



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

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

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

Call to Order

Pledge of Allegiance

Roll Call

Proclamation

- a. 2025 Small Business Week Proclamation
- b. 2025 Economic Development Week Proclamation

Persons to Address Council - This portion of the Agenda is provided to allow members of the audience to present comments to the City Council. The City Council may not respond to your comments this evening, rather they may take your comments and suggestions under advisement or your question may be directed to the appropriate staff member for follow-up. Please limit the time of your comments to three (3) minutes - Mayor Hubbard

Approval of Agenda

Review of Accounts Payables

- a. May 6, 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. April 15, 2025 City Council Meeting Minutes
- b. Second Reading of Ordinance 2025-1185 Approving an Emergency Ordinance Authorizing Two Loan Agreements with the Colorado Water Resources and Power Development Authority (CWRPDA), for up to \$20,000,000 for the Installation of an Elevated Water Storage Tank, New Pump Station and Associated Pipelines
- c. AM 2025-058 Approving the Annual Maintenance Renewal of Tyler Technologies Incode Finance and Court Software for an Amount Not to Exceed \$54,255.93, Allocated from the IT Software Agreements Account
- d. AM 2025-062 Adoption of a Resolution in Support of the Community Heart & Soul Model for Community Outreach and Engagement to Support the Comprehensive Plan Update, and to Support a Grant Application
- e. AM 2025-064 Approving a Resolution Appointing Ginny White as a Regular Member of the Historic Preservation Board for a Three-year Term to Expire May 6, 2028
- f. AM 2025-063 Award of Contract to JR Engineering for an Amount Not to Exceed \$28,860.00 for Engineering Services for the Transportation Plan Update Project from the General Fund

Public Hearings - Public Hearings allow members of the audience to present comments and questions to the City Council on the item being presented. Comments and questions may be limited to three (3) minutes- Mayor Hubbard

- a. AM 2025-065 Approving a Resolution for an Application for a Special Use Permit for a Concrete and Excavation Service Company to Store Their Equipment On-site, Known as the Alpine Custom Concrete Special Use Permit.
- b. AM 2025-066 Approving a Resolution Accepting an Amendment to the Future Land Use Map of the Fort Lupton Comprehensive Plan Adopted in 2018, Known as the 1.21 Comprehensive Plan Amendment
- c. AM 2025-067 Adopting an Ordinance Accepting an Annexation Known as the 1.21 Annexation Nos. 1-7 and Approving the Annexation Agreement
- d. AM 2025-068 Adopting an Ordinance to Initially Zone Land Legally Described in Exhibit A of the Proposed Ordinance, and Known as the 1.21 Initial Zoning, to the 'I-1' Light Industrial Zone District

Action Memorandum

- a. AM 2025-059 Accepting a Proposal from Longview Heating & Air to Replace 2 Commercial HVAC units on the Recreation Center for an Amount Not to Exceed \$101,500.00 to be Paid from the Recreation and Community Center Capital Projects Account
- b. AM 2025-060 Reject All Bids Received for the Waste Water Treatment Plant Slurry Wall Project
- c. AM 2025-061 Approving a Resolution to Establish a Targeted Restaurant & Entertainment Activation Policy & Program
- d. AM 2025-069 Approval of the Agreement for an Economic Incentive via a Rebate on Personal Property Tax to Charm Industrial, Inc.

Staff Reports

Mayor/Council Reports

Future City Events

- a. May 7, 2026 SBDC Business Advising Services, Fort Lupton Library, 370 S. Rollie Ave., 4:30 p.m. - 7:30 p.m.
- May 14, 2025 Start Up Strong, Fort Lupton Library, 370 S. Rollie Ave, 3:30 p.m. - 7:30 p.m.
- May 26, 2025 Memorial Day Service, City Hall, 130 S. McKinley Ave., 8 a.m. - 10 a.m.
- June 14, 2025 Summer Sizzle 5K, Fort Lupton Recreation Center, 203 S. Harrison Ave. 8:00 a.m.

Upcoming Meetings

- a. May 13, 2025 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
- May 20, 2025 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
- May 27, 2025 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
- June 3, 2025 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.

Adjourn

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
May 06, 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, May 6, 2025. Mayor Zo Hubbard called the meeting to order at 6:06 p.m. and invited everyone to join her in the Pledge of Allegiance.

