



City of Fort Lupton

REGULAR MEETING AGENDA

Tuesday, May 18, 2021

7:00 PM

130 South McKinley Avenue

Zo Stieber, Mayor

Shannon Rhoda, Ward 1

Chris Ceretto, Ward 2

Mike Sanchez, Ward 3

David Crespín, 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>

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 Stieber

Approval of Agenda

Review of Accounts Payables

a. May 18, 2021 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. May 4, 2021 City Council Meeting Minutes

b. AM 2021-070 Approve Agreement for Use of Fulton Ditch Augmentation Station With the City of Fort Lupton Utility Enterprise Fund and Town of Lochbuie

c. AM 2021-071 Adopt an Ordinance to Accept Public Right of Way From Hunsul Development, LLC For 42.5 Feet of the Western Half of County Road 29

d. AM 2021-072 Award Contract to Envirotech Services for \$60,898.32 for Dust Control From Public Works Street Sales Tax Fund

e. AM 2021-073 Approve a Resolution Ratifying the Reappointment of Thomas Meyers by the Mayor For a Three Year Term to the Planning Commission as a Regular Member Beginning May 22, 2021 and Ending May 22, 2024

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 2021-075 Approve a Resolution Accepting the Brandywine Farms Minor Subdivision to Create Three Separate Lots
- b. AM 2021-074 Adopt an Ordinance to Rezone Land Legally Described in Exhibit A of the Proposed Ordinance, and Known as the Brandywine Farms Change of Zone, to the C-2 Heavy Commercial Zone District.
- c. AM 2021-076 Adopt an Ordinance to Amend Sections 16-40, 16-42 and 16-45, Article II of Chapter 16

Action Memorandum

- a. AM 2021-079 Adopting an Ordinance Enacting a New Article XII of Chapter 6 of the Fort Lupton Municipal Code Regarding Regulations and Licensing of Medical Marijuana Establishments
- b. AM 2021-077 Adopting an Ordinance Enacting A New Article XIII of Chapter 6 of the Fort Lupton Municipal Code Regarding Regulations and Licensing of Retail Marijuana Stores
- c. AM 2021-078 Adopting an Ordinance Imposing A Sales Tax for Each Sales Transaction by Any Marijuana Store on the Sales of Any Retail Marijuana and Retail Marijuana Products Within the City
- d. AM 2021-069 Approval of a Resolution Approving the Subdivision Improvements Agreement for the Final Plat of the Lupton Village PUD Second Filing (AKA Lupton Village Townhomes Final Plat)
- e. AM 2021-080 Consideration of an Ordinance Rescinding the Local Historic Designation of the Seymour and Birdie Rhode House Located at 149 Denver Avenue
- f. AM 2021-081 Award Contract to Colorado Paving Inc. for not to Exceed \$2,172,394.50 for College Avenue and 9th Street Repaving Project From Street Sales Tax Fund

Staff Reports

- a. Police Department Monthly Report April 2021

Mayor/Council Reports

Future City Events

- a. May 18, 2021 Upcoming Events

Adjourn



City of Fort Lupton

Check Report

By Check Number

Date Range: 05/05/2021 - 05/18/2021

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
Bank Code: Golf Course-Golf Course						
000241	CITY OF FT LUPTON-UTIL INVOICE	05/11/2021	Regular	0.00	9,455.16	84358
110249001 APR..	Invoice	05/01/2021	Water/Sewer Bill-Golf	0.00	216.99	
110252001 APR..	Invoice	05/01/2021	Water/Sewer Bill-Golf	0.00	9,100.33	
110252101 APR..	Invoice	05/01/2021	Water/Sewer Bill-Golf	0.00	91.25	
770214501 APR..	Invoice	05/01/2021	Water/Sewer Bill-Golf	0.00	46.59	
000735	LL JOHNSON DISTRIBUTING	05/11/2021	Regular	0.00	82.76	84359
20121-99	Invoice	05/01/2021	GOLF-SERVICE CHARGE-PRO SHOP	0.00	28.05	
30121-99	Invoice	05/01/2021	GOLF-SERVICE CHARGE-PRO SHOP	0.00	26.66	
40121-99	Invoice	05/01/2021	GOLF-SERVICIE CHARGE-PRO SHOP	0.00	28.05	
001137	UNITED POWER	05/11/2021	Regular	0.00	3,348.75	84360
1194602APR21	Invoice	05/05/2021	United Power	0.00	611.21	
1195001APR21	Invoice	05/05/2021	United Power	0.00	2,492.74	
1195701APR21	Invoice	05/05/2021	United Power	0.00	199.87	
19595600APR21	Invoice	05/05/2021	United Power	0.00	24.33	
6601202APR21	Invoice	05/05/2021	United Power	0.00	20.60	
001225	YAMAHA MOTOR CORP	05/11/2021	Regular	0.00	10,798.08	84361
738721	Invoice	05/01/2021	GOLF-MONTHLY CART LEASE-PRO S...	0.00	10,798.08	
001301	AAA AUTO PARTS INC	05/18/2021	Regular	0.00	286.94	84362
111433	Invoice	05/01/2021	GOLF-BATTERY-MAINT	0.00	113.24	
111841	Invoice	05/01/2021	GOLF-HEXBIT-MAINT	0.00	6.54	
112064	Invoice	05/01/2021	GOLF-GRSEGUN/HEXBIT/BATTERY-...	0.00	167.16	
000024	ACE HARDWARE OF FORT LUPTON	05/18/2021	Regular	0.00	162.04	84363
88362	Invoice	05/01/2021	GOLF-SCREWDRIVERS/CLEANER/U...	0.00	51.15	
88406	Invoice	05/01/2021	GOLF-FASTENERS-MAINT	0.00	1.47	
88414	Invoice	05/01/2021	GOLF-SPRAYPAINT-MAINT	0.00	20.00	
88439	Invoice	05/01/2021	GOLF-STRING BEAD WIRE-MAINT	0.00	37.98	
88452	Invoice	05/01/2021	GOLF-FASTENERS-MAINT	0.00	3.00	
88472	Invoice	05/01/2021	GOLF-GLOVES/SPRAY PAINT-MAINT	0.00	25.96	
88558	Invoice	05/01/2021	GOLF-BALL SMOOTH-MAINT	0.00	12.99	
88625	Invoice	05/03/2021	GOLF-NUTS/TUBING-MAINT	0.00	9.49	
002254	ADIDAS AMERICA INC	05/18/2021	Regular	0.00	5,130.77	84364
6153290727	Invoice	05/01/2021	GOLF-SHOES-PRO SHOP	0.00	335.78	
6153307336	Invoice	05/01/2021	GOLF-SHORTS/SHIRTS-PRO SHOP	0.00	2,917.45	
6153349608	Invoice	05/01/2021	GOLF-SHIRTS-PRO SHOP	0.00	1,877.54	
000044	AGFINITY INC	05/18/2021	Regular	0.00	1,201.20	84365
I56061	Invoice	05/01/2021	GOLF-FUEL-PRO SHOP	0.00	915.39	
I56062	Invoice	05/01/2021	GOLF-FUEL-PRO SHOP	0.00	19.52	
I56063	Invoice	05/01/2021	GOLF-FUEL-PRO SHOP	0.00	266.29	
000183	CALLAWAY GOLF SALES COMPANY	05/18/2021	Regular	0.00	641.94	84366
933035873	Invoice	05/01/2021	GOLF-CLUB BAG-PRO SHOP	0.00	177.74	
933035878	Invoice	05/01/2021	GOLF-CLUB BAG-PRO SHOP	0.00	179.24	
933049759	Invoice	05/01/2021	GOLF-CLUB BAG-PRO SHOP	0.00	142.48	
933057274	Invoice	05/01/2021	GOLF-CLUB BAG-PRO SHOP	0.00	142.48	
000239	CITY OF FORT LUPTON	05/18/2021	Regular	0.00	491.83	84367
FIN2021132	Invoice	05/01/2021	GOLF-STANDARD INV 007597610001	0.00	172.06	
FIN2021135	Invoice	05/01/2021	GOLF-COMCAST INV120894355-PRO ...	0.00	319.77	

