant land. The proposed site layout includes an access drive to be located near the northern end of the site along the east side. A building with parking is proposed for the northeast corner of the site. A majority of the site will be a gravel storage yard enclosed by proposed fencing. A detention pond is proposed at the northwest corner of the site.

All notification requirements were met, including posting notice of the hearings on the property at least 15 days prior to this public hearing.

Eric Turner presented to Council and informed them about the history of JJ Kane. He also presented images of what their building and core operations look like.

Mayor Hubbard stated there is a business called Copart and she hopes that JJ Kane's operation does not look like theirs. Mr. Turner assured her that their operation will be environmentally

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
August 20, 2024

responsible. Mayor Hubbard also asked if there will be a place for customers who purchase a vehicle to load? Mr. Turner stated any drop-off or transfers will happen near the fence line. Councilmember Claud Hanes asked if this will be wholesale, retail, or both. Mr. Turner stated it is strictly online auction and it is open to everyone. He stated they have fleet vehicles; however, their core business is utility equipment. Councilmember Chris Ceretto asked about screening. Mr. Turner stated due to the regulations of the PUD they have to have a masonry fence along the front rather than a chain-link fence so they will be putting up a nice cast concrete fence along the roadway.

Mayor Zo Hubbard asked if anyone from the public wished to speak for or against the case. City Administrator, Chris Cross asked what their hours of operation are. Mr. Turner stated they are open from 7:00 a.m. to 5:00 p.m. to receive and pick-up. They do their best to schedule all drop offs. However, if a delivery arrives during the time they are not open, they have an electronic gate that is controlled by an app that will allow the delivery onto the property and off the street.

City Attorney, Andy Ausmus asked Mr. Turner if he had a full and fair opportunity to present all the facts in support of the application to City Council tonight. Mr. Turner responded yes. Mr. Ausmus also asked if there was anything he or the applicant wanted to present in person that he had not had the opportunity to present. Mr. Turner stated no, he is satisfied with his presentation.

Mayor Hubbard closed the public hearing at 6:16 p.m.

It was moved by Bruce Fitzgerald and seconded by Valerie Blackston to approve Resolution 2024R044 FOR THE JJ KANE SITE PLAN ON LOT 4 OF THE NORTH LAND PLANNED UNIT DEVELOPMENT FOR A BUILDING AND FENCED STORAGE YARD AREA AS A LOGISTICS CENTER FOR ITEMS AUCTIONED IN MONTHLY ONLINE AUCTIONS. Motion passed unanimously on roll call vote.

AM 2024-140 Approving an Ordinance of the City of Fort Lupton, Amending Portions of Chapter 16 – Development Code

Mayor Zo Hubbard opened the public hearing at 6:17 p.m.

Sean McDermott, City Planner, provided an overview of the proposed amendments to the development code. He stated all notification requirements have been met. The Fort Lupton Development Code became effective on July 16, 2022. Upon adoption it was determined that periodic updates of Chapter 16 – Fort Lupton Development Code that may change the character or intent as approved by the Ordinance shall be considered by City staff, Planning Commission, and City Council to address issues identified during its implementation. With this in mind, revisions to Chapter 16 that arose as part of a six-month review were approved by City Council

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
August 20, 2024

on August 15, 2023. About a year later, staff has identified additional changes to be reviewed by Planning Commission and City Council, namely regarding carports and minor accessory structures.

Councilmember Carlos Barron asked if there are carports that are already in place that do not coincide with the new rules, will they be grandfathered in? Mr. McDermott responded stating they will be grandfathered in if they had a permit. Discussion also occurred regarding temporary carports.

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 6:25 p.m.

It was moved by Carlos Barron and seconded by Claud Hanes to approve Ordinance 2024-1174 AMENDING PORTIONS OF CHAPTER 16 – DEVELOPMENT CODE. Motion passed unanimously on roll call vote.

ACTION MEMORANDUM

AM 2024-141 Approving an Ordinance of the City of Fort Lupton, Amending Chapter 18, Section 18-57 Amendments to the International Building Code

Staff has identified minor changes to Chapter 18, Section 18-57 of the City's Building Regulations that will help clarify some existing standards and provide more flexibility to Fort Lupton residents. All updates were found to meet the intent of the code and further its objectives and application by the Building Department and Planning Department. The key changes are revising building permit expiration regulations to remove ambiguity, expanding the size requirement for work exempt from a building permit from 120 to 200 square feet, and reducing the timeframe that the City can authorize refunds for permit fees paid per direction from the Finance Director.

