



CITY OF FORT LUPTON
CITY COUNCIL/ENTERPRISE BOARDS
REGULAR MEETING AGENDA
Tuesday, February 4, 2025
6:00 PM
130 South McKinley Avenue

Zo Hubbard, Mayor
Valerie Blackston, Ward 1
Chris Ceretto, Ward 2
David Crespin, Ward 1
Claud Hanes, Ward 2
Bruce Fitzgerald, Ward 3

You may join in person or join remotely by clicking on:
<https://meet.goto.com/793699389>

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. February 4, 2025 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 21, 2025 City Council Meeting Minutes

b. AM 2025-021 Approving the Annual Payment of the Axon Fleet 3 Contract for an Amount Not to Exceed \$40,092.46

c. AM 2025-022 Approving a Resolution Authorizing and Directing the City Administrator and the City Clerk to Make Applications Related to Northern Colorado Water Conservancy District ("NCWCD") for Temporary Use Permits for Water Allotments Originally Contracted to Certain Other Allottees for the Use and Benefit of the City

d. AM 2025-023 Approve Public Works Wastewater Disposal Agreement with The Terminator LLC for Disposal of Domestic Wastewater to the City Sanitary Sewer System.

e. AM 2025-025 Implementing the Acceptable Use Policy and Incident Response Policy Within the Cybersecurity Maturity Model Certification Guidelines (Level 1)

Action Memorandum

a. AM 2025-024 Approving a Resolution Appointing a Candidate to Fill the Ward III City Council Position Vacancy for a Term Beginning February 4, 2025 and Ending November 2025

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 2025-026 Approving an Ordinance of the City of Fort Lupton, Amending Portions of Chapter 16 – Development Code

Staff Reports

Mayor/Council Reports

Future City Events

- a. February 5, 2025 Coffee with a Cop, Fort Lupton Recreation Center, 8 a.m. - 9 a.m.
- February 17, 2025 City Offices Closed in Observance of President's Day

Upcoming Meetings

- a. February 11, 2025 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
- February 18, 2025 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
- February 25, 2025 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
- March 4, 2025 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.

Adjourn

Council Check Report

City of Fort Lupton

By Check Number

Date Range: 01/22/2025 - 02/04/2025

Vendor Number Payable #	Vendor Name Payable Type	Post Date	Payment Date Payable Description	Payment Type	Discount Amount Discount Amount	Payment Amount Payable Amount	Number
Bank Code: Pooled Cash-Pooled Cash							
000040	AFLAC		01/28/2025	Regular	0.00	2,374.06	104058
731394	Invoice	01/12/2025	GF-SUPPLEMENTAL INS FOR JANUARY 202...		0.00	2,374.06	
002941	AMERITAS LIFE INSURANCE CORP		01/28/2025	Regular	0.00	10,613.12	104059
010-57637-02 VIS..	Invoice	02/01/2025	GF-VISION INS FOR FEBRUARY 2025-HR		0.00	1,057.48	
101-57637-01 D...	Invoice	02/01/2025	GF-DENTAL INS FOR FEBRUARY 2025-HR		0.00	9,555.64	
000228	CINDY BARSTOW		01/28/2025	Regular	0.00	55.00	104060
2007625.001	Invoice	01/15/2025	REC-MONTHLY PASS REFUND, CANCELED...		0.00	55.00	
002651	COLORADO COMMUNITY MEDIA		01/28/2025	Regular	0.00	314.24	104061
128000	Invoice	01/17/2025	GF-LEGAL/PUBLIC NOTICES		0.00	314.24	
000307	COMCAST CABLE COMM, LLC		01/28/2025	Regular	0.00	220.02	104062
0164533 FEB25	Invoice	01/13/2025	GF-INTERNET/PHONE SERV FOR FEBRUARY..		0.00	220.02	
000512	FUZION FIELD SERVICES LLC		01/28/2025	Regular	0.00	255.75	104063
370413	Invoice	01/13/2025	GOLF-MONTHLY STANDARD RENTAL-MAI...		0.00	255.75	
000588	ID EDGE INC		01/28/2025	Regular	0.00	295.30	104064
103934	Invoice	01/09/2025	REC-CARD PRINTER CARDS AND RIBBON-R...		0.00	295.30	
000655	JOHN DEERE FINANCIAL		01/28/2025	Regular	0.00	583.33	104065
76236 DEC24	Invoice	12/31/2024	GOLF-PARTS, SUPPLIES-MAINT		0.00	583.33	
003742	JOHN VARGAS		01/28/2025	Regular	0.00	82.50	104066
2007622.001	Invoice	01/10/2025	REC-MEMBERSHIP REFUND-REC CENTER		0.00	82.50	
003577	JR ENGINEERING LLC		01/28/2025	Regular	0.00	6,072.50	104067
85981	Invoice	12/31/2024	GF- TRAFFIC STUDY CR 12/ S DENVER AVE-...		0.00	6,072.50	
000857	NORTHERN WATER		01/28/2025	Regular	0.00	876,750.00	104068
12762	Invoice	01/06/2025	WST-2025 NISP 21ST INTERIM AGREEMEN...		0.00	876,750.00	
003430	O'CONNOR, INC.		01/28/2025	Regular	0.00	1,144.82	104069
85053	Invoice	01/10/2025	GOLF-UNIFORMS-PRO SHOP		0.00	1,144.82	
003522	OTTEM ELECTRONICS, INC.		01/28/2025	Regular	0.00	300.00	104070
25-0010	Invoice	01/13/2025	GOLF-QUARTERLY MONITORING SERVICE-...		0.00	300.00	
000956	ROCKY MOUNTAIN LOW VOLTAGE		01/28/2025	Regular	0.00	75.00	104071
20250106	Invoice	01/02/2025	CPR-QUARTERLY MONITORING JAN-MAR...		0.00	75.00	
003743	SAMUEL JIMENEZ		01/28/2025	Regular	0.00	560.00	104072
2007623.001	Invoice	01/13/2025	REC-ROOM RENTAL CANCELLATION-REC C...		0.00	560.00	
001624	STATE OF COLORADO		01/28/2025	Regular	0.00	3,914.58	104073
000040528	Invoice	12/31/2024	UF-BILLS/LATE NOTICES OCTOBER 2024-UB		0.00	3,914.58	
001137	UNITED POWER		01/28/2025	Regular	0.00	187.93	104074
10213507 DEC24	Invoice	12/31/2024	GF-ELECTRIC SERV DECEMBER 2024-FAC		0.00	187.93	
003398	UNIVERSITY AUTO PARTS		01/28/2025	Regular	0.00	598.49	104075
221199	Invoice	01/09/2025	GOLF-PARTS-MAINT		0.00	598.49	
001189	WELD COUNTY ACCTG DEPART		01/28/2025	Regular	0.00	6,115.38	104076
DECEMBER 2024	Invoice	12/31/2024	GF-DECEMBER 2024 FUEL CHARGES-		0.00	6,115.38	
003709	ACME TREE SERVICE		02/04/2025	Regular	0.00	28,545.00	104077

Council Check Report

Date Range: 01/22/2025 - 02/04/2025

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
P.O. #202	Invoice	01/23/2025	Cemtery Trees	0.00	28,545.00	
002254	ADIDAS AMERICA INC	02/04/2025	Regular	0.00	47.40	104078
6162660086	Invoice	01/17/2025	GF-MERCHANDISE-CITY ADMIN	0.00	47.40	
000044	AGFINITY INC	02/04/2025	Regular	0.00	568.81	104079
182485	Invoice	01/21/2025	GOLF-UNLEADED GASOHOL-MAINT	0.00	238.66	
182486	Invoice	01/21/2025	GOLF-FIELDMASTER DYED DIESEL-MAINT	0.00	330.15	
003748	ANGELICA MENDOZA	02/04/2025	Regular	0.00	200.00	104080
2007632.001	Invoice	01/24/2025	REC-REFUND PERMIT CHARGES-REC CENT...	0.00	200.00	
003747	ASSOCIATED LANDSCAPE CONTRACTORS OF CO	02/04/2025	Regular	0.00	424.00	104081
5872	Invoice	01/23/2025	GF-MEMBERSHIP-PARKS	0.00	309.00	
5873	Invoice	01/23/2025	GF-SLM CLASS-PARKS	0.00	115.00	
002361	BRANDI MARTINEZ	02/04/2025	Regular	0.00	200.00	104082
CIT#133394-1	Invoice	01/23/2025	GF-CITATION #133394-1, RESTITUTION P...	0.00	200.00	
000182	CEM SALES & SERVICE INC	02/04/2025	Regular	0.00	1,650.00	104083
165265	Invoice	01/16/2025	REC-REPAIRS TO SPA JET PUMP-REC CENT...	0.00	1,650.00	
000239	CITY OF FORT LUPTON	02/04/2025	Regular	0.00	75.00	104084
CIT#132624-1A	Invoice	01/23/2025	GF-CITATION #132624-1, RESTITUTION	0.00	50.00	
CIT#E0022432-1	Invoice	01/24/2025	GF-CITATION #E0022432-1, RESTITUTION	0.00	25.00	
000247	CLIFTONLARSONALLEN LLP	02/04/2025	Regular	0.00	9,450.00	104085
1251026180	Invoice	01/23/2025	2024 Audit Services	0.00	9,450.00	
000267	COLONIAL LIFE	02/04/2025	Regular	0.00	105.96	104086
78168200201961	Invoice	02/01/2025	GF-SUPPLEMENTAL INS FOR FEBRUARY 20...	0.00	105.96	
000273	COLORADO BACKFLOW TESTING & REPAIR	02/04/2025	Regular	0.00	100.00	104087
8314	Invoice	01/14/2025	GF-COMMUNITY CNTR PARK BACKFLOW T...	0.00	100.00	
003644	COLORADO CARDIO GYM EQUIPMENT OUTLET	02/04/2025	Regular	0.00	150.00	104088
01152025-1	Invoice	01/15/2025	REC- EXPRESSO BIKE REPAIRS-REC CENTER	0.00	150.00	
002651	COLORADO COMMUNITY MEDIA	02/04/2025	Regular	0.00	66.52	104089
128418	Invoice	01/24/2025	GF-LEGAL BIDS, PUBLIC NOTICES-	0.00	66.52	
000287	COLORADO DOORWAYS, INC	02/04/2025	Regular	0.00	3,915.00	104090
1010924	Invoice	01/20/2025	GF-AUTOMATIC DOOR LOCKS/INSTALLATI...	0.00	3,915.00	
000306	COMCAST BUSINESS	02/04/2025	Regular	0.00	2,527.88	104091
231055491	Invoice	01/01/2025	Comcast Phones	0.00	2,527.88	
000307	COMCAST CABLE COMM, LLC	02/04/2025	Regular	0.00	529.25	104092
0117309 JAN2025	Invoice	01/14/2025	REC-CABLE/MUSIC SERVICE FOR JANUARY...	0.00	281.40	
0215335 JAN25	Invoice	01/15/2025	GF-INTERNET SERVICE FOR JANUARY 2025...	0.00	247.85	
003468	COMMERCIAL REAL ESTATE EXCHANGE, INC.	02/04/2025	Regular	0.00	2,200.00	104093
INV-610035	Invoice	01/24/2025	GF-CREXI INTELLIGENCE JAN 2025-JAN 20...	0.00	2,200.00	
003494	DOBBS EXCAVATING INC	02/04/2025	Regular	0.00	1,500.00	104094
012325	Invoice	01/23/2025	UF-HYD METER DEP REFUND-UB	0.00	1,500.00	
000436	ENVIROTECH SERVICES, INC	02/04/2025	Regular	0.00	3,368.90	104095
CD202506250	Invoice	01/23/2025	GF-ICE SLICER-STREETS	0.00	3,368.90	
003631	EVERON, LLC	02/04/2025	Regular	0.00	164.37	104096
50576495 FEB25	Invoice	02/01/2025	REC/GF-SECURITY/ALARM MONITORING F...	0.00	164.37	
003687	EXTREME CARE LLC	02/04/2025	Regular	0.00	188.25	104097
34109	Invoice	01/16/2025	REC-REPAIRED CYBEX POWER PLAY CABLE...	0.00	188.25	
000513	G & G EQUIPMENT	02/04/2025	Regular	0.00	1,143.22	104098

Council Check Report

Date Range: 01/22/2025 - 02/04/2025

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
156828	Invoice	01/23/2025	GF-PARTS, FILTERS, BLADES, ETC-PARKS	0.00	867.95	
156908	Invoice	01/27/2025	GF-PARTS/SUPPLIES-PARKS	0.00	275.27	
000605	INTERNATIONAL INST OF MUNICIPAL	02/04/2025	Regular	0.00	330.00	104099
2025	Invoice	01/09/2025	GF-ANNUAL MEMBERSHIP FEES-CITY CL	0.00	330.00	
003719	KRISTI COLBERT	02/04/2025	Regular	0.00	50.00	104100
CIT#133524-1	Invoice	01/23/2025	GF-CITATION #133524-1, RESTITUTION P...	0.00	50.00	
000857	NORTHERN WATER	02/04/2025	Regular	0.00	124,050.06	104101
12975	Invoice	01/22/2025	WST-GAP FIRMING ASSESSMENT-WATER	0.00	124,050.06	
000865	OFFICE DEPOT	02/04/2025	Regular	0.00	201.75	104102
406394478001	Invoice	01/08/2025	GOLF-FOLDERS, STICKY NOTES, STAPLER-P...	0.00	180.76	
406395131001	Invoice	01/09/2025	GOLF-STAMP-PRO SHOP	0.00	20.99	
003181	PLACER LABS, INC.	02/04/2025	Regular	0.00	10,474.00	104103
12-44002224	Invoice	01/21/2025	GF- LOCATION ANALYTICS & SERVICES-C...	0.00	10,474.00	
003498	SEKICH ELECTRIC LLC	02/04/2025	Regular	0.00	1,556.69	104104
005	Invoice	01/16/2025	REC-SPA JETS NEW CONTRACTOR-REC CE...	0.00	1,556.69	
001031	SPWRAP	02/04/2025	Regular	0.00	3,220.46	104105
012825	Invoice	01/28/2025	WST-2025 SPWRAP ASSESSMENT	0.00	3,220.46	
001624	STATE OF COLORADO	02/04/2025	Regular	0.00	7,514.20	104106
000040786	Invoice	12/31/2024	UF-BILLS/LATE NOTICES FOR NOVEMBER ...	0.00	7,514.20	
002694	SYMMETRY ENERGY SOLUTIONS LLC	02/04/2025	Regular	0.00	4,187.75	104107
19552774	Invoice	12/31/2024	REC-NATURAL GAS SERVICE FOR DEC 2024...	0.00	4,187.75	
001105	TOSHIBA FINANCIAL SERVICES	02/04/2025	Regular	0.00	283.52	104108
547191882	Invoice	02/01/2025	GOLF-FEBRUARY 2025 COPIER LEASE	0.00	283.52	
001224	XCEL ENERGY-GAS	02/04/2025	Regular	0.00	1,601.28	104109
911315761	Invoice	01/17/2025	GOLF-JANUARY 2025 GAS SERVICE-PRO S...	0.00	472.61	
911752440	Invoice	01/01/2025	Xcel Gas Bill- Account 53-2035238-1	0.00	1,128.67	
003749	SCOTT AND KATHLEEN ENGLISH	01/30/2025	Regular	0.00	652.76	104110
013025	Invoice	01/30/2025	GF-REIMBURSEMENT-PD	0.00	652.76	
000024	ACE HARDWARE OF FORT LUPTON	01/28/2025	EFT	0.00	71.80	9001995
106892/1	Invoice	01/16/2025	GOLF-KWICKSET KEY-PRO SHOP	0.00	71.80	
002853	BUCKEYE CLEANING CENTER	01/28/2025	EFT	0.00	1,060.12	9001996
90639677	Invoice	01/06/2025	REC-CLEANING SUPPLIES-REC CENTER	0.00	1,060.12	
002122	BURNS & MCDONNELL ENGINEERING CO INC	01/28/2025	EFT	0.00	283,846.86	9001997
160868-18	Invoice	12/31/2024	UF- WATER TOWER DESIGN CO #1-WATER	0.00	193,046.41	
169164-9	Invoice	12/31/2024	UF-LIFT STATION/FORCE MAIN PROJECT R...	0.00	90,800.45	
000232	CIRSA	01/28/2025	EFT	0.00	5,185.50	9001998
INV1000603	Invoice	12/31/2024	GF-REC CENTER ADDITIONS 09/28/24-01/...	0.00	5,185.50	
003166	CODE RED AUDITS, LLC	01/28/2025	EFT	0.00	4,368.20	9001999
INV-FTL-MEEDR-...	Invoice	12/31/2024	GF-CITY HALL DOORS ACCESS CONTROL IN...	0.00	4,368.20	
000425	ELEVATION COFFEE TRADERS	01/28/2025	EFT	0.00	24.73	9002000
109098	Invoice	01/08/2025	GOLF-INLINE WATER FILTERS-PRO SHOP	0.00	24.73	
000783	MEANDERING WITH MARY	01/28/2025	EFT	0.00	150.00	9002001
011525	Invoice	01/15/2025	CPR-JANUARY 2025 CASINO TRIP-SENIORS	0.00	150.00	
000869	OPERATIONS MANAGEMENT INT	01/28/2025	EFT	0.00	96,034.65	9002002
351230-OS-AS	Invoice	12/31/2024	UF-2024 Capital Improvements-Water	0.00	5,568.00	
351230-OS-RU	Invoice	12/31/2024	UF-2024 Capital Improvements-Water	0.00	39,737.12	

Council Check Report

Date Range: 01/22/2025 - 02/04/2025

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
351230-OS-SL	Invoice	12/31/2024	UF-2024 Capital Improvements-Water	0.00	50,729.53	
003491	THALLE CONSTRUCTION CO INC	01/28/2025	EFT	0.00	993,348.13	9002003
4	Invoice	12/31/2024	UF-Force Main & Lift Station Construction-...	0.00	993,348.13	
003160	UNITEDHEALTHCARE INSURANCE COMPANY	01/28/2025	EFT	0.00	115,455.77	9002004
259037241575	Invoice	02/01/2025	GF-HEALTH INS FOR FEBRUARY 2025-HR	0.00	115,455.77	
000024	ACE HARDWARE OF FORT LUPTON	02/04/2025	EFT	0.00	12.99	9002005
107001/1	Invoice	01/25/2025	GOLF-OUTDOOR CARPET GLUE-PRO SHOP	0.00	12.99	
000027	ACTIVE NETWORK	02/04/2025	EFT	0.00	344.00	9002006
11145786	Invoice	01/15/2025	REC-RECEIPT PRINTER-REC CENTER	0.00	344.00	
001820	BADGER METER	02/04/2025	EFT	0.00	75,892.48	9002007
1705577	Invoice	01/22/2025	UF- WATER METER REPLACEMENT-WLINES	0.00	41,290.90	
1708553	Invoice	12/31/2024	UF-WATER METERS-W LINES	0.00	3,439.45	
1708554	Invoice	01/22/2025	UF- WATER METER REPLACEMENT-WLINES	0.00	31,162.13	
003524	BEST CLEANER DISPOSAL	02/04/2025	EFT	0.00	681.00	9002008
17712	Invoice	02/01/2025	GF-TRASH SERVICE FOR FEB 2025-FAC	0.00	135.00	
17713	Invoice	02/01/2025	CPR-TRASH SERVICE FOR FEB 2025-COMM...	0.00	85.00	
17715	Invoice	02/01/2025	GF-TRASH SERVICE FOR FEB 2025-PW SHOP	0.00	129.00	
17718	Invoice	02/01/2025	CEM-TRASH SERVICE FOR FEB 2025-CEME...	0.00	72.00	
17720	Invoice	02/01/2025	GOLF-TRASH SERVICE FOR FEB 2025-MAINT	0.00	135.00	
17721	Invoice	02/01/2025	GF-TRASH SERVICE FEB 2025-PARKS	0.00	85.00	
17722	Invoice	02/01/2025	GF-TRASH SERVICE FOR FEB 2025-CODE	0.00	40.00	
002161	BOX INC	02/04/2025	EFT	0.00	25,000.00	9002009
INV12470553	Invoice	01/25/2025	Box - 100 hours implementation	0.00	25,000.00	
002835	BRANDING BY BRE	02/04/2025	EFT	0.00	3,500.00	9002010
1312	Invoice	02/01/2025	GF-SOCIAL MEDIA MNGMNT FEBRUARY 2...	0.00	3,500.00	
001101	TODD HODGES DESIGN, LLC	02/04/2025	EFT	0.00	7,764.90	9002011
3663	Invoice	01/28/2025	GF-PLANNING SERVICE JAN 13-26, 2025-P...	0.00	7,764.90	
000119	BANK OF COLORADO	01/24/2025	Bank Draft	0.00	7,555.27	DFT0002533
INV0001703	Invoice	01/24/2025	HSA DISTRIBUTION	0.00	7,555.27	
000119	BANK OF COLORADO	01/24/2025	Bank Draft	0.00	1,139.99	DFT0002534
INV0001704	Invoice	01/24/2025	HSA DISTRIBUTION	0.00	1,139.99	
001416	VALIC_1	01/24/2025	Bank Draft	0.00	53,870.28	DFT0002535
INV0001705	Invoice	01/24/2025	VALIC - 457(b) \$ Contributions	0.00	53,870.28	
001265	IRS	01/24/2025	Bank Draft	0.00	89,116.55	DFT0002536
INV0001706	Invoice	01/24/2025	Federal Withholding	0.00	89,116.55	
001418	CO DEPARTMENT OF REVENUE	01/24/2025	Bank Draft	0.00	15,262.00	DFT0002537
INV0001707	Invoice	01/24/2025	CO Withholding	0.00	15,262.00	
001416	VALIC_1	01/28/2025	Bank Draft	0.00	384.16	DFT0002538
INV0001708	Invoice	01/28/2025	VALIC - PD Retirement Plan Contributions	0.00	384.16	
001265	IRS	01/28/2025	Bank Draft	0.00	49.74	DFT0002539
INV0001709	Invoice	01/28/2025	Federal Withholding	0.00	49.74	
001418	CO DEPARTMENT OF REVENUE	01/28/2025	Bank Draft	0.00	59.00	DFT0002540

Council Check Report

Date Range: 01/22/2025 - 02/04/2025

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
INV0001710	Invoice	01/28/2025	CO Withholding	0.00	59.00	

Bank Code Pooled Cash Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	61	53	0.00	1,121,754.05
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	8	8	0.00	167,436.99
EFT's	28	17	0.00	1,612,741.13
	97	78	0.00	2,901,932.17

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	61	53	0.00	1,121,754.05
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	8	8	0.00	167,436.99
EFT's	28	17	0.00	1,612,741.13
	97	78	0.00	2,901,932.17

Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH/CONSOLIDATED CASH	1/2025	2,578,147.53
999	POOLED CASH/CONSOLIDATED CASH	2/2025	323,784.64
			2,901,932.17

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
January 21, 2025**

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 21, 2025. Mayor Zo Hubbard called the meeting to order at 6:08 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, Chris Ceretto, Bruce Fitzgerald, David Crespin, and Valerie Blackston.