ROLL CALL

Kaela Dunston, Deputy City Clerk, called the roll. Those present were Mayor Zo Hubbard, Councilmembers, David Crespín, Claud Hanes, Michael Sanchez and Valerie Blackston. Councilmember Chris Ceretto appeared remotely and left the meeting early at 7:00 p.m. Councilmember Bruce Fitzgerald was absent.

Also present were City Administrator, Chris Cross, Deputy City Clerk, Kaela Dunston, City Attorney, Andy Ausmus, Finance Director, Leann Perino, and Planning Director, Todd Hodges.

PROCLAMATION

Mayor Hubbard proclaimed May 4-10, 2025, as Small Business Week in the City of Fort Lupton.

Mayor Hubbard proclaimed May 12-16, 2025, as Economic Development Week in the City of Fort Lupton.

PERSONS TO ADDRESS COUNCIL

There was no one to address the Mayor or Council.

APPROVAL OF AGENDA

Staff requested to remove item d. AM 2025-062 Adopting a Resolution in Support of the Community Heart & Soul Model for Community Outreach and Engagement from the Consent Agenda. It was moved by Claud Hanes and seconded by Valerie Blackston to approve the agenda as amended. Motion passed unanimously on voice vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the May 6, 2025, payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

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

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- April 15, 2025 City Council Meeting Minutes
- Second Reading of Ordinance 2025-1185 Approving an Emergency Ordinance Authorizing Two Loan Agreements with the Colorado Water Resources and Power Development Authority (CWRPDA), for up to \$20,000,000 for the Installation of an Elevated Water Storage Tank, New Pump Station and Associated Pipelines
- Approving the Annual Maintenance Renewal of Tyler Technologies Incode Finance and Court Software for an Amount Not to Exceed \$54,255.93, Allocated from the IT Software Agreements Account (AM 2025-058)
- Approving Resolution 2025R027 APPOINTING GINNY WHITE AS A REGULAR MEMBER OF THE HISTORIC PRESERVATION BOARD FOR A THREE-YEAR TERM TO EXPIRE MAY 6, 2028 (AM 2025-064)
- Award of Contract to JR Engineering for an Amount Not to Exceed \$28,860.00 for Engineering Services for the Transportation Plan Update Project from the General Fund (AM 2025-063)

Motion passed unanimously on roll call vote.

PUBLIC HEARINGS

AM 2025-065 Approving a Resolution for an Application for a Special Use Permit for a Concrete and Excavation Service Company to Store Their Equipment On-site, Known as the Alpine Custom Concrete Special Use Permit.

Mayor Hubbard opened the public hearing at 6:11 p.m.

City Attorney, Andy Ausmus, read the connected meetings advisement and the applicant, Mary Freske, understood and consented to continue the hearing.

Zachary Mettler, City Planner, provided an overview of the special use permit request. He explained the location of the site which is located at 9155 County Road 22 on Parcel No. 131110300003 (Lot C of Recorded Exemption No. RECX18-0072) of the Hagler Annexation. The site is approximately 4.379 acres more or less and is approximately 570 feet east of County Road 22. He also explained that the comprehensive plan designates this site as agricultural and rural residential uses and that the proposed uses on the site fit within the comprehensive plan designation.

The planning department is working with the applicant on fencing and access to and from the site. Proposed business operations for this site is to house equipment for the applicant's business along with a few agricultural projects and storage buildings being built.

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Mr. Mettler stated all required notifications were completed and no public comment was received.

The applicant, Mary Freske, provided a presentation to Council explaining their business, why they chose Fort Lupton as their desired location, the buildings they are proposing to build, and the privacy fence they will be installing along the property.

Mayor Hubbard asked if anyone wanted to speak for or against the proposal.

Vicki Hutchinson, community member, attending the meeting remotely addressed the Council with concerns about the special use permit. She stated the property is zoned agricultural; however, the special use permit application states the applicants purchased the property to store equipment. She stated the purpose does not fall within the agricultural guidelines and that this will bring additional traffic. She has concerns about the operation hours and the condition of the road.

Mr. Trujillo, community member, attending remotely also addressed Council with concerns about the special use permit. He stated they are requesting to have a detention pond in which he assumes is to wash off their equipment, and a septic system. He voiced concerns about the properties near by that run on well water and he wants to make sure that is being considered because the septic system can cause contamination to the wells. He is also concerned about the amount of traffic and contamination from the traffic and equipment.

