

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
March 16, 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, March 16, 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 Chris Ceretto, Tommy Holton and Bruce Fitzgerald. Councilmembers Shannon Rhoda, David Crespin, and Michael Sanchez participated remotely through GoToWebinar.

Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, City Attorney, Andy Ausmus, Public Works Director, Roy Vestal, and Planning Director, Todd Hodges.

Chief John Fryar and City Planner Maria Lancto participated remotely through GoToWebinar.

Mayor Stieber read the general advisement for connected meetings.

PERSONS TO ADDRESS COUNCIL

There was no one to address the Council.

APPROVAL OF AGENDA

It was moved by Tommy Holton and seconded by Chris Ceretto to approve the Agenda as presented. Motion passed on roll call vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the March 16, 2021 payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

It was moved by Tommy Holton and seconded by Bruce Fitzgerald to approve the Consent Agenda as presented with the following items: 03022021 City Council Meeting Minutes, the Second Reading Ordinance 2021-1106 AN ORDINANCE ACCEPTING THE NNN LUPTON SE LLC PUBLIC RIGHT OF WAY DEDICATION FOR 14TH STREET, Second Reading Ordinance 2021-1107 AN ORDINANCE ANNEXING LAND LEAGALLY DESCRIBED IN EXHIBIT "A" KNOWN AS BEEN ANNEXATION NOS. 1-4 AND APPROVING THE ANNEXATION AGREEMENT, Second Reading Ordinance 2021-1108 AN ORDINANCE INITALLY ZONING LAND KNOWN AS THE BEEN INITIAL ZONING LEGALLY DESCRIBED IN EXHIBIT A, TO THE 'A' AGRICULTURAL ZONE DISTRICT, Replace and Upgrade SCADA Computers at the Water Treatment Plant for \$30,631.00 (AM 2021-041), Approving

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Resolution 2021R020 APPOINTING AMY ADKINS TO THE HISTORIC PRESERVATION BOARD FOR A TERM TO EXPIRE JANUARY 21, 2023 (AM 2021-042), Award Contract for Annual Traffic Signal Maintenance to Lumin8 Transportation Technologies for Not to Exceed \$3,480.00 from Public Works Street Sales Tax Fund (AM 2021-044), Award Contract for Integrated Mosquito Management Services to Vector Disease Control International, LLC for Not to Exceed \$17,806.25 from the Public Works Shop General Fund (AM 2021-045), Authorizing the City Administrator to Sign Fireworks Agreement for Fireworks Display From J & M Displays for an Amount Not to Exceed \$16,500.00 (AM 2021-051). Motion passed unanimously on roll call vote.

PUBLIC HEARINGS

The Alquist Annexation and Zoning hearings were set to be heard first however, due to Melody Alquist and Robert Alquist not being present for the public hearing, the City Attorney, Andy Ausmus, stated that the Lupton Village Preliminary Plat may be heard first to provide time for the Mr. and Mrs. Alquist to attend.

AM 2021-049 Approve a Resolution Accepting the Lupton Village Townhomes Preliminary Plat.

Mayor Stieber read the following advisement to Zach Cesar: You understand that members of the City Council may be appearing tonight via a virtual connection and may not be appearing in person? You consent to the applicable member voting on your submittal even though said member is not present in person? You understand that the Applicant has a right to continue this public hearing to such a date to allow a full in person public hearing? You have agreed to voluntarily waive that right on behalf of the Applicant by proceeding tonight electronically, is that correct? On behalf of the Applicant, you have voluntarily signed and submitted the written waiver and consent to proceed electronically tonight, correct? Therefore, on behalf of the Applicant, you waive Applicant's right to proceed in an in person public hearing and have consented to proceed forward voluntarily tonight in this virtual City Council meeting, is that correct? Mr. Cesar responded 'yes' to all questions.

Mayor Stieber opened the public hearing at 7:12 p.m.

The City Planner, Maria Lancto, stated, the applicant, Townhome Developers, LLC, has applied for approval of a Preliminary Plat, known as the Lupton Village Townhomes Preliminary Plat. The site that is the subject of the Preliminary Plat is located approximately 0.08 miles east of South Rollie Avenue and approximately 0.25 miles north of County Road 12 (the Property). The proposed Preliminary Plat is for a single-family attached residential subdivision that will include 73 townhomes. The subdivision is 5.41 acres, more or less. The property is currently zoned PUD, with details of the PUD on the PUD Plan that was approved by City Council on January 5, 2021.