Check Report

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Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
002723	EAGLE ROCK COMPANY OF COLO	05/18/2021	Regular	0.00	434.06	84368
7837301	Invoice	05/01/2021	GOLF-ALCOHOLIC BEVERAGES-PR...	0.00	172.00	
7847769	Invoice	05/01/2021	GOLF-ALCOHOLIC BEVERAGES-PRO...	0.00	115.46	
7855363	Invoice	05/06/2021	GOLF-ALCOHOLIC BEVERAGES-PRO...	0.00	146.60	
001755	FERTECH INDUSTRIES LLC	05/18/2021	Regular	0.00	808.50	84369
4232021A	Invoice	05/01/2021	GOLF-FERTILIZER APPLICATION-MAI...	0.00	808.50	
000487	FORT LUPTON PACK & SHIP	05/18/2021	Regular	0.00	18.70	84370
56906	Invoice	05/01/2021	GOLF-FEDEX GROUND-PRO SHOP	0.00	18.70	
000567	HIGH COUNTRY BEVERAGE CORP	05/18/2021	Regular	0.00	718.85	84371
W-5961090	Invoice	05/03/2021	GOLF-ALCOHOLIC BEVERAGES-PRO...	0.00	656.85	
W-5961904	Invoice	05/03/2021	GOLF-ALCOHOLIC BEVERAGES-PRO...	0.00	62.00	
000648	JF MANUFACTURING INC	05/18/2021	Regular	0.00	60.00	84372
49123	Invoice	05/01/2021	GOLF-LOGO REDRAW-MAINT	0.00	60.00	
000735	LL JOHNSON DISTRIBUTING	05/18/2021	Regular	0.00	610.77	84373
1134195-00	Invoice	05/01/2021	GOLF-FERTILIZER-MAINT	0.00	610.77	
001724	NEXBELTS, LLC	05/18/2021	Regular	0.00	660.50	84374
220055	Invoice	05/01/2021	GOLF-BELTS-PRO SHOP	0.00	660.50	
000944	REPUBLIC NATIONAL DISTRIBUTING CO L	05/18/2021	Regular	0.00	155.85	84375
6100765	Invoice	05/01/2021	GOLF-ALCOHOLIC BEVERAGES-PRO...	0.00	80.95	
6100766	Invoice	05/01/2021	GOLF-BEVERAGES-PRO SHOP	0.00	74.90	
000999	SHAMROCK FOODS COMPANY	05/18/2021	Regular	0.00	1,654.06	84376
22665882	Invoice	05/01/2021	GOLF-FOOD/BEVERAGES-PRO SHOP	0.00	947.77	
22665883	Invoice	05/01/2021	GOLF-FOOD/BEVERAGES/SUPPLIES-...	0.00	706.29	
001026	SPECIALTY CIGARS INTERNATIONAL INC	05/18/2021	Regular	0.00	502.55	84377
2129863	Invoice	05/01/2021	GOLF-CIGARS-PRO SHOP	0.00	502.55	
001052	SWIRE COCA-COLA, USA	05/18/2021	Regular	0.00	127.61	84378
13923211558	Invoice	05/04/2021	GOLF-BEVERAGES-PRO SHOP	0.00	127.61	
001530	TARGET SPECIALTY PRODUCTS	05/18/2021	Regular	0.00	4,777.50	84379
INVP500435242	Invoice	05/01/2021	GOLF-FERTILIZER-MAINT	0.00	3,430.00	
INVP500438977	Invoice	05/01/2021	GOLF-FERTILIZER-MAINT	0.00	1,347.50	
001895	TERMINIX	05/18/2021	Regular	0.00	143.00	84380
407104401	Invoice	05/01/2021	GOLF-PEST CONTROL SERVICE-PRO..	0.00	143.00	

Bank Code Golf Course Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	55	23	0.00	42,271.42
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	55	23	0.00	42,271.42

Check Report

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Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
Bank Code: Pooled Cash-Pooled Cash						
001301	AAA AUTO PARTS INC	05/11/2021	Regular	0.00	6.03	69500
108516	Invoice	05/01/2021	GF-COUPINGS-STREETS	0.00	1.50	
108927	Invoice	05/01/2021	GF-OEM TERMINALS-STREETS	0.00	4.53	
002757	ACE INDUSTRIAL SUPPLY INC	05/11/2021	Regular	0.00	299.00	69501
1959856	Invoice	05/01/2021	GF-DRILL BIT SET,SAMPLES-STREETS	0.00	299.00	
000037	ADVANCED URGENT CARE AND OCC MEI	05/11/2021	Regular	0.00	110.00	69502
68880	Invoice	05/04/2021	GF-PREEMPLOYMENT MICHEL-HR	0.00	55.00	
68881	Invoice	05/04/2021	GF-PRE EMPLOYMENT MICHEL,B-HR	0.00	55.00	
001293	AMAZON.COM	05/11/2021	Regular	0.00	1,913.97	69503
1T4L-W71C-PF...	Invoice	05/05/2021	Equipment < 5K	0.00	1,913.97	
000108	AUSMUS LAW FIRM PC	05/11/2021	Regular	0.00	1,800.00	69504
7132	Invoice	05/01/2021	GF-APR21 PROSECUTION SERVICES...	0.00	1,800.00	
002729	AVITUS TECHNOLOGY SERVICES	05/11/2021	Regular	0.00	9,360.00	69505
26209	Invoice	05/01/2021	ProofPoint 1yr Maintenance Support-SP...	0.00	9,360.00	
001820	BADGER METER	05/11/2021	Regular	0.00	2,536.20	69506
1429723	Invoice	05/01/2021	SSTX-ELLIPTICAL 1 1/2" E SERIES (5)...	0.00	2,387.40	
80071084	Invoice	05/01/2021	SSTX-BEACON MOBILE HOSTING SE...	0.00	148.80	
000241	CITY OF FT LUPTON-UTIL INVOICE	05/11/2021	Regular	0.00	5,358.40	69507
110035001 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	34.65	
110221001 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	34.65	
110222001 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	34.65	
110251001 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	54.65	
330025001 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	34.65	
330031001 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	34.65	
330045001 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	176.18	
330092001 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	34.65	
330166001 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	96.94	
330920000 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	34.65	
550055501 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	165.98	
550057001 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	502.33	
550057701 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	1,768.23	
660092001 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	34.65	
770109501 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	34.65	
770116501 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	34.65	
770229001 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	34.65	
770229501 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	703.59	
770229601 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	34.83	
770231101 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	34.65	
990004001 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	34.65	
990004101 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	91.25	
990005001 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	245.01	
990006001 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	34.65	
990007001 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	34.65	
990008001 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	34.65	
990132001 APR...	Invoice	05/01/2021	Water/Sewer Bill-City	0.00	965.01	
001526	CLEAR WATER SOLUTIONS INC	05/11/2021	Regular	0.00	10,600.00	69508
6328	Invoice	05/04/2021	UF-AWI Act Risk & Resilience Assessm...	0.00	10,600.00	
000247	CLIFTONLARSONALLEN LLP	05/11/2021	Regular	0.00	26,250.00	69509
2841855	Invoice	05/01/2021	GF-2020 AUDIT-FINANCE	0.00	26,250.00	
000253	CO DEPT OF PUBLIC HEALTH AND ENVIR	05/11/2021	Regular	0.00	534.34	69510
WB211108952	Invoice	05/01/2021	SF-2020 ANNUAL BIOSOLIDS FEE-WTP	0.00	534.34	

Check Report

Date Range: 05/05/2021 - 05/18/2021

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
000268	COLORADO ANALYTICAL LAB	05/11/2021	Regular	0.00	46.00	69511
210413008	Invoice	05/01/2021	UF-TOTOAL COLIFORM TEST-W LINES	0.00	46.00	
002266	COLORADO PAVING INC	05/11/2021	Regular	0.00	230,759.02	69512
2021-01	Invoice	05/03/2021	SST-Kahil Reconstruction-Streets	0.00	230,759.02	
000307	COMCAST CABLE COMM, LLC	05/11/2021	Regular	0.00	821.96	69513
606460116038 ...	Invoice	05/01/2021	REC-APR21 PHONE SERV	0.00	219.62	
606460124495 ...	Invoice	05/01/2021	REC-APR21 MUSIC/CABLE	0.00	140.65	
606460147405 ...	Invoice	05/01/2021	CPR-PHONE/INTERNET SERVICES-M...	0.00	187.00	
606460159244 ...	Invoice	05/01/2021	GF-APR21 FAX/INTOXILIZER-PD	0.00	100.05	
6460163725 AP...	Invoice	05/01/2021	Comcast Acct 8497 60 646 0163725	0.00	174.64	
001517	CORE&MAIN LP	05/11/2021	Regular	0.00	10,594.44	69514
N726912	Invoice	05/01/2021	UF-RISERS, COPPER TUBE-W LINES	0.00	2,258.00	
O015061	Invoice	05/01/2021	UF-COPPER TUBE, WASHERS,GASK...	0.00	1,724.00	
O021218	Invoice	05/01/2021	UF-GLANDS,PIPE,PARTS-W LINES	0.00	1,617.07	
O062429	Invoice	05/01/2021	UF-VARIOUS PARTS FOR METERS-W...	0.00	4,995.37	
000388	DIGETEK, LLC	05/11/2021	Regular	0.00	6,000.00	69515
7506	Invoice	05/06/2021	Support Hours	0.00	6,000.00	
002715	ENTERPRISE FM TRUST	05/11/2021	Regular	0.00	21,319.31	69516
FBN4200901	Invoice	05/05/2021	GF-LEASE PAYMENTS 23WL2V,23WK...	0.00	21,319.31	
000455	FASTENAL COMPANY 01COFTL	05/11/2021	Regular	0.00	40.57	69517
COFTL174913	Invoice	05/01/2021	GF-REPAIR PARTS-PW SHOP	0.00	40.57	
000472	FIVE STAR TIMING	05/11/2021	Regular	0.00	596.50	69518
20210501	Invoice	05/01/2021	CPR-TMING SERVICES FOR 5K-COM ...	0.00	596.50	
002181	FRP APPAREL	05/11/2021	Regular	0.00	1,140.25	69519
8078	Invoice	05/01/2021	CPR-SHIRTS 5K-COM CTR	0.00	1,140.25	
002674	HAYES POZNANOVIC KORVER, LLC	05/11/2021	Regular	0.00	713.00	69520
42551	Invoice	05/04/2021	WSTX-APR21 LEGAL-WTP	0.00	713.00	
000597	INSIGHT PUBLIC SECTOR INC	05/11/2021	Regular	0.00	2,702.29	69521
1100828920	Invoice	05/01/2021	AutoCad Renewal for PW	0.00	2,702.29	
002589	JACK'S TIRE & OIL	05/11/2021	Regular	0.00	220.00	69522
970793-81	Invoice	05/01/2021	OTR SERVICE CALL TIRE REPAIR	0.00	220.00	
000670	K & K LASER CREATIONS LLC	05/11/2021	Regular	0.00	27.95	69523
32176	Invoice	05/01/2021	GF-NAME PLATE, DESK HOLDER-CIT...	0.00	27.95	
002758	KAYLA HLADKY	05/11/2021	Regular	0.00	200.00	69524
42921	Invoice	05/01/2021	CPR-MUSEUM PROGRAMMING-MUS...	0.00	200.00	
000698	L.G. EVERIST, INC	05/11/2021	Regular	0.00	959.46	69525
537891	Invoice	05/01/2021	SQUEEGEE	0.00	460.16	
540350	Invoice	05/01/2021	SQUEEGE	0.00	499.30	
000745	LOUIS A GRESH	05/11/2021	Regular	0.00	1,500.00	69526
APR21	Invoice	05/01/2021	GF-TRIALS,ARRAIGNMENTS-COURT	0.00	1,500.00	
001926	MAMMOTH CREATIVE	05/11/2021	Regular	0.00	162.00	69527
12GR-9074	Invoice	05/01/2021	GF-VINYL CUTS-STREETS	0.00	30.00	
12GR-9126	Invoice	05/01/2021	GF-DIGITAL PRINTS-LEGIS	0.00	132.00	
002755	MAXINE BROOKS	05/11/2021	Regular	0.00	2,000.00	69528
134176 APR21	Invoice	05/01/2021	GF-RESTITUTION CASE#134176-COU...	0.00	2,000.00	
002243	NOCO MUNICIPAL CONSULTING LLC	05/11/2021	Regular	0.00	425.00	69529
17	Invoice	05/03/2021	GF-SHOOTING RANGE SERVICES-MI...	0.00	425.00	

