



City of Fort Lupton

REGULAR MEETING AGENDA

Tuesday, January 19, 2021

7:00 PM

130 South McKinley Avenue

Zo Stieber, Mayor

Shannon Rhoda, Ward 1

Chris Ceretto, Ward 2

Mike Sanchez, Ward 3

David Crespin, Ward 1

Tommy Holton, Ward 2

Bruce Fitzgerald, Ward 3

You May Join in Person or Join Remotely by Registering at:
<https://attendee.gotowebinar.com/register/8202213119026433036>

Pledge of Allegiance

Call to Order - 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 Stieber

Approval of Agenda

Review of Accounts Payables

a. 01192021 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. 01052021 City Council Meeting Minutes

b. AM 2021-013 Approve a Resolution Ratifying the Appointment of Perry Buck as a Member of the Fort Lupton Urban Renewal Authority, to Serve as the Weld County Representative, for a Five-Year Term Expiring January 19, 2026

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 Stieber

a. AM 2021-015 Approve a Resolution Accepting the Willow Bend (F/K/A/ Fulton Ranch) Subdivision Preliminary Plat and Preliminary PUD Plan

Action Memorandum

a. AM 2021-014 Approve a Resolution Accepting an Annexation Petition for the Hagler Annexation Nos. 1-5 Submitted by Mandi Hagler and Lee Hagler and to Set a Public Hearing for March 2, 2021

Staff Reports

Mayor/Council Reports

Future City Events

a. 01152021 Upcoming Events

Adjourn

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
January 19, 2021**

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 19, 2021. Due to the COVID-19 virus, the meeting was held with remote access provided through GoToWebinar. Mayor Zo Stieber called the meeting to order at 7:00 p.m. and invited everyone to join her in the Pledge of Allegiance.

ROLL CALL

Mari Peña, City Clerk, called the roll. Those present were Mayor Zo Stieber, Councilmembers Shannon Rhoda, Chris Ceretto Bruce Fitzgerald. David Crespín, Tommy Holton, and Michael Sanchez.

Also present were City Administrator, Chris Cross, City Clerk, Mari Pena, City Attorney, Andy Ausmus, Planning Director, Todd Hodges, and Chief John Fryar.

Assistant City Administrator, Glenda Aretxuloeta, Finance Director, Leann Perino, Public Works Director, Roy Vestal participated remotely through GoToWebinar.

PERSONS TO ADDRESS COUNCIL

There was no one to address the public.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the January 19, 2021 payables; there were no questions or comments from the Mayor or Council.

APPROVAL OF AGENDA

It was moved by Tommy Holton and seconded by Bruce Fitzgerald to approve the Agenda as presented. Motion passed unanimously on voice vote.

CONSENT AGENDA

It was moved by David Crespín and seconded by Michael Sanchez to approve the Consent Agenda as presented with the following items: 01052021 City Council Meeting Minutes and Approving Resolution 2021R009 A RESOLUTION APPROVING THE APPOINTMENT OF PERRY BUCK AS A MEMBER OF THE FORT LUPTON URBAN RENEWAL AUTHORITY, TO SERVE AS THE WELD COUNTY REPRESENTATIVE, FOR A FIVE-YEAR TERM EXPIRING JANUARY 19, 2029. Motion passed on voice vote with Chris Ceretto voting 'no' to the motion.

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PUBLIC HEARINGS

**AM 2021-015 Approve a Resolution Accepting the Willow Bend (F/K/A Fulton Ranch)
Subdivision Preliminary Plat and Preliminary PUD Plan**

Mayor Stieber opened the public hearing at 7:11 p.m. and asked for a brief description of the proposal.

The Planning Director, Todd Hodges, stated that the Planning Commission approved the project on November 12, 2020. The project went before Council on December 1, 2020, where the motion failed. On December 15, 2021 the City Council voted in favor of a reconsideration to January 19, 2021. The hearing was re-noticed for tonight's meeting and all notification requirements have been met. Any other conditions or revisions would be based on Council concerns. The site that is the subject of the Preliminary Plat and PUD Plan is located east and adjacent to County Road 29 (also known as Northrup Avenue), and south and adjacent to 14th Street right of way. The Preliminary Plat and PUD Plan is for a residential subdivision that will include one parcel of land with 449 lease spaces for single-family manufactured homes on approximately 127.52 acres, more or less. The proposed development will include an amenity center, pocket parks, and interconnecting trails. The planned density for the subdivision is four dwelling units per acre.