It was moved by Chris Ceretto and seconded by Claud Hanes to Approve Ordinance 2024-1175 AMENDING CHAPTER 18, SECTION 18-57 AMENDMENTS TO THE INTERNATIONAL BUILDING CODE. Motion passed unanimously on roll call vote.

Second Reading of the People's Ordinance 2024-1169 An Ordinance Amending Article XII of Chapter 6 and Article IV of Chapter 16 of the Fort Lupton Municipal Code Regarding the Regulation and Licensing of Regulated Marijuana Establishments as Authorized by the Colorado Constitution

City Clerk, Mari Peña, stated the first reading of this ordinance failed and according to Colorado Revised Statutes 31-11-104, if the proposed ordinance is not adopted by the legislative body, the legislative body shall publish the proposed ordinance as other ordinances are published.

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
August 20, 2024

It was moved by Bruce Fitzgerald and seconded by Carlos Barron to accept a motion to deny Second Reading of the People's Ordinance 2024-1169 AN ORDINANCE AMENDING ARTICLE XII OF CHAPTER 6 AND ARTICLE IV OF CHAPTER 16 OF THE FORT LUPTON MUNICIPAL CODE REGARDING THE REGULATION AND LICENSING OF REGULATED MARIJUANA ESTABLISHMENTS AS AUTHORIZED BY THE COLORADO CONSTITUTION. Motion passed unanimously on roll call vote.

Second Reading of the People's Ordinance 2024-1170 An Ordinance Amending Article VIII of Chapter 4 of the Fort Lupton Municipal Code Regarding the Taxation of Regulated Marijuana Establishments

City Clerk, Mari Peña, stated the first reading of this ordinance failed and according to Colorado Revised Statutes 31-11-104, if the proposed ordinance is not adopted by the legislative body, the legislative body shall publish the proposed ordinance as other ordinances are published.

It was moved by Carlos Barron and seconded by Bruce Fitzgerald to accept a motion to deny Second Reading of the People's Ordinance 2024-1170 AN ORDINANCE AMENDING ARTICLE VIII OF CHAPTER 4 OF THE FORT LUPTON MUNICIPAL CODE REGARDING THE TAXATION OF REGULATED MARIJUANA ESTABLISHMENTS. Motion passed unanimously on roll call vote.

Second Reading of Ordinance 2024-1171 Approving the Submission of a Ballot Question to the Registered Voters, a Ballot Question if the City Should Amend Ordinance 2024-1127 and the Municipal Code, to Allow for the Operation of a Limited Number of Licensed Marijuana Establishments Within Specific Zones, Declaring an Emergency, Setting the Title and Content of the Ballot for the Election.

It was moved by Valerie Blackston and seconded by Chris Ceretto to approve the Second Reading of Ordinance 2024-1171 APPROVING THE SUBMISSION OF A BALLOT QUESTION TO THE REGISTERED VOTERS, A BALLOT QUESTION IF THE CITY SHOULD AMEND ORDINANCE 2024-1127 AND THE MUNICIPAL CODE, TO ALLOW FOR THE OPERATION OF A LIMITED NUMBER OF LICENSED MARIJUANA ESTABLISHMENTS WITHIN SPECIFIC ZONES, DECLARING AN EMERGENCY, SETTING THE TITLE AND CONTENT OF THE BALLOT FOR THE ELECTION. Motion passed unanimously on roll call vote.

Second Reading of Ordinance 2024-1172 Approving the Submission of a Ballot Issue Pertaining to a Wholesale Marijuana Excise Tax of 1.5% with the Rate of Taxation Not to Exceed 4%; Declaring an Emergency, Setting the Title and Content of the Ballot for the Election

It was moved by Bruce Fitzgerald and seconded by Valerie Blackston to approve the Second Reading of Ordinance 2024-1172 APPROVING THE SUBMISSION OF A BALLOT ISSUE

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
August 20, 2024**

PERTAINING TO A WHOLESALE MARIJUANA EXCISE TAX OF 1.5% WITH THE RATE OF TAXATION NOT TO EXCEED 4%; DECLARING AN EMERGENCY, SETTING THE TITLE AND CONTENT OF THE BALLOT FOR THE ELECTION. Motion passed unanimously on roll call vote.