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Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
000865	OFFICE DEPOT	05/11/2021	Regular	0.00	394.23	69530
166281393001	Invoice	05/01/2021	GF-MESH CHAIR, CHAIRMAT-FIN	0.00	394.23	
000862	O'REILLY AUTO PARTS	05/11/2021	Regular	0.00	531.16	69531
4489-271914	Invoice	05/01/2021	GF-WYUPALL X80-PW SHOP	0.00	159.96	
4489-282715	Invoice	05/01/2021	CEM-BATTERY, CORE CHARGE	0.00	40.81	
4489-286093	Invoice	05/01/2021	CEM-AIR, OIL,FUEL FILTERS	0.00	276.16	
4489-287321	Invoice	05/01/2021	CEM-MOTOR OIL, AIR FILTERS UNIT34	0.00	181.70	
68749	Credit Memo	05/01/2021	GF-UNAPPLIED PAYMENT PER O'REI...	0.00	-7.47	
RWT0730201	Credit Memo	05/01/2021	GF-CREDIT FOR TRAINING-PW SHOP	0.00	-120.00	
002265	QUADIENT FINANCE USA INC	05/11/2021	Regular	0.00	435.00	69532
APR21	Invoice	05/01/2021	MAR21 POSTAGE USE	0.00	435.00	
001006	SHI INTERNATIONAL CORP	05/11/2021	Regular	0.00	3,021.11	69533
B13409791	Invoice	05/01/2021	2 Switches - Aruba 2930 and Aruba 6100	0.00	2,131.87	
B13416342	Invoice	05/03/2021	2 Switches - Aruba 2930 and Aruba 6100	0.00	889.24	
001624	STATE OF COLORADO	05/11/2021	Regular	0.00	2,429.71	69534
21060-21	Invoice	05/01/2021	UF-APR21 BILL PRINTING/LATE NOTI...	0.00	2,429.71	
002659	TAIT & ASSOCIATES, INC.	05/11/2021	Regular	0.00	1,801.00	69535
139257	Invoice	05/01/2021	AM2020-193 Harrison Ave / 4th St Engin..	0.00	1,801.00	
001530	TARGET SPECIALTY PRODUCTS	05/11/2021	Regular	0.00	2,572.50	69536
INVP500435238	Invoice	05/01/2021	GF-CHEMICALS/FERTILIZER-PARKS	0.00	1,960.00	
INVP500438259	Invoice	05/01/2021	CEM-FERTILIZER	0.00	612.50	
001704	TIFFANY BALDIVIA	05/11/2021	Regular	0.00	74.13	69537
E0015529-1 MA..	Invoice	05/01/2021	GF-RESTITUTION PAYABLE 45965	0.00	74.13	
001343	TIME CLOCK PLUS	05/11/2021	Regular	0.00	148.00	69538
574817	Invoice	05/01/2021	GF-OVERAGES 3/24-4/23-HR	0.00	148.00	
001120	TRUDILIGENCE LLC	05/11/2021	Regular	0.00	157.08	69539
40611	Invoice	05/01/2021	GF-BACKGROUND & PREEMPLOYME...	0.00	157.08	
001126	TYLER TECHNOLOGIES	05/11/2021	Regular	0.00	35,920.34	69540
25-331051	Invoice	05/01/2021	Maintenance for Incode Court and Finan...	0.00	35,920.34	
001137	UNITED POWER	05/11/2021	Regular	0.00	33,020.64	69541
10553102APR21	Invoice	05/05/2021	United Power	0.00	22.37	
1195501APR21	Invoice	05/05/2021	United Power	0.00	1,891.08	
1195603APR21	Invoice	05/05/2021	United Power	0.00	117.33	
1196401APR21	Invoice	05/05/2021	United Power	0.00	33.82	
1207701APR21	Invoice	05/05/2021	United Power	0.00	21.05	
1223101APR21	Invoice	05/05/2021	United Power	0.00	20.00	
1240301APR21	Invoice	05/05/2021	United Power	0.00	263.83	
1241801APR21	Invoice	05/05/2021	United Power	0.00	392.26	
1241903APR21	Invoice	05/05/2021	United Power	0.00	153.51	
1276101APR21	Invoice	05/05/2021	United Power	0.00	385.60	
1279801APR21	Invoice	05/05/2021	United Power	0.00	24.72	
1295501APR21	Invoice	05/05/2021	United Power	0.00	58.10	
1296101APR21	Invoice	05/05/2021	United Power	0.00	70.22	
1299501APR21	Invoice	05/05/2021	United Power	0.00	112.00	
1302801APR21	Invoice	05/05/2021	United Power	0.00	1,455.76	
1302901APR21	Invoice	05/05/2021	United Power	0.00	146.50	
1316801APR21	Invoice	05/05/2021	United Power	0.00	112.32	
1322501APR21	Invoice	05/05/2021	United Power	0.00	5,978.79	
1360303APR21	Invoice	05/05/2021	United Power	0.00	29.06	
13842400APR21	Invoice	05/05/2021	United Power	0.00	46.61	
14427100APR21	Invoice	05/05/2021	United Power	0.00	208.97	
15232500APR21	Invoice	05/05/2021	United Power	0.00	21.86	