John McLaren, President of Sun Inc. Communities provided the presentation. Mr. McLaren's presentation included Sun Communities' core success attributes, community operations, and community results. Also presented were updated manufactured housing architecture showing multiple roof pitches, various elevations of homes, progressive and efficient interior designs with a virtual tour of one of the models. At least 10 different exterior elevations will be offered.

Included was the following supplemental information that was requested:

- Manufacture Homes Value Appreciations - Sun's portfolio provided sales information with year over year changes in the average sales prices and Zillow home value index changes. The same information was provided for Eagle Crest in Firestone, Colorado.
- Manufacture Housing Foundation Systems - The permanent foundations are designed and certified by a licensed structural engineer. Manufactured Home foundations as per the State Manufactured Homes and Factory Built Housing Installation Handbook.
- Tornado Shelter - Tornado Risk Map Shelters not required by State of Colorado under International Building Code. Fort Lupton isn't in a Tornado Risk area. All homes meet standard of the state, local and federal requirements.
- Manufactured Homes Real Estate Taxes - MH Real estate taxes community (land and improvements) are owned by Sun the homes are owned by residents and residents pay the taxes on the home not the land.
- Metro District – Cottonwood Greens Metro District placed by the current property owner but Sun is committed to not using the metro district.
- Rules and Regulations – high standards with respect of community and appearance with inspections every 6 weeks.
- Sales and Rent Process – all prospective residents complete the same qualification process, completed at Sun's Community, criminal background check, and lease agreements. residency qualification process

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Mr. McLaren stated that the average residency is 14 years with the stay of homes at 50 years, if homes move out, they would be replaced according to standards by HUD and the State of Colorado.

Bill Anderson, with Atwell LLC, stated that the project would be situated on 127 acres, with 449 home sites, 3.5 units per acre. This includes a 3-acre amenity center, with 5.5 acres of pocket parks, trail system and trail connections, and 43.8 acres and open space. The project would be built out on 4 phases with the 1st phase in the middle of the west end and the last phase located north of 14th street. The city's zoning allows for 4-6 units per acre, and this project is 3.5 units per acre. Mr. Anderson added that additional parking for home sites is now 3 parking spaces and for guests the following: Tract D 10 spaces, Tract I 12 spaces, Tract K 51 spaces, Tract P 14 spaces, Tract S 10 spaces for a total of 97 spaces. If additional parking is needed in the future the site can accommodate. Each manufactured home comes with sidewalk, 3 parking spaces and a tree.

Mr. Anderson stated that the changes since the sketch plat include: less units, added storm water detentions ponds, 14th Street re-aligned to avoid the KP Kaufman Facility, an emergency access point added, centralized 14th street access driveway, expanded regional trail system north of 14th Street, bridge connections across the Fulton Ditch, and a relocated maintenance facility.

Mr. McLaren was asked where the location of the mail facility would be placed. Mr. McLaren indicated that there was the possibility of the mail facility being located at the entry way, but was unsure.

John McLaren requested approval of the Preliminary Plat and PUD. He indicated that all sketch plat comments have been addressed and has been working with staff. The project is compliant with all city standards, policy and regulations. Staff has recommended approval and no additional comments were received from the Planning Commission. He stated that all evidence supports the approval. Lastly, he thanked the Council.

Tommy Holton asked what the sales tax rate would be and inquired over subleases. Mr. McLaren stated that he was unsure but that homes are titled similar to vehicles. He also stated that subleases typically don't happen, however 2020 has proven to be different and Sun Communities is looking at options on a case by case basis.

Mike Sanchez was concerned about empty lots, and who would be held responsible for filling the empty space if trailers moved out. Mr. McLaren stated Sun Communities would be responsible.

Chris Ceretto asked who would pay the property taxes. Mr. McLaren stated Sun Communities would be responsible.

David Crespín asked about the eviction process. Mr. McLaren stated that the process followed is state mandated for collection. This last year, Sun Communities has implemented a hardship program due to COVID.

Bruce Fitzgerald asked about the finance options noting that a regular real estate option wasn't

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available. Mr. McLaren stated that homes are usually purchased cash, financed through a local bank or credit union. Sun Communities is in a partnership with a company where Sun is an investor for financing. The typical down payment is 10% with a 15 to 20-year term. The rate is not the same as a home.