Mr. Mettler addressed the public's concerns. He stated the property was previously under special use permit and the agricultural zone district does allow for lighter impact industrial type uses such as storage of equipment. He stated the traffic study covers the route and the frequency. There are also noise standards in place and staff does routine visits to the cities annexed sites to maintain them.

Planning Director, Todd Hodges, stated the septic system would be maintained by Weld County.

Public Works Director, Roy Vestal addressed the concern about the detention pond. He stated it is for rain water detention not for wash off detention. It was part of the drainage report requirement.

Hearing no more questions from Council or the public, Mayor Hubbard closed the public hearing at 6:31 p.m.

It was moved by David Crespín and seconded by Claude Hanes to Approve Resolution 2025R028 for an Application for a Special Use Permit for a Concrete and Excavation Service Company to Store Their Equipment On-site, Known as the Alpine Custom Concrete Special Use Permit. Motion passed unanimously on roll call vote.

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AM 2025-066 Approving a Resolution Accepting an Amendment to the Future Land Use Map of the Fort Lupton Comprehensive Plan Adopted in 2018, Known as the 1.21 Comprehensive Plan Amendment

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

City Attorney, Andy Ausmus, read the connected meetings advisement and the representative for 1.21 LLC and Rancho de Los Tiempos Buenos Partnership, LLC, Matt Hengel with Westside Property Investment Company, Inc. understood and consented to continue the hearing.

Zachary Mettler, City Planner, presented the following three public hearings for 1.21 LLC regarding the Amendment to the future land use map, annexation, and initial zoning to I-1 as a whole. He indicated the location of the four parcels (147122200006, 147122200002, 1471222000028, and 1471222000027) run generally south along County Road 8, between County Road 31 to County Road 33, comprising 290.55 acres, more or less.

The future land use designation for the property was set as Agricultural and Rural Residential in 2018. The applicant is concurrently applying for an Annexation and an initial zoning to "I-1" Light Industrial. Staff has determined that an amendment to the 2018 Future Land Use Map is required for this property to align the submitted applications with the Comprehensive Plan and align the Future Land Use Map with the proposed zoning. Thus, the applicant has submitted a Comprehensive Plan Amendment request to change the future land use designation of the property to "Light Industrial and Office".

Mr. Mettler stated there are 7 annexation numbers. The request for annexation is for land totaling 290.55 acres more or less, known as the 1.21 Annexation Nos. 1-7. The parcels are generally located immediately south along County Road 8, between County Road 31 and County Road 33 (Parcel Nos. 147122200006, 147122200002, 1471222000028, 1471222000027).

The proposed use of the property is for light industrial uses, including but not limited to warehousing, data centers, and manufacturing uses. The current concept plan is strictly associated with the Annexation and does not create a site-specific vesting for the concept, and will require an eventual formal land use application to review any platting or Site Development Plan.

Mr. Mettler stated all required notifications were completed and no public comment was received.

Matt Hengel, representative for the applicants, 1.21 LLC and Rancho de Los Tiempos Buenos Partnership, LLC, provided a presentation to Council. He explained who Westside Property Investment Company, Inc is and informed Council of other projects they have completed. He provided an overview of the property and stated that there are two wells on site. One well is

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currently plugged and abandoned and the other is currently in the process of being plugged and abandoned. He stated they are asking to annex into the City and amend the zoning I-1. They will be performing indoor activity such as warehousing inside, manufacturing inside, data center, not big cement plants or oil and gas activity. It will have minimal impact to the surrounding properties. He believes the change in zoning will attract major employers and support economic development and residential growth in the City.

Mr. Hengel presented a potential site plan to council with 12 buildings where a data center or warehouse can come in and start business. Access would be off of County Road 8 and 33 to the East. He explained why they want to develop in Fort Lupton and the potential benefits the City will gain if they approve this project.

Mayor Hubbard asked if anyone wanted to speak for or against the proposal.

Susan Stam, representing her parents who live on County Road 8, voiced concerns to Council. She is concerned that this is a concept plan and what the developers are saying today may change. Her family wants their property to remain agricultural. She is also concerned about taking a rural road and adding 500 parking spots, she stated it will have an impact on the community. She questioned if property was going to be taken from her parents if the road needed to be developed. She questioned if her parent's irrigation water would be affected. She mentioned that a dairy farm leases the Stam's property and they want to make sure that the property remains agricultural.

Robert Stam, resident of County Road 8, stated County Road 8 was a mess and the people on that road paid to have the road paved. He believes the people who paid for the road to be paved should be reimbursed the \$500.00 they put towards the road paving.