Check Report

Date Range: 05/05/2021 - 05/18/2021

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
17149700APR21	Invoice	05/05/2021	United Power	0.00	53.19	
17761600APR21	Invoice	05/05/2021	United Power	0.00	20.00	
17868800APR21	Invoice	05/05/2021	United Power	0.00	20.00	
18057500APR21	Invoice	05/05/2021	United Power	0.00	516.67	
18498400APR21	Invoice	05/05/2021	United Power	0.00	147.92	
18762100APR21	Invoice	05/05/2021	United Power	0.00	84.22	
19545100APR21	Invoice	05/05/2021	United Power	0.00	476.82	
20040100APR21	Invoice	05/05/2021	United Power	0.00	305.12	
21675200APR21	Invoice	05/05/2021	United Power	0.00	30.00	
21675300APR21	Invoice	05/05/2021	United Power	0.00	32.06	
3399301APR21	Invoice	05/05/2021	United Power	0.00	52.13	
6612303APR21	Invoice	05/05/2021	United Power	0.00	21.07	
6779701APR21	Invoice	05/05/2021	United Power	0.00	6,476.69	
704901APR21	Invoice	05/05/2021	United Power	0.00	7,684.23	
7225800APR21	Invoice	05/05/2021	United Power	0.00	21.01	
726705APR21	Invoice	05/05/2021	United Power	0.00	20.00	
7280200APR21	Invoice	05/05/2021	United Power	0.00	21.90	
733101APR21	Invoice	05/05/2021	United Power	0.00	251.40	
762901APR21	Invoice	05/05/2021	United Power	0.00	380.68	
803908APR21	Invoice	05/05/2021	United Power	0.00	4,311.39	
8976200APR21	Invoice	05/05/2021	United Power	0.00	528.38	
001156	VERIZON WIRELESS SVCS LLC	05/11/2021	Regular	0.00	4,375.23	69543
9878542347	Invoice	05/01/2021	Verizon Bill	0.00	4,375.23	
001174	WAGNER EQUIPMENT CO.	05/11/2021	Regular	0.00	1,123.75	69544
S09W0854984	Invoice	05/01/2021	GF-MODULATION VALVE REPAIR 9D9...	0.00	1,123.75	
001963	WASTE CONNECTIONS OF COLO, INC	05/11/2021	Regular	0.00	411.69	69545
31172871 MAY21	Invoice	05/01/2021	UF-APR21 TRASH SERVICES-ADMIN	0.00	251.98	
31174336 MAY21	Invoice	05/01/2021	GF-APR21 TRASH SERVICES-PW SH...	0.00	159.71	
001183	WAXIE SANITARY SUPPLY	05/11/2021	Regular	0.00	240.52	69546
79928521	Invoice	05/01/2021	GF-TOILET PAPER, PAPER TOWELS-...	0.00	240.52	
001189	WELD COUNTY ACCTG DEPART	05/11/2021	Regular	0.00	4,694.23	69547
21-Apr	Invoice	05/01/2021	Weld County Fuel Purchases	0.00	4,694.23	
002660	WHITESIDE'S BOOTS AND CLOTHING	05/11/2021	Regular	0.00	269.99	69548
374807	Invoice	05/01/2021	GF-SAFETY SHOES BERON-FAC	0.00	150.00	
374909	Invoice	05/01/2021	GF-SAFETY SHOES BROWN-FAC	0.00	119.99	
001212	WILLIAMS AND WEISS CONSULTING	05/11/2021	Regular	0.00	3,375.00	69549
1507	Invoice	05/04/2021	2021 WATER ENGINEERING	0.00	3,375.00	
000030	ADAMS COUNTY SHERIFF	05/18/2021	Regular	0.00	400.00	69550
365034	Invoice	05/01/2021	GF-12/20/21 RANGE-PD	0.00	400.00	
000031	ADAMSON POLICE PRODUCTS	05/18/2021	Regular	0.00	896.79	69551
INV351300	Invoice	05/01/2021	GF-UNIFORMS-PD	0.00	80.95	
INV351327	Invoice	05/01/2021	GF-UNIFORM BOOTS-PD	0.00	150.00	
INV351359	Invoice	05/01/2021	GF-UNIFORMS-PD	0.00	134.95	
INV351555	Invoice	05/01/2021	GF-NAMEPLATES-PD	0.00	25.90	
INV351558	Invoice	05/01/2021	GF-UNIFORM PARTS-COM SVCS	0.00	247.30	
INV351644	Invoice	05/01/2021	GF-SHIRTS/UNIFORM PARTS-COM S...	0.00	217.69	
INV352203	Invoice	05/01/2021	GF-SHIRT-PD	0.00	40.00	
001327	ALTA PEAK ROLLOFFS	05/18/2021	Regular	0.00	1,300.00	69552
236	Invoice	05/01/2021	GF-4-30 YARDS-LEGIS	0.00	1,300.00	
000200	CDHS, BIU, RECORDS & REPORTS	05/18/2021	Regular	0.00	70.00	69553
20210505	Invoice	05/05/2021	REC-BACKGROUND CHECK HARTSH...	0.00	35.00	
20210505B	Invoice	05/05/2021	REC-BACKGROUND CHECK MENDO...	0.00	35.00	

Check Report

Date Range: 05/05/2021 - 05/18/2021

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
000306	COMCAST BUSINESS	05/18/2021	Regular	0.00	2,247.08	69554
121781568	Invoice	05/01/2021	Comcast Acct 930000301	0.00	2,247.08	
001659	CONCRETE EXPRESS INC	05/18/2021	Regular	0.00	1,437.00	69555
20210506	Invoice	05/06/2021	UF-HYDRANT METER REFUND	0.00	1,437.00	
002719	DAVID RIVAS ZUPANSKYJ	05/18/2021	Regular	0.00	250.00	69556
20210507 E002..	Invoice	05/07/2021	GF-RESTITUTION	0.00	250.00	
000429	EMPIRE PORTABLE RESTROOMS	05/18/2021	Regular	0.00	1,143.75	69557
56780	Invoice	05/01/2021	GF-5K SERVICE, 4/27/21-5/24/21 SERV..	0.00	539.00	
56907	Invoice	05/01/2021	GF-4/27/21-5/24/21 SERVICE-PARKS	0.00	109.95	
56914	Invoice	05/01/2021	CPR-4/28/21-5/25/21 SERVICE-COM C...	0.00	494.80	
001755	FERTECH INDUSTRIES LLC	05/18/2021	Regular	0.00	231.00	69558
4232021B	Invoice	05/01/2021	GF-FERTILIZER APPLICATION-PARKS	0.00	231.00	
002655	FRONT RANGE LANDFILL INC	05/18/2021	Regular	0.00	5,110.00	69559
60703	Invoice	05/01/2021	GF-WASTE PICKUP-LEGIS	0.00	5,110.00	
000513	G & G EQUIPMENT	05/18/2021	Regular	0.00	375.40	69560
109509	Invoice	05/01/2021	GF-FILTER-PARKS	0.00	284.55	
110613	Invoice	05/11/2021	GF-OIL & FILTER-PARKS	0.00	22.65	
110614	Invoice	05/11/2021	GF-BATTERY-PARKS	0.00	68.20	
001719	GO PLAY INC	05/18/2021	Regular	0.00	7,501.25	69561
SRPFL3	Invoice	05/10/2021	playground equipment	0.00	7,501.25	
000546	GREEN MILL SPORTSMAN'S CLUB	05/18/2021	Regular	0.00	150.00	69562
104	Invoice	05/03/2021	GF-OFFICER TRAINING-PD	0.00	150.00	
002762	JESSICA WILEY	05/18/2021	Regular	0.00	65.00	69563
2006672.001	Invoice	05/06/2021	REC-BASEBALL REFUND	0.00	65.00	
000735	LL JOHNSON DISTRIBUTING	05/18/2021	Regular	0.00	143.50	69564
1134263-00	Credit Memo	05/01/2021	GF-VARIABLE ARC NOZZLE 12"-PARKS	0.00	-39.60	
1134386-00	Invoice	05/01/2021	GF-CONTROL PANEL-PARKS	0.00	125.01	
1134424-00	Invoice	05/01/2021	GF-ADAPTER/NOZZLE-PARKS	0.00	31.58	
1134605-00	Invoice	05/03/2021	GF-3/4" FEBCO UNION-PARKS	0.00	26.51	
000820	MUNICODE	05/18/2021	Regular	0.00	1,790.26	69565
355791	Invoice	05/01/2021	GF-SUPPLEMENT PAGES-CITY CL	0.00	1,790.26	
002764	MURRAY & STAFFORD INC	05/18/2021	Regular	0.00	1,550.00	69566
R00097593	Invoice	05/06/2021	UF-HYDRANT METER & WRENCH DE...	0.00	1,550.00	
000859	NORTHWEST PARKWAY LLC	05/18/2021	Regular	0.00	11.55	69567
11567275	Invoice	05/01/2021	GF-NW TOLL CHARGES-PD	0.00	11.55	
000865	OFFICE DEPOT	05/18/2021	Regular	0.00	199.85	69568
169615192001	Invoice	05/01/2021	GF-OFFICE SUPPLIES-FIN	0.00	182.56	
169709410001	Invoice	05/01/2021	GF-OFFICE SUPPLIES	0.00	17.29	
002493	QUADIENT LEASING USA INC	05/18/2021	Regular	0.00	433.59	69569
N8857355	Invoice	05/05/2021	GF-QTRLY LEASE PAYMENT-ADMIN	0.00	433.59	
000942	RENEWABLE FIBER INC	05/18/2021	Regular	0.00	142.25	69570
INV0772093	Invoice	05/01/2021	GF-AMENDED TOP SOIL-PARKS	0.00	142.25	
001008	SHRED-IT USA LLC	05/18/2021	Regular	0.00	530.00	69571
8181975045	Invoice	05/01/2021	GF-SHREDDING SERVICE-CITY CL	0.00	530.00	
001126	TYLER TECHNOLOGIES	05/18/2021	Regular	0.00	10,666.67	69572
130119776	Invoice	05/01/2021	Brazos Maint-Server Hosting	0.00	736.45	
130120217	Invoice	05/01/2021	Base RMS Maint (5/2021-4/2022)	0.00	9,930.22	

Check Report

Date Range: 05/05/2021 - 05/18/2021

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
001149	UTILITY NOTIFICATION CENTER	05/18/2021	Regular	0.00	418.44	69573
221040609	Invoice	05/01/2021	UF-APR21 LOCATES-W LINES	0.00	418.44	
001963	WASTE CONNECTIONS OF COLO, INC	05/18/2021	Regular	0.00	793.83	69574
1187327 APR20..	Invoice	05/01/2021	Waste Connections	0.00	110.15	
1187330 APR20..	Invoice	05/01/2021	Waste Connections	0.00	284.94	
31172871 APR2..	Invoice	05/01/2021	Waste Connections	0.00	251.98	
31174339 APR2..	Invoice	05/01/2021	Waste Connections	0.00	53.38	
31174340 APR2..	Invoice	05/01/2021	Waste Connections	0.00	93.38	
002765	SOUTH ADAMS COUNTY WATER & SANIT	05/18/2021	Regular	0.00	3,675.00	69575
20210512	Invoice	05/12/2021	UF-LEASE FULTON AUGMENT CAPAC..	0.00	3,675.00	
000119	BANK OF COLORADO	05/07/2021	Bank Draft	0.00	5,974.74	DFT0001639
INV0000970	Invoice	05/07/2021	HSA DISTRIBUTION	0.00	5,974.74	
000119	BANK OF COLORADO	05/07/2021	Bank Draft	0.00	802.72	DFT0001640
INV0000971	Invoice	05/07/2021	HSA DISTRIBUTION	0.00	802.72	
001416	VALIC_1	05/07/2021	Bank Draft	0.00	30,654.21	DFT0001641
INV0000972	Invoice	05/07/2021	VALIC - 457(b) \$ Contributions	0.00	30,654.21	
001265	IRS	05/07/2021	Bank Draft	0.00	51,025.63	DFT0001642
INV0000973	Invoice	05/07/2021	Federal Withholding	0.00	51,025.63	
001418	CO DEPARTMENT OF REVENUE	05/07/2021	Bank Draft	0.00	8,245.15	DFT0001643
INV0000974	Invoice	05/07/2021	CO Withholding	0.00	8,245.15	
000309	COMDATA BUSINESSLINK	05/11/2021	Bank Draft	0.00	7,992.19	DFT0001653
20210511	Invoice	05/11/2021	GF-PD CREDIT CARD CHARGES	0.00	7,992.19	