Mr. Cesar provided a presentation on the project. This project is a Replat of Lot 2 Block 8 of the Lupton Village PUD. The proposed plat consists of 73 townhomes lots with three (3), four (4), and five (5) plex buildings. The property is within the metro district in the Lupton Village PUD. The sub-association will be controlled by the metro district or HOA for maintenance of the overall

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community, which will include snow removal. The project will consist of a park with a small playground and picnic tables. There will be sixty-eight (68) additional parking units and every unit will have a two (2) car garage. Residential lighting plan. 2 street lights in the park. Sidelights on building for address. Mr. Cesar provided a description of the residential lighting plan and stated that the landscaping will also be handled by the HOA through a private entity.

Mayor Stieber asked if anyone from the public would like to speak for or against the proposal; hearing none, Mayor Stieber closed the public hearing at 7:22 p.m.

It was moved by Bruce Fitzgerald and seconded by Tommy Holton to approve Resolution 2021R021 A RESOLUTION ACCEPTING THE LUPTON VILLAGE TOWNHOMES PRELIMINARY PLAT. Motion passed with Shannon Rhoda voting 'no' to the motion.

AM 2021-047 Adopt an Annexation, Known as the Alquist Annexation, to Annex Land Legally Described in Exhibit A to the Proposed Ordinance, and Approving the Annexation Agreement

Mr. and Mrs. Alquist were not present at the hearing; the City Attorney, Andy Ausmus, determined that the Council could continue with the annexation. The Statute doesn't indicate the applicant need be present and the applicant has also signed a waiver

Mayor Stieber opened the public hearing at 7:23 p.m.

The Planning Directed stated that the property received a sewer tap and water tap in the past and was not annexed into the city. In order to receive water from the City, the property must be within the Northern Colorado Water District. Staff worked with both Mr. and Mrs. Alquist and no issues have come up.

The City Planner, Maria Lancto, stated that Melody A. Alquist and Robert J. Alquist have submitted a request for annexation of land totaling 0.43 acres, more or less, known as the Alquist Annexation. The Property is south and adjacent to 14th Street and approximately 0.63 miles west from County Road 29 in Weld County, Colorado. The proposed initial zoning is to the 'A' Agricultural Zone District, which is being presented to City Council for approval under a separate Action Memorandum and Ordinance following the hearing on this Annexation. The property is currently being served by City water and sewer utilities. Typically, city services are not provided until after annexation. The purpose for this annexation is to correct this situation. All notification requirements have been met including posting on the property and mailings to surrounding property owners. All conditions of approval are the standard minor red lines from staff and acknowledgement of comments from United Power.

Mayor Stieber asked if anyone from the public wished to speak for or against the proposal. Hearing none, Mayor Stieber closed the public hearing at 7:27 p.m.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to adopt Ordinance 2021-1109 an Ordinance KNOWN AS THE ALQUIST ANNEXATION, TO ANNEX LAND LEGALLY DESCRIBED IN EXHIBIT A TO THE PROPOSED ORDINANCE AND APPROVING THE

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ANNEXATION AGREEMENT. Motion passed unanimously on roll call vote.

AM 2021-048 Adopt an Ordinance to Initially Zone Land Legally Described as Exhibit A of the Proposed Ordinance, and Known as the Alquist Initial Zoning, to the 'A' Agricultural Zone District

Mayor Stieber opened the public hearing at 7:28 p.m.

The City Planner, Maria Lancto, stated that Melody A. Alquist and Robert J. Alquist have submitted a request for initial zoning of certain land identified in Exhibit A of the Ordinance to the 'A' Agricultural Zone District. The Property that is the subject of the initial zoning is located south and adjacent to 14th Street and approximately 0.63 miles west from County Road 29 in Weld County, Colorado. City Council has previously reviewed and considered an Ordinance to approve the annexation known as the Alquist Annexation at a hearing on March 16, 2021. This request is to initially zone the property included within that Annexation. All notification requirements have been met including posting on the property and mailings to surrounding property owners.

Mayor Stieber asked if anyone from the public wished to speak for or against the proposal. Hearing none, Mayor Stieber closed the public hearing at 7:29 p.m.

It was moved by Tommy Holton and seconded by Chris Ceretto to adopt Ordinance 2021-1110 ASOPTING AN ORDINANCE TO INITIALLY ZONE LAND LEGALLY DESCRIBED IN EXHIBIT A TO THE A AGRICULTURAL ZONE DISTRICT. Motion passed unanimously on roll call vote.

ACTION AGENDA

AM 2021-050 Approve a Resolution Accepting the Final Plat of the Lupton Village PUD Second Filing (AKA Lupton Village Townhomes Final Plat)

The applicant, Townhomes Developer, LLC, has applied for approval of a Final Plat, known as the Lupton Village PUD Second Filing, also known as the Lupton Village Townhomes Final Plat, for the City Council's consideration. The proposed Final Plat is for a single-family attached residential subdivision to include 73 townhomes. The Property that is the subject of the Final Plat is located approximately 0.08 miles east of South Rollie Avenue and approximately 0.25 miles north of County Road 21 (the Property). Public meeting no notification requirements but it was out for referral comments.