Mayor Stieber inquired about the width of the streets. Mr. McLaren stated that the street width was 26 feet.

Mayor Stieber added that everyone in the County owns a high concentration of crew cab duallies. She asked what the regulations are for any resident wanting to have additional guests for parties. Mr. McLaren stated that there is no parking in the street, there is a wide curb and gutter section however all homes have extra space, and guest parking will be located throughout the community. Guests may have to walk a block, but parking will be available, and there is the opportunity to add additional parking if needed. Mayor Stieber asked if mobile home or trailer would be allowed in the park. Mr. McLaren indicated that a camper would be allowed for a period of time.

Tommy Holton asked who would be responsible for streets. Mr. McLaren replied that Sun Communities would own the streets.

Mayor Stieber stated that she is concerned about the snow load but would leave that to the building code. She also stated concerns over the colors of houses, elevations and color scheme.

Mayor Stieber asked about trash collection and if fences were allowed for pets. Mr. McLaren stated that trash would be by curbside pickup and that fences aren't allowed on the properties due to aesthetics however there is a dog park available for pets.

Tommy Holton stated that since the last meeting no conditions of approval have been added, he asked if Sun Communities only dealt with the concerns, however concerns aren't legal and the conditions of approval are. Mr. Holton wondered why they didn't do that. The conditions of approval would be on the recorded plat. He added that concerns were raised about tornados and stuff but where are the conditions of approval that are going to be on the plat?

The Planning Director, Todd Hodges stated that Council could add conditions of approval to ensure that those things are completed. According to his notes, Council's concerns are: the minimum selections of homes and the abandonment of the metro district.

Discussion occurred over the addition of the conditions of approval on the final plat and the timing of the Subdivision Improvements Agreement. The Planning Director stated that the final plat and the Subdivision Improvements Agreement would still be coming before Council for final approval. The Public Works Director, Roy Vestal added that the Subdivision Improvements Agreement would address access on Road 14 and any improvements.

Mayor Stieber asked if anyone from the public wished to speak for or against the proposal.

Robin Hatchway who resides in Firestone, recommended living at Sun Communities. She moved from a bigger City. She was impressed with the immaculate properties and beautiful landscaping

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and loves living in the community.

There being no further comments from the public, Mayor Stieber closed the public hearing at 7:57 p.m.

Discussion occurred over the timing of additional conditions of approval. The City Attorney, Andy Ausmus, stated that some of the concerns that were raised may not be conditions of approval. The abandonment of the metro district is a condition of approval.

Shannon Rhoda added that she originally voted no because the clubhouse/pool amenity is in direct competition with the recreation center. Although she loves the concept, she feels it may take away from the recreation center. The City's population base is not high enough to be able to do both. She also believes that the owners should be able to purchase the land.

Discussion occurred over the timing of the subdivision improvements agreement. The Public Works Director, Roy Vestal, stated that the subdivision improvements agreement can be brought before or as the same time as the final plat provided that an agreement has been reached.

Tommy Holton stated that he just wants the Council to approve or not approve the agreement.

Mayor Stieber asked the Council if they were ready to make a motion with the addition of the elevations and the discontinuance of the metro district.

Legal Counsel for Sun Communities, Cameron Grant, stated that the metro district is controlled by the owner. At this time, Sun Communities can't do a thing until the property is purchased. Once the property is purchased, the metro district can be terminated. Yes, it can be a condition of approval contingent upon confirming the dissolution of the metro district.

Mayor Stieber asked that not all homes be the same color.

The City Attorney, Andy Ausmus stated that some items aren't conditions of approval and some are.

Mayor Stieber asked if all 10 floor elevations were to be painted the same color. Mr. McLaren responded that not all would be the same color.

The City Attorney indicated Council's concerns to be: parking, roof pitch, foundation, and dissolution of the metro district. The property taxes are what they are. There were conditions listed imposed by the Planning Commission. There were policy questions regarding tax implications as well.

Mayor Stieber stated concerns over the small pools. She suggested maybe find a place where they would not conflict, if they were small only for children, that can be discussed.