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

PERSONS TO ADDRESS COUNCIL

There was no one to address the Mayor or Council.

APPROVAL OF AGENDA

It was moved by David Crespin and seconded by Valerie Blackston to approve the agenda as presented. Motion passed unanimously on voice vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the January 21, 2025, payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

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

- January 7, 2025 City Council Meeting Minutes
- Approve Cash Payment of \$124,050.06 to Northern Colorado Water Conservancy District (NCWCD) for the Operation & Maintenance of the Windy Gap Firing Project (WGFP) (AM 2025-008)
- Approving Resolution 2025R006 RATIFYING THE APPOINTMENT OF CERTAIN NOMINEES TO THE BOARD OF TRUSTEES OF THE HIGH PLAINS LIBRARY BOARD (AM 2025-009)
- Approve an Order with Badger Meter for New Water Meters and Endpoints for not to Exceed \$200,000.00 Allocated from the 2025 Utility Fund - Water Line Repairs Replacement Meters (AM 2025-010)

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
January 21, 2025**

- Approve an Order with Badger Meter for New Water Meters and Endpoints for not to Exceed \$200,000.00 Allocated from the 2025 Utility Fund - Water Line Repairs (AM 2025-011)
- Award of Contract to Civil Resources for not to Exceed \$85,367.00 for the Construction Management of the WWTP Lagoon Slurry Wall Project from the Utility Fund (AM 2025-012)
- Award of Contract to Civil Resources for not to Exceed \$19,000.00 for the 50 Percent Design of the WWTP Lagoon Water Storage Project from the Utility Fund (AM 2025-013)
- Approving Resolution 2025R007 FOR A FEE INCREASE FOR PEARSON PARK – FIELD USE AGREEMENT FOR 2025 SEASON EFFECTIVE FEBRUARY 1, 2025 (AM 2025-014)
- Award of Contract to Backhoe & Dozer Services Inc. for not to Exceed \$50,000.00 for On Call Grading Services from Street Sales Tax Fund (AM 2025-015)
- Adopting Ordinance 2025-1183 FOR RIGHT OF WAY DEDICATION OF A 55-FOOT WIDE PUBLIC RIGHT OF WAY LOCATED ALONG COUNTY ROAD 18 AND 42.5-FOOT WIDE PUBLIC RIGHT OF WAY LOCATED ALONG COUNTY ROAD 25, CONTAINING 5.24 ACRES (AM 2025-017)

Motion passed unanimously on roll call vote.

PUBLIC HEARING

AM 2025-016 Approve a Resolution Approving the Service Plan for Coyote Creek Metropolitan District and Approve the Intergovernmental Agreement with District

Mayor Hubbard opened the public hearing at 6:14 p.m. and asked for a description of the project. The City's legal Counsel, Robert G. Rogers, Esq. with White Bear Ankele Tanaka and Waldron stated, Lupton Land, LLC, the applicants for the Coyote Creek Metropolitan District (the "District"), have submitted a Service Plan (the "Service Plan") pursuant to the City's Special District Policy contained in Chapter 19 of the Code. The Service Plan meets the criteria of and complies with the requirements set forth in the City's Special District Policy. The purpose of approving the service plan is to authorize the District to provide for planning, design, acquisition, construction, installation, relocation, redevelopment, and financing of the Public Improvements required for development of the Coyote Creek Filing Nos. 5 and 6 PUD. Please refer to the Service Plan Exhibit D for more details on the public improvements that may be funded by the District. Future development will be required to complete additional filings, improvements agreements, and/or site plans prior to construction. Each phase of development will still require public hearings and final review and approval by City Council.

The City's Special District Policy and Title 32 require a public hearing before City Council and published an actual notice of the hearing. The proponents for the District published notice of the hearing in the Denver Post on December 27, 2024, and the Fort Lupton News Press on January 2, 2025, and mailed notice as required by the City's Special District Policy and Title 32.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
January 21, 2025**

Mr. Roberts stated that there was an update to the service agreement in reference to the snow removal policy as recommended from the Public Works Director.

Mayor Hubbard asked if anyone from the public wished to speak for or against the matter.

Mayor Hubbard asked the applicant if she had a presentation or had any additional informing. Paula Williams, with the law firm of McGeady Becher Cortese Williams P.C. clarified the revised service plan is for Coyote Creek Filing Number 6 and Filing number 5 is not impacted from this. Ms. Williams also indicated agreement with the change referencing the snow removal.

There being no further discussion, Mayor Hubbard closed the public hearing at 6:20 p.m.

It was moved by Bruce Fitzgerald and seconded by Valerie Blackston to Approve Resolution 2025R008 Approving the Service Plan for Coyote Creek Metropolitan District and Approve the Intergovernmental Agreement with District. Motion passed unanimously on roll call vote.

AM 2025-020 Approve a Resolution for an Application for a Special Use Permit for a Metallurgical Services Company to Operate from an Existing Accessory Building, Accessory to the Primary Residence of the Property, Known as the ADS Test Metals Special Use Permit

Mayor Hubbard opened the public hearing at 6:21 p.m. and asked for a description of the project. City Planner, Zachary Mettler, stated the site is located at 4200 County Road 19. All notification requirements have been met including neighborhood mailer, posting at the access of the property on County Road 19 and a neighborhood meeting. Mr. Mettler presented the site plan which included a primary residence with a detached accessory structure to be used as the business. The property, part of the original Zadel Annexation, is zoned agriculture and well within the comprehensive plan.

Ivan Patino with Galloway and representative for ADS Test Metals stated services include mechanical testing, welding testing and certification. The use of the existing structures allows for minimal impact and preserves the agriculture nature of the area. Mr. Patino also presented the drawing of the building to be used and the business layout. The business to be conducted within the building. Further details were provided on the operations of the business.

Katherine Schmidt, office manager and her husband, Jason Schmidt, owner of ADS Test Metals provided an overview of the business and its operations. The residential portion of the property will remain for residential occupancy, while the existing shop building will serve as the operational facility for Test Metals (Colorado Metallurgical Services, Inc.). Test Metals, is a family-owned business established in 1987 and operated by the current owners since 2008. Since relocating to Aurora, Colorado, in 2011, Test Metals has become a leader in the local metal testing industry, specializing in material verification, failure analysis, and welding certification.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
January 21, 2025**

Test Metals proposes to use the existing shop space which is currently zoned for Agriculture use to conduct their Metallurgical business operations under a special use permit. The metallurgical work that will take place at the building includes mechanical testing, machining, welding testing and certification, and non-destructive evaluation (NDE). The building requires no exterior and only minimal interior modifications to meet industry and safety standards, including the installation of interior concrete flooring in areas currently with gravel and essential life safety measures to meet code requirements. Test Metals is committed to community involvement and looks forward to becoming an active participant in the Fort Lupton area. With a focus on sustainable operations and local engagement, the company is dedicated to fostering strong community ties and supporting economic growth. Test Metals sponsors vocational programs for graduating seniors at Prairie View High School, enabling them to earn valuable certifications in welding and enter the workforce with specialized skills. The company supports athletic teams at Horizon High School. Additionally, Test Metals emphasizes sustainability through waste and water reduction practices across its operations.

With only eight employees on site, Test Metals anticipates a minimal increase in traffic. Deliveries and shipments via UPS, FedEx, and similar services will occur during normal business hours, posing no significant disruption to the area.

Mayor Hubbard asked if the company that does disposal will still service the business in Fort Lupton. Mrs. Schmidt responded yes.

Mayor Hubbard asked if anyone wanted to speak for or against the proposal. Hearing none, Mayor Hubbard closed the public hearing at 6:35 p.m.

It was moved by Chris Ceretto and seconded by David Crespin to Approve Resolution 2025R009 FOR A SPECIAL USE PERMIT FOR A METALLURGICAL SERVICES COMPANY TO OPERATE FROM AN EXISTING ACCESSORY BUILDING, ACCESSORY TO THE PRIMARY RESIDENCE OF THE PROPERTY, KNOWN AS THE ADS TEST METALS SPECIAL USE PERMIT. Motion passed unanimously on roll call vote.

ACTION MEMORANDUM

AM 2025-019 Approving a Resolution Accepting the Coyote Creek PUD Filing No. 6 Final Plat

The applicants, Lupton Land LLC. and JR Engineering have applied for approval of a Final Plat, known as the Coyote Creek PUD Filing No. 6 Final Plat. The site is located approximately .07 miles south of 9th Street and approximately .05 miles west of College Ave. (the Property).

The proposed Final Plat is for a single-family detached residential subdivision that will include 83 single-family detached lots and .58 acres of common open space. Filing 6 is the final filing for the Coyote Creek Development.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
January 21, 2025**

This final plat is being reviewed under the final plat provisions of the municipal code in the Subdivision Regulations. Section 17-23 states that a final plat is to be reviewed by City Council, and does not require Planning Commission review. The Code requires that a subdivision improvements agreement be submitted by the applicant for review by the City Attorney and City Council. The Subdivision Improvements Agreement is being considered at a separate hearing.

Ken Merritt with JR., representing Lupton Land LLC., provided a presentation on the layout including streets, landscape plan, playground location, residential elevations both front and rear, final site drainage, and improvements on the golf course.

No further discussion occurred.

It was moved by Valerie Blackston and seconded by David Crespín Approving Resolution 2025R010 ACCEPTING THE COYOTE CREEK PUD FILING NO. 6 FINAL PLAT. Motion passed unanimously on roll call vote.

AM 2025-018 A Resolution Approving the Subdivision Improvements Agreement Between the City of Fort Lupton and Lupton Land, LLC, for the Coyote Creek, Filing No. 6 Final Plat

This Subdivision Improvement Agreement was drafted for Coyote Creek - Filing No. 6, (the "Plat"), approved by City Council on January 21, 2025, by Resolution No. 2025R006, which is located southwest of the Coyote Creek Drive and College Ave. intersection. Improvements are for the construction of water, nonpotable water and sanitary sewer main extensions, roadway construction, landscape and storm drainage system.

Resolution No. 2025R006, approved by Council on January 21, 2025 requires the applicant to enter into a Subdivision Improvements Agreement.

It was moved by Bruce Fitzgerald and seconded by Chris Ceretto to Approve Resolution 2025R011 APPROVING THE SUBDIVISION IMPROVEMENTS AGREEMENT BETWEEN THE CITY OF FORT LUPTON AND LUPTON LAND, LLC, FOR THE COYOTE CREEK, FILING NO. 6 FINAL PLAT. Motion passed unanimously on roll call vote.

INFORMATION MEMORANDUM

IM 2025-001 Revision of the City of Fort Lupton Engineering Design Standards

The City's "Design Standards for Public Improvements" were enacted pursuant of the Municipal Code and Title 31 of Article 16 of the Colorado Revised Statutes. Revisions of the Design Standards may be made as new technology and/or experience indicates a need for revision. These changes become effective upon approval by the City Administrator.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
January 21, 2025**

Chapter 3 Water Design Standards have been revised to incorporate Water Wise principals and inclusion of the nonpotable irrigation water system. Significant changes to the chapter include: requiring nonpotable system for irrigation, incorporating WaterSense practices for building plans incorporating WaterWise practices for irrigation and landscape plans, water share requirements for dedication spreadsheet, revised demand data to current Brendle Group analysis and zoning, adding irrigation mains standards, changing service and meter sizing from fixture count calculation to "Water Demand Calculator v2.2", and revised services to premises to match Municipal Code.

IM 2025-002 Award of Contract to Prairie Dog Pros, LLC (dba Old Town Pest Control) for Prairie Dog Mitigation Services During the 2025 Season for not to Exceed \$16,000.00 from the Public Works Shop General Fund

Pest control operations are a specialized service that requires training, knowledge and a methodical approach to effectively and economically balance the City's needs and environmental issues.

The Prairie Dog Pros program will handle all aspects of the City's program to include fumigation services, notifications, area mapping and placard marking. The company is Fort Collins based and A+ rated with the Better Business Bureau. Many local Cities and Towns contract with them. Priority treatment areas of concern are the Golden Pond area, Public Works Shop railroad right of way lease area and railroad right of way lease area near the community center. The scope includes monthly follow-up in each area with the program to continue immediately.

IM 2025-003 Award of Contract to Vector Disease Control International, LLC for Integrated Mosquito Management Services during the 2025 Season for not to Exceed \$21,112.49 from the Public Works Shop General Fund

Mosquito operations are a specialized service that requires training, knowledge and a methodical approach to effectively and economically balance the city's needs and environmental issues.

The VDCI program will handle all aspects of the City's program with added technology and information assistance to our residents. VDCI has provided this program for the City since 2020. The program begins in May with larval surveillance with completion in September. Services include larval control, weekly adult insecticide applications, trap monitoring, mapping and reporting.

After a comparison of previous year's 3-year agreements, there was no advantage to 3-year contracting.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
January 21, 2025**

STAFF REPORTS

City Clerk, Mari Peña stated four applicants, Micheal Sanchez, Beth McWilliams, Phil Jensen, and Dez Packard have submitted applications for the Ward 3 Councilmember vacancy. Interviews are scheduled for Tuesday, January 28th.

MAYOR/COUNCIL REPORTS

Mayor Hubbard indicated that a great friend was lost, former Mayor, Tommy Holton. Tommy was instrumental in jerking somethings forward, stomping on other things and keeping his cows and life as a cowboy and rogue, intact. We were very close friends and it's a big hole in a lot of lives and Fort Lupton. It's hard to find words to express how much he will be missed.

Bruce Fitzgerald stated the Chamber of Commerce dinner had a great turnout of approximately 120 people. The entertainment included Joni Gable's granddaughter, she did a great job.

Chris Ceretto stated Tommy will be missed. He wouldn't be on Council if it wasn't for him.

David Crespín stated Tommy was a great man and he respected him a lot.

Valerie Blackston indicated that she didn't know Tommy much, however, her father did and he was very fond of him.

FUTURE CITY EVENTS

January 25, 2025	Koshio Park Design Days, Fort Lupton Recreation Center, 5:30 - 8:30 p.m.
February 5, 2025	Coffee with a Cop, Fort Lupton Recreation Center, 8 a.m. - 9 a.m.
February 17, 2025	City Offices Closed in Observance of President's Day

UPCOMING MEETINGS

January 28, 2025	Town Hall, 130 S. McKinley Ave. 6 p.m.
February 4, 2025	City Council Meeting, 130 S. McKinley Ave. 6 p.m.
February 11, 2025	Town Hall, 130 S. McKinley Ave. 6 p.m.
February 18, 2025	City Council Meeting, 130 S. McKinley Ave. 6 p.m.

EXECUTIVE SESSION

It was moved by Bruce Fitzgerald and seconded by Chris Ceretto to move into Executive Session at 7: 00 p.m. to hold a conference with the City's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. 24-6-402(4)(b) regarding Northern Integrated Supply Project (NISP). The following members were in the executive session: Mayor Zo Hubbard,

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
January 21, 2025**

Councilmembers Chris Ceretto, Valerie Blackston, David Crespín, Bruce Fitzgerald, City Attorney, Andy Ausmus, City Administrator, Chris Cross, and Finance Director, Leann Perino. Also attending was the City's legal counsel on matters related to water, Matthew S Poznanovic with Hayes Poznanovic Korver LLC, Carl Brouwer and Lisa Thompson with Northern Colorado Water Conservancy District.

The regular meeting reconvened at 7:50 p.m.

ADJOURNMENT

The meeting adjourned at 7:50 p.m.

Submitted by,

Maricela Peña, City Clerk

Approved by City Council,

Zo Hubbard, Mayor



SUBJECT FOR DISCUSSION

Approving the Annual Payment of the Axon Fleet 3 Contract for an Amount Not to Exceed \$40,092.46.

SUMMARY STATEMENT/BACKGROUND DISCUSSION

In March 2023, Council approved the upgraded Fleet 3 contract (vehicle cameras including dash cameras and interior cameras) with Axon Enterprises Inc. The contract began at the end of February 2024 and is set to expire February 2029.

FINANCIAL CONSIDERATIONS

This payment was included in the Police Department's 2025 Leases & Rentals budget.

LEGAL/POLITICAL CONSIDERATIONS

N/A

ALTERNATIVES/OPTIONS

N/A

STAFF RECOMMENDATIONS

Staff recommends approval of the purchase.

Attachments: a. Axon Invoice INUS315275

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date



Axon Enterprise Inc.
 PO BOX 29661
 DEPARTMENT 2018
 PHOENIX, AZ 85038-9661
 Ph: 1-480-991-0797, option 5, option 1
arinquies@axon.com
www.axon.com
 TIN: 86-0741227
 DUNS Number: 832176382
 UEI Number: TBW7MGPYURM7

Invoice

Invoice ID INUS315275
 Invoice Account 107329
 Date 15-Jan-25
 Payment Term Net 30 days
 PO/DO #
 Quote # Q-446010,
 Sales Order #
 Terms of Delivery FCA
 Customer Reference Q-446010.

BILL TO

Fort Lupton Police Dept. - CO
 130 S McKinley Ave
 Fort Lupton, CO 80621-1343
 USA

SHIP TO

Fort Lupton Police Dept. - CO
 130 S McKinley Ave
 Fort Lupton, CO 80621-1343
 USA

Ship to*	Bundled Item Number	Bundled Description	Bundled Quantity	Invoice Plan %	Amount
1	Fleet3A	Fleet 3 Advanced	14.00	20.000000%	40,092.46
Bundled Line Subtotal					40,092.46

Line No.	Ship to*	Item Number	Description	Quantity	Unit Price	Subtotal	Invoice Plan %	Amount
1	1	100159	AXON FLEET 3 - SERVICES - ALPR API INTEGRATION Tax Date 15-Jan-25 Shipment Date:	1.00	0.00	0.00	20.000000%	0.00
Item Line Subtotal								0.00

Sales Amount	40,092.46
Misc. Charge	0.00
Discount	0.00
Sales Tax	0.00
Total	40,092.46
Credit Amount(s) Applied	0.00
Amount Received	0.00
PAYMENT DUE	40,092.46

Payment Due 14-Feb-25

PAYMENT REMITTANCE INFORMATION

For ACH/EFT Payment: (Preferred Method)		For Wire Transfers		For Check Payments Mail To:	For Overnight Check Payments Mail
Account Name	Axon Enterprise, Inc.	Beneficiary	Axon Enterprise, Inc.	Axon Enterprise, Inc.	Axon Enterprise, Inc.
Account Number	634912729	Account Number	634912729	PO BOX 29661	JPMorgan Chase (AZ1-2170)
Bank Routing No	122100024	Bank Routing No	021000021	DEPARTMENT 2018	Attn: Axon Enterprises 29661-2018
Reference No	INUS315275	SWIFT Code	CHASUS33	PHOENIX, AZ 85038-9661	2108 E Elliot Rd,
		Reference No	INUS315275	Reference No INUS315275	Tempe, AZ 85283
					Reference No INUS315275

Please reference the invoice number on your ACH, Wire or Check payment and send to AR@axon.com

Important Note: By selecting the wire transfer payment method, you agree to accept the processing & transaction fees charged by the bank relating to this wire

Invoice

Invoice ID

INUS315275

Date

15-Jan-25

Page

2 of 2

*Tax Note

Ship-to-address Legend*

1	Fort Lupton Police Dept. - CO 130 S McKinley Ave Fort Lupton, CO 80621-1343 USA
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SUBJECT FOR DISCUSSION

Approving a Resolution Authorizing and Directing the City Administrator and the City Clerk to Make Applications Related to Northern Colorado Water Conservancy District ("NCWCD") for Temporary Use Permits for Water Allotments Originally Contracted to Certain Other Allottees for the Use and Benefit of the City

SUMMARY STATEMENT/BACKGROUND DISCUSSION

The City of Fort Lupton by Resolution 1994-21 authorized and directed the City Administrator and the City Clerk to make applications for the purposes of Temporary Use Permits for water allotments. The City continues pursuing a program of acquiring water allotments in the Northern Colorado Water Conservancy District including its applicable sub-districts (hereinafter collectively referred to as "NCWCD") and desires to restate and reaffirm the authorizations set forth in the 1994-21 Resolution and update where applicable.

According to the rules and procedures of said District, it is necessary that the City apply for temporary use permits for said water pending final transfer of title and ownership in the name of the City of Fort Lupton.

Approval would authorize the City Administrator and the City Clerk to continue to sign off on Temporary Use Permits for water allotments while also authorizing sign off on its applicable sub-districts.

FINANCIAL CONSIDERATIONS

N/A

LEGAL/POLITICAL CONSIDERATIONS

N/A

ALTERNATIVES/OPTIONS

1. Maintain the Resolution from 1994 as is. Any agreements from NCWCD sub-districts would need to go before Council for Approval which may delay the process in pending transfer of title and ownership.

STAFF RECOMMENDATIONS

Staff seeks approval of the Resolution.

Attachments: a. Proposed Resolution
 b. Resolution 1994-21

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

RESOLUTION 2025Rxxx

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR AND THE CITY CLERK TO MAKE APPLICATIONS RELATED TO NORTHERN COLORADO WATER CONSERVANCY DISTRICT FOR TEMPORARY USE PERMITS FOR WATER ALLOTMENTS ORIGINALLY CONTRACTED TO CERTAIN OTHER ALLOTTEES FOR THE USE AND BENEFIT OF THE CITY OF FORT LUPTON

WHEREAS, the City of Fort Lupton by Resolution 1994-21 authorized and directed the City Administrator and the City Clerk to make applications for the purposes of Temporary Use Permits for water allotments; and

WHEREAS, the City continues pursuing a program of acquiring water allotments in the Northern Colorado Water Conservancy District, including its applicable sub-districts (hereinafter collectively referred to as "NCWCD") and desires to restate and reaffirm the authorizations set forth in the 1994-21 Resolution and update where applicable; and

WHEREAS, according to the rules and procedures of said District, it is necessary that the City apply for temporary use permits for said water pending final transfer of title and ownership in the name of the City of Fort Lupton; and

WHEREAS, the City Council desires to delegate to the City Administrator and City Clerk the authority to do any and all things reasonably necessary and relating to the transfer and issuance of temporary use permits, as required by the rules of NCWCD.

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO, AS FOLLOWS:

1. The City Administrator and City Clerk are hereby authorized to make applications to the Northern Colorado Water Conservancy District and its sub-districts, (collectively referred as "NCWCD") for issuance of temporary use permits in the name of the City of Fort Lupton for water allotments acquired by the City, upon payment of all transfer and annual rate charges, and further, to make application for reissuance of temporary use permits upon the expiration thereof in order to have continual reissuance upon an annual basis until such time as it appears reasonable to the best interests of the City to have title and ownership of said water allotments permanently transferred in the name of the City upon the books and records of NCWCD. In such circumstance, the City Administrator shall be authorized to execute any documents necessary to effectuate said permanent transfer.
2. This Resolution shall remain in effect until repealed by resolution of the City Council of the City of Fort Lupton.