Bank Code Pooled Cash Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	184	75	0.00	475,523.21
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	6	6	0.00	104,694.64
EFT's	0	0	0.00	0.00
	190	81	0.00	580,217.85

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	239	98	0.00	517,794.63
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	6	6	0.00	104,694.64
EFT's	0	0	0.00	0.00
	245	104	0.00	622,489.27

Fund Summary

Fund	Name	Period	Amount
600	GOLF ENTERPRISE FUND	5/2021	42,271.42
999	POOLED CASH/CONSOLIDATED CASH	5/2021	580,217.85
			622,489.27

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
May 4, 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, May 4, 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 and Councilmember Bruce Fitzgerald. Councilmember Shannon Rhoda participated remotely through GoToWebinar. Councilmember Tommy Holton participated by phone. Mayor Stieber asked Councilmember Tommy Holton if he had the opportunity to review

Also present were City Administrator, Chris Cross, City Clerk, Mari Pena, City Attorney, Andy Ausmus, Planning Director, Roy Vestal and City Planner, Alyssa Knutson.

Assistant City Administrator, Glenda McCarroll, Finance Director, Leann Perino and Planning Director, Todd Hodges participated remotely through GoToWebinar.

PROCLAMATION

Mayor Stieber proclaimed Mental Health Month for the Month of May 2021.

PERSONS TO ADDRESS COUNCIL

There was no one to address the Council.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the May 4, 2021, payables; there were no questions or comments from the Mayor or Council.

APPROVAL OF AGENDA

Staff asked that item AM 2021-069 Approval of a Resolution Approving the Subdivision Improvements Agreement for the Final Plat of the Lupton Village PUD Second Filing (AKA Lupton Village Townhomes Final Plat) be removed from the agenda to provide staff with additional time for review. It was moved by Tommy Holton and seconded by Bruce Fitzgerald to approve the Agenda as amended. Motion passed unanimously on roll call vote.

CONSENT AGENDA

It was moved by Tommy Holton and seconded by Bruce Fitzgerald to approve the Consent Agenda as presented with the following items: April 6, 2021, Amended City Council Meeting Minutes, April 20, 2021, City Council Meeting Minutes, Approve an Agreement to Continue Working

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
May 4, 2021**

With Employment Services of Weld County Employment and Training Program (AM 2021-067). Motion passed unanimously on roll call vote.

ACTION AGENDA

2021-068 Approving a Resolution of the City Council of Fort Lupton Authorizing the Submittal of a Revitalizing Main Streets Grant Application With the Colorado Department of Transportation for the Denver Avenue Streetscape Improvements Project

The Fort Lupton Urban Renewal Authority has budgeted funding for streetscape improvements to include a bike lane along 4th Street and bump outs at the intersections of 3rd Street and 4th Street and Denver Avenue (Business 85). Eligible applicants for this grant include local governments, CDOT, RTD, and other governmental agencies. This request is for the City to submit this grant application on behalf of FLURA, with the understanding that FLURA will be fully funding the grant match amount. The total project cost estimate is \$426,047.00, and a match of at least 20% is recommended. FLURA intends to match 20% (approximately \$85,209.40), and to request an award of approximately \$340,837.60.

It was moved by Bruce Fitzgerald and seconded by Tommy Holton to approve Resolution 2021R030 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON AUTHORIZING THE SUBMITTAL OF A REVITALIZING MAIN STREETS GRANT APPLICATION WITH THE COLORADO DEPARTMENT OF TRANSPORTATION FOR THE DENVER AVENUE STREETSCAPE IMPROVEMENTS PROJECT. Motion passed unanimously on roll call vote.

STAFF

Chief Fryar provided the Police Department Monthly Report for March 2021. Public Works Director, Roy Vestal, provided an update on the construction projects.

MAYOR/COUNCIL REPORTS

There were no reports from the Mayor or Council.

FUTURE CITY EVENTS

May 1, 2021	Cinco de Mayo 5K, Railroad Park, 10 a.m.
May 11, 2021	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
May 18, 2021	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
May 25, 2021	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
May 31, 2021	Memorial Day Service, 13750 County Rd. 12, 9:25 a.m.
August 20, 2021	Jacobs Golf Tournament, Coyote Creek Golf Course

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
May 4, 2021**

ADJOURNMENT

Mayor Stieber adjourned the meeting at 7:21 p.m.

Respectfully Submitted,

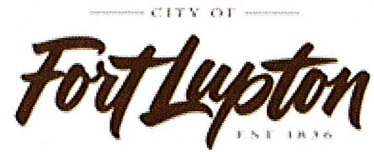
Maricela Peña, City Clerk

Approved by City Council

Zo Stieber, Mayor

DRAFT

CITY OF FORT LUPTON CITY COUNCIL



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespin, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AM 2021-070

APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR USE OF FULTON DITCH AUGMENTATION STATION WITH THE CITY OF FORT LUPTON UTILITY ENTERPRISE FUND AND TOWN OF LOCHBUIE, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE

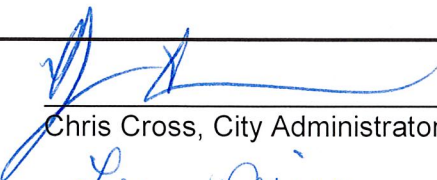
I. **Agenda Date:** Council Meeting – May 18, 2021

II. **Attachments:** a. IGA with Lochbuie for Fulton Augmentation

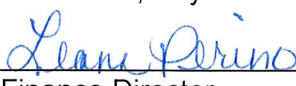
III. **Summary Statement:**

This agreement is with the City of Fort Lupton and Lochbuie for the lease of capacity in our return structure for Fulton shares they own. The augmentation structure has approximately 30 cfs currently. Lochbuie would be looking to lease and additional 0.53 cfs from the City of Fort Lupton. This would place their full lease at 1.03 cfs.

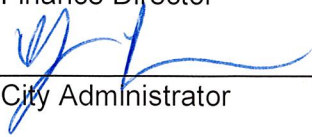
IV. **Submitted by:**


Chris Cross, City Administrator

V. **Finance Reviewed**


Leanne Perino
Finance Director

VI. **Approved for Presentation:**


City Administrator

VII. **Attorney Reviewed**

☐ Approved

☐ Pending Approval

VIII. **Certification of Council Approval:**

City Clerk

Date

IX. Detail of Issue/Request:

This agreement is with the City of Fort Lupton and Lochbuie for the lease of capacity in our return structure for Fulton shares they own. The augmentation structure has approximately 30 cfs currently. Lochbuie would be looking to lease and additional 0.53 cfs from the City of Fort Lupton. This would place their full lease at 1.03 cfs.

This will be an addition to the previous 20 year IGA and will have the same expiration timeline. There is built in operations and management payments starting at \$600 annually for the additional cfs. There is an initial execution one-time payment of \$20,300 to Fort Lupton. The IGA has built in escalators to the actual O&M costs to insure accurate cost coverage and if capacity expansion is needed in the future the will pay their % portion at time of buildout.

The IGA is attached for future details if needed.

X. Legal/Political Considerations:

This has been reviewed by both City and Water Attorney's.

XI. Alternatives/Options:

- 1. Approve the Agreement*
- 2. Do not Approve the Agreement*

XII. Financial Considerations:

None noted.

XIII. Staff Recommendation:

Staff recommends approval of the IGA with Lochbuie.

**INTERGOVERNMENTAL AGREEMENT FOR USE OF ADDITIONAL CAPACITY IN
THE FULTON DITCH AUGMENTATION STATION**

City of Fort Lupton Water Activity Enterprise
Town of Lochbuie, acting by and through its Water Activity Enterprise
_____, 2021

This Intergovernmental Agreement for Use of Additional Capacity in the Fulton Ditch Augmentation Station is made _____, 2021, by and between the **City of Fort Lupton Water Activity Enterprise**, 130 South McKinley Avenue, Fort Lupton, Colorado 80621 (“Fort Lupton”), and the **Town of Lochbuie, acting by and through its Water Activity Enterprise**, 703 Weld County Road 37, Lochbuie, Colorado 80601 (“Lochbuie”).