AM 2024-143 Approving Changes to City Handbook Policy 218 Regarding City Vehicles

The change to the City Handbook would clarify and add language allowing for City owned vehicles to be used for on-call employees and for the use of "qualified nonpersonal use" vehicles as defined by IRS publications. Councilmember Valerie Blackston questioned what the tenure of a Police Officer would need to be in order to take home a vehicle. Chief of Police William Carnes stated during their trial period, only officers who are actively on patrol or the School Resource Officers would be allowed to take home the vehicle, new officers would not. Councilmember Blackston also asked if an Officer would be able to start their shift as soon as they enter the City and not have to go to the station first. Chief Carnes stated yes, the goal is to allow the officer to respond directly to an incident without having to come to the station first.

It was moved by Carlos Barron and seconded by Claud Hanes to approve Changes to City Handbook Policy 218 Regarding City Vehicles. Motion passed unanimously on roll call vote.

AM 2024-139 Approve Change Order to Contract with Burns and McDonnell for Engineering Design Services for the Water Tower Project Design for an Amount Not to Exceed \$1,381,873.00 from the Utility Fund - Water Storage

The Request for Qualifications (RFQ) was advertised January 5, 2023 and selection of consultant following the requirements of the Brooks Act (40 U.S.C. 1101). Burns McDonnell was awarded the contract June 21, 2023 for the engineering services for the Elevated Water Storage project. The purpose of the Phase 1 work involves analyzing the City's existing potable water distribution system. The ultimate goal of the project is the elimination of the existing pump house at the tank farm and optimizing a plan for the ultimate distribution system. Phase 1 cost = \$249,260.00

We are pursuing a State Revolving Fund (SRF) loan. In order to expedite the design documents required for an SRF application submittal, Phase II engineering services are being contracted at this time. Change Order 1 provided initial design services and documentation (30%) required for the SRF Project Needs Assessment application. Phase 2 cost = \$686,433.00

This Change Order provides engineering design services to complete the design drawings, make application for the SRF and bidding of the project for construction. Design fees for Phase 2 and Phase 3 services is 7% of estimated construction costs. Current estimated project construction cost is \$28,708,000.00.

Submittal deadline for the SRF is January 2025.

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
August 20, 2024

It was moved by Claud Hanes and seconded by Valerie Blackston to approve Change Order to Contract with Burns and McDonnell for Engineering Design Services for the Water Tower Project Design for an Amount Not to Exceed \$1,381,873.00 from the Utility Fund - Water Storage. Motion passed unanimously on roll call vote.

AM 2024-144 Approving Change Order #2 to Contract with Vance Brothers, Inc. for an Amount Not to Exceed \$500,000.00 for the 2024 Crack Seal/Slurry Seal Project from Street Sales Tax Fund

Contract was awarded to Vance Brothers on March 19, 2024. The original bid was intended to fill existing cracks and perform a slurry seal over South Rollie Avenue to seal the surface and place fresh striping south of Hwy 52.

Change Order No. 1 covered quantity overages to prevent delays and complete the work expediently for access to local businesses. Final quantities were not known until after project completion. All quantities were verified by City staff.

Additional streets identified for maintenance include, Applewood Avenue, portions of 9th Street, Elizabeth Court, South Hoover Avenue, and additional streets as funding is available (not to exceed \$500,000.00).

The project was completed in May of this year.

The 2024 Street Sales Tax Fund budget includes \$1,200,000 for the CR 12 railroad crossing improvements. This project will occur now in 2025. \$500,000 of this Capital Improvement Project will be reallocated to the Crack Seal/Slurry Seal maintenance budget.

It was moved by Carlos Barron and seconded by Valerie Blackston to approve Change Order #2 to Contract with Vance Brothers, Inc. for an Amount Not to Exceed \$500,000.00 for the 2024 Crack Seal/Slurry Seal Project from Street Sales Tax Fund. Motion passed unanimously on roll call vote.

STAFF REPORTS

Chief of Police, William Carnes stated September 4th is their Citizen Academy graduation at 6:00 p.m.

City Administrator, Chris Cross stated the ribbon cutting at the Weld County building was well attended. Also, with the expansion of the South Weld County building more services will be available and the license plate area has been upgraded. The Health and Human Services office will be open on Wednesdays and as they grow they will open more days throughout the week.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
August 20, 2024**

MAYOR/COUNCIL REPORTS

Councilmember Valerie Blackston stated tomorrow, August 21, 2024 will be the first meeting for the youth and advisory committee. There is a total of nine members. In September they will vote on the chair and vice chair.

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

UPCOMING MEETINGS

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.
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.

ADJOURNMENT

The meeting adjourned at 6:53 p.m.

Submitted by,



Maricela Peña, City Clerk



Approved by City Council,


Zo Hubbard, Mayor