3. Resolution No. 94-21 is incorporated herein and updated as set forth above, and any portions thereof inconsistent or conflicting with this Resolution or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO THIS 4TH DAY OF FEBRUARY 2025.

City of Fort Lupton, Colorado

Zo Hubbard, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

RESOLUTION 94-21

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR AND CITY CLERK TO MAKE APPLICATION TO NORTHERN COLORADO WATER CONSERVANCY DISTRICT FOR TEMPORARY USE PERMITS FOR WATER ALLOTMENTS ORIGINALLY CONTRACTED TO CERTAIN OTHER ALLOTTEES FOR THE USE AND BENEFIT OF THE CITY OF FORT LUPTON.

WHEREAS, the City of Fort Lupton is pursuing a program of acquiring water allotments in the Northern Colorado Water Conservancy District; and

WHEREAS, according to the rules and regulations of said District, is is necessary that said City apply for temporary use permits for said water pending final transfer of title and ownership in the name of the City of Fort Lupton; and

WHEREAS, the City Council hereby authorizes the City Administrator and City Clerk to do any and all other things necessary and relating to the transfer and issuance of temporary use permits, as required by the rules of the Northern Colorado Water Conservancy District;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO, AS FOLLOWS:

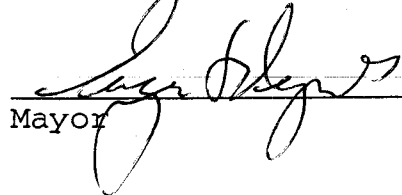
1. That the City Administrator and City Clerk are hereby authorized and directed to make application to Northern Colorado Water Conservancy District for issuance of temporary use permits in the name of the City of Fort Lupton for payment of all transfer and annual rate charges.

2. That the City Administrator and City Clerk are hereby authorized and directed to make application for reissuance of temporary use permits upon expiration thereof in order to have the same reissued for periods of one year thereafter.

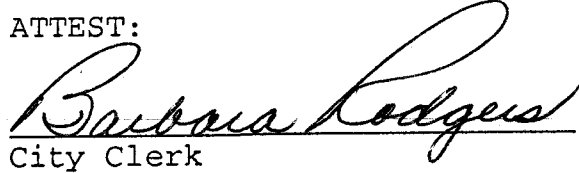
3. That the City Administrator and City Clerk are hereby authorized and directed to have continual reissuance upon an annual basis until such time as it appears reasonable to the best interest of the City of Fort Lupton to have title and ownership of said water allotments transferred to the City of Fort Lupton upon the books of the Northern Colorado Water Conservancy District.

Upon motion duly made, seconded and carried, the foregoing Resolution was approved on the 11TH day of MAY, 1994.

CITY OF FORT LUPTON


Mayor

ATTEST:


City Clerk



SUBJECT FOR DISCUSSION

Approve Public Works Wastewater Disposal Agreement with The Terd-inator LLC for Disposal of Domestic Wastewater to the City Sanitary Sewer System.

SUMMARY STATEMENT/BACKGROUND DISCUSSION

The City has entered into agreements for the disposal of wastewater to the City's sanitary sewer system by waste haulers in the past (CIVEO, Urgent Services and Black Diamond Pumping). The agreement provides for compliance with the Municipal Codes and Ordinances related to the City's sewer system (Chapter 13, Article I)

The agreement restricts type of waste allowed for disposal, provides a "virtual" sewer service connection and billing structure for the hauler.

The Terd-inator LLC is a local contractor located at 16590 Highway 52 in Fort Lupton, Colorado. The Company's operation is septic tank maintenance.

Monthly billings include the \$16.60 monthly fee, \$40.00 Reg 85 fee and \$80.00 per load discharged. The truck capacity is 2,400 gallons. The billing structure takes into account an average load of 1,600 gallons per trip. The company cost will average about \$0.05 to \$0.06 per gallon. .

The Terd-inator would like to begin permitted operations immediately.

FINANCIAL CONSIDERATIONS

Monthly billings will range from \$250.00 to \$2,000.00 at full operations to the Utility Fund.

LEGAL/POLITICAL CONSIDERATIONS

Not Applicable.

ALTERNATIVES/OPTIONS

- A) Approve the Discharge Permit.
- B) Deny the Permit.
- C) Modify the permit.

STAFF RECOMMENDATIONS

Staff recommends approving Wastewater Discharge Permit with The Terd-inator LLC.

Attachments: a. Public Works Agreement - The Terd-inator LLC

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date



Public Works Agreement Wastewater Hauler Services

This PUBLIC WORKS Agreement is entered into by and between the **City of Fort Lupton, Colorado** (hereinafter "City") and **The Terd-inator LLC** (hereinafter "PERMITTEE").

WHEREAS, the parties hereto agree in consideration of the covenants, payments and agreements set forth herein as follows:

1. **SCOPE OF SERVICES.** City will process waste water from collection services as outlined by Permittee.
 - 1.1. **Source of wastewater** - Domestic and Commercial septic systems
 - 1.2. **Quantity per dump cycle** - 1,600 gallons per truck load
 - 1.3. **Maximum dumps per month** - 25

1. TERM OF AGREEMENT.

The term of this Agreement shall begin on the Effective Date stated on the Public Works Permit and shall continue until terminated ("Termination Date") by either party. Permittee or City may terminate this Agreement at any time by giving at least a 45-day notice of the Termination Date to the City. From and after the Termination Date, the City will not be obligated to accept wastewater from Permittee. The City may terminate this Agreement for violation of this Agreement or the Wastewater Discharge Permit as provided in Paragraph 3.3 and 3.4. Upon termination for any reason, Permittee shall not be entitled to recover any payments from the City. Termination of this Agreement by the City is not considered to be the same as suspension of services as provided in Paragraphs 2.4.0, 3.3 and 3.4.

2. WASTEWATER DISPOSAL

2.1. Incorporation of City Rules and of Discharge Permit; Exhibit A.

All City ordinances, Rules and Regulations governing the acceptance and discharge of wastewater are hereby incorporated into this Agreement and any violation of the same shall be a violation of this Agreement. Attached hereto as **Exhibit A** is the Wastewater Discharge Permit, and as such, terms and conditions stated therein are expressly incorporated herein by reference.

2.2. Entities Allowed to Discharge

Discharges under this Agreement will only be accepted from Permittee hauling approved Wastewater and which is disposed of in accordance with this Agreement. It is the responsibility of Permittee to implement procedures assuring that the effluent discharged to the City system is Wastewater and the disposal is completed

in full compliance with this Agreement. Permittee assumes all liability for compliance with this Agreement.

2.3. Discharge Site

The Discharge Site is located on City property and is owned by the City. The current manhole location is set forth on Attachment A to Exhibit A, the wastewater discharge permit attached hereto and incorporated herein, which said location is subject to change. Use of the Discharge Site by Permittee will not be exclusive and may be used by the City and by other permittees of the City. Use of the Discharge Site by parties other than Customer shall not unreasonably interfere with Permittee's usage. The City will designate the exact point of the Discharge Site and access service road to the Discharge Site and shall be responsible for the maintenance and operation of the Discharge Site and service road, unless damage to either is caused by Permittee. All operation and maintenance shall be done in accordance with regulation issued by the City from time to time. Operation and maintenance of the Discharge Site and service road does not transfer to Permittee any ownership interests therein.

The City grants to Permittee this license to use the Disposal Site exclusively for the disposal of wastewater as restricted by this Agreement. Discharge into any other part of the City's system is expressly prohibited. In no event shall a discharge by Permittee cause the City to operate the Plant in excess of permitted treatment capacities or in violation of any federal, state or local laws, regulations, permits, rules, ordinances, or the exclusion of use by other customers of the City.

2.4. Fees Paid to City.

City will receive compensation from Permittee for Treatment Charges and all associated laboratory expenses.

2.4.1. Monthly Service Charge. The monthly service charge will consist of a monthly flat charge and Regulation 85 fee as may be adjusted from time to time by City Utility Enterprise Board. Current charges are \$16.60 plus \$40.00 Regulation 85 fee (for 2 SFE commercial use). Usage charge will be based on actual truck loads in each month. Truck capacity will be assessed at 5 cents per gallon assuming each truck is loaded at two thirds capacity (or 1,600 gallons average). Trucks permitted for this agreement are:

<u>Truck ID</u>	<u>Tank Capacity (gal)</u>	<u>Per Load Charge</u>
COW G21	2,400	\$80.00

Permittee will send monthly load tickets to the City by the 28th of each month. The City will send a bill each month to Permittee reflecting the total truck loads for the prior month and the total monthly service charge. Payment is due by the 26th day of the month in which the bill is sent.

A delinquency charge consisting of an interest rate of 1.5% per month of the outstanding balance and \$15.00 late fee will be assessed against any amount not received by the City on or before the due date. If a billing is more than thirty (30) days past due, the right to discharge effluent to the Discharge Site shall be suspended and no additional effluent shall be accepted until all charges are brought current. In addition, in order to reinstate service, the City may require a cash deposit or other satisfactory security deposit in an amount to be determined by the City but no less than an amount equal to 1.5 times the monthly billing average for the previous six (6) months.

The Monthly Service Charge is calculated based on a discharge with a BOD and TSS concentration of less than 325 mg/L. If testing shows the BOD and TSS to be in excess of the 325 mg/L, additional charges will be imposed by the City as set forth in the attached permit.

2.4.2. Periodic Reports. Permittee shall submit periodic reports as required by this Agreement. Periodic testing will be included in the monthly reports.

3. WASTEWATER CONSISTENCY AND PROHIBITED DISCHARGES

3.1. Wastewater Consistency. The provision of wastewater disposal services under this Agreement is premised upon the condition that Wastewater is generated by domestic only sources and has primary characteristics of residential wastewater with uniform organic loading. No significant change from the domestic only characteristics of the Wastewater is permitted, such as unusual changes in organic loading which may adversely impact the Plant or which results in the need for engineering studies, facility re-permitting, and construction of additional treatment or pre-treatment facilities or any other actions by the City without an amendment to this Agreement. In the event of a change in the character of Wastewater delivered to the Discharge Site, the City shall have the power to suspend services until such time as a resolution can be reached.

3.2. Domestic septage waste is defined as the liquid or solid material removed from a septic tank, cesspool, holding tank, or a similar system that receives only domestic waste (household, non-commercial, nonindustrial sewage). Non-domestic waste may include portable toilet waste, non-hazardous commercial wastes from the food processing industry, fats, oil and grease of animal or vegetable origin (e.g., from restaurants). Only the wastes described earlier in this paragraph constitute Routine Non-Hazardous Hauled Wastes; all other wastes are considered non-routine and are not covered under the scope of this permit application and/or the Permit.

3.3. Prohibited Constituents. The wastewater shall meet all limits or pollutant characteristics specified in the Wastewater Discharge Permit or as otherwise specified in the City's ordinances, Rules and Regulations, including the General and Specific Prohibitions and specific discharge limits specified in the Rules and Regulations.

3.4. Routine Remedies. Discharge of any pollutant or pollutant parameter that violates the Wastewater Discharge Permit or this Agreement may result in suspension of service or termination of this Agreement or enforcement as outlined in the City's ordinances, Rules and Regulations.

3.5. Emergency Remedies. Where a discharge to the Plant reasonably appears to present an imminent endangerment to the health or welfare of persons, or presents or may present an endangerment to the environment, or threatens to interfere with the operation of the Plant, the City may, without notice, immediately take any steps necessary to halt or prevent the discharge, including suspension of services until the matters are corrected.

4. OWNERSHIP

Nothing in this Agreement shall create in Permittee any right of ownership in or to any of the City improvements, including the Plant and Discharge Site, the capacity thereof, the water utilized by the City attributable to water rights owned by the City in connection with return flows or otherwise, or any other property of the City.

5. LIABILITY AND DISPUTES.

5.1. Compliance with Law. The parties shall comply with all federal, state and local laws, ordinances, rules and regulations which are now, or in the future may become applicable to the parties, to their business or operations, and to services required to be provided under this Agreement.

5.2. Liability. The City shall not be liable for damages arising out of the interruption of operation of the Plant for any reason. The City, its elected officials, officers and employees are relying upon, and do not waive or intent to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, C.R.S. Sec. 24-10-101 et seq. as amended or otherwise available to the City. Nothing herein shall operate as a waiver of any right the City has of governmental immunity under Colorado law which is specifically herein reserved.

6. LEGISLATIVE INDEPENDENCE AND PARTY AFFILIATION.

This Agreement shall not impair the legal authority of the elected officials of the City to exercise independent judgement with respect to any matter which may come before the City. This Agreement does not create a relationship of joint ventures, partners, or employer/employee between the parties. Neither party shall be liable for obligations incurred by the other and neither party shall have the power to charge to the credit of the other party any obligations incurred in performing this Agreement.

7. MISCELLANEOUS PROVISIONS.

7.1. Effective Date. Upon execution by both parties, this Agreement shall be in full force and effect and be legally binding upon each party. Each party agrees to execute,

approve, and adopt any instruments, documents, and resolutions necessary to effectuate the covenants, terms, conditions, and provisions contained in this Agreement.

7.2. Notices. Billing and notices shall be sent to the business mailing address:

16590 Hwy 52
Fort Lupton, CO 80621

7.3. Amendment / No Assignment. No modification or amendment of this Agreement shall be valid unless in writing and signed by all parties to this Agreement. Neither City nor Permittee shall assign or transfer interest in this Agreement without the written consent of the other.

7.4. Insurance; Indemnification.

7.4.1. Workers' Compensation And Employer's Liability - This insurance shall protect the Contractor against all claims under applicable state workers' compensation laws. The Contractor shall also be protected against claims for injury, disease, or death of employees which, for any reason, may not fall within the provisions of a workers' compensation law. This policy shall include an "all states" endorsement.

The liability limits shall be not less than:

Workers' Compensation Statutory
Employer's Liability \$ 100,000 Each Accident
 \$ 500,000 Policy Limit
 \$100,000 Each Employee

7.4.2. Comprehensive Automobile Liability - - This insurance shall be written in comprehensive form and shall protect the contractor against all claims for injuries to members of the public and damage to property of others arising from the use of motor vehicles and shall cover operation on or off site of all motor vehicles licensed for highway use, whether they are owned, non-owned or hired.

The liability limits shall not be less than \$150,000 each person and \$600,000 each occurrence for Bodily Injury; \$600,000 each occurrence for Property Damage; or a combined single limit of \$600,000 each occurrence for Bodily Injury and Property Damage.

7.4.3. Commercial General Liability - This insurance shall be written in comprehensive form and shall protect the contractor against all claims arising from injuries to persons other than his employees or damage to property of Metro or others arising out of any act or omission of contractor or his agents,

employees, or subcontractors. The policy shall also include protection against claims insured by usual personal injury liability coverage, a "protective liability" endorsement to insure the contractual liability assumed by contractor under the indemnification provisions in General Conditions, and "Completed Operations and Products Liability" coverage (to remain in force during the correction period).

The liability limits shall not be less than \$150,000 each person and \$600,000 each occurrence for Bodily Injury and \$600,000 each occurrence for Property Damage, with an annual aggregate of at least \$1,000,000; or a Combined Single Limit of \$600,000 each occurrence for Bodily Injury and Property Damage with an annual aggregate of at least \$1,000,000.

7.4.4. **Indemnification** Permittee shall defend, indemnify and hold the City harmless from any damages caused by negligence, including but not limited loss, liability, expenses, suit or claim, or claim for injury to persons or damage to property arising out of the activities of Permittee pursuant to this Agreement. Expenses shall include all out of pocket expenses, attorney fees, expert costs and related litigation fees.

7.4.5. **Complete Agreement.** This Agreement, and the exhibits hereto, shall constitute the entire agreement between the parties with respect to the subject matter hereof and there are no agreements, representations or warranties other than as set forth herein.

7.4.6. **Governing Law.** This Agreement shall be governed by the laws of the State of Colorado. All parties agree that any dispute regarding enforcement of this Agreement shall be filed in Weld County District Court after first attempting in good faith to submit the dispute to mediation. Submission of any dispute to mediation shall be a condition precedent to filing litigation in this matter, other than the request for injunctive relief.

6. COVENANTS, MAINTENANCE AND FACILITIES

City is relying on statements from Permittee regarding source, quantity, operations and schedules. Monthly fee structure shall be reevaluated in the event changes in operations become apparent.

City shall provide a designated receiving manhole at the North Lift Station located in Factory Circle.

Permittee will comply with all regulations imposed by the City in reference to compliance levels approved by the State of Colorado. All waste water delivered to the designated receiving manhole shall comply with current ***Municipal Code Section 13-20. - Use of Public Sewers.***

Permittee shall discharge only allowable liquid waste water in a controlled manner to the designated manhole. Any spilled material on the street surface shall be cleaned up immediately. The manhole cover shall be replaced following discharge to the manhole each delivery cycle.

15. **SEVERABILITY.** In the event any portion of this Agreement is held to be unenforceable, the unenforceable portion of this Agreement will be deleted and the remaining provisions of the Agreement shall continue in full force and effect.

16. **OSHA REQUIREMENTS.** Permittee agrees that it alone bears the responsibility for providing a safe and healthy work environment and shall provide its employees with adequate orientation and training to safely perform the scope of work set forth in this contract. Permittee shall at all times comply with the safety and health regulations of the Occupational Safety and Health Act of 1970 (29 CFR 1926) including all amendments and modifications thereto. In the event there is a conflict between the safety and health provisions of federal, state or local regulations, the more stringent provision shall prevail. Permittee acknowledges and agrees that with respect to the scope of work under this contract, it shall comply with all obligations and assume all responsibilities for it's

17. **FORCE MAJEURE.** Neither party shall be liable or responsible to the other party nor be deemed to have defaulted under or breached this Agreement for failure or delay in fulfilling or performing any obligation under this Agreement when such failure or delay is caused by or results from causes beyond the reasonable control of the affected party, including but not limited to fire, floods, embargoes, pandemics, wars, acts of war (whether war is declared or not), insurrections, riots, civil commotions, strikes, lockouts or other labor disturbances, instances affecting public health including pandemics, acts of God or acts, omission, or delays in acting by any governmental authority. Provided, however, that the party so affected shall use reasonable efforts to avoid or remove such causes of non-performance, and shall continue performance hereunder with reasonable dispatch whenever such causes are removed. Either party shall provide the other party with prompt written notice of any delay or failure to perform that occurs by reason of force majeure. The parties shall mutually seek a resolution of the delay or the failure to perform as noted above.

18. **APPROVAL REQUIRED.** This Agreement is subject to the final approval of the Fort Lupton City Council and signature by the Mayor of Fort Lupton.

EXECUTED THIS _____ DAY OF **FEBRUARY, 2025.**

CITY OF FORT LUPTON, COLORADO	THE TERD-INATOR LLC:
	 Steve Helvig [L] n 29, 2025 08:34 MST
Zo Hubbard Mayor 130 S. McKinley Avenue Fort Lupton, CO 80621	BY: Steven Helvig TITLE: <u>Owner</u> 16590 Hwy 52 Fort Lupton, CO 80621



Wastewater Discharge Permit

In compliance with the provisions of the Rules and Regulations of the City of Fort Lupton, CO, herein referred to as the City,

The Terd-Inator LLC

(herein referred to as the "Permittee") whose facility is located at 16590 Hwy 52, Fort Lupton, CO 80621 with a mailing address of 16590 Hwy 52, Fort Lupton, CO 80621.

Is authorized to discharge to the sanitary sewer system in accordance with the effluent limitations, monitoring requirements and other conditions as set forth herein and in the Waste Hauler Agreement No. **2024-01**.

<u>Truck ID</u>	<u>Tank Capacity (gal)</u>	<u>Per Load Charge</u>
COW G21	2,400	\$80.00

The permit shall become effective on February 6, 2025. This permit shall expire at midnight March 1, 2027. If the permittee desires to discharge after the expiration date, the Permittee shall request a permit application form from the City within 90 days of expiration of this permit. The application shall be submitted to the City within 30 days of receipt of the permit application form by the Permittee. This permit is not transferable.

All reports and notifications required by this permit and City's Rules and Regulation shall be made to the address and telephone number below:

City of Fort Lupton
130 S McKinley Avenue
Fort Lupton, CO 80621
303-857-6694

Signed this 4^h day of February , 2025.

Roy L. Vestal
Public Works Director

Receipt of this Wastewater Discharge Permit is hereby acknowledged by:

Authorized Representative of the Permittee

29/01/25

Date

I. OUTFALL AND WASTE DESCRIPTION

<u>Outfall</u>	<u>Description and Location</u>
01	The Discharge shall be made at the City's North Lift Station on 1240 Factory Circle, Fort Lupton, CO. These discharges may be made during standard business hours 7 AM to 5 PM Monday through Friday as shown in Attachment A.

Waste Description: The Permittee is authorized to discharge wastewater that is solely domestic waste. The domestic waste is residential and commercial septic systems. The wastewater is generated through the use of showers, sinks, toilets and washing machines. It is collected on sites from septic tanks that are pumped by the Permittee and brought to the discharge location.

At no time shall any waste from the production processes for gasoline or oil and in particular, but not limited to, the process known as Hydraulic Fracturing, being introduced to the wastewater treatment plant.

II. EFFLUENT MONITORING AND LIMITATIONS

a. Dilution Prohibition

The Permittee shall not increase the use of clean water or process water or, in anyway, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with any applicable limitation, standard or requirement.

b. Specific Effluent Limitations

- i. The Permittee shall not discharge wastewater containing any of the materials and substances in excess of the concentration listed in **Section 13-20(c)(20) of Article I, Chapter 13 City of Fort Lupton Municipal Code (attachment B)**

c. Specific Storm Sewer Discharge Prohibitions

Effective immediately, the Permittee shall not discharge or cause to be discharged to a storm drainage facility any material that is not entirely composed of storm water. The discharge of process and domestic wastewaters to the storm sewer is prohibited.

III. SELF-MONITORING

a. Sampling and Analyses

In the event of an irregular pumping operation that causes any doubt that the discharge is anything other than domestic wastewater, the permittee is required to perform collection and to have the analyses of wastewater samples analyzed through a state of Colorado certified laboratory. Samples or measurements shall be representative of the discharge during the sampling

period, representative of normal operating conditions and shall be taken as required.

Sampling and testing shall occur at least once per 6 deliveries to the North Lift Station. All sampling to be done by the contractor, in accordance with established protocols and documented on the load ticket as having been done.

Additional Monitoring to be reported: Results of all additional samples if analyzed by test procedures approved under 40 CFR Part 136, must be submitted as part of the required reports during the reporting period.

Equipment or instrumentation used for self-monitoring must be maintained in good working order and calibrated according to the manufacturer's specifications. Maintenance and calibration records must be kept on site and available for inspection.

b. Violation of Pollutant Limits

A violation of any pollutant limit must be reported to the City within twenty-four (24) hours of:

1. The Permittee's receipt of analytical data from an outside lab: or
2. The result being available to the Permittee when the analysis is performed in-house.

If any sample shows a violation, the permittee shall collect additional samples and analyze for the pollutant parameter(s) that showed the violation. The permittee shall continue this resampling effort on 10 consecutive truck loads delivered for disposal. The sample result shall be submitted to the City within thirty (30) days of becoming aware of the violation.