RECITALS

- A. Fort Lupton is a statutory city which, through its water activity enterprise, owns and operates a water and wastewater system serving the city and other customers. Fort Lupton owns and uses in excess of 200 shares of stock (“Fort Lupton Fulton shares”) in the Fulton Irrigating Ditch Company (“FIDC”) pursuant to change of water right decrees including Case Nos. 03CW119 and 12CW180.
- B. Lochbuie is a statutory town which, through its water activity enterprise, owns and operates a water and wastewater system serving the town and other customers. Lochbuie owns 65 shares in FIDC.
- C. Both parties use some or all of their respective Fulton shares by delivering water from the Fulton Ditch to the South Platte River for augmentation, replacement of return flows, or for delivery to storage or other uses.
- D. The Fulton Ditch sometimes operates in three “sections,” where water is delivered only to shareholders in each section for a period of time, and then rotated for delivery to shareholders in the other sections to maximize the efficiency of deliveries. FIDC bylaws currently require that, when the ditch is delivering in sections, water changed to municipal uses must continue to be delivered within the section from which it was historically delivered.
- E. Fort Lupton constructed and owns an augmentation station in section 3 of the Fulton Ditch capable of delivering water from the ditch to the South Platte River (“FL station”). The FL station consists of a headgate, open ditch, measuring device and recorder, culverts crossing railroad tracks and US Highway 85, a portion of the city’s storm drain system, and related facilities. The FL station has existing capacity of approximately 30 cfs, and could be expanded to 50 cfs. The cost to construct the FL station was \$1,700,000. The estimated cost to expand capacity is \$215,000. The total estimated cost is therefore \$1,915,000, or \$38,300 per cfs. The FL station has capacity in excess of Fort Lupton’s needs.

- F. On November 19, 2019, Lochbuie and Fort Lupton entered into the Intergovernmental Agreement for Use of Fulton Ditch Augmentation Station to allow Lochbuie to use the FL Station to deliver water from 22 shares in FDIC to the South Platte River, subject to conditions of that agreement (“2019 Agreement”).
- G. Water from an additional 20 of Lochbuie’s Fulton shares was historically delivered in section 3, and Lochbuie therefore requires the ability to deliver that water from section 3 to the South Platte River (“Lochbuie’s Fulton Shares”).
- H. Lochbuie presently needs an additional 0.53 cfs of augmentation station capacity in section 3, and may have the need for more capacity in the future. Lochbuie desires to use the FL Station to deliver water from Lochbuie’s Fulton Shares to the South Platte River pursuant to this Agreement.

AGREEMENT

- 1. Lease of Capacity: Fort Lupton shall lease to Lochbuie and Lochbuie shall lease from Fort Lupton a non-exclusive easement for the use of an additional 0.53 cubic feet per second of capacity in the FL station subject to the terms of this Agreement.
- 2. Term and Termination: The term of this Agreement shall be from April 1, 2021, until December 31, 2040. Thereafter, it shall be automatically renewed for successive ten (10) year terms, unless written notice of nonrenewal is served on the other Party at least thirty (30) days prior to the end of a term. This Agreement may be terminated before the end of the term only with the written consent of both Parties, as expressed in a joint resolution passed by a majority vote of the Fort Lupton City Council and the Lochbuie Town Board. Upon termination or expiration of this Agreement, Lochbuie’s easement shall likewise terminate.
- 3. Payments: Lochbuie shall pay Fort Lupton a one-time payment of \$20,300 upon execution of this Agreement for the right to use the additional 0.53 cfs of capacity in the FL Station pursuant to this Agreement.
 - 3.1 Annual O&M: Lochbuie shall also pay Fort Lupton a share of annual operations and maintenance costs. The annual O&M payment for 2021 - 2024 shall be \$600 (\$30 per share x 20 shares). For 2021, the annual O&M payment shall be due and payable on April 1. Beginning in 2022, the annual O&M payment shall be due and payable March 1 of each year. Beginning in 2022, Lochbuie agrees to make good faith efforts to pay to Fort Lupton the total amount of its annual O&M payments under the 2019 Agreement and this Agreement with one check. The annual O&M payment shall be evaluated and adjusted January 1, 2025 and every 5 years thereafter and adjusted according to Fort Lupton’s actual increase in the costs of operation and maintenance of the FL Station structures and administration of this Agreement during the previous five years, but shall not decrease. Fort Lupton will track its actual operation and maintenance costs, and provide that information to Lochbuie every five years along with any proposed

adjustment of the annual O&M payment. Pursuant to the 2019 Agreement, Lochbuie deposited \$16,000 as an upfront payment for Lochbuie's annual O&M payment to be applied during the first twenty (20) years of the 2019 Agreement ("O&M Deposit"). Lochbuie and Fort Lupton agree the O&M Deposit shall be applied against annual operations and maintenance costs payable under both the 2019 Agreement and this Agreement. Lochbuie's Deposit may last less than 19 years because Lochbuie's Deposit shall be applied against annual O&M payments under this Agreement and the 2019 Agreement and, depending upon adjustments to the annual O&M payments described above and pursuant to the 2019 Agreement. Fort Lupton shall provide Lochbuie with an annual statement or invoice on or before February 1 of each year showing the amount owed that year, the amount of money applied from the Deposit, the remaining amount left in the Deposit, and the remaining amount owed by Lochbuie if any. If the actual annual O&M payments during the first 19 years are less than the Deposit, then any excess funds in the Deposit will either be refunded to Lochbuie or applied to future O&M payments in any renewal period as directed by Lochbuie. If the Deposit balance is depleted, Lochbuie shall pay each annual O&M payment as it comes due.

4. Operations, Maintenance, Repair and Replacement: Fort Lupton shall keep and maintain the FL Station in good repair and operating order, performing all regular operations and maintenance. Lochbuie shall not be billed for regular operations and maintenance, as those costs are intended to be covered by the annual O&M payment. Lochbuie shall pay its pro rata share of replacement of equipment and facilities and major repairs, based on the Lochbuie's capacity versus total capacity. Lochbuie's share shall be 1.1% based on Lochbuie's right to use 0.53 cfs of the 50 cfs capacity of the FL Station. If the cost of expanding the capacity of the FL Station to 50 cfs exceeds the estimated amount of \$215,000, Lochbuie's obligation shall be 1.1% of the amount by which the actual cost exceeds \$215,000. Fort Lupton shall provide an accounting of the costs of expansion upon completion of the work together with its invoice, if appropriate, which invoice shall be due and payable the following January 15. In case of any dispute as to costs of expansion, the parties shall mutually select and share equally the expense of a neutral engineering advisor to recommend a proper calculation of costs. The recommendation is non-binding, but shall be a prerequisite to any legal action.
 - 4.1 Lochbuie shall provide Fort Lupton its desired daily delivery amounts, up to a maximum of 0.53 cfs, for a given month at least one week prior to the start of a given month. Fort Lupton will attempt to deliver the requested Lochbuie delivery amount on a daily basis, but if there is not adequate deliveries to meet the desired amount, Lochbuie will be credited the pro-rata delivery amount through the augmentation structure based on shares Lochbuie is running through the augmentation station in relation to the total shares being run through the augmentation station.
 - 4.2 All parties using the FL Station shall bear pro rata water loss between the FL Station headgate and the measuring device where Fort Lupton measures deliveries

to the river, based on each party's percentage of the total water delivery through the FL Station at any time. The parties shall cooperate and take reasonable measures to prevent interference with the delivery of the parties' water in the FL Station, and to prevent the diversion of the parties' water from the FL Station, by any other person.

- 4.3 Except for emergency repairs, Fort Lupton shall consult with Lochbuie 90 days prior to undertaking major repairs or replacements. A major repair or replacement is one costing \$10,000 or more. Consultation is for the purpose of notice of the timing of the major repair or replacement and to allow the party sharing the cost to budget. Fort Lupton represents to Lochbuie that the FL Station is currently in good condition and that Fort Lupton does not presently anticipate the need to replace equipment or facilities or to make any major repairs during the next ten (10) years, other than potential expansion of capacity to 50 cfs.
- 4.4 If Lochbuie contests the need for a major repair or replacement, Fort Lupton shall have discretion to proceed. In that case, the parties shall first meet as provided in section 5.2.2. If after meeting, the parties are unable to agree, the parties shall jointly retain a neutral expert with experience in maintenance and repair of water delivery systems to recommend resolution of the dispute consistent with accepted municipal utility standards. The cost of the neutral expert shall be equally shared. If unable to agree within 30 days after receiving the neutral expert's recommendation, the parties shall have those remedies allowed by section 5.2.

5. General provisions.

- 5.1 Amendment: Except as otherwise provided herein, this Agreement may be modified, amended, or changed, in whole or in part only by an agreement in writing duly authorized and executed by both parties.
- 5.2 Enforcement: This Agreement may be enforced in law or equity, damages, or such other legal and equitable relief as may be available, provided that,
- 5.2.1 Each party waives any right to special, indirect, consequential and punitive damages, including lost revenue, and
- 5.2.2 Prior to commencing any action, the non-defaulting party shall give notice to the defaulting party. Within 30 days of notice, the parties shall meet, to include the Mayor and City Administrator of Fort Lupton and the Mayor and Town Administrator of Lochbuie, to attempt to resolve the default and any related issues. No action may be commenced less than 30 days after notice.
- 5.3 Notice: For purposes of notice pursuant to this Agreement, the Parties' representatives shall be:

For Fort Lupton: City of Fort Lupton
Attn: City Administrator
130 South McKinley Avenue
Fort Lupton, CO 80621

With a copy to: City Attorney
City of Fort Lupton
130 South McKinley Avenue
Fort Lupton, CO 80621

For Lochbuie: Town of Lochbuie
Attn: Town Administrator
703 Weld County Road 37
Lochbuie, CO 80601

With a copy to: Steven Jeffers
Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, P.C.
950 Spruce Street, Suite 1.B.
Louisville, CO 80027

Any notices required or permitted to be given hereunder shall be in writing and shall be deemed given when given personally or sent by certified or registered mail, return receipt requested, postage prepaid. Either party hereto may designate a new address by giving written notice thereof to the other party as provided herein. Notice shall be effective upon receipt.