The Planning Director stated that the staff and the Planning Commission didn't feel it was a conflict but these amenities in a development are for the people within the development. It doesn't

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state that it's going to compete with the recreation center but it's a difference of opinion. The Council can add conditions of approval or can add conditions at the final plat.

Mayor Stieber added that homeowners can have pools, they just aren't that large, maybe the pool can be limited to a splash pool.

Tommy Holton stated that this application should go before town hall before voting on final plat due to its project size. The City Council should have enough time to review it before it goes to a Council meeting.

The Planning Director stated that he would work with the attorney to see what is appropriate for this matter. The final plat is a meeting and not a public hearing. Due to it being a public meeting, it may not be an issue but he will consult with the attorney.

Tommy Holton stated he wants the application to come before town hall. The Planning Director stated that the improvements agreement could be brought before a town hall meeting, prior to the City Council meeting. The Public Works Director stated that there were no problems with bringing the agreement, since its typically done that way.

Tommy Holton stated that he didn't like the way this hearing was handled. A month ago the Council went through this and it got voted down. Then the attorney's got involved and here we are again. Mr. Holton didn't appreciate how this was handled before the Council.

The Planning Director asked if there were specific conditions for tonight or should staff just work with them.

Mayor Stieber indicated that she wanted a real understanding that the presentation tonight is not a condition but its strongly indicated that conditions are expected before they get to the final plat.

Tommy Holton stated that staff can take the record from tonight to develop conditions of approval as appropriate with the Planning Department, the Attorney, and the Public Works Director for the Subdivision Improvements Agreement.

It was moved by Chris Ceretto to approve Resolution 2020R010 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE WILLOW BEND (F/K/A FULTON RANCH) SUBDIVISION PRELIMINARY PLAT AND PRELIMINARY PUD PLAN TO CREATE A SINGLE LOT RESIDENTIAL SUBDIVISION LOCATED EAST AND ADJACENT TO COUNTY ROAD 29, AND SOUTH AND ADJACENT TO 14TH STREET contingent upon the applicant addressing concerns herein tonight whether through staff review or conditions. The motion was seconded by Bruce Fitzgerald. The motion passed with Shannon Rhoda voting 'no' to the motion.

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ACTION AGENDA

AM 2021-014 Approve a Resolution Accepting an Annexation Petition for the Hagler Annexation Nos. 1-5 Submitted by Mandi Hagler and Lee Hagler and to Set a Public Hearing Date for March 2, 2021

The applicants, Mandi Hagler and Lee Hagler have submitted an annexation petition to initiate annexation proceedings for two parcels of land. The parcels are located north and adjacent to County Road 22 and approximately 0.20 miles east from County Road 19. The annexation is considered a flagpole annexation and includes County Road 19 right of way beginning 0.50 miles north of County Road 14 and continuing north to County Road 24, and includes County Road 22 right of way beginning at County Road 19 and continuing east to the parcels being annexed. This proposed annexation, known as the Hagler Annexation Nos. 1 – 5, consists of a total of 44.837 acres, more or less. The resolution is to accept the annexation petition and initiate the review process and sets the public hearing to March 2, 2021. Approval of the resolution simply means that there is an interest in considering the annexation.

It was moved by Tommy Holton and seconded by David Crespin to approve Resolution 2021R011 A RESOLUTION INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE HAGLER ANNEXATION NOS. 1-5 AND SETTING THE PUBLIC HEARING FOR MARCH 2, 2021. Motion passed unanimously on roll call vote.

STAFF

The City Clerk, Mari Peña stated that tonight's meeting was live streamed on the City's website and the picture looks great.

The Finance Director, Leann Perino, stated that the Finance Department was working on year end financials and the auditors will be in next week.

MAYOR/COUNCIL REPORTS

There were no reports from the Mayor Council.

FUTURE CITY EVENTS

January 18, 2021	City Offices Closed in Observance of Martin Luther King Day
January 19, 2021	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
January 26, 2021	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
February 2, 2021	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.

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February 9, 2021 Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.

ADJOURNMENT

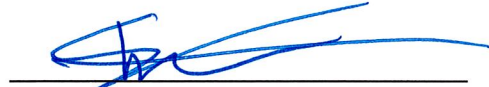
Mayor Stieber adjourned the meeting at 8:01 p.m.

Respectfully Submitted,



Maricela Peña, City Clerk

Approved by City Council



Zo Stieber, Mayor