The permittee shall report all instances of a truck load being rejected or turned away. A report of the reason(s) for rejection shall be submitted with the required report for that month.

These reporting and resampling requirements are not required for samples and measurements taken by the City in accordance with Section II.B.6. of this Permit.

c. Test Procedures and Monitoring Requirements

All pollutant analysis, including sampling techniques, to be submitted as part of a wastewater discharge permit application, report, permit or other analysis required under this shall be performed in accordance with the techniques prescribed in **40 CFR Part 136** and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard.

IV. REPORTING REQUIREMENTS

a. Periodic Compliance Reporting

Except for samples and measurements covered by Section II.B.6. of this Permit, compliance reports containing the following information shall be submitted **Monthly**. The reports are due on or before the 28th of the month following the sampling period. The report must be received by the City at the address designated on Page 1 of this Permit. Monthly report shall be submitted at the end of each month.

Reports shall include:

1. Concentrations and measurements of all parameters for which there are self-monitoring requirements. Legible copies of completed chain-of-custody (COC) forms and laboratory analytical reports for each sample shall be included.
2. A copy of all logs required for that month, including total volume accepted, results of all pH measurements, and the logs for the required visual observations. pH meters shall be calibrated and maintained to ensure that the accuracy of the measurements are consistent with the accepted acceptability of that type of device.
3. Copies of any spills shall be maintained and reported. Information shall include the date, time, and estimated volume. The permittee shall also describe how the remediated spill was remediated and is required to complete all state required spill reporting and documentation under (25-18-10 (19) C.R.S).
4. The following certification statement:
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
5. If no discharge occurs during the reporting period, "No Discharge" shall be reported.

V. STANDARD CONDITIONS

a. General and Specific Discharge Prohibitions

The Permittee shall not introduce pollutants into the City's POTW which may cause Pass Through or Interference or cause violations of the City's wastewater treatment plant NPDES permit as specified in chapter 13 of the Municipal Code.

b. Changes in Operation

The Permittee shall file a notification to the City a minimum of fourteen (14) days prior to any planned significant change in operation or wastewater characteristics. A significant change shall be a change to, but is not limited to the following:

1. Change in number or type of trucks delivering waste.
2. Any change in the type of waste. The current permit is written to limit the type of waste discharged to the City is solely domestic waste from typical residential type sources.

c. Reports of Potential Problems

- i. In the case of any discharge, including, but not limited to , accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the Permittee shall **immediately** telephone 720-466-6182 and notify the Wastewater Plant Manager of the incident. This notification shall include:
 1. Name of the caller
 2. Date and time of discharge
 3. Date and time discharge was halted
 4. Estimated volume of discharge
 5. Estimated concentration of discharge for any pollutant that may cause a problem
 6. Corrective actions taken to halt the discharge
 7. Method of alternative disposal if applicable
- ii. Within five (5) working days following such discharge, the Permittee shall submit a written report describing the cause(s) of the discharge and the measures to be taken by the Permittee to prevent similar future occurrences. Such notification shall not relieve the Permittee of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the Permittee of any fines, penalties, or other liability which may be imposed pursuant to the City's Rules and Regulation.

d. Accidental Discharge/Slug Discharge Control Plans

- i. The Permittee shall provide protection from accidental discharge or slug loads of pollutants regulated under this permit. The Permittee shall submit a Standard Operation Procedure (SOP) for addressing any spills during waste acceptance and disposal and submit to the City prior to acceptance of any waste. The Permittee shall keep this SOP up-to-date and submit any modification to the City.
- ii. Notice to employees. The Permittee shall train all employees, contractors or others that oversee discharge on proper practices. The Permittee shall keep documentation of this training (date, time, subject matter and employee (contractor) name).

e. Pretreatment Facilities Requirement

Pretreatment Facilities: If the City determines that additional pretreatment is necessary including flow equalization, the Permittee shall provide wastewater treatment as necessary to comply with this Permit and shall achieve compliance with all Pretreatment Standards and Requirements.

Additional Pretreatment Measures: Whenever deemed necessary, the City may require the Permittee to restrict their discharge, relocate and/or consolidate points of discharge, and such other conditions as may be necessary to protect the POTW and demonstrate the Permittee's compliance with the requirements of the Permit.

f. Permit Noncompliance

The Permittee must comply with all conditions of this Permit. Any permit noncompliance constitutes a violation of the City's agreement with the Permittee. Such a violation may result in the immediate suspension and/or revocation of this Permit and an enforcement action, including the imposition of penalties to include a fine of \$1,000 per incident in accordance with Municipal Code Article IV, Section 1-72 and the Permittee will be responsible for any cleanup or additional treatment costs necessary to correct problems caused due to the discharge as well as reimbursement to the City for any fines levied on the City for non-compliance with state statute and damage to equipment. In Accordance with Municipal Code Article IV, Section 1-74. Additional Criminal penalties may be imposed if deemed appropriate. If the Permittee is in Significant Noncompliance with applicable Pretreatment Standards and Requirements, the City shall publish the Permittee and facts surrounding the SNC in the Local Fort Lupton, CO newspapers.

Violations that include the introduction of any non-domestic wastes into the wastewater plant will be grounds for immediate termination of this agreement and will incur all fines and penalties listed above.

Specifically introduction of any quantity of Arsenic (as), Cadmium (Cd), Chromium (Cr)(4), Chromium (VI)(4), Copper (Cu), Lead (Pb), Mercury

(Hg), Molybdenum (Mo), Nickel (Ni), Selenium (Se), Silver (Ag), Zinc (Zn), Benzene, or BTEX(3), also listed above in section II-B, will cause a permit violation for the City's wastewater treatment plant and are expressly forbidden by this agreement. Any introduction of these compounds would be grounds for immediate termination of this agreement.

Violations of BOD and/or TSS standards would incur the following penalties

- BOD or TSS between 325 and 500 mg/l will incur an increase from 0.20 cents per gallon to 0.30 cents per gallon
- BOD or TSS between 501 and 1000 mg/l will incur an increase from 0.20 cents per gallon to 0.50 cents per gallon
- BOD or TSS above 1001 mg/l will incur an immediate fine of \$1,000 in addition to the 0.50 cent per gallon charge and could potentially cause a revocation of the Permittee's discharge permit.

g. Federal and/or State Laws

Nothing in this permit shall be construed so to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable federal and/or state law or regulation.

h. Records Management

The Permittee shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Permit, any additional records of information obtained pursuant to monitoring activities undertaken by the Permittee independent of such requirements, and documentation associated with Best Management Practices. These records shall remain available for a period of three (3) years. This period shall be automatically extended for the duration of any litigation concerning the Permittee or the Mayor, or where the Permittee has been specifically notified of a longer retention period by the Mayor.

i. Duty to Provide Information

The Permittee shall furnish to the Mayor or his duly authorized representative, within a reasonable time, any information which the Mayor or his duly authorized representative may require, to determine whether cause exists for modifying, revoking and reissuing, terminating this permit or to determine compliance with the permit. The Permittee shall also furnish, upon request, copies of records required to be kept by this permit.

j. Right of Entry

Whenever it shall be necessary for the purposes of this Permit and the City's Rules and Regulations, the City Administrator or his designated representative

may at any time and without notice, take samples, observe the Permittee, review logs, inspect all facilities and equipment used by the Permittee, take photographs or copy any records kept by the Permittee related to the activities covered by this Permit.

k. Permit Modification and Revocation

- i. Permit modification: The City Administrator may modify wastewater discharge permit under Section 13 of the Municipal Code.
- ii. Permit revocation: The City Administrator may revoke the wastewater discharge under section 13 of the Municipal Code.

l. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or municipal laws and regulations.

m. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provisions to other circumstances and the remainder of the permit shall not be affected thereby.

n. Confidentiality

All records, reports, data or other information supplied by the Permittee as a result of any disclosure required by these Regulations or information and data from inspections shall be available for public inspection.

Effluent data from any User whether obtained by self-monitoring, monitoring by the City or monitoring by any state or federal agency, shall not be considered a trade secret or otherwise confidential. All such effluent data shall be available for public inspection.

EXHIBIT "A"

Discharge Point



Location at North Lift Station -



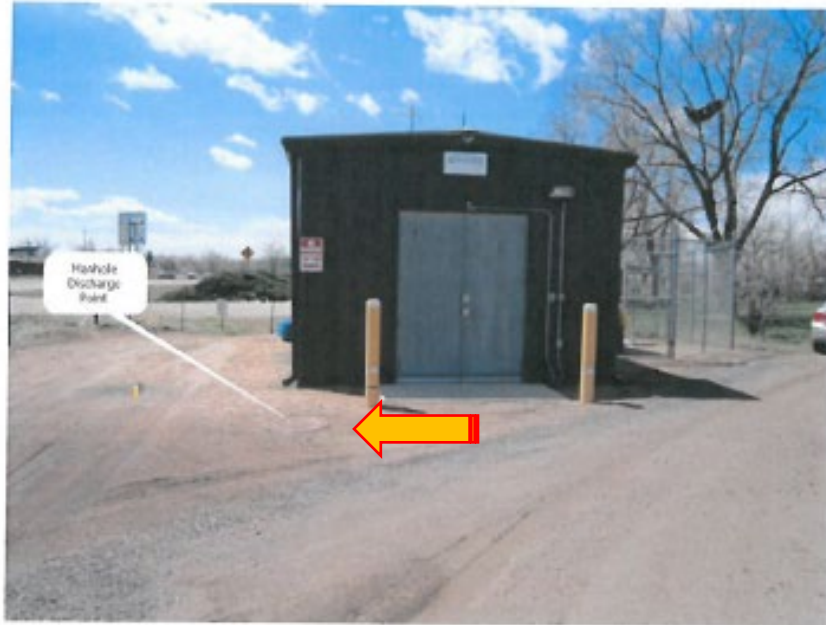


EXHIBIT "A"**Trucked and Hauled Waste Manifest****Trucked and Hauled Waste Manifest**

Instructions: Please print legibly. Complete all blanks in Parts I. Enter all information for each generator where waste was picked-up in Part II. Sign and date the manifest in Part III. Approval will be required prior to discharging any wastes that are not strictly domestic sewage wastes.

Part I Transporter/Permittee: _____ Driver Name: _____ Truck License #: _____ Date of Disposal: _____		
Part II – Waste Generator #1 Name: _____ Address: _____ Date Pumped: _____ Time Pumped: _____ am/pm Size of Tank: _____ gal Amount Pumped: _____ gal Description of Waste: _____	Check One ☐ Domestic only ☐ Grease Interceptor (Food Based) ☐ Sand Trap ☐ Industrial ☐ Storm Water ☐ Other	
Part II – Waste Generator #2 Name: _____ Address: _____ Date Pumped: _____ Time Pumped: _____ am/pm Size of Tank: _____ gal Amount Pumped: _____ gal Description of Waste: _____	Check One ☐ Domestic only ☐ Grease Interceptor (Food Based) ☐ Sand Trap ☐ Industrial ☐ Storm Water ☐ Other	
Part II – Waste Generator #3 Name: _____ Address: _____ Date Pumped: _____ Time Pumped: _____ am/pm Size of Tank: _____ gal Amount Pumped: _____ gal Description of Waste: _____	Check One ☐ Domestic only ☐ Grease Interceptor (Food Based) ☐ Sand Trap ☐ Industrial ☐ Storm Water ☐ Other	
Part III: I certify under penalty of law that this manifest was prepared by me or under my direction or supervision. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that the wastes covered by this manifest are not hazardous as defined in 40 CFR Part 261. I further certify that all discharges made to the POTW are being made in accordance and in compliance with requirements specified in the applicable ordinance or rules and any issued permit, order, statement of requirements or other authorization to discharge.		
_____ Printed Name Signature of Transporter Date		

EXHIBIT

Fort Lupton Municipal Code - Chapter 13

ARTICLE I - Sewer System

Sec. 13-1. - Definitions.

For purposes of this Article, the following words shall have the meanings ascribed hereafter:

Biochemical oxygen demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) Centigrade, expressed in milligrams per liter.

Building drain shall mean that part of the lowest horizontal piping of a draining system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Combined sewer shall mean a sewer intended to receive both wastewater and storm or surface water (not permitted).

Easement shall mean an acquired legal right for the specific use of land owned by others.

Floatable oil is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Garbage shall mean the animal and vegetable wastes resulting from the handling, preparation, cooking and serving of foods.

Industrial wastes shall mean the wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

May is permissive - see shall, below.

Natural outlet shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

pH shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of the log (1/H +).

Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch (1.27 centimeters) in any dimension.

Public sewer shall mean a common sewer controlled by a governmental agency or public utility.

Sanitary sewer shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

Sewage is the spent water of a community. The preferred term is wastewater, defined in below.

Sewer shall mean a pipe or conduit that carries wastewater or drainage water.

Sewer plant investment fee shall mean a fee charged for the privilege of connecting into the City's sewer system.

Sewer tap means an opening or connection in the mains through which wastewater is discharged.

Shall is mandatory - see may, above.

Slug shall mean any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration, or flows during normal operation, and shall adversely affect the collection system and/or performance of the wastewater treatment works.

Storm drain (sometimes termed storm sewer) shall mean a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

Suspended solids shall mean total suspended matter that either floats on the surface of or is in suspension in water, wastewater or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

Unpolluted water is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Wastewater shall mean the spent water of a community. From the stand-point of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

Wastewater facilities shall mean the structure, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

Wastewater treatment works shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with waste treatment plant or sewer treatment plant or wastewater treatment plant or water pollution control plant.

Water requirements means Colorado Big Thompson (CBT) or Windy Gap water shares, or cash-in-lieu of such water shares, required to be conveyed or paid to the City at the time of the development of land. (See Sec. 13-122.)

Watercourse shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

Prior code 12-530-4; Ord. 645 §1, 1993; Ord. 96-698 §1; Ord. 99-739)

Sec. 13-2. - Management of sewer system and wastewater treatment facilities.

The Operations Director is the manager of the sewer system and wastewater treatment facilities for the purpose of management, maintenance, care and operation of the sewer system and wastewater treatment plant.

(Prior code 12-530-1; Ord. 96-698 §1)

Sec 13-3. - Powers of Operations Director; City Administrator.

The Operations Director shall have the immediate control and management of all things pertaining to City sewer system and wastewater treatment facilities, and the Operations Director shall perform all acts necessary for the prudent, efficient and economical management and protection of said sewer system and wastewater treatment facilities. The Fort Lupton Utility Enterprise Board shall have the power, by written resolution, to prescribe such other and further rules and rates as it may deem necessary. Technical services of a qualified engineer may be used in all cases wherein the Operations Director does not have the requisite engineering knowledge and experience to make decisions requiring such technical services. The City Administrator is authorized to promulgate regulations, guidelines and procedures adopted by the Fort Lupton Utility Enterprise Board, consistent with this Code, as are reasonably necessary and appropriate to implement the rules and policies of the Board.

(Prior code 12-530-2; Ord. 96-698 §1; Ord. 99-739)

Sec. 13-4. - Receipts and deposits.

The Finance Director shall keep a correct account of all receipts and materials furnished to consumers and shall collect the same and deposit the proceeds so collected to the credit of the Utility Enterprise Fund in accordance with the direction of the Fort Lupton Utility Enterprise Board.

(Prior code 12-530-3; Ord. 96-698 §1; Ord. 99-739)

Sec. 13-5. - Composition of sewer utility.

All sewer mains and collection lines, sewer lift stations, wastewater treatment plant and appurtenances thereto, machinery, equipment and supplies used by the City to supply its sewer users with service shall be known as the sewer system and wastewater treatment facilities; provided, however, that the sewer service line from the sewer main including the sewer tap saddle or wye, to the structure or property served shall be regarded as the property of the owner of said structure or property served.

(Prior code 12-530-7; Ord. 96-698 §1; Ord. 2015-994 §45)

Sec. 13-6. - Damage to sewer system and wastewater treatment facilities property prohibited.

It shall be unlawful for any person to in any way damage property, equipment or appliances constituting a part of the sewer system and wastewater treatment facilities. It shall be unlawful for any person to cast, place, dump or deposit any substance or material into the sewer system or wastewater treatment facilities which will in any manner injure or obstruct the system or facilities or pollute or contaminate the water.

(Prior code 12-530-8; Ord. 96-698 §1)

Sec. 13-7. - Change of sewer use.

It shall be unlawful for any person to alter, change, enlarge or extend in any manner whatsoever the type of use for which the sewer system was approved by the Operations Director, except as provided herein.

(Prior code 12-530-10; Ord. 96-698)

Sec. 13-8. - Inspections; repairs.

Whenever the Operations Director deems it necessary, the Operations Director may inspect the condition of all pipes and sewer fixtures or the manner in which the sewer is used. The Operations Director shall have the authority to make, or cause to be made, any repairs or alterations to sewer user's service as the Operations Director deems reasonably necessary. The Operations Director shall be vigilant to protect and remedy all abuses or other improper use of sewer.

(Prior code 12-530-6; Ord. 96-698 §1)

Sec. 13-9. - Safety and access.

(a) While performing the necessary work on private properties referred to in Section 13-8 above, the Operations Director or duly authorized employees of the City shall observe all reasonable safety rules applicable to the premises established by the owner or occupant of the premises. The owner and occupant shall be held harmless for injury or death to the City employees, and the City shall indemnify the owner and occupant of the premises against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the owner and occupant of the premises growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner and occupant of the premises to maintain safe conditions as required. (b) The Operations Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Prior code 12-530-25; Ord. 96-698 §1)

Sec. 13-10. - Interference with sewer facilities prohibited.

(a) It shall be unlawful for any person to trespass upon the property of the City, to tap any sewer mains or to make any connections therewith, without first having obtained a permit to do so. (b) It shall be unlawful to in any manner interfere with the City or the property, equipment, pipes, valves or any other appliances of the City, or to change or alter the position of any valve or appliance regarding the flow of sewer in any pipeline.

(Prior code 12-530-9)

Sec. 13-11. - Authority during emergency situations.

In the event of an emergency that should require the immediate curtailment of sewer service, the City Administrator shall have the authority to make such restrictions as deemed necessary for the protection of the public.

(Prior code 12-530-21)

Sec. 13-12. - Connections to sewer lines and mains.

It shall be unlawful for any person to make any connections with any sewer pipeline main which forms a part of the sewer system and wastewater treatment facilities except pursuant to and in accordance with the permit required by this Article. It shall be unlawful to make any connections with any privately owned sewer mains or pipelines which are connected with the sewer utility or to change, alter or renew any presently existing private main or pipeline connected with the sewer utility with any pipe larger than that in use.

(Prior code 12-530-11; Ord. 96-698 §1)

Sec. 13-13. - General regulations for sewer service lines.

- (a) It shall be unlawful for any person other than a licensed plumber or the City's authorized representative to install a sewer line from the main to the building or connection. All service lines shall be of material and size as specified in the current City's specifications.
- (b) The service line from the sewer main, including tap, to the structure served shall be installed, maintained and repaired by the sewer user at his or her expense. No claim shall be made against the City on account of breaking or for failure of the service of sewer, and no reduction in the rates will be made for any time that service pipes or fixtures are frozen or are not in proper working order. All connections, taps and lines that are or will become the responsibility of the City for maintenance shall be inspected by the City's authorized representative prior to being backfilled and used.
- (c) The City shall be responsible for all maintenance and repairs to the sewer mains.
- (d) Cross-connections with any water supply is strictly prohibited.
- (e) The sewer service line from the main to the sewer collection system of the building to be served with sewer shall be of sufficient size to furnish an adequate flow to meet the requirements of the building and premises at peak demand and in no case shall be less than four (4) inches in diameter.
- (f) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste.
- (g) It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.
- (h) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.
- (i) The owner of every house, building or property used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any other street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, within one hundred twenty (120) days after date of official notice to do so, provided that said public sewer is within four hundred (400) feet of the property line.
- (j) New services to replace existing services shall not be approved by the City until the old service lines are completely disconnected from the main.

(Prior code 12-530-16; Ord. 2015-992 §3; Ord. 2015-994 §46)

Sec. 13-14. - Installation of lines.

All lines shall be installed in accordance with the current City specifications in effect at the time of installation.

(Prior code 12-530-17; Ord. 2015-994 §47)

Sec. 13-15. - Excavation and backfilling.

All excavation and backfilling in the street or alley shall be in conformity with current City specifications in effect at the time of work being done.

(Prior code 12-530-18; Ord. 2015-994 §48)

Sec. 13-16. - Installation prior to street paving.

Before any street containing a sewer line is paved, the City shall cause to be installed all service lines as the City determines necessary to serve said property when fully developed.

(Prior code 12-530-19)

Sec. 13-17. - Repairs and extensions of mains.

The City reserves the right to stop service from any street main when necessary to make repairs or extensions of the sewer mains or to perform any other work necessary to maintain the sewer utility. Unless it is an emergency situation, the City will attempt to give reasonable notice to the sewer users. No claim shall be made against the City by reason of any breakage or for any other damage that may result from lack of sewer service for repairing or replacing mains or other connections.

(Prior code 12-530-20)

Sec. 13-18. - Supplying sewer service to others.

No occupant or owner of any building or lot into which sewer service is introduced will be allowed to supply sewer service to other persons, families or firms, except as approved by the Operations Director. The Fort Lupton Utility Enterprise Board agrees to furnish service for a specified sum. If a sewer user furnishes other persons sewer service for building purposes or permits sewer service to be used without the knowledge and consent of the Operations Director the owner or occupant shall be deemed in violation of contract, and sewer users so offending will be required to pay double the price of service so used, and the Fort Lupton Utility Enterprise Board reserves the right to shut off the water supply for abuses of privileges. When the water has been turned off for violation thereof, the water will not be turned on again until all fees and penalties have been paid.

(Prior code 12-530-22; Ord. 96-698 §1)

Sec. 13-19. - Use outside City corporate limits.

Use of sewer service outside the corporate limits shall be permitted subject to the paramount rights of users within the corporate limits. The use of sewer service outside the City corporate limits shall be at the sole discretion of the Fort Lupton Utility Enterprise Board. In case there shall be insufficient capacity to provide for users both within and without the corporate limits, the Fort Lupton Utility Enterprise Board may reduce, curtail or shut off the sewer users outside the City corporate limits during such period of capacity shortage. The rates for sewer use outside the City corporate limits shall be adopted by written resolution of the Fort Lupton Utility Enterprise Board.

(Prior code 12-530-23; Ord. 96-698 §1)

Sec. 13-20. - Use of public sewers.

- (a) No person shall discharge or cause to be discharged any nonsanitary waters such as stormwater, surface water, groundwater, roof runoff or subsurface drainage to any sanitary sewer, except by written permission of the Operations Director.
- (b) Stormwater other than that exempted under Subsection (a) above and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Operations Director and/or Wastewater Plant Manager and other regulatory agencies. Unpolluted industrial cooling water or process water or air conditioning wastewater may be discharged, on approval of the Operations Director and/or the Wastewater Plant Manager, to a sanitary sewer as permitted.