- 5.4 Assignment: The lease granted pursuant to this Agreement and corresponding rights and obligations shall be assignable by Lochbuie, provided that Lochbuie may assign its rights to a third party separate from the Lochbuie Fulton Shares only to the extent Fort Lupton has no further capacity to lease, and provided further that such assignment shall first be approved in writing by Fort Lupton, such approval not to be unreasonably withheld. However, Lochbuie may assign this lease to any purchaser or assignee of Lochbuie's Fulton Shares described in this Agreement or to any municipal or governmental entity providing water service to Lochbuie with notice and approval in writing by Fort Lupton regardless of whether Fort Lupton has any remaining capacity to lease. Any assignment not in compliance with the terms hereof shall be void and of no force or effect.
- 5.5 Successors and Assigns: The terms, conditions, and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective permitted successors and assigns.
- 5.6 Governing Law: This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado. Venue for any court action shall be in the District Court of Weld County.

- 5.7 Failure to Perform Due to Force Majeure: Subject to the terms and conditions of this paragraph, no party to this Agreement shall be liable for any delay or failure to perform due solely to conditions or events of force majeure, as that term is specifically defined herein; provided that: (i) the non-performing party gives the other party prompt written notice describing the particulars of the occurrence of the force majeure; (ii) the suspension of performance is of no greater scope and of no longer duration than is required by the force majeure event or condition; and (iii) the non-performing party proceeds with all necessary diligence to remedy its inability to perform. As used herein, force majeure shall mean any delay or failure of a party to perform its obligations under this Agreement caused by events beyond the party's reasonable control and without the fault or negligence of the party, including, without limitation, (a) acts of God, (b) sudden actions of the elements such as floods, earthquakes, rock slides, avalanches, or tornadoes, (c) sabotage, (d) vandalism beyond that which can be reasonably prevented by the party, (e) terrorism, (f) war, (g) riots, (h) fire, (i) explosion, (j) severe and unusually cold or hot weather, (k) extreme snow, (l) blockades, (m) insurrection, (n) strike, slowdown or other labor disruptions.
- 5.8 Defense Against Third Parties: In the event of litigation by any third party concerning this Agreement, and to the extent permitted by law, the parties agree to jointly defend any such third party action.
- 5.9 No Third Party Beneficiaries: Except as otherwise explicitly provided for herein, there are no third party beneficiaries of this Agreement. No third party has any right to enforce this IGA.
- 5.10 Sole Obligation of Water Activity Enterprises: This Agreement is the sole obligation of the City of Fort Lupton Water Activity Enterprise and Lochbuie Water Activity Enterprise, and shall never constitute a general obligation or other indebtedness of the City of Fort Lupton or Town of Lochbuie, or a multiple fiscal year direct or indirect debt or other financial obligation whatsoever of Fort Lupton or Lochbuie within the meaning of the Constitution and laws of the State of Colorado.
- 5.11 Entire Agreement: This Agreement represents the entire agreement of the parties and neither party has relied upon any fact or representation not expressly set forth herein.
- 5.12 Counterparts: This Agreement may be executed in any number of counterparts, each of which shall be deemed original, but all of which constitute one and the same agreement.
- 5.13 Non-severability and Effect of Invalidity: Each provision of this Agreement is integral to the others and is not severable from the others. If any portion of this Agreement is held invalid or unenforceable for any reason by a court of competent jurisdiction as to either party or as to both parties, the parties will immediately

attempt to negotiate either valid alternative portions that as near as possible give effect to any stricken portions or a valid replacement agreement.

- 5.14 No Attorney's Fees and Costs: In the event of any litigation arising out of this IGA, the parties agree that each will be responsible for their own attorney's fees and costs associated with any such legal action.
- 5.15 Joint Draft: The parties agree they drafted this Agreement jointly with each having the advice of legal counsel and an equal opportunity to contribute to its content. Therefore, this IGA shall not be construed for or against a party on the basis of authorship.
- 5.16 Non-Business Days: If any date for any action under this Agreement falls on a Saturday, Sunday or Holiday, as such term is defined in Rule 6 of the Colorado Rules of Civil Procedure, then the relevant date shall be extended automatically until the next business day.

CITY OF FORT LUPTON WATER ACTIVITY ENTERPRISE

By: _____
Zo Stieber, Mayor

ATTEST:

By: _____
Mari Pena, City Clerk

APPROVED AS TO FORM:

By: _____
Matthew S. Poznanovic,
Special Counsel

**TOWN OF LOCHBUIE, acting by and
through its Water Activity Enterprise**

By: 
Michael Mahoney, Mayor

ATTEST:

By: 
Linda Blackston, Town Clerk

APPROVED AS TO FORM:



Steven P. Jeffers,
Special Water Counsel

CITY OF
Fort Lupton
 EST. 1836

David Crespín, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AM 2021-071

ADOPT AN ORDINANCE TO ACCEPT PUBLIC RIGHT OF WAY FROM HUNSUL DEVELOPMENT, LLC FOR 42.5-FEET OF THE WESTERN HALF OF COUNTY ROAD 29

- I. **Agenda Date:** Council Meeting – May 18, 2021
- II. **Attachments:**
- a. Proposed Ordinance
- b. Dedication of ROW
- III. **Summary Statement:**

To accept the dedication of a 42.5-foot wide public Right of Way located west of the centerline of CR 29 Street (Section Line) approximately 870-feet along the frontage of the Quality Carpentry site plan, in the Southeast ¼ of Northeast ¼ of Section 20, Township 1 North, Range 66 West from HunSul Development, LLC.

- | | | |
|------|-----------------------------------|---|
| IV. | <u>Submitted by:</u> | 
Public Works Director |
| V. | <u>Finance Reviewed</u> | 
Finance Director |
| VI. | <u>Approved for Presentation:</u> | 
City Administrator |
| VII. | <u>Attorney Reviewed</u> | <div>Approved</div> <div>Pending Approval</div> |

VIII. Certification of Council Approval:

City Clerk

Date _____

IX. Detail of Issue/Request:

The Quality Carpentry Site Plan was required to dedicate Right of Way along CR 29 as part of the planning process (Project No. LUP2020-0038 & Plan No. SPR2020-0014.) approved with Resolution No. 2021R018 on March 2, 2021.

CR 29 existing Right of Way is 50-feet. CR 29 is designated a collector with a future ROW requirement of 85-feet. The property description was written to the section line (centerline of roadway). The half ROW dedication to section line was required for 42.5-feet along the property frontage.

X. Legal/Political Considerations:

Not Applicable.

XI. Alternatives/Options:

- *Accept Dedication*
- *Do nothing*

XII. Financial Considerations:

Not applicable.

XIII. Staff Recommendation:

City staff recommends acceptance of the public Right-of-Way from HunSul Development, LLC.

ORDINANCE NO. 2021-xxxx

INTRODUCED BY:

A ORDINANCE OF THE CITY COUNCIL OF FORT LUPTON ACCEPTING THE HUNSUL DEVELOPMENT, LLC PUBLIC RIGHT OF WAY DEDICATION FOR COUNTY ROAD 29 LOCATED IN THE SOUTHEAST ¼ OF NORTHEAST ¼ OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WELD COUNTY, COLORADO.

NOW THEREFORE BE IT RESOLVED that City Council hereby accepts said Dedication, and orders that the Instrument of Dedication be recorded in the Recorder's Office of the County of Weld, State of Colorado, and said described real estate is hereby declared open and dedicated pursuant to C.R.S. § 24-68-101, et seq..

WHEREAS, HenSul Development, LLC, has this day filed with the City of Fort Lupton, Colorado (the "City"), its dedication of certain real estate, which Dedication is hereinabove set forth:

AND WHEREAS, the City finds that said Dedication is desirable and necessary;

THIS RIGHT OF WAY IS CREATED AND GRANTED THIS 18th DAY OF MAY 2021.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 18th Day of May 2021.

PUBLISHED in the Fort Lupton Press the 29th day of February 2021.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED PUBLISHED BY TITLE ONLY this __ day of __ 2021.

PUBLISHED BY TITLE ONLY the ____ day of ____ 2021.

EFFECTIVE (after publication) the _ day of _ 2021.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

DEDICATION OF PUBLIC RIGHT OF WAY

The undersigned being the fee simple owner of all the real estate described herein, for good and valuable consideration, does hereby grant and dedicate to the City of Fort Lupton, Weld County, Colorado, on and behalf of and for the public, for use as right-of-way for public purposes, a portion of County Road 29 as shown and described on Exhibit A, attached hereto and made a part hereof.

This dedication is made subject to all existing easements and rights-of-way.