Mayor Hubbard sympathized with the Stam's concerns and stated that she likes agriculture and dairy and they will protect that as much as possible. She also mentioned that she has looked at the other properties that Westside Property Investment Company, Inc has developed which has given her some confidence.

Mr. Mettler stated it will be a very robust process for this project.

Hearing no more questions from Council or the public, Mayor Hubbard closed the public hearing at 6:56 p.m.

It was moved by David Crespin and seconded by Valerie Blackston to Approve Resolution 2025R029 Accepting an Amendment to the Future Land Use Map of the Fort Lupton Comprehensive Plan Adopted in 2018, Known as the 1.21 Comprehensive Plan Amendment. Motion passed unanimously on roll call vote.

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AM 2025-067 Adopting an Ordinance Accepting an Annexation Known as the 1.21 Annexation Nos. 1-7 and Approving the Annexation Agreement

Mayor Hubbard opened the public hearing at 6:57 p.m.

This hearing was presented at the same time as AM 2025-066.

Mayor Hubbard closed the public hearing at 6:59 p.m.

It was moved by Valerie Blackston and seconded by Claud Hanes to adopt Ordinance 2025-1186 Accepting an Annexation Known as the 1.21 Annexation Nos. 1-7 and Approving the Annexation Agreement. Motion passed unanimously on roll call vote.

AM 2025-068 Adopting an Ordinance to Initially Zone Land Legally Described in Exhibit A of the Proposed Ordinance, and Known as the 1.21 Initial Zoning, to the 'I-1' Light Industrial Zone District

Mayor Hubbard opened the public hearing at 6:59 p.m.

This hearing was presented at the same time as AM 2025-066.

Mayor Hubbard closed the public hearing at 6:59 p.m.

It was moved by Valerie Blackston and seconded by David Crespin to adopt Ordinance 2025-1187 to Initially Zone Land Legally Described in Exhibit A of the Proposed Ordinance, and Known as the 1.21 Initial Zoning, to the 'I-1' Light Industrial Zone District. Motion passed unanimously on roll call vote.

ACTION MEMORANDUM

AM 2025-059 Accepting a Proposal from Longview Heating & Air to Replace Commercial HVAC units on the Recreation Center for an Amount Not to Exceed \$101,500.00 to be Paid from the Recreation and Community Center Capital Projects Account

The Recreation Department has obtained seven (7) bids to replace the Recreation Center Roof Top Unit-2 (RTU-2) and Community Center RTU-1. Recreation Center RTU-2 provides heating and cooling to the Recreation Center Gymnasium. Community Center RTU-1 provides heating and cooling to the Community Center Multipurpose Room, Lobby and Kitchen. The HVAC Units for a number of years has required a considerable number of repairs. Our internal maintenance department as well as our outside HVAC service company that works on our units indicated that it appears the units are working on borrowed time; both HVAC units are original (Recreation Center

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RTU-2 is 21 years old and Community Center RTU-1 is 24 years old). The recreation center would like to replace both units with Carrier rooftop HVAC units (25-ton cooling and 400K BTU heating). Replacing both at the same time will save on mobilization and crane costs as well as minimal operation disruptions.

The warranty for the units are: 10 years parts only heat exchanger, 5 years parts only compressor, 3 year SystemVu™ controller, 1 year parts only on all other parts. 1 year labor warranty from Longview Heating & Air.

It was moved by Valerie Blackston and seconded by Michael Sanchez to accept a Proposal from Longview Heating & Air to Replace Commercial HVAC units on the Recreation Center for an Amount Not to Exceed \$101,500.00 to be Paid from the Recreation and Community Center Capital Projects Account. Motion passed unanimously on roll call vote.

AM 2025-060 Reject All Bids Received for the Waste Water Treatment Plant Slurry Wall Project

Bid documents were advertised from March 25, 2025 with bid opening on April 28, 2025 for the Waste Water Treatment Plant Slurry Wall Project. Three bids were received with Geo Solutions providing the lowest bid of, \$2,639,249.00.

All received bids are significantly over budget. The pay item for Work Platform appears to be the outlier of expected proposals.

The Engineer is evaluating the bid documents to determine where the contractors perceive risk in the project. Schedule for rebid would be in May.

Anticipated project start is this July with completion in 90 Calendar Days (weather providing) and Burnco mining operations beginning this summer.