- (c) No person shall discharge or cause to be discharged to any public sewer any of the following described domestic, commercial or industrial water or wastes not meeting the following limitations:
- (1) Must have an instantaneous pH value in the range of five and one-half (5.5) to nine (9.0) standard units. Must not contain pollutants which will cause corrosive effects, damage or hazards to structures, equipment or personnel of the treatment works or Public Works Department.
 - (2) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the collecting system or wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
 - (3) Must not contain improperly shredded garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the wastewater system to which the user is connected. At all times, no particle shall be greater than one-half ($\frac{1}{2}$) inch in any direction.
 - (4) Must not contain explosive mixtures consisting of liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the operation of sewers or the treatment works. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the wastewater system be more than five percent (5%), nor may any single reading be over ten percent (10%) of the lower explosive limit (L.E.L.) of the meter. Prohibited materials include but are not limited to: arsenic, cadmium, chromium, chromium, copper, lead, mercury, molybdenum, nickel, selenium, silver, zinc, benzene, BTEX, gasoline, kerosene, fuel oil, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
 - (5) Must not contain pollutants which create a fire or explosion hazard in the treatment works, including but not limited to waste streams with a closed cup flashpoint of less than eighty-six degrees (86°) Centigrade (187° Fahrenheit) using the test methods specified in 40 C.F.R § 261.21. Pollutants must not contain any flammable substance with a flashpoint lower than eighty-six degrees (86°) Centigrade (187° Fahrenheit).
 - (6) Must not contain heat in amounts which will inhibit biological activity in the treatment works resulting in interference, but in no case heat in such quantities that the temperature at the treatment works exceeds forty degrees (40°) Centigrade (104° Fahrenheit). At no time shall the temperature of the water or wastes at the point of discharge into the public sewer be less than thirty-two degrees (32°) Fahrenheit or more than one hundred fifty degrees (150°) Fahrenheit.
 - (7) Must not contain grease or oil or other substances that will solidify or become viscous between thirty-two degrees (32°) degrees Fahrenheit and one hundred fifty degrees (150°) Fahrenheit.
 - (8) Must not contain insoluble substances in excess of ten thousand (10,000) parts per million.
 - (9) Must not contain solids in excess of twenty thousand (20,000) parts per million.
 - (10) Must not contain insoluble substances having a specific gravity greater than 2.65.
 - (11) Must not contain gases or vapors either free or occluded in concentrations toxic or dangerous to humans or animals.
 - (12) Must not contain toxic, carcinogenic, poisonous, irritating, noxious or malodorous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, which could contaminate the sludge of any municipal system, injure or interfere with any sewage treatment

process, constitute a hazard to humans or animals, create a public nuisance, create a hazard to treatment plant employees, Public Works employees or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works.

- (13) Must not have a chlorine demand greater than fifteen (15) parts per million.
- (14) Must not contain any pollutant, including oxygen demanding pollutants (BOD, etc.) released at a rate and/or concentration which has a reasonable potential, in the opinion of the Operations Director and/or Wastewater Plant Manager to adversely affect the treatment plant (inhibition, pass-through of pollutants, sludge contamination, or endangerment of treatment plant workers and/or Public Works employees).
- (15) Must not have a BOD in excess of three hundred twenty-five (325) milligrams per liter.
- (16) Must not contain in excess of fifty (50) parts per million of fat, grease or any other fat or grease products from animal or vegetable origin, or both. Oil, floatable oil, nonbiodegradable cutting oil or any substance from mineral or petroleum origin, or both, including but not limited to: Cooling or quenching oils, lubrication oils, cutting oils and nonsaponifiable oils must not exceed ten (10) parts per million.
- (17) Must not contain organic toxic pollutants, introduced by the intentional or accidental dumping of solvents, used in operations involving degreasing, surface preparation, tank washing, paint thinning, paint equipment cleaning or any other process.
- (18) Shall not be any trucked or hauled pollutant, except as approved by the Operations Director and/or Wastewater Plant Manager and discharged at a point designated by the Operations Director and/or Wastewater Plant Manager.
- (19) Must not contain storm water, surface water, groundwater, roof runoff or subsurface drainage without first obtaining a permit from the control authority for such a discharge.
- (20) Must not contain the following pollutants in excess of the following limits as measured at the point of discharge into the wastewater system:

Pollutant	Milligrams per Liter
Total Iron	1.5
Total Cadmium	0.05
Total Chromium	4.5
Total Copper	0.5
Total Lead	2.0
Total Mercury	0.007
Total Nickel	10.0
Total Zinc	4.0
Total Arsenic	0.1
Total Cyanide	1.0
Total Phenols	10.0
Total Silver	0.5
Total Selenium	12.0

- (21) Must not contain any radioactive wastes or isotopes.
- (d) The following described substances, materials, waters or wastes shall be limited in discharges to municipal systems, to concentrations or quantities which will not harm either the sewers, wastewater treatment processes or equipment, will not have an adverse effect on the receiving stream, or will

not otherwise endanger lives, limb or public property or constitute a nuisance. The limitations or restrictions on materials or characteristics of wastes or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Operations Director and/or Wastewater Plant Manager are as follows:

- (1) Any garbage that has not been properly shredded (See Subsection (c)(3) above). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
 - (2) Any waters or wastes containing iron, chromium, copper, lead, zinc and similar objectionable or toxic substances (See Subsection (c)(20) above) to such a degree that any such material received in the composite wastewater at the wastewater treatment plant exceeds the limits established by the Operations Director and/or Wastewater Plant Manager for such materials.
 - (3) Any waters or wastes containing grease, oil, nonbiodegradable cutting oil or any oily substance from petroleum or mineral origin, or both (See Subsection (c)(16) above), to such a degree that any such material received in the composite wastewater at the wastewater treatment plant exceeds the limits established by the Operations Director and/or Wastewater Plant Manager for such materials.
 - (4) Any waters or wastes containing floatable oil, fat, grease or any oily substance of vegetable or animal origin, or both (See Subsection (c)(16) above) to such a degree that any such material received in the composite wastewater at the wastewater treatment plant exceeds the limits established by the Operations Director and/Wastewater Plant Manager for such materials.
 - (5) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the treatment plant.
 - (6) Any waters or wastes containing noxious or odor-producing substances exceeding limits which may be established by the Operations Director and/or Wastewater Plant Manager.
 - (7) Quantities of flow, concentrations or both which constitute a slug as defined in Subsection 13-1(20).
 - (8) Waters or wastewaters which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such a degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 - (9) Any waters or wastes which, by interaction with other waters or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.
- (e) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers that contain the substances or possess the characteristics enumerated in Subsection (d) above, and which in the judgment of the Operations Director and/or Wastewater Plant Manager may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or safety or constitute a public nuisance, the Operations Director and/or Wastewater Plant Manager may:
- (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge; and/or

- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Subsection (j) below.

When considering the above alternative, the Operations Director and/or Wastewater Plant Manager shall give consideration to the economic impact of each alternative on the discharger. If the Operations Director and/or Wastewater Plant Manager permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Operations Director and/or Wastewater Plant Manager.

- (f) Grease, oil and sand interceptors or traps should be cleaned quarterly, or at the discretion of the Operations Director. The Operations Director and/or Wastewater Plant Manager may take samples as needed and apply surcharges accordingly. All testing charges are to be paid by owner. Grease, oil and sand interceptors or traps or best available technology shall be provided when, in the opinion of the Operations Director and/or Wastewater Plant Manager they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Subsection (c)(16) above, or any flammable wastes, sands or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the Operations Director and/or Wastewater Plant Manager and shall be located as to be readily and easily accessible for cleaning and inspections. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Operations Director and/or Wastewater Plant Manager. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal companies, firms or persons.
- (g) Where pretreatment of any flow-equalizing facilities are provided or required for any waters or wastewaters, they shall be maintained continuously in satisfactory and effective operation by the owner and at the owner's expense.
- (h) When required by the Operations Director and/or Wastewater Plant Manager the owner of any property serviced by a building sewer service carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structures, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Operations Director and/or Wastewater Plant Manager. The structure shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times.
- (i) The Operations Director and/or Wastewater Plant Manager may require a user of sewer services to provide information needed to determine compliance with this Article. The requirements may include:
- (1) Peak wastewater discharge rates and volumes over a specified time period;
 - (2) Chemical analyses of wastewaters;
 - (3) Information on materials being discharged that affect wastewater characteristics;
 - (4) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control;
 - (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location;
 - (6) Details of wastewater pretreatment facilities;

- (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer; and
- (8) Additional information that affects the volume or characteristics of discharges and, as such, may be required by the Operations Director and/or Wastewater Plant Manager to determine compliance with this Article.
- (j) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with the latest edition of "Standard Methods of the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the Operations Director and/or Wastewater Plant Manager.
- (k) No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Fort Lupton Utility Enterprise Board and any industrial concern whereby an industrial waste of unusual strength or characteristic may be accepted by the Fort Lupton Utility Enterprise Board for treatment.
- (l) All regulations contained in this Section shall be considered a part of the contract of every person receiving sewer service from the sewer system and wastewater treatment facilities, and no person may be served from the sewer utility unless the person agrees to and abides by all rules and regulations of the Fort Lupton Utility Enterprise Board pertaining to the use of said sewer system.
- (m) Any directives, approvals, disapprovals or other administrative actions issued by the Operations Director and/or Wastewater Plant Manager to a discharger can be requested by the discharger to be referred to the Fort Lupton Utility Enterprise Board for review. The Fort Lupton Utility Enterprise Board shall act on such issues referred to it for review, and its decisions shall be the final authority regarding interpretations, actions and other compliance issues associated with the City's sewer and wastewater treatment ordinance.

(Ord. 616 §1, 1992; Ord. 645 §1, 1993; Ord. 96-698 §1; Ord. 99-739; Ord. 2015-994 §49)

Sec. 13-21. - Application for sewer service.

- (a) Application for sewer shall be made to the Planning and Development Department by the owner, occupant, developer or agent of the property to be benefited and must designate the location of the property, owner of the property, size of sewer taps, location of sewer taps and sewer service line, the approximate date of construction of the facility; and shall state the purpose for which sewer service is required.
- (b) All sewer tap permits issued shall be issued for a period of one hundred eighty days (180) days, in the same manner as building permits are issued.

(Prior code 12-530-5; Ord. 645 §1, 1993; Ord. 96-698 §1; Ord. 2001-778)

Sec. 13-22. - Types of permits.

There shall be the following types of permits to make connections with the sewer system and wastewater treatment facilities:

- (1) Sewer tap permit to connect to the sewer system for the purpose of discharging into the sewer system for normal municipal purposes; that is, domestic, commercial or industrial. At the time this permit is granted, the sewer plant investment fee in effect at the time of application, together with all other costs associated with the granting of permission to connect with the sewer system of the City, shall be paid.

- (2) Sewer tap permit to enlarge or replace an existing sewer tap to the sewer system for the purpose of discharging into the sewer system for normal municipal purposes; that is, domestic, commercial or industrial. At the time the permit is granted, the additional sewer plant investment fee, if any, shall be paid.
- (3) Permit to discharge into the sewer system to serve property situated outside the corporate limits of the City. This permit shall be issued only under such terms and conditions as the Fort Lupton Utility Enterprise Board may provide by ordinance or resolution. At the time the sewer tap permit is granted, the sewer plant investment fee shall be paid for each individual sewer service.
- (4) 40 CFR Section 03.3(q) requires industries designated as a "significant users" to acquire a discharge permit through the state of Colorado. The City of Fort Lupton does not currently issue these permits. It is a requirement that any industry contact the Colorado Department of Public Health and environment treatment division to determine if a discharge permit is required.

(Prior code 12-530-12; Ord. 96-698 §1; Ord. 2015-994 §50)

Sec. 13-23. - Permit contents.

Required sewer permits shall be issued by the Planning and Development Department and shall state the name of the person to whom the permit is issued, the date of the permit, the size of the tap, the owner of the premises and the premises to be served by the sewer system.

(Prior code 12-530-13; Ord. 96-698; Ord. 96-698; Ord. 2001-778)

Sec. 13-24. - Taps.

All taps or connections to any part of the sewer utility shall be made in accordance with current City specifications and terms and conditions of the permit issued. All such taps and connections shall be made by a licensed plumber or the City's authorized representative, at the owner's expense, and all materials for such taps or connections shall be at the owner's expense and shall be inspected by the City prior to use.

(Prior code 12-530-14; Ord. 645 §1, 1993; Ord. 2015-994 §51)

Sec. 13-25. - Separate connections required.

Two (2) or more premises cannot be served from one (1) and the same connection, nor can two (2) or more buildings on the same premises be served from one (1) and the same connection. All properties that require separate sewer service billings shall have their own connection and service line.

(Prior code 12-530-15)

Sec. 13-26. - Sewer rate schedules.

- (a) Each user of the sewer system and wastewater treatment facilities shall be charged a monthly sewer user charge. Such charge shall be established, and amended from time to time, by written resolution of the Fort Lupton Utility Enterprise Board, and such amendments after January 1, 1997, shall be after publication and a minimum of two (2) public meetings, which amends the process described in Ordinance 95-675, Section 12-9 (2).
- (b) For all metered residential, commercial and industrial users who irrigate lawn or other landscaping during the months of May through October, the sewer use charge on bills may be adjusted to reflect the average monthly water use reflected in the preceding January, February and March sewer billings (represents the usage of December, January and February); however, wastewater facility users obtaining the rate benefits of this Section may be required to submit to a review of their water use at such times as may be designated by the Operations Director.

- (c) The Fort Lupton Utility Enterprise Board shall review the wastewater facilities' total annual costs of operation, maintenance, replacement and debt service at least once every year. Rates may be revised if necessary to generate revenue, combined with all other revenues of the utility, sufficient to pay all said costs. Such rates shall be established to proportionately recover all operation, maintenance and replacement costs from users of the wastewater facilities, including those costs associated with mitigating inefficiency, infiltration and inflow.
- (d) From and after July 1, 1999, the Fort Lupton Utility Enterprise Board may, notwithstanding any other provision of this Section, approve a negotiated rate or rates for sewer utility service for a large and/or unique user, taking into consideration the requirement of Subsection (c) above that such negotiated rates recover the operation and maintenance and replacement costs occasioned as a consequence of such user. Notwithstanding the requirements of Subsection (a) above, any such negotiated rates shall be effective upon approval by the Utility Enterprise Board by majority vote.

(Ord. 626 §1, 1992; Ord. 634 §1, 1992; Ord. 645 §1, 1993; Ord. 96-698 §1; Ord. 99-739; Ord. 99-750, Part 1; Ord. 2009-909 §1)

Sec. 13-27. - Sewer plant investment fees.

- (a) All sewer plant investment fees shall be determined by the Fort Lupton Utility Enterprise Board. Such fees shall be established and amended from time to time by written resolution of the Fort Lupton Utility Enterprise Board.
- (b) Upon payment of the sewer plant investment fee, the Planning and Development Department shall issue a permit and allow a fee service line tap into the City's sewer system.
- (c) The sewer plant investment fee shall be placed into the Sewer Plant Investment Fee Account. Said account shall be used for future improvements or additions to the sewer system and wastewater treatment facilities.

(Prior code 12-530-27; Ord. 96-698 §1; Ord. 99-739; Ord. 2001-778)

Sec. 13-28. - Nonmetered sewer accounts.

Services which are on well water and which are connected to the City's wastewater treatment system shall be billed for sewer consistent with regulations under Section 13-26.

(Ord. 99-739)

PWAgreementW-WWServices-Terdinator-02042025

Final Audit Report

2025-01-29

Created:	2025-01-29
By:	Roy Vestal (rvestal@fortluptonco.gov)
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"PWAgreementW-WWServices-Terdinator-02042025" History

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SUBJECT FOR DISCUSSION

Implementing the Acceptable Use Policy (AUP) and Incident Response Policy (IRP) Within the Cybersecurity Maturity Model Certification (CMMC) Guidelines (Level 1)

SUMMARY STATEMENT/BACKGROUND DISCUSSION

An Acceptable Use Policy (AUP) is essential to ensure that users understand and follow guidelines for responsible and ethical use of the organizations technology and resources. It helps protect the organizations assets, maintain security, prevent misuse or illegal activities, and promotes a positive environment for all users. By setting clear expectations, the AUP minimizes risks and ensures compliance with laws and regulations, while fostering trust and accountability.

An Incident Response Policy is crucial for effectively managing and mitigating security breaches or cyberattacks. It provides a structured framework for identifying, responding to, and recovering from incidents in a timely manner, minimizing damage and disruption. By outlining clear procedures and roles, the policy ensures a coordinated and efficient response, helping protect sensitive data, maintain business continuity, and comply with legal and regulatory requirements. It also helps the organization learn from incidents to improve future security measures.

These policies will coincide with the CMMC Guidelines (Level 1) that were put in place in 2024.

FINANCIAL CONSIDERATIONS

N/A

LEGAL/POLITICAL CONSIDERATIONS

N/A

ALTERNATIVES/OPTIONS

STAFF RECOMMENDATIONS

Attachments: a. Proposed Resolution
 b. Acceptable Use Policy
 c. Incident Response Policy

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

RESOLUTION NO. 2025Rxxx

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON IMPLEMENTING THE ACCEPTABLE USE POLICY AND THE INCIDENT RESPONSE POLICY WITHIN THE APPROVED CYBERSECURITY MATURITY MODEL CERTIFICATION (“CMMC”) POLICY TO PROTECT THE CITY’S CONFIDENTIAL INFORMATION SYSTEMS

WHEREAS, the Department of Defense (“DoD”) instituted a new certification to determine how well its contractors are handling sensitive information, the model is known as “Cybersecurity Maturity Model Certification (“CMMC”); and

WHEREAS, the CMMC Policy was adopted on July 16, 2024 by Resolution 2024R034; and

WHEREAS, to strengthen the CMMC policy, the Acceptable Use Policy (AUP) and Incident Response Policy (IRP) is needed to provide the organization with further protection against cyber threats; and

WHEREAS, the Acceptable Use Policy is essential to ensure that users understand and follow guidelines for responsible and ethical use of the organizations technology and resources; and

WHEREAS, An Incident Response Policy is crucial for effectively managing and mitigating security breaches or cyberattacks; and

WHEREAS, Staff have completed the review of the Level 1 policies designed to enforce protection of sensitive unclassified information that is shared with its contractors and subcontractors.

NOW THEREFORE BE IT RESOLVED that the Fort Lupton City Council, hereby adopts the Acceptable Use Policy and the Incident Response Policy of the Cybersecurity Maturity Model Certification Policy to Protect the City’s Confidential Information Systems.

APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO THIS 4TH DAY OF FEBRUARY 2025.

City of Fort Lupton, Colorado

Zo Hubbard, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney



Acceptable Use Policy

Revision 1.3

Effective Date

Jan. 23rd, 2025

CONFIDENTIAL

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Purpose

This policy defines the acceptable use of City of Fort Lupton's computer and communication system assets.

Scope

This policy applies to all employees and third parties with access to City of Fort Lupton's electronic information resources.

Acceptable Use Policy

System Usage

Activity Monitoring :

Users must be aware that their internet activity while using City of Fort Lupton systems is monitored and recorded. This information may include websites visited, files downloaded, time spent on the internet, email, and related information.

No Guarantee of Message Privacy:

City of Fort Lupton cannot guarantee that electronic communications will be private. Workers must be aware that electronic communications can be forwarded, intercepted, printed, and stored by others. Workers must be mindful of the topics covered in City of Fort Lupton electronic communications and should not send a message discussing sensitive or confidential information.

Personal Use of Systems :

City of Fort Lupton's information systems are intended to be used for business purposes. Incidental personal use is permissible if the user does not interfere with worker productivity and does not preempt any business activity. Use of City of Fort Lupton information systems for chain letters, charitable solicitations, political campaign material, religious work, the transmission of objectionable material, or any other non-business use is prohibited.

Personal use is NEVER allowed on any City of Fort Lupton systems.

Internet & Social Media Use:

Employees must not:

- Represent City of Fort Lupton negatively in a public forum, including social media, blogs, and chat rooms.
- Post City of Fort Lupton information on publically accessible websites, computer systems, or unapproved file sharing systems.
- Send sensitive information such as passwords or credit card numbers over email or across the internet unless it is in encrypted form to a known and secure individual.
- **Public wi-fi versus Private wi-fi:** City of Fort Lupton provides both Private and Public wi-fi. However, it is prohibited to have phones, tablets, and other personal devices connecting to Private wi-fi. Any device connecting to the Private network is required to have Bluetooth disabled.
- **Posting Sensitive Information:** Workers must not post unencrypted City of Fort Lupton material on any publicly accessible internet computer.
- **Disclosing Internal Information:** Workers must not publicly disclose internal City of Fort Lupton information by posting to any website, including blogs, newsgroups, chat groups, or social networking sites. Such information includes but is not limited to business prospects, projects, product release dates, and sensitive or confidential information. Responses to specific customer email messages are exempted from this policy.

- **Offensive Web Sites:** City of Fort Lupton is not responsible for the content workers may encounter when they use the internet. Should a user connect with websites containing objectionable content, they must promptly move to another site or close their browser session. Workers using City of Fort Lupton computers who discover they have connected with a website that contains potentially offensive material must disconnect from that site and report the objectionable site to the Information Technology department.
- **Blocking Sites:** The ability to connect with a specific website does not imply that users of City of Fort Lupton systems are permitted to visit that site. City of Fort Lupton may, at its discretion, restrict or block access to categories of websites or the downloading of certain file types that are likely to cause network service degradation.
- **Social Networking Sites:** Users are prohibited from accessing websites designed for the sole purpose of posting and sharing personal information. Exceptions require the approval of the Information Security Department and must be for documented business purposes. Workers are also prohibited from discussing specific City of Fort Lupton business within any personal home pages they may have established on these sites outside of City of Fort Lupton business hours.
- **Data Storage - Establishing Third-Party Networks:** Workers must not establish any third-party information storage network that will store City of Fort Lupton information (internet storage such as DropBox, iDrive, OneDrive, ShareFile) without the explicit approval of the Information Security department.

-

Electronic Mail Use:

City of Fort Lupton employees and representatives who use computers in their regular job duties will be granted email addresses and related privileges. All City of Fort Lupton business communications sent by electronic mail must be sent and received using this company's electronic mail address.

- A personal email account or any other electronic mail address must not be used for City of Fort Lupton business unless a worker obtains management approval.
- All business electronic mail communications must be professional and businesslike in both tone and appearance. Electronic mail is a public communication method, much like a postcard.
- All City of Fort Lupton workers must refrain from sending confidential or sensitive information that might be intercepted.
- Users should not store important messages in their email inbox; instead, they should keep the information within the customer folder.
- Users must attend 3 trainings per year, one of which persisting of insider threats related to cyber security.
- **Handling Attachments:** All electronic mail attachment files from third parties must be scanned with an authorized virus detection software package before opening or execution.