It was moved by Bruce Fitzgerald and seconded by Chris Ceretto to approve Resolution 2021R022 a RESOLUTION ACCEPTING THE FINAL PLAT OF THE LUPTON VILLAGE PUD SECOND FILING (AKA LUPTON VILLAGE TOWNHOMES FINAL PLAT). Motion passed with Shannon Rhoda voting 'no' to the motion.

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AM 2021-046 Approve the Purchase of 430 Cat Backhoe for Public Works Streets From Wagner Equipment Co., for Not to Exceed \$145,524.80 from the General Fund Public Works Streets General Fund

The backhoe is needed by Public Works for maintaining the City's water and sewer lines, clean-up days loading material handling. The current backhoe is a 2007 CAT 420E with over 3,000 operating hours. The machine has been having maintenance issues for the last year and is becoming difficult to keep operational. This machine is currently out of service due to linkage issues in the arm and will require over \$8,000 in parts to repair. The projected CIP budget had slated for this machine to be replaced in 2022.

Staff monitored the recent Richie Brothers auction. There were 3 backhoes that staff had looked as possible acquisitions. All the good backhoes went fast during auction and quickly exceeded \$85,000. Wagner does have a low hour used machines currently available for \$136,443.53 (2019 with 229 hours).

The selected machine includes a tamper plate, extendible arm for deeper digging, multi-purpose front bucket and hydraulic thumb. The multi-purpose bucket will save operating time by eliminating the need to use the front end loader during clean up days, when loading brush and provides additional flexibility and capabilities for our crew.

New CAT 140 Backhoe with compactor, multi-purpose bucket and thumb for \$145,524.80.

Wagner is a SourceWell provider with preferred government pricing.

It was moved by Tommy Holton and seconded by Chris Ceretto to approve purchase of 430 Cat Backhoe for Public Works Streets from Wagner Equipment Co., for not to Exceed \$145,524.80 from the General Fund Public Works Streets. Motion passed unanimously on roll call vote.

AM 2021-043 Approve Change Order Number 1 to Civil Resources, LLC for Not to Exceed \$6,815.00 for WWTP Lagoons Mining Engineering Services Project from Utility Fund

Council approved the engineering services agreement with Civil Resources LLC with AM 2020-009 on January 7, 2020. BurnCo is opening a mining pit on the Inouye farm site to the west of the WWTP. They are interested in mining the lagoon area as well at the same time. The City will receive payment for the aggregate mined and receive a water storage reservoir at the end of mining operations. The operations will include constructing a slurry wall around the perimeter of the lagoons area.

Civil Resources is the consultant working with BurnCo to permit and mine the Inouye Pit. Civil Resources' scope includes extension of the DRMS Permit to include the WWTP site and design of the slurry wall. This Change Order is to cover the cost of a land survey plat of the Pearson Park / Waste Water Treatment Plant (WWTP) area in support of the Special Use Permit and rezoning of the WWTP site. Anticipated mining start is early 2022.

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Todd this mining is special use permit and will come back before Council.

It was moved by Bruce Fitzgerald and seconded by Michael Sanchez to approve Change Order Number 1 to Civic Resources, LLC for not to Exceed \$6,815.00 for WWTP Lagoons Mining Engineering Services Project from the Utility Fund. Motion passed unanimously on roll call vote.

STAFF

The Public Works Director stated that snow removal has started in the residential neighborhoods. Staff has been working nonstop.

The City Administrator thanks the public works staff for their work on snow removal.

MAYOR/COUNCIL REPORTS

Bruce Fitzgerald indicated that he has volunteering for the County for 25 years. Appointed in 1996 pc and boa. Now on the AAA board.

FUTURE CITY EVENTS

March 18, 2021	Public Meeting – WWTP Upgrades Discussion, Fort Lupton Recreation Center, 203 S. Harrison Ave. 6:30 p.m.
March 30, 2021	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
Month of April	Citywide Clean Up Days - Voucher Program
April 6, 2021	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
April 11-17, 2021	Hillside Cemetery Clean Up, 13750 County Road 12
April 22, 2021	Shredding Day, City Hall, 130 S. McKinley Ave., 8 a.m. – 10 a.m.
April 22, 2021	Clean Up Day for Seniors
April 20, 2021	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
April 27, 2021	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.

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ADJOURNMENT

Mayor Stieber adjourned the meeting at 7:55 p.m.

Respectfully Submitted,


Maricela Peña, City Clerk

Approved by City Council



Zo Stieber, Mayor