It was moved by Michael Sanchez and seconded by Valerie Blackston to Reject All Bids Received for the Waste Water Treatment Plant Slurry Wall Project. Motion passed unanimously on roll call vote.

AM 2025-061 Approving a Resolution to Establish a Targeted Restaurant & Entertainment Activation Policy & Program

This proposed Targeted Restaurant & Entertainment Activation Policy & Program was developed to support the attraction of new dining and entertainment retail establishments to a specific area

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of the City. New businesses support the strategic plan goal of economic sustainability by generating new jobs and tax revenues.

This program is in addition to the City's existing incentive programs and provides another tool to help meet City goals. The personal property tax rebate program for primary employers, established by Resolution 2020R031, and the Economic Incentive Policy, established by Resolution 2023R007, will both remain in effect. This program is separate from, and does not preclude an applicant from applying for these other City incentive programs or the Fort Lupton Urban Renewal Authority (FLURA) Building Renovation Grant Program. Existing businesses may request assistance through the Economic Incentive Policy.

As a targeted program, eligibility is limited to specific new types of businesses that locate in the target program area and otherwise meet the eligibility requirements outlined in the program attached to the resolution.

It was moved by Michael Sanchez and seconded by Valerie Blackston to approved Approving a Resolution 2025R030vto Establish a Targeted Restaurant & Entertainment Activation Policy & Program. Motion passed unanimously on roll call vote.

AM 2025-069 Approval of the Agreement for an Economic Incentive via a Rebate on Personal Property Tax to Charm Industrial, Inc.

In 2020, the City Council acted via AM 2020-061 and adopted resolution 2020R031 establishing an economic incentive via rebate on business personal property tax for new and expanding business facilities. That program was adopted in compliance with CRS 31-15-903 to support the Weld County incentive program that provides incentives to new or expanding primary employers making a minimum equipment investment of \$1,000,000. The program provides for a rebate of not more than 50% of unencumbered personal property tax paid for a term not to exceed ten (10) years.

Charm Industrial is planning to expand operations in the City of Fort Lupton. The attached Project Information Form reflects the total estimated project investment (Phase 1 & 2) at \$10M; of which \$2M will be the new equipment investment for Phase 1. Charm Industrial currently employs 71 FTE, and Phase 1 of the expansion will create 20 new jobs in the City of Fort Lupton. In 3-5 years (Phase 2), the company plans on adding another 50 FTE, along with an additional investment in equipment. The company's current facility average wage is \$48.08/hour or \$100,000/year, which is 152% of the 2025 Weld County average wage of \$65,767. The company estimates that 51% of their total employment (including new hires) will reside in Weld County, which is based on the current residency of their workforce.

The requested incentives are for the company's Phase 1 investment. The 10-year total estimated

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personal property tax (PPT) is \$53,590, as identified in the attached Personal Property Tax Refund Incentive Worksheet. The company will be required to submit a request for tax reimbursements annually.

It was moved by David Crespin and seconded by Valerie Blackston to Approve the Agreement for an Economic Incentive via a Rebate on Personal Property Tax to Charm Industrial, Inc. Motion passed unanimously on roll call vote.

STAFF REPORTS

Economic Development Manager, Michelle Magelssen, stated the Small Business Development Center will be hosting a class called Start-up Strong to help new entrepreneurs.

City Administrator, Chris Cross stated the event that was hosted for the Koshio Park design days was very well attended with over 300 people. He stated the comprehensive plan group also attended and answered questions that community members had. It was a really good way to get community input.

MAYOR/COUNCIL REPORTS

There were no reports from the Mayor or Council.

FUTURE CITY EVENTS

May 7, 2026 SBDC Business Advising Services, Fort Lupton Library, 370 S. Rollie Ave., 4:30 p.m. - 7:30 p.m.

May 14, 2025 Start Up Strong, Fort Lupton Library, 370 S. Rollie Ave, 3:30 p.m. -7:30 p.m.

May 26, 2025 Memorial Day Service, Hillside Cemetery, 13750 Weld County Road 12

June 14, 2025 Summer Sizzle 5K, Fort Lupton Recreation Center, 203 S. Harrison, Ave. 8:00

UPCOMING MEETINGS

May 13, 2025 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.

May 20, 2025 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.

May 27, 2025 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.

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ADJOURNMENT

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The meeting adjourned at 7:27 p.m.

Submitted by,

Maricela Peña
Maricela Peña, City Clerk



Approved by City Council,

Zo Hubbard
Zo Hubbard, Mayor