- **Outbound Electronic Mail Footer:** A footer prepared by the Legal Department must be automatically appended to all outbound electronic mail originating from City of Fort Lupton computers. This footer must reference the possibility that the message may contain confidential information, that it is for the use of the named recipients only, that the message has been logged for archival purposes, that parties may review the message at City of Fort Lupton other than those named in the message header, and that the message does not necessarily constitute an official representation of City of Fort Lupton
- **Responding to Personal Information Requests:** City of Fort Lupton workers must never respond to electronic mail messages that request personal or sensitive company information, even from internal sources. The City of Fort Lupton Information Systems (IS) department will never request that you perform security duties, such as changing your password, via electronic mail. Any such requests will be confirmed with separate communication from management.
- **Responding to Offensive Messages:** Workers must not respond directly to the originator of offensive electronic mail messages, telephone calls, and other communications but instead report these instances to the Information Security Department.
- **Harassing or Offensive Materials:** City of Fort Lupton's computer and communications systems are not intended to be used for and must not be used to exercise the workers' right to free speech. These systems must not be used as an open forum to discuss City of Fort Lupton organizational changes or business policy matters. Workers must not use profanity, obscenities, or derogatory remarks in electronic mail messages discussing employees, customers, competitors, or others.
- **Message Forwarding:** City of Fort Lupton Confidential information must not be forwarded to any party outside City of Fort Lupton without prior management approval. Messages sent by outside parties must not be forwarded to other third parties unless the sender intended this, and such forwarding is necessary to accomplish a business objective.

Unattended Active Sessions:

Users must not leave their workstation unattended without logging out or invoking a password-protected screen saver.

Screen Lock-Out:

In times of user inactivity, the Screen time out is set to 5 minutes, where the user will have to login again.

User IDs and Passwords

Company Assigned User IDs Responsibility:

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Users must be responsible for all activity performed with their company assigned user IDs. They must not permit others to perform any action with their user IDs, and they must not conduct any activity with IDs belonging to other users.

- Password sharing is not permitted. Information Technology Department staff will never ask users to reveal their passwords.

Access Code Sharing Prohibited:

City of Fort Lupton computer accounts, user IDs, passwords, identification numbers, credit card numbers, and other access codes must not be used by anyone other than the person they were initially issued.

Strong Pass-phrase:

Users must choose passwords that are difficult to guess. For example, users should employ a pass-phrase made up of a combination of words or a strong password that includes numbers and special characters (!, @, #, \$, %). Single dictionary words or common names should be avoided.

- Never enter your real password into an online password strength checker.
- Passwords must not be re-used between systems. Each system must have a unique password.
- **Typing Passwords When Others Are Watching:** Users must never type their passwords at a keyboard or a telephone keypad if others are known to be watching.
- **Password Proximity To Access Devices:** Users must never write down or otherwise record a readable password and store it near the access device to which it pertains.
- **Passwords in Communications Software:** Users must not store fixed passwords in internet browsers or within application software at any time. (i.e., use of the "Remember Password" feature on browsers or other applications.)
- **Suspected Password Disclosure and Notification:** Each user must immediately change their password if the password is suspected of or known to have been disclosed. The user will immediately notify their direct manager or Information Technology department of the alleged or known disclosure.

Traveling

Traveling with City of Fort Lupton company-provided equipment or confidential information requires that vehicle doors be locked when an employee leaves any work-related equipment or files in the car.

- Laptops will be encrypted and password-protected.
- Public wi-fi is prohibited (i.e., hotels, restaurants, lobbies.) Unless specifically, utilizing password-secured hotspot or VPN.

Protecting City of Fort Lupton Internal Systems

Computer Viruses:

Any user who suspects infection by a virus or malicious software must immediately call the Information Technology department and not attempt to eradicate the virus themselves.

Trusted Software Scanning:

Workers must not use any externally-provided software from a person or organization without approval by the Information Security department or a manager.

Adult Content:

All forms of adult content (pornography or suggestive/explicit photography) are prohibited on City of Fort Lupton computers and networks. This includes content obtained via websites, email attachments, and file-sharing networks.

Unauthorized Software:

City of Fort Lupton strongly supports strict adherence to software vendors' license agreements and copyright holders' notices. If users make unauthorized copies of the software, they are doing so on their behalf since City of Fort Lupton strictly forbids all such copying. Likewise, City of Fort Lupton allows the reproduction of copyrighted material only to the extent legally considered "fair use" or with either the author or publisher's permission.

Involvement with Computer Viruses:

Users must not intentionally write, generate, compile, copy, collect, propagate, execute, or attempt to introduce any computer code designed to self-replicate, damage, or otherwise hinder any City of Fort Lupton computer or network's performance.

External Storage Checking:

Externally supplied CD-ROMs, USBs, and other removable storage media must not be used unless checked for viruses. Seek approval of the Information Security department.

Current Virus Software:

Every computer that accesses City of Fort Lupton's information must be protected by an active antivirus software product configured to automatically obtain current virus signatures, regardless of whether City of Fort Lupton or the user owns the system. Equipment provided by City of Fort Lupton (i.e., workstation, laptops, tablets, etc.) will use the Virus software installed by IT Department. It is prohibited to install any other Virus Software.

User Installation of Software:

Users must not install software on City supplied computers, network servers, or other machines without receiving advance authorization from the Information Security Manager.

Accepting Computer Assistance from Outsiders:

Users must not take any form of assistance to improve their computers' security or functionality without first verifying approval by City of Fort Lupton's Information Security department. This means that users must not accept unsolicited consulting services, whether offered online or from a telephone call.

Physical Security

Positioning Display Screens:

The display screens for all personal computers used to handle sensitive or valuable data must be positioned such that the information cannot be readily viewed through a window, by persons walking in a hallway, or by persons waiting in reception and related areas. Care

must also be taken to position keyboards so that unauthorized persons cannot readily see workers enter passwords, encryption keys, and other security-related parameters.

Locking Sensitive Information:

When not being used by authorized workers or when not visible in an area where authorized persons are working, all hardcopy sensitive information must be locked in file cabinets, desks, safes, or other furniture. All computer storage media containing sensitive information must be locked in similar enclosures when not used or not in a visible and attended area.

- Protocol for locking office doors
- Protocol for locking the entire office

Use of Webcams:

Webcams are permitted but should be covered with covers, post-it notes or masking tape when not in use.

Physical Walk-Through:

A physical walk-through will occur randomly by any member of the Information Security Team every month/quarterly. With attempt to identify jimmied door jams, doorknobs, passwords in plain view on the desk, monitor, or under the keyboard.

Use of Personal Equipment:

Workers are prohibited from bringing their personal computers, computer peripherals, or computer software into City of Fort Lupton's facilities without prior authorization from their IT department.

Security Incident Reporting

Reporting Security Events:

Any suspected events that may compromise information security or are known to violate an existing security policy must be immediately reported to the Information Security department. Examples of these events include:

- Any unauthorized use of City of Fort Lupton's information systems;
- Login credentials or passwords that have been or are suspected of being lost, stolen, or disclosed;
- All unusual systems behavior, such as missing files, frequent system crashes, or suspicious/unusual messages;
- Suspected or actual disclosure of Sensitive or Confidential City of Fort Lupton's information to unauthorized third parties.

Violations

Any violation of this policy may result in disciplinary action, up to and including termination of employment. City of Fort Lupton reserves the right to notify the appropriate law enforcement authorities of any unlawful activity and cooperate in investigating such activity. City of Fort

Lupton does not consider conduct in violation of this policy within an employee's or partner's course and scope of employment or the direct consequence of the employee's or partner's discharge's duties. Accordingly, to the extent permitted by law, City of Fort Lupton, reserves the right not to defend or pay any damages awarded against employees or partners that result from a violation of this policy.

Definitions

Information Asset – Any City of Fort Lupton, data in any form and the equipment used to create, use, or store City of Fort Lupton data used in the course of executing business. This includes, but is not limited to, corporate, customer, and partner data.

Partner – Any non-employee of City of Fort Lupton who is contractually bound to provide some form of service to City of Fort Lupton

Password – An arbitrary string of characters chosen by a user to authenticate the user when he attempts to log on.

User - Any City of Fort Lupton employee or partner who has been authorized to access any City of Fort Lupton electronic information resource.

Revision History

Date	Description	Responsible Party
1/23/2025	Document created and updated, certain parts highlighted for Review	Travis Aksamitowski

Incident Response Policy for the City of Fort Lupton

1. Purpose The purpose of this policy is to establish a structured framework for identifying, responding to, mitigating, and recovering from cybersecurity and other critical incidents that may impact the City's operations, data, and infrastructure. This policy aims to ensure a swift and effective response to minimize damage, ensure public safety, and maintain public trust.

2. Scope This policy applies to all employees, contractors, vendors, and third parties with access to the City's information systems, networks, facilities, or data. It covers incidents related to cybersecurity, natural disasters, physical security breaches, and any other events that disrupt the City's operations or compromise public services.

3. Definitions

- **Incident:** Any event that disrupts normal operations, poses a security threat, or breaches confidentiality, integrity, or availability of City assets or data.
- **Critical Incident:** An incident that significantly impacts public safety, critical infrastructure, or essential City services.
- **Incident Response Team (IRT):** A designated group of individuals responsible for managing and responding to incidents.

4. Roles and Responsibilities

4.1 Incident Response Team (IRT):

- Coordinate and manage all aspects of the incident response process.
- Communicate with stakeholders, including City leadership, public safety agencies, and affected departments.
- Maintain and update the Incident Response Plan.

4.2 City Departments:

- Report incidents promptly to the IRT.
- Cooperate with the IRT during investigations and recovery efforts.
- Implement preventive measures to reduce the risk of incidents.

4.3 Information Technology (IT) Department:

- Monitor systems and networks for potential threats.
- Provide technical expertise during incident response.
- Ensure the security and integrity of City data and IT infrastructure.

5. Incident Response Phases

5.1 Preparation:

- Develop and maintain an Incident Response Plan.
- Conduct regular training and awareness programs for employees.
- Maintain updated contact lists and escalation procedures.

5.2 Identification:

- Detect and verify incidents through monitoring tools, user reports, or third-party alerts.
- Classify incidents based on severity and potential impact.

5.3 Containment:

- Implement measures to limit the spread of the incident.
- Isolate affected systems or networks as necessary.

5.4 Eradication:

- Identify and eliminate the root cause of the incident.
- Remove malicious software, unauthorized access, or compromised components.

5.5 Recovery:

- Restore affected systems and services to normal operations.
- Test systems to ensure they are functioning correctly and securely.
- Monitor systems for any signs of recurrence.

5.6 Post-Incident Activities:

- Conduct a post-incident review to analyze the response process.
- Document lessons learned and update policies and procedures as needed.
- Provide a summary report to City leadership and stakeholders.

6. Communication and Escalation

- All incidents must be reported immediately to the IRT via established channels (e.g., email, hotline, or incident reporting tool).
- The IRT will determine the need for public communication based on the severity and nature of the incident.
- For critical incidents, the IRT will escalate to City leadership and coordinate with external agencies, including law enforcement and regulatory bodies.

7. Compliance Failure to comply with this policy may result in disciplinary action, up to and including termination of employment or contracts. All employees and contractors are required to acknowledge this policy and participate in regular incident response training.

8. Policy Review and Maintenance This policy will be reviewed annually or following a significant incident to ensure its effectiveness and alignment with current best practices and regulations. Updates will be communicated to all stakeholders.

9. Contact Information For questions or to report an incident, contact the IRT:

- City IT Contacts
 - Travis Aksamitowski – 720.466.6113
 - Jason Reitz – 720.466.6114
 - Kieth Jackel – 720.466.6127
- Incident Reporting Tool: Signal (Off Network)
- Digeteks – IT Security Team
 - Brent Burkhalter – [303.552.7296](tel:303.552.7296)
 - Shane Brown – [303.552.7295](tel:303.552.7295)
 - Logan Greening - 303.552.7294
 - Linh Le – 720.428.1460

Approved by: [City Official's Name and Title]

Effective Date: [Date]

Last Reviewed: [Date]



SUBJECT FOR DISCUSSION

Approving a Resolution Appointing a Candidate to Fill the Ward III City Council Position Vacancy for a Term Beginning February 4, 2025 and Ending November 2025

SUMMARY STATEMENT/BACKGROUND DISCUSSION

At the November 5, 2024, General Election, Councilmember Carlos Barron was elected to House District 48, leaving a vacancy in Ward III. On December 17, 2024, Resolution 2024R071 was approved by City Council declaring a vacancy for Ward III and describing the vacancy to be filled by appointment.

Applications were available at the City Clerk's office beginning December 18, 2024. The deadline to apply was January 15, 2025 at 5:00 p.m. Applicants qualified as to age, registered voter and residency in Ward III were interviewed by City Council, on January 28, 2025, at the Town Hall meeting.

The following candidates were interviewed: Beth McWilliams, Dez Packard, Michael Sanchez, and Phil Jensen.

The Council may now appoint one of the candidates to fill the vacancy.

FINANCIAL CONSIDERATIONS

N/A

LEGAL/POLITICAL CONSIDERATIONS

1. Make appointment from the qualified candidates to fill the vacancy

STAFF RECOMMENDATIONS

Staff seeks direction

Attachments: a. Proposed Resolution

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

RESOLUTION NO. 2025Rxxx

A RESOLUTION BY THE CITY COUNCIL APPOINTING __ TO THE CITY COUNCIL TO REPRESENT WARD III FOR A TERM BEGINNING FEBRUARY 4, 2025, AND ENDING NOVEMBER 2025

WHEREAS, At the November 5, 2024, General Election, Councilmember Carlos Barron was elected to House District 48, leaving a vacancy in Ward III

WHEREAS, on December 17, 2024, Resolution 2024R071 was approved by City Council declaring a vacancy for Ward III and describing the vacancy to be filled by appointment.

WHEREAS, Applications were available at the City Clerk's office beginning December 18, 2024. The deadline to apply was January 15, 2025 at 5:00 p.m.

WHEREAS, after interviews were completed, the Council determined an appointment would be made at the February 4, 2025 City Council regular meeting.

NOW THEREFORE BE IT RESOLVED that the Fort Lupton City Council, after interviews of candidates, hereby appoint __ to City Council to represent Ward III for a term beginning February 4, 2025, and ending on November 2025.

APPROVED AND PASSED BY MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL THIS 4TH DAY OF FEBRUARY 2025.

City of Fort Lupton, Colorado

Zo Hubbard, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney



SUBJECT FOR DISCUSSION

Approving an Ordinance of the City of Fort Lupton, Amending Portions of Chapter 16 – Development Code.

SUMMARY STATEMENT/BACKGROUND DISCUSSION

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. The most recent amendments to the Fort Lupton Development Code was on August 20th, 2024.

These proposed code amendments include minor edits to language, corrections to table numbering, formalizing a Comprehensive Plan Amendment section, and formalizing code for Natural Medicine.

FINANCIAL CONSIDERATIONS

N/A

LEGAL/POLITICAL CONSIDERATIONS

N/A

ALTERNATIVES/OPTIONS

The City Council, by ordinance shall:

1. Approve the Development Code amendments; or
2. Deny the Development Code amendments; or
3. Refer the Development Code amendments back to the Planning Commission for further study.

The City Council's action shall be based on the evidence presented, compliance with the adopted standards, regulations and policies and other guidelines.

STAFF RECOMMENDATIONS

The Planning Commission, in Resolution P2025-002, recommends approval of the amendments as proposed to Chapter 16 – Fort Lupton Development Code.

- Attachments:
- a. Proposed Ordinance
 - b. Proposed Amendments to the Development Code (Exhibit A)
 - c. Summary of Changes
 - e. Planning Commission Resolution No. P2024-012
 - f. Planning Commission Minutes

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

ORDINANCE NO. 2025-XXXX

INTRODUCED BY:

AN ORDINANCE OF THE CITY OF FORT LUPTON, AMENDING PORTIONS OF CHAPTER 16 – DEVELOPMENT CODE.

WHEREAS, the Fort Lupton Development Code ('the Development Code') was adopted on July 16, 2022;

WHEREAS, after implementation, revisions to Chapter 16 – Fort Lupton Development Code that may change the character or intent as approved shall be considered by City staff, Planning Commission, and City Council to address issues identified during its implementation, and subsequent changes shall be considered periodically following the initial implementation revisions; and

WHEREAS, on January 23, 2025, the Fort Lupton Planning Commission held a public hearing to consider a recommendation on the adoption of amendments to the Fort Lupton Development Code, and has taken into consideration all supporting information, evidence and any testimony in response to the application and unanimously recommended adoption of the Amendments to the Development Code; and

WHEREAS, after review of the proposed amendments to the Code, the City Council finds that the proposed changes generally conform with the Comprehensive Plan adopted by the City and are in the best interest of the health, safety and welfare of the citizens of Fort Lupton; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO, AS FOLLOWS:

Section 1. Chapter 16, Article II, Section 16-2.02.(c)(1)f is hereby revised to read as follows:

- f. *Minor Subdivision.* The division of previously unplatted land or of a platted tract or lot into four (4) or fewer lots.

Section 2. Chapter 16, Article II, Section 16-2.02(f) is hereby revised to read as follows:

- e. *Major Subdivision – Preliminary Plat.* Any subdivision not eligible as an administrative plat is a major subdivision that shall require approval of a preliminary plat. A preliminary plat shall be processed according to the following specific procedures.
 - 1. *Applicability.* The preliminary plat provides detailed planning review of development patterns, street networks, block and lot layout, and the ability to meet public facility and utility requirements for future development, prior to preparation of detailed construction and engineering plans. The Director may allow a preliminary plat and final plat to be processed simultaneously for more routine applications, provided the submittal requirements and criteria for both applications can be met. For any application that is particularly complex, the Director may require or the applicant may elect to first submit a concept plan for public review by the Planning Commission and City Council prior to official submittal. Review of a concept plan shall not require any approval, but merely provides general consensus and offers the applicant direction for preparing a formal preliminary plat.
 - 2. *Review Criteria.* A preliminary plat shall be reviewed according to the following criteria.
 - a. The application is in accordance with the Comprehensive Plan, and in particular, the physical development patterns and concepts of the plan.

- b. The development and infrastructure are arranged in a manner to minimize impacts on geologic hazards, environmentally sensitive areas, wildlife habitat, or other natural features of the land.
 - c. The arrangement and proposed design of streets, open spaces, and blocks meet the development and design standards of the subdivision regulations, and are coordinated with existing or potential development on adjacent property.
 - d. The proposed blocks and lots are capable of meeting all development and site design standards of the applicable zoning district.
 - e. The application demonstrates a preliminary likelihood of being able to meet the design, construction, performance, and maintenance requirements for all required improvements.
 - f. Any phasing is clearly indicated and demonstrates a logical and coordinated approach to development, and the timing, location, and construction of amenities is consistent throughout phases.
 - g. Any impacts identified by specific studies or technical reports, including a review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.
 - h. The design does not impede the construction of anticipated or planned future public infrastructure or other development within the area.
 - i. The recommendations of professional staff or any other public entity or review agencies asked to officially review the preliminary plat.
3. *Review Procedure.* In addition to the general requirements in Table 2-1 and Section 2.01, the requirements in this sub-section apply to preliminary plat applications.
- a. At the pre-application meeting, and based on the size, scope and impact of any future development anticipated or pending with the request, the applicant shall propose how to coordinate the Neighborhood Meeting according to Section 2.01.D., and any additional notice of meetings or hearings necessary for the formal review.
 - b. Any application that is particularly complex or involves significant planning and design issues, may be coordinated with a Change of Zone in Section 2.03 or a Planned Development in Section 2.04 prior to official submittal of a preliminary plat.
 - c. After review by staff, receipt of any comments from referral agencies, and any necessary resubmittal, the Director shall schedule review by the Planning Commission.
 - d. The Planning Commission shall hold a public hearing and make a recommendation to the City Council on the preliminary plat. Any street included in a major street plan approved by the Planning Commission shall not be accepted unless it is first approved by the Planning Commission in a preliminary plat or other capital improvements review.
 - e. After a recommendation by the Planning Commission, the preliminary plat shall be scheduled for a public hearing at the City Council for approval and acceptance of all public lands or proposed facilities. Any street or public improvements in any street not approved by the Planning Commission shall only be accepted by a two-thirds approval of the City Council.
 - f. Provided no substantive changes are made between approval of the preliminary plat and acceptance of public lands and facilities by the City Council and final engineering in association with a final plat, a final plat may be administratively

approved by staff according to subsection 2.02.(e)

4. *Effect of Decision.* The approval of the preliminary plat does not constitute an acceptance of the subdivision but authorizes preparation of the final plat.
5. *Term of Expiration.* The approval of the preliminary plat shall be effective for two years, except that any submittal of final plat for any phases indicated on a preliminary plat shall stay the two-year period, and approval of the final plat shall restart a new one-year period for remaining portions of the preliminary plat. The Director may grant an extension of this period for up to one year, if the applicant demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat.

Section 3. Chapter 16, Article II, Section 16-2.02(f) is hereby added to read as follows:

- f. *Final Plat.* After approval of the preliminary plat, the applicant may submit a final plat for all or for portions of the preliminary plat area subject to a phasing plan approved with the preliminary plat. A final plat shall be processed according to the following specific procedures.
 - a. *Review Criteria.* A final plat shall be reviewed according to the following criteria, as well as all criteria applicable to the preliminary plat review.
 - i. The layout and design of the final plat is substantially consistent with the approved preliminary plat considering the number and size of lots and out lots; the block layout, street designs and access; the open space systems and civic design elements; the infrastructure systems; or other elements of coordinated developments. Deviations made necessary due to the further detail in planning, design and engineering, and which meet the standards of this code, are generally considered “substantially consistent” with the preliminary plat.
 - ii. The construction plans for any utilities, infrastructure or public facilities meet all technical specifications.
 - iii. All required improvements, dedications, fees, financial guarantees, and maintenance guarantees are provided.
 - iv. The phasing and timing of public improvements ensures construction and performance guarantees. Any phasing that meets an approved preliminary plat is presumed acceptable. Any deviations of the final plats from an approved phasing plan shall not alter the timing or coordination of required improvements or amenities in the approved preliminary plat.
 - v. The recommendations of professional staff or any other public entity asked to officially review the final plat.
 - vi. Deviations in the final plat from the approved preliminary plat may be approved if staff determines that the change:
 1. Complies with all applicable zoning standards, subdivision design standards, and meets the intent and design objectives of those standards.
 2. Does not increase the impact of any development on required improvements beyond the capacity for required improvements

- identified in the preliminary plat;
 - 3. Does not impact any condition of the Planning Commission or City Council associated with the approval of the preliminary plat;
 - 4. Is generally consistent with development concepts in the preliminary plat in terms of land uses, scale, and intensity of development, and in no case changes the number of lots, dwelling units, buildings, or sizes of blocks and open spaces by more than 10 percent; and
 - 5. If technical studies were required with the preliminary plat, the author of the study shall submit an amendment noting that the change does not impact any findings of the study.
 - vii. Any other changes to the preliminary plat, including significant changes in the phasing or dedication of public lands and rights-of-way, may require approval and acceptance of the City Council.
- b. *Review Procedure.* In addition to the general requirements in Table 2-1 and Section 2.01, the requirements in this section apply to final plat applications.
- i. The applicant shall identify all improvements to be constructed, either according to the required improvements listed in this code or by a specific agreement for the project. The applicant shall submit final plans and specifications for these improvements, and ensure construction of these improvements of financial guarantees as provided in Section 3.04.
 - ii. The staff shall review the final plat for conformance with the planning and design elements, and the engineering specifications, and a final plat that meets these criteria shall be approved.
 - iii. A final plat that does not meet these review criteria may require reprocessing as a revised preliminary plat.
 - iv. The Director shall make the final decision on final plats, and the decision may be appealed to the City Council. The City Council may make any decision based on these criteria, except that any street or public improvements in any street not approved by the Planning Commission on the preliminary plat shall only be accepted by a two-thirds approval of the City Council.
- c. *Effect of Decision.* The approval of the final plat shall create a vested property right according to Section 2.12, and shall complete the City's acceptance of the dedication of land for public purposes indicated in the approved preliminary plat. Approval may be conditioned upon payment of all other applicable fees or execution of all applicable agreements prior to recording. Once approved and all conditions are satisfied, the City Clerk shall cause the approved final plat to be recorded with the county clerk and recorder. Any final plat not recorded within the periods established in Section 2.12 due to failure of the applicant to meet conditions, shall expire. No building permit shall be issued until the completion, inspection and acceptance of all required improvements.

Section 4. Chapter 16, Article II, Section 16-2.05(a) is hereby revised to read as follows:

- A. *Applicability.* The administrative site plan ensures that routine development projects meet the development and design standards of this code, and all other standards applicable to the property. Due to the scale or complexity of these projects, or design issues that potentially impacts on adjacent property, review beyond the standards building permit and zoning/design review is needed. Administrative site plans may be initiated by the property owner.

The administrative site plan process specifically applies to any of the following:

1. New detached houses or multi-unit houses where 3 or more buildings are proposed.
2. New non-residential accessory structure.
3. Expansion or alterations to an existing multi-family or non-residential building that alter the footprint, massing or facade design by more than 20%.
4. A change of use that is potentially more intense than the existing use, or that could otherwise trigger associated site development activity, such as parking, access, landscape, or screening.
5. Any site development activity that expands the existing impervious surface less than 25%.
6. Minor changes to the site access and circulation that do not significantly alter the streetscape design or traffic conditions near the site.
7. Any other changes to existing buildings that significantly alter the exterior appearance, or elements impacted by the design standards in Sections 5.03 or 6.03. This excludes ordinary maintenance but may include things such as re-facing or changing exterior materials, altering the composition of the façade by changing patterns of windows and doors, or altering the form or mass of the buildings.

The Director may determine that any application meeting these eligibility criteria still presents significant change or potential impacts on the area, or presents substantial interpretation questions on the application of development standards or review criteria, and is not eligible for the administrative site plan process. These plans shall be reviewed through the site plan procedures in Section 2.06.

Section 5. Chapter 16, Article II, Section 16-2.14 Comprehensive Plan Amendment is hereby added to read as follows:

Sec. 16-2.14. – Comprehensive Plan Amendment.

- A. *Applicability.* Amendments to the text or future land use map of the Comprehensive Plan may be required at the Director’s discretion to align a property with the goals and objectives set out in the Comprehensive Plan and may be submitted alongside other development applications. Comprehensive Plan Amendments shall only occur as otherwise provided in the Colorado Constitution, Colorado Revised Statutes, or municipal code. Eligible applicants include the City or property owner.
- B. *Review Criteria.* The following criteria apply to Comprehensive Plan Amendments:
1. The proposed amendment shall be in accordance with and/or better align with the overall goals and objectives of Comprehensive Plan or otherwise be found to be in the best interests of the City.
 2. Applications shall formally describe the requested change in writing and provide reasoning for the requested amendment. This reasoning should relate to the contents of the Comprehensive Plan and development code.

3. The proposed amendment shall relate to the neighboring areas and context of the Comprehensive Plan and community.
 4. The proposed amendment shall promote efficient use of utilities, streets and other public resources.
- C. *Review Procedures.* In addition to meeting the requirements from Table 2-1 and Section 16-2.01, the following specific procedures apply to Comprehensive Plan Amendments:
1. Applications for Comprehensive Plan Amendments may be submitted in conjunction with other land use submittals.
 2. The proposed amendment(s) shall be submitted and processed in conformance with current Colorado Revised Statutes for Comprehensive Plan Amendments, including any notice requirements that may differ from those outlined in Table 2-1 and Section 16-2.01.
 3. The director may limit the timing and frequency of when Comprehensive Plan Amendments are considered, consistent with the Comprehensive Plan.
 4. The Planning Commission shall hold a public hearing and shall make a recommendation to City Council. Upon a recommendation from the Planning Commission, the City Council shall hold a public hearing and make the final decision on the Comprehensive Plan Amendment.
 5. The City Council may recommend the application be returned to Planning Commission for further study or additional information at its next regular meeting. Failure by the Planning Commission to consider or revise its recommendation shall be considered a resubmission of its original recommendation.
 6. Approval of a Comprehensive Plan Amendment shall be done by resolution of the Fort Lupton City Council.
- D. *Effect of Decision.* Upon approval of a Comprehensive Plan Amendment, the Director shall make the change on the future land use map and/or text of the Comprehensive Plan. Failure to approve or deny a resolution accepting a Comprehensive Plan Amendment shall terminate the application.

Section 6. Chapter 16, Article IV, Section 16-4.02 Table 4-2 Allowed Uses, Commercial Uses is hereby revised to read as follows:

Commercial Uses													
Retail – Limited (<2K)									■	■	■	■	■
Retail – Small (2K-10K)										■	■	■	■
Retail – General (10K-30K)										S	■	S	■
Retail – Large (> 30K)											■	S	■
Retail – Outdoor Sales											S		■
Animal Care – Limited (<5K / limited boarding)									■	■	■	■	■
Animal Care – Small (<5K)										S	■		■
Animal Care – Large (5K +)											■		■
Car Wash											S		■
Child Care – In-home	S	S	S	S	S	S			■	■	■	■	
Child Care – Center / Small				S	S	S			■	■	■	■	■
Child Care – Center / Large											■		■
Gas Station – Limited (1-8 pumps)										■	■	S	■
Gas Station – General (9-16 pumps)											■		■
Gas Station – Large (17+ pumps)											S		■
Lodging – Short Term Rental	S	S	S	S	S				S	S	S	S	
Lodging – B&B (up to 5 rooms)	S	S	S	S	S				■	■	■	■	
Lodging – Inn (6-40 rooms)									■	■	■	■	■
Lodging – Motel / Hotel – Small (41 – 120 rooms)										S	■	S	■
Lodging – Motel / Hotel – Large (120+ rooms)											■		■
Marijuana – Medical Stores										■	■		■
Marijuana – Retail Stores										■	■		■
Medical Service – Limited (<5K)									■	■	■	■	■
Medical Service – General (5K-15K)										■	■		■
Medical Service – Large (> 15K)											■		■
Natural Medicine Business – Healing Center									S	■	■	■	■
Natural Medicine Business – Cultivation Facility											S		■
Natural Medicine Business – Product Manufacturer											S		■
Natural Medicine Business – Testing Facility											■		■
Office – Small (<30K)									■	■	■	■	■
Office – General (30K-60K)										■	■	■	■
Personal Service– Small (< 5K)									■	■	■	■	■
Personal Service– General (5K – 10K)										■	■		■
Personal Service– Large (> 10K)											■		■

Section 7. Chapter 16, Article IV, Section 16--.- District performance standards is hereby revised to read as follows:

Sec. 16-4.05 District performance standards.

All principal and accessory uses in non-residential districts shall be operated in a manner that meets the performance standards in Table 4-5, Non-residential District Performance Standards.

Table 4-5: Non-residential District Performance Standards				
	RO, C-1, , & any use abutting R- districts	C-2 & DT	I-1	I-2
Noise levels during business hours (7AM-10PM)	65db	70db	75db	90db
Noise levels during quiet hours (10PM – 7AM)	45db	60db	65db	70db
No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.	☑	☑		
No smoke or particulate matter shall be produced that is a number 1 or darker on the Ringelmann chart	☑	☑	☑	
Dust, fly ash, radiation, gases, heat, glare or other effects shall not be produced which are obviously injurious or damaging to humans or property beyond the property line;	☑	☑	☑	☑
Vibration or concussion which is perceptible without instruments at the property line shall be prohibited	☑	☑	☑	
Lighting measured at the property line adjacent to right-of-way	1.0 FC	1.5 FC	1.0 FC	1.0 FC
Lighting measured at the property line adjacent to residential uses	0.1 FC	0.5 FC	0.1 FC	0.1 FC
Lighting measured at the property line adjacent to the same or more intense zoning districts	1.5 FC	2.0 FC	2.0 FC	2.0 FC

Section 8. Chapter 16, Article XI, Section 16-11.01 Definitions is hereby added to read as follows:

Natural Medicine Business. A Healing Center, Natural Medicine Cultivation Facility, Natural Medicine Products Manufacturer, or Natural Medicine Testing Facility licensed pursuant to the Natural Medicine Code, and as further defined in Colorado Revised Statutes, (C.R.S. §§ 44-50-101 et seq.), and set forth below:

Healing Center. A facility licensed by the State Licensing Authority pursuant to article 50 of title 44, C.R.S. that permits a Facilitator to provide and supervise Natural Medicine Services for a Participant.

Cultivation Facility. A location where Regulated Natural Medicine is grown, harvested, and prepared in order to be transferred and distributed to either a Healing Center, Facilitator, a Natural Medicine Products Manufacturer, or to another Natural Medicine Cultivation Facility.

Product Manufacturer. A person who manufactures Regulated Natural Medicine Products for transfer to a Healing Center, Facilitator, or to another Natural Medicine Products Manufacturer.

Testing Facility. A public or private laboratory licensed, or approved by the Division, to perform testing and research on Regulated Natural Medicine and Regulated Natural Medicine Product.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this X day of February 2025.

PUBLISHED in the Fort Lupton Press the X day of February, 2025.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED FINALLY PUBLISHED by title only this X day of February 2025.

PUBLISHED in the Fort Lupton Press the X day of X 2025

EFFECTIVE (after publication) the X day of X 2025.

City of Fort Lupton, Colorado

Zo Hubbard, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 23, 2025**

The Planning Commission of the City of Fort Lupton met in session at City Hall Chambers, 130 South McKinley Avenue, the regular meeting place of the Planning Commission and virtually via GoToMeeting, on Thursday, January 23, 2025.

Vice-Chair Paul Witmer called the meeting to order at 6:00 PM.

ROLL CALL

Commissioners Present: Vice-Chair Paul Witmer, Commissioners Kathy Kvasnicka, Shannon Rhoda and Shannon Wiens. Commissioner Jimmy Dominguez joined online via GoTo.

City Staff Present: Planners Sean McDermott and Zachary Mettler and Planning Administrative Assistant Beyza Kirmizi. Planning Director Todd Hodges and City Engineer David Rausch joined online via GoTo.

APPROVAL OF AGENDA

Commissioner Kvasnicka moved to approve the agenda, Commissioner Wiens seconded.

CONSENT AGENDA

Commissioner Kvasnicka moved to approve the consent agenda, Commissioner Wiens seconded.

PUBLIC COMMENT

There were no public comments.

ACTION ITEM

P2025-002 A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF AMENDMENTS TO CHAPTER 16 – FORT LUPTON DEVELOPMENT CODE

Planners Sean McDermott and Zachary Mettler presented the proposed amendments to Chapter 16 of the Development Code Update.

Mr. McDermott introduced procedural cleanup items, including additions to the administrative plat, the reintroduction of omitted sections of the preliminary plat and administrative site plan, and the addition of a comprehensive plan amendment section defining the application process. He also explained that numbering and lettering errors have been corrected.

Mr. Mettler presented the adaptation of the Natural Medicine Code per state statute, focusing on psilocybin natural medicine businesses. The adaptation of the code includes four types of natural medicine businesses: healing centers, cultivation facilities, product manufacturers, and testing facilities. Mr. Mettler clarified that there is no retail component to natural medicine, emphasizing that healing centers operate similarly to a doctor's office by providing services rather than goods. The amended Table

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 23, 2025**

4-2, which outlines allowed uses in zoning districts, was presented with the addition of the four natural medicine businesses. The applicable zoning districts range from RO (Residential Office) to I-2 (Heavy Industrial). The operation of natural medicine businesses will not be permitted in residential zoning districts. Furthermore, any building proposed for a natural medicine business must meet a 1,000-foot setback from existing child care centers, schools, or residential child care facilities.

Vice-Chair Witmer opened the hearing for commissioner comments.

Commissioners discussed:

- Decision-making authority on the approval of natural medicine business applications
- Whether residents will have the opportunity to vote on the introduction of natural medicine in the city
- The division responsible for approving testing facilities
- Alignment of state and Fort Lupton's regulations and requirements

Vice-Chair Witmer opened up for public comments at 6:15pm.

There were no public comments.

Vice-Chair Witmer closed the public comments at 6:15pm.

After discussion Commissioner Rhoda moved to approve P2025-002 A Resolution of The Planning Commission of Fort Lupton Recommending to City Council Approval of Amendments to Chapter 16 – Fort Lupton Development Code. Commissioner Kvasnicka seconded.

Motion passed unanimously on a roll call vote.

FUTURE BUSINESS

The next Planning Commission meeting is scheduled for February 13th, 2025.

ADJOURNMENT

Commissioner Kvasnicka moved to adjourn the meeting, Commissioner Wiens seconded.

Vice-Chair Witmer moved to adjourn the meeting at 6:17 PM.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 23, 2025**

Submitted by

Beyza Kirmizi
Planning Administrative Assistant

Approved by Planning Commission

Mike Simone
Chair

DRAFT

RESOLUTION NO. P2025-002

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF AMENDMENTS TO CHAPTER 16 – FORT LUPTON DEVELOPMENT CODE

WHEREAS, the Fort Lupton Development Code ('the Development Code') was adopted on July 16, 2022;

WHEREAS, the last amendment to the Fort Lupton Development Code was approved by City Council on August 20, 2024;

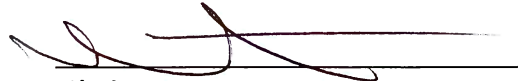
WHEREAS, after implementation, revisions to Chapter 16 – Fort Lupton Development Code that may change the character or intent as approved shall be considered by City staff, Planning Commission, and City Council to address issues identified during its implementation, and subsequent changes shall be considered periodically following the initial implementation revisions;

WHEREAS, the Planning Commission has reviewed the proposed amendments to the Development Code, attached hereto and incorporated by reference as Exhibit A; and

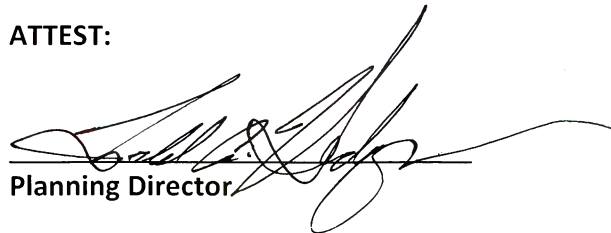
WHEREAS, on January 23, 2025, the Fort Lupton Planning Commission held a public hearing to consider a recommendation on the adoption of amendments to the Fort Lupton Development Code, and has taken into consideration all supporting information, evidence and any testimony in response to the changes;

NOW THEREFORE BE IT RESOLVED, the Planning Commission hereby recommends approval of the proposed amendments to Chapter 16 – Fort Lupton Development Code as set forth in Exhibit A, attached hereto and fully incorporated by reference.

DONE THIS 23rd DAY OF JANUARY 2025 BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.


Chairperson

ATTEST:


Planning Director



Planning & Building Department

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 720.928.4003

Fax: 303.857.0351

www.fortluptonco.gov

SUMMARY OF CHANGES – DEVELOPMENT CODE UPDATE JANUARY 2025

The Fort Lupton Development Code became effective on July 16, 2022. Upon adoption it was determined that periodic updates 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 and recommended updates identified during its implementation. With this in mind, revisions to Chapter 16 were approved by City Council on August 15, 2023 and August 20, 2024. Staff has identified some additional changes to be reviewed by Planning Commission and City Council.

Specific changes to note are:

- **Cleaning up some procedural omissions and misprints.** This includes formally reinstating our standard code language for Preliminary Plats, reinstating language allowing Director's discretion to deem administrative site plans must be reviewed under the site plan process, and other lettering/numbering misprints. An additional minor correction has been made to the numbering of a code section since Planning Commission.
- **Updating the Administrative Plat.** Including platted lots in the types of parcels eligible for a minor subdivision.
- **Adding review procedures for Comprehensive Plan Amendments.** This addition to the code formalizes our procedure for Comprehensive Plan Amendments to be in line with our other land use processes and Colorado Revised Statutes.
- **Adding Natural Medicine Businesses (per the Natural Medicine Act of 2022).** This addition looks to incorporate the four distinct types of Natural Medicine Businesses into the city's zoning and uses table, and include their definitions to the city's description of uses.
- **Minor Table Header Corrections.** Correcting numerical clerical errors in table numbering within Chapter 4 of the Development Code.

Exhibit A

Chapter 16 Development Code Updates January 2025

1. *Administrative Plats.* Administrative plats are routine applications such as lot adjustments or land divisions that change legal boundaries but do not significantly alter development patterns or impact public services.
 2. *Major Subdivisions.* Major subdivisions are all other land divisions or development impacting development patterns and intensity, rights-of-way, or infrastructure, which require a comprehensive review through preliminary plat and final plat procedures.
- C. **Administrative Plat.** Administrative plats shall be processed according to the following criteria and procedures.
1. *Eligibility.* The following situations are specifically eligible for administrative plat processes:
 - a. *Lot Line Adjustment.* The alteration of legal boundaries for up to 10 previously platted lots.
 - b. *Lot Consolidation.* The consolidation of up to 4 previously platted lots into 3 or fewer lots, provided no resulting lot is larger than two times the size of the largest existing lot or parcel.
 - c. *Lot Split.* The division of a previously platted lot into no more than 2 additional lots.
 - d. *Plat Correction.* A survey or other legal instrument to correct an error in the legal description or other element of an approved plat; or to confirm legal boundaries of lots in an approved plat that could only be determined post-construction, such as for duplexes, row houses or condominiums where the units and lots are individually owned.
 - e. *Easements(s).* The dedication, vacation, or alteration of an easement(s) that does not fall under Section 16-2.13.
 - f. *Minor Subdivision.* The division of previously unplatted land or of a platted tract or lot into 4 or fewer lots.
 2. *Review Criteria.* An application may be approved by the Director if the Director determines that all of the following are met.
 - a. No significant increase in service requirements (utilities, schools, traffic control, streets, etc.) or impact on the ability to maintain existing service levels will result.
 - b. The application does not alter any zoning district boundaries due to adjustments to any lots.
 - c. All resulting lots meet the legal standards of the subdivision regulations and applicable zoning districts.
 - d. The lot patterns are compatible with the surrounding area and any previously approved final plat for the subject property. In determining compatibility, the size and dimension of lots, the layout and design of existing subdivisions and rights of way, and the degree of deviation from previous development and the potential impact of this deviation on surrounding property shall be considered.
 - e. No other significant issues exist with potential development enabled by the plat that could impact planning policies, development regulations or adjacent property owners.
- Any application not classified as an administrative plat or not meeting these criteria shall be processed as a major subdivision with a preliminary plat and final plat.
3. *Review Procedures.* In addition to the general requirements in Table 2-1 and Section 2.01, the requirements in this sub-section apply to administrative plat applications.
 - a. If the Director determines at any point in the process that the application is not eligible for an administrative plat, or is otherwise trying to evade the major subdivision process, the Director may deny the application and require the

- b. The Director shall make the final decision on administrative plats, and the decision may be appealed to the City Council.
 - c. Any administrative plat that includes right-of-way or other public dedication shall be approved by the Planning Commission and the dedication accepted by City Council.
 4. *Effect of Decision.* Approval of an administrative plat shall create a vested property right according to Section 2.12. The City Clerk shall cause the approved administrative plat to be recorded with county clerk and recorder. Any administrative plat not recorded within the periods established in Section 2.12 shall expire.
- D. **Major Subdivision – Concept Plan.** For any application that is particularly complex, the Planning Director may require or the applicant may elect to first submit a concept plan for public review by the Planning Commission and City Council. Review of a concept plan shall not require any approval, but merely provides general consensus and offers the applicant direction for preparing a formal preliminary plat.
1. *Applicability.* The concept plan is a general concept, describing an applicant's development vision and plan for a proposed major subdivision. The concept plan gives the City an opportunity to describe the community's vision to the applicant. It provides basic information to the City that will affect the planning and design of the site. It also provides the applicant an opportunity to hear comments and concerns from the public prior to proceeding with detailed project design. The concept plan is an initial review of a proposed major subdivision. It is not intended to provide final comments or requirements, or to in any way restrict the City's discretion in subsequent stages of the review process.
 2. *Review Criteria.*
 - a. The application is in accordance with the Comprehensive Plan, and in particular the physical development patterns and concepts of the plan.
 - b. The development will relate to neighboring areas and to the community.
 - c. The development will promote efficient use of utilities, streets and other public resources.
 - d. The applicant can demonstrate that adequate infrastructure is or will be available for the proposed development.
 3. *Review Procedure.* In addition to the general requirements in Table 2-1 and Section 2.01, the requirements in this sub-section apply to concept plan applications.
 - a. After review by staff, receipt of any comments from referral agencies, and any necessary resubmittal, the Director shall schedule review by the Planning Commission and City Council.
 - b. The Planning Commission and City Council shall hold public meetings to review and provide general direction to the applicant in preparation for a Preliminary Plat submittal.
 4. *Effect of Decision.* No formal decision shall be made for a concept plan
- E. **Major Subdivision – Preliminary Plat.** Any subdivision not eligible as an administrative plat is a major subdivision that shall require approval of a preliminary plat. A preliminary plat shall be processed according to the following specific procedures.
1. *Applicability.* The preliminary plat provides detailed planning review of development patterns, street networks, block and lot layout, and the ability to meet public facility and utility requirements for future development, prior to preparation of detailed construction

and engineering plans. The Director may allow a preliminary plat and final plat to be processed simultaneously for more routine applications, provided the submittal requirements and criteria for both applications can be met. For any application that is particularly complex, the Director may require or the applicant may elect to first submit a concept plan for public review by the Planning Commission and City Council prior to official submittal. Review of a concept plan shall not require any approval, but merely provides general consensus and offers the applicant direction for preparing a formal preliminary plat.

2. *Review Criteria.* A preliminary plat shall be reviewed according to the following criteria.
 - a. The application is in accordance with the Comprehensive Plan, and in particular, the physical development patterns and concepts of the plan.
 - b. The development and infrastructure are arranged in a manner to minimize impacts on geologic hazards, environmentally sensitive areas, wildlife habitat, or other natural features of the land.
 - c. The arrangement and proposed design of streets, open spaces, and blocks meet the development and design standards of the subdivision regulations, and are coordinated with existing or potential development on adjacent property.
 - d. The proposed blocks and lots are capable of meeting all development and site design standards of the applicable zoning district.
 - e. The application demonstrates a preliminary likelihood of being able to meet the design, construction, performance, and maintenance requirements for all required improvements.
 - f. Any phasing is clearly indicated and demonstrates a logical and coordinated approach to development, and the timing, location, and construction of amenities is consistent throughout phases.
 - g. Any impacts identified by specific studies or technical reports, including a review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.
 - h. The design does not impede the construction of anticipated or planned future public infrastructure or other development within the area.
 - i. The recommendations of professional staff or any other public entity or review agencies asked to officially review the preliminary plat.
3. *Review Procedure.* In addition to the general requirements in Table 2-1 and Section 2.01, the requirements in this sub-section apply to preliminary plat applications.
 - a. At the pre-application meeting, and based on the size, scope and impact of any future development anticipated or pending with the request, the applicant shall propose how to coordinate the Neighborhood Meeting according to Section 2.01.D., and any additional notice of meetings or hearings necessary for the formal review.
 - b. Any application that is particularly complex or involves significant planning and design issues, may be coordinated with a Change of Zone in Section 2.03 or a Planned Development in Section 2.04 prior to official submittal of a preliminary plat.
 - c. After review by staff, receipt of any comments from referral agencies, and any necessary resubmittal, the Director shall schedule review by the Planning Commission.
 - d. The Planning Commission shall hold a public hearing and make a recommendation to the City Council on the preliminary plat. Any street included in a major street plan approved by the Planning Commission shall not be accepted unless it is first approved by the Planning Commission in a preliminary plat or other capital improvements review.
 - e. After a recommendation by the Planning Commission, the preliminary plat shall be scheduled for a public hearing at the City Council for approval and

- acceptance of all public lands or proposed facilities. Any street or public improvements in any street not approved by the Planning Commission shall only be accepted by a two-thirds approval of the City Council.
- f. Provided no substantive changes are made between approval of the preliminary plat and acceptance of public lands and facilities by the City Council and final engineering in association with a final plat, a final plat may be administratively approved by staff according to subsection 2.02.E
4. **Effect of Decision.** The approval of the preliminary plat does not constitute an acceptance of the subdivision but authorizes preparation of the final plat.
5. **Term of Expiration.** The approval of the preliminary plat shall be effective for two years, except that any submittal of final plat for any phases indicated on a preliminary plat shall stay the two-year period, and approval of the final plat shall restart a new one-year period for remaining portions of the preliminary plat. The Director may grant an extension of this period for up to one year, if the applicant demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat.
- F. **Final Plat.** After approval of the preliminary plat, the applicant may submit a final plat for all or for portions of the preliminary plat area subject to a phasing plan approved with the preliminary plat. A final plat shall be processed according to the following specific procedures.
- a. **Review Criteria.** A final plat shall be reviewed according to the following criteria, as well as all criteria applicable to the preliminary plat review.
- i. The layout and design of the final plat is substantially consistent with the approved preliminary plat considering the number and size of lots and out lots; the block layout, street designs and access; the open space systems and civic design elements; the infrastructure systems; or other elements of coordinated developments. Deviations made necessary due to the further detail in planning, design and engineering, and which meet the standards of this code, are generally considered "substantially consistent" with the preliminary plat.
 - ii. The construction plans for any utilities, infrastructure or public facilities meet all technical specifications.
 - iii. All required improvements, dedications, fees, financial guarantees, and maintenance guarantees are provided.
 - iv. The phasing and timing of public improvements ensures construction and performance guarantees. Any phasing that meets an approved preliminary plat is presumed acceptable. Any deviations of the final plats from an approved phasing plan shall not alter the timing or coordination of required improvements or amenities in the approved preliminary plat.
 - v. The recommendations of professional staff or any other public entity asked to officially review the final plat.
 - vi. Deviations in the final plat from the approved preliminary plat may be approved if staff determines that the change:
 1. Complies with all applicable zoning standards, subdivision design standards, and meets the intent and design objectives of those standards.
 2. Does not increase the impact of any development on required improvements beyond the capacity for required improvements identified in the preliminary plat;
 3. Does not impact any condition of the Planning Commission or City Council associated with the approval of the preliminary plat;
 4. Is generally consistent with development concepts in the preliminary plat in terms of land uses, scale, and intensity of development, and in no case changes the number of lots, dwelling units, buildings, or sizes of blocks and open spaces by more than 10 percent; and
 5. If technical studies were required with the preliminary plat, the author of the

specified below.

1. **Illustrative Plan.** Approval of the illustrative plan and existing conditions without any other plans shall only mean that the basic concepts are agreed to in principle as conforming to the intent of the Comprehensive Plan and any other plans or policies created under the guidance of that plan. In association with approval of the other plans, approved illustrative plans serve as a more specific representation of the intent and policy objectives for the area.
 2. **Regulating Plan.** Approval of the regulating plan, in association with the other components of the development plan, shall have the same effect as a change of zone specified in Section 2.03.D. Sites governed by an approved regulating plan shall be designated on the Official Zoning Map with the letters of the proposed base zoning district plus “P” (planned). (For example, where a portion of the development plan uses the R-1A, R-3 and the C-1 base zoning districts, the zoning of each area of an approved regulating plan shall be R-1A-P, R-3-P, and C-1-P respectively.)
 3. **Development Framework Plan.** Approval of a development framework plan shall only mean that the basic development patterns and infrastructure concepts are agreed to in principle as conforming to the intent of the Comprehensive Plan and any other plans or policies created under the guidance of that plan. However, approval of a development framework plan may have the same effect as approval of a preliminary plat as specified in Section 2.02.D.3., provided it includes or is accompanied by information required for preliminary plats.
 4. **Final Development.** Prior to applying for permits for final development, any project included as part of a planned development shall first require approval of a final plat and a site plan or administrative site plan as provided in these regulations. In addition to all other information and criteria required for those applications, submittals under an approved planned development shall include all necessary information to demonstrate that all applicable standards, requirements, and conditions of the development plan have been met.
- F. **Duration of Plan.** A development plan shall lapse and be of no further force and effect if a final plan (all of applicable final plat, site plan or administrative site plan) for specified phases has not been approved within three years of the date of approval of the development plan. Approval of final plans for a portion of the plan shall renew this period. The City Council may approve an extension of a development plan for up to two additional years. The City and applicant through a development agreement or approved phasing plan may establish timelines different from this as authorized by state laws.

2.05 Administrative Site Plan

- A. **Applicability.** The administrative site plan ensures that routine development projects meet the development and design standards of this code, and all other standards applicable to the property. Due to the scale or complexity of these projects, or design issues that potentially impacts on adjacent property, review beyond the standards building permit and zoning/design review is needed. Administrative site plans may be initiated by the property owner.

The administrative site plan process specifically applies to any of the following:

1. New detached houses or multi-unit houses where 3 or more buildings are proposed.
2. New non-residential accessory structure.
3. Expansion or alterations to an existing multi-family or non-residential building that alter the footprint, massing or facade design by more than 20%.
4. A change of use that is potentially more intense than the existing use, or that could otherwise trigger associated site development activity, such as parking, access,

-
- landscape, or screening.
 - 5. Any site development activity that expands the existing impervious surface less than 25%.
 - 6. Minor changes to the site access and circulation that do not significantly alter the streetscape design or traffic conditions near the site.
 - 7. Any other changes to existing buildings that significantly alter the exterior appearance, or elements impacted by the design standards in Sections 5.03 or 6.03. This excludes ordinary maintenance but may include things such as re-facing or changing exterior materials, altering the composition of the façade by changing patterns of windows and doors, or altering the form or mass of the buildings.

The Director may determine that any application meeting these eligibility criteria still presents significant change or potential impacts on the area, or presents substantial interpretation questions on the application of development standards or review criteria, and is not eligible for the administrative site plan process. These plans shall be reviewed through the site plan procedures in Section 2.06.

- B. **Review Criteria.** In general, any administrative site plan in compliance with all requirements of this code shall be approved. In making a determination of compliance, administrative site plans shall be reviewed according to the following criteria:
 - 1. The application meets all applicable standards of this code or the criteria for any discretionary approvals.
 - 2. The application is consistent with or meets the intent of all prior approvals and conditions associated with the project.
 - 3. The plan does not directly conflict with the intent or design objectives of any applicable standard in this code.
 - 4. The application can reasonably be assumed to meet the criteria for all subsequent permits and reviews needed to build the project as proposed.
- C. **Review Procedures.** In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements apply to administrative site plan applications:
 - 1. The Director shall review the application and determine if the review of any other department or agency is required.
 - 2. If at any time in the process the Director determines that the application is not eligible for an administrative site plan, the Director may deny the application or process the application for review as a site plan according to Section 2.06.
 - 3. The Director shall make the final decision on administrative site plans, and the decision may be appealed to the Planning Commission under the procedures and criteria in Section 2.06.
- D. **Effect of Decision.** Approval of an administrative site plan creates a vested property right as specified in Section 2.12 and shall authorize the applicant to apply for a building permit and other applicable permits.

2.06 Site Plan

- A. **Applicability.** The site plan process provides for review of projects that may present a substantial change to the area for compliance with the standards. It coordinates development projects with the public realm and with adjacent sites, including compatible arrangement of buildings, pedestrian and vehicle access, site design, lighting and landscaping. Site plans may be initiated by the property owner.

The site plan process specifically applies to:

- 1. Any new building, except detached houses and multi-unit houses.
 - 2. Any expansion or alteration to an existing multi-family or non-residential building that alters the footprint, massing or facade design by 20% or more.
 - 3. Any change or intensification of use that could increase anticipated traffic counts by 20%
-

vacation plat.

2.14 Comprehensive Plan Amendment

- A. **Applicability.** Amendments to the text or future land use map of the Comprehensive Plan may be required at the Director's discretion to align a property with the goals and objectives set out in the Comprehensive Plan and may be submitted alongside other development applications. Comprehensive Plan Amendments shall only occur as otherwise provided in the Colorado Constitution, Colorado Revised Statutes, or municipal code. Eligible applicants include the City or property owner.
- B. **Review Criteria.** The following criteria apply to Comprehensive Plan Amendments:
1. The proposed amendment shall be in accordance with and/or better align with the overall goals and objectives of Comprehensive Plan or otherwise be found to be in the best interests of the City.
 2. Applications shall formally describe the requested change in writing and provide reasoning for the requested amendment. This reasoning should relate to the contents of the Comprehensive Plan and development code.
 3. The proposed amendment shall relate to the neighboring areas and context of the Comprehensive Plan and community.
 4. The proposed amendment shall promote efficient use of utilities, streets and other public resources.
- C. **Review Procedures.** In addition to meeting the requirements from Table 2-1 and Section 16-2.01, the following specific procedures apply to Comprehensive Plan Amendments:
1. Applications for Comprehensive Plan Amendments may be submitted in conjunction with other land use submittals.
 2. The proposed amendment(s) shall be submitted and processed in conformance with current Colorado Revised Statutes for Comprehensive Plan Amendments, including any notice requirements that may differ from those outlined in Table 2-1 and Section 16-2.01.
 3. The director may limit the timing and frequency of when Comprehensive Plan Amendments are considered, consistent with the Comprehensive Plan.
 4. The Planning Commission shall hold a public hearing and shall make a recommendation to City Council. Upon a recommendation from the Planning Commission, the City Council shall hold a public hearing and make the final decision on the Comprehensive Plan Amendment.
 5. The City Council may recommend the application be returned to Planning Commission for further study or additional information at its next regular meeting. Failure by the Planning Commission to consider or revise its recommendation shall be considered a resubmission of its original recommendation.
 6. Approval of a Comprehensive Plan Amendment shall be done by resolution of the Fort Lupton City Council.
- D. **Effect of Decision.** Upon approval of a Comprehensive Plan Amendment, the Director shall make the change on the future land use map and/or text of the Comprehensive Plan. Failure to approve or deny a resolution accepting a Comprehensive Plan Amendment shall terminate the application.

Table 4-2: Allowed Uses

Uses	Zoning Districts												
■ = Permitted, subject to general district standards S = Permitted, only by special use permit discretionary review = Blank means the use is not permitted	A	R1	R1A	R2	R3	MH	P	RO	C1	C2	DT	I1	I2
Civic Uses													
Assembly – Neighborhood (< 400 capacity and < 1 acre lot)		■	■	■	■	■		■	■	■	■	■	
Assembly – Community (400 – 800 capacity or 1 – 5 acre lot)		S	S	S	S				■	■	S	■	■
Assembly – Regional (800+ capacity or 5+ acre lot)										■		■	■
Cemetery							S						
Funeral Home								S	S	■	S	■	■
Public recreation areas & facilities (see 3.02, Open & Civic Space)	■	■	■	■	■	■	■	■	■	■	■	■	■
Schools		■	■	■	■		■	■	■	■	■	■	
Commercial Uses													
Retail – Limited (<2K)								■	■	■	■	■	
Retail – Small (2K-10K)									■	■	■	■	
Retail – General (10K-30K)									S	■	S	■	
Retail – Large (> 30K)										■	S	■	
Retail – Outdoor Sales										S		■	■
Animal Care – Limited (<5K / limited boarding)								■	■	■	■	■	
Animal Care – Small (<5K)									S	■		■	
Animal Care – Large (5K +)										■		■	
Car Wash										S		■	■
Child Care – In-home	S	S	S	S	S	S		■	■	■	■		
Child Care – Center / Small				S	S	S		■	■	■	■	■	
Child Care – Center / Large										■		■	
Gas Station – Limited (1-8 pumps)									■	■	S	■	■
Gas Station – General (9-16 pumps)										■		■	■
Gas Station – Large (17+ pumps)										S		■	■
Lodging – Short Term Rental	S	S	S	S	S			S	S	S	S		
Lodging – B&B (up to 5 rooms)	S	S	S	S	S			■	■	■	■		
Lodging – Inn (6-40 rooms)								■	■	■	■	■	
Lodging – Motel / Hotel – Small (41 – 120 rooms)									S	■	S	■	
Lodging – Motel / Hotel – Large (120+ rooms)										■		■	
Marijuana – Medical Stores									■	■		■	■
Marijuana – Retail Stores									■	■		■	■
Medical Service – Limited (<5K)								■	■	■	■	■	
Medical Service – General (5K-15K)									■	■		■	
Medical Service – Large (> 15K)										■		■	
Natural Medicine Business – Healing Center								S	■	■	■	■	
Natural Medicine Business – Cultivation Facility										S		■	■
Natural Medicine Business – Product Manufacturer										S		■	■
Natural Medicine Business – Testing Facility										■		■	■
Office – Small (<30K)								■	■	■	■	■	
Office – General (30K-60K)									■	■	■	■	

Personal Service– Small (< 5K)								■	■	■	■	■	
Personal Service– General (5K – 10K)									■	■	■	■	
Personal Service– Large (> 10K)										■		■	

Table 4-2: Allowed Uses

Uses	Zoning Districts												
■ = Permitted, subject to general district standards S = Permitted, only by special use permit discretionary review = Blank means the use is not permitted	A	R1	R1A	R2	R3	MH	P	RO	C1	C2	DT	I1	I2
Office – Large (> 30K)										■		■	
Recreation / Entertainment – Indoor / Limited (< 20K)									■	■	■	■	
Recreation / Entertainment – Indoor / General (20K+)										■		■	
Recreation / Entertainment– Outdoor / Limited (< 2 ac.)	■								S	■		■	
Recreation / Entertainment– Outdoor / General (2+ ac.)	S									■		■	
Recreation / Entertainment – Shooting Range (indoor or outdoor)	S									S		S	S
Restaurant – Small (< 2K)								■	■	■	■	■	
Restaurant – General (2K - 8K)									■	■	■	■	
Restaurant – Large (> 8K)									S	■	S	■	
Vehicle/Equipment Sales– Limited (<15K s.f. lot)									S	■		■	■
Vehicle/Equipment Sales - General (15K+ s.f. lot)										■		■	■
Vehicle/Equipment Services and Repair – Limited (1 - 4 bays)									S	■	S	■	■
Vehicle/Equipment Services and Repair – General (5+ bays)										■		■	■
Industrial Uses													
Airport / Heliport	S											S	S
Industrial Services – Limited (up to 10 vehicle fleet)										■		■	■
Industrial Services – General (11 to 25 vehicle fleet)												■	■
Industrial Services – Large (26+ vehicle fleet)													■
Manufacturing – Limited/Artisan								■	■	■	■	■	■
Manufacturing – Light										■		■	■
Manufacturing – General													■
Manufacturing – Heavy													S
Mining and Resource Extraction	S												
Oil & Gas Drilling & Exploration (See Section 4.04.I)	S	S	S	S	S	S	S	S	S	S	S	S	S
Storage and Warehousing - Indoor										S		■	■
Storage and Warehousing - Outdoor										S		S	■
Storage and Warehousing – Hazardous Materials													S
Utility - Limited	■	■	■	■	■	■	■	■	■	■	■	■	■
Utility - General	S	S	S	S	S	S	S	S	■	■	S	■	■
Utility - Heavy												S	S
Utility - Pipeline	S	S	S	S	S	S	S	S	S	S	S	S	S
Waste Management & Processing – General												S	■
Waste Management & Processing – Heavy													S
Wireless Communication Facilities	See Chapter 5, Article VI of the Fort Lupton Municipal Code												

- least 300 feet from an existing wellhead or any other accessory structure or facility.
- c. Any other new residential, commercial, or industrial building or structure shall be setback 150 feet from an existing well head or any other accessory structure of facility.
 - d. Any building or structure shall be setback at least 50 feet from plugged and abandoned wells.
3. **Impact Mitigation.** In addition to all other criteria of site plan and special use permit approvals, the plan shall mitigate potential negative impacts by addressing the following topics, or the City may require additional conditions to address these topics:
- a. Screening with landscape and/or screening structures, as specified in this code and any additional screening or other impact mitigation that is necessary due to a particular context or relationship to adjacent sites and streets.
 - b. Operations and the frequency or likelihood of large vehicles and equipment using surrounding roads.
 - c. Plans for mitigation, de-commissioning, restoration, and future uses of the property in a way that integrates with surrounding development or long-range plans.
 - d. Public health and safety, and in particular compliance with all state statutes and the rules, regulations, and permitting of the Colorado Oil & Gas Conservation Commission including abandonment and plugging, seismic operations, reclamation, well protection, fencing and signs.
 - e. Clear ownership and responsibilities for all aspects of the operations, including property management, financial capacity or bonding, impact mitigation, and insurance.
 - f. Any other requirements deemed necessary by the Planning Department to ensure the public health, safety, and welfare.
 - g. Higher mitigation standards may be required where oil and gas is being proposed adjacent to residential or other potentially incompatible uses.

Correction on
Municode from
"16--.-" to "16-4.05"

4.05 District Performance Standards

All principal and accessory uses in non-residential districts shall be operated in a manner that meets the performance standards in Table 4-35, Non-residential District Performance Standards.

Table 4-35: Non-residential District Performance Standards				
	RO, C-1, , & any use abutting R- districts	C-2 & DT	I-1	I-2
Noise levels during business hours (7AM-10PM)	65db	70db	75db	90db
Noise levels during quiet hours (10PM – 7AM)	45db	60db	65db	70db
No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.	☑	☑		
No smoke or particulate matter shall be produced that is a number 1 or darker on the Ringelmann chart	☑	☑	☑	
Dust, fly ash, radiation, gases, heat, glare or other effects shall not be produced which are obviously injurious or damaging to humans or property beyond the property line;	☑	☑	☑	☑
Vibration or concussion which is perceptible without instruments at the property line shall be prohibited	☑	☑	☑	
Lighting measured at the property line adjacent to right-of-way	1.0 FC	1.5 FC	1.0 FC	1.0 FC
Lighting measured at the property line adjacent to residential uses	0.1 FC	0.5 FC	0.1 FC	0.1 FC
Lighting measured at the property line adjacent to the same or more intense zoning districts	1.5 FC	2.0 FC	2.0 FC	2.0 FC

Marijuana – Retail Store. An entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and sell marijuana and marijuana products to consumers.

Medical Care. A commercial service use providing medical, dental, or physical health or wellness care to the public. This use type is further categorized by the following formats:

Medical Care – Limited (< 5K). A medical care use offering routine outpatient services, that occupies less than 5,000 square feet of diagnostic or treatment area, includes no surgical or in-patient facilities, and operates in normal business hours. Examples include a small doctor or dentist office, eye-care center, or urgent care center that is accessory to a larger retail or pharmacy use.

Medical Care – General (5K – 15K). A medical care use offering routine outpatient services, that occupies between 5,000 and 15,000 square feet for diagnostic or treatment areas, includes no inpatient facilities, and operates in normal business hours. Examples include a larger doctor or dentist group practice, small clinic or analytical lab, or small outpatient urgent care or surgical center.

Medical Care – Large (> 15K). A medical care use offering a full range of services, that occupies more than 15,000 square feet for diagnostic or treatment areas, and may include emergency care, surgical services or other inpatient treatment. The use may include accessory retail, food service, pharmacy or wellness/fitness uses; and also includes accessory emergency heliport or helipad facilities as part of the permitted use. Examples include small hospital, remote surgical centers, large clinic or analytical labs, or larger hospitals or regional medical centers. Facilities that include multiple buildings or occupy lots or campuses of more than 5 acres are difficult to integrate into the surrounding block structure, are disruptive to connected development patterns, and require special siting and civic design considerations.

Natural Medicine Business. A Healing Center, Natural Medicine Cultivation Facility, Natural Medicine Products Manufacturer, or Natural Medicine Testing Facility licensed pursuant to the Natural Medicine Code, and as further defined in Colorado Revised Statutes, (C.R.S. §§ 44-50-101 et seq.), and set forth below:

Healing Center. A facility licensed by the State Licensing Authority pursuant to article 50 of title 44, C.R.S. that permits a Facilitator to provide and supervise Natural Medicine Services for a Participant.

Cultivation Facility. A location where Regulated Natural Medicine is grown, harvested, and prepared in order to be transferred and distributed to either a Healing Center, Facilitator, a Natural Medicine Products Manufacturer, or to another Natural Medicine Cultivation Facility.

Product Manufacturer. A person who manufactures Regulated Natural Medicine Products for transfer to a Healing Center, Facilitator, or to another Natural Medicine Products Manufacturer.

Testing Facility. A public or private laboratory licensed, or approved by the Division, to perform testing and research on Regulated Natural Medicine and Regulated Natural Medicine Product.

Office. A commercial use focused on employment and engaged in the administrative, technical, or management aspects of business or professional services that typically do not have frequent or unscheduled on premise interaction with the public or clients. Office uses are further refined by the scale and format of buildings based on the following:

Office – Small (< 30K). An office use less than 30,000 square feet of commercial area, within a small building or occupying a portion of a mixed-use building.

Office – General (30K – 60K). An office use between 30,001 and 60,000 square feet of