The Grantor hereby covenants that it is the owner in fee simple of the real estate, is lawfully seized thereof, and has the authority to grant and convey the foregoing right of way, and guarantees the quiet possession thereof, and that Grantor will warrant and defend the Grantee's title to the right of way hereby granted against all claims.

THIS RIGHT OF WAY CREATED AND GRANTED THIS 9th DAY OF March, 2021.

LAND +OWNER/GRANTOR:

Danelle Fifer
HenSul Development, LLC
Danelle Fifer

Attested to:

Stacey Neal
Notary



STATE OF COLORADO)
)SS.
COUNTY OF WELD)

Subscribed and sworn to before me this 9th day of March, 2021 by Danelle Fifer.

Witness my hand and official seal.

Stacey Neal
NOTARY PUBLIC

**LEGAL DESCRIPTION
EXHIBIT A**

A PORTION OF LOTS A AND B OF RECORDED EXEMPTION NO. 1471-20-1 RE-4324 LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 20;
THENCE NORTH 00°09'56" WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 20, A DISTANCE OF 59.98 FEET TO THE SOUTHEAST CORNER OF SAID LOT A, SAID POINT BEING THE **POINT OF BEGINNING**.

THENCE DEPARTING SAID EAST LINE AND ALONG THE SOUTH LINE OF SAID LOT A, SOUTH 89°52'50" WEST, A DISTANCE OF 42.50 FEET;

THENCE DEPARTING SAID SOUTH LINE NORTH 00°09'56" WEST, A DISTANCE OF 876.60 FEET TO A POINT ON THE NORTH LINE OF SAID LOT B;

THENCE ALONG SAID NORTH LINE SOUTH 71°59'06" EAST, A DISTANCE OF 44.73 FEET TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 20;

THENCE ALONG SAID EAST LINE SOUTH 00°09'56" EAST, A DISTANCE OF 862.67 FEET TO THE **POINT OF BEGINNING**.

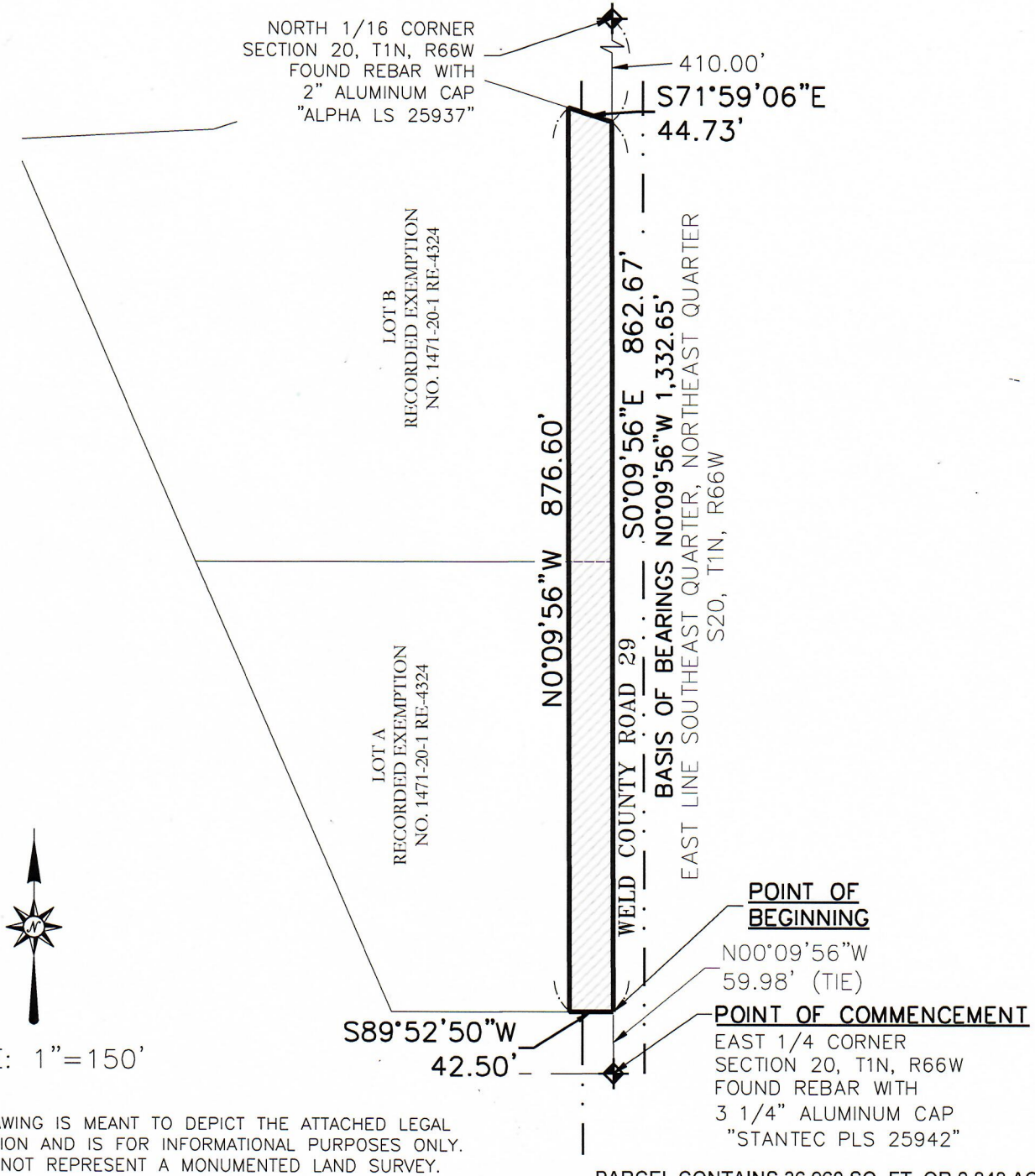
SAID PARCEL CONTAINS 36,960 SQUARE FEET OR 0.848 ACRE OF LAND.

THE BASIS OF BEARINGS FOR THIS LEGAL DESCRIPTION ARE BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO. SAID LINE BEARS NORTH 00°09'56" WEST AND IS MONUMENTED AT THE EAST QUARTER CORNER OF SECTION 20 BY A 3-1/4 INCH ALUMINUM CAP STAMPED "STANTEC PLS 25942" AND AT THE NORTH 1/16 CORNER OF SECTION 20 BY A 2 INCH ALUMINUM CAP STAMPED "ALPHA LS 25937".

STACY LYNN JACOBS, PLS
COLORADO REG. NO. 38495
FOR, AND ON BEHALF OF:
R&R ENGINEERS-SURVEYORS, INC.

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

A PORTION OF LOTS A AND B OF RECORDED EXEMPTION NO. 1471-20-1 RE-4324 (2567 COUNTY ROAD 29)
 LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 20, T.1N., R.66W., 6TH P.M.
 COUNTY OF WELD, STATE OF COLORADO



SCALE: 1"=150'

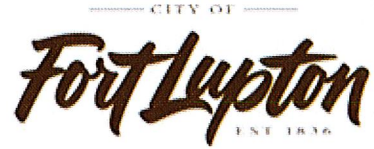
NOTE

THIS DRAWING IS MEANT TO DEPICT THE ATTACHED LEGAL DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

PARCEL CONTAINS 36,960 SQ. FT. OR 0.848 ACRE

TYPE OF EXHIBIT		Sheet 2 of 2		R&R ENGINEERS-SURVEYORS, INC. 1635 W. 13TH AVENUE, SUITE 310 DENVER, COLORADO 80204 PH: 303-753-6730 WWW.RRENGINEERS.COM
Date: 2021/02/10				
Drawn: PTM				
Checked: SLJ				
Job No.: QC20010				

**CITY OF FORT LUPTON
CITY COUNCIL**



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespín, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AM 2021-072

**AWARD CONTRACT TO ENVIROTECH SERVICES, INC. FOR \$60,898.32 FOR DUST CONTROL
FROM PUBLIC WORKS - STREET SALES TAX FUND**

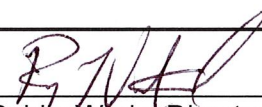
I. **Agenda Date:** Council Meeting – May 18, 2021

II. **Attachments:** a. Contract Agreement - Envirotech Services, Inc.

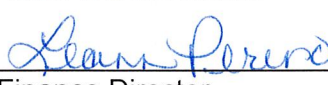
III. **Summary Statement:**

Approve Contract Agreement with Envirotech Services, Inc. for Dust Control operations for not to exceed \$60,898.32 from Street Sales Tax Fund.

IV. **Submitted by:**


Public Works Director

V. **Finance Reviewed**


Finance Director

VI. **Approved for Presentation:**


City Administrator

VII. **Attorney Reviewed**

Approved

Pending Approval

VIII. **Certification of Council Approval:**

City Clerk

Date

IX. Detail of Issue/Request:

The City currently maintains 10 miles of dirt roads. Dust control and surface stabilization is required on an annual basis to maintain the roadway surfaces and reduce the dust nuisance to adjacent homeowners.

The City purchases ice slicer from Envirotech. They are a sole source supplier for us and the only known dust control operation in the area.

Anticipated project start mid-June with staff grading roadways the day before application of the magnesium chloride by Envirotech.

X. Legal/Political Considerations:

None

XI. Alternatives/Options:

- *Approve Contract Agreement with Envirotech Services.*
- *Do not approve the Contract*
- *Bid project*

XII. Financial Considerations:

\$120,000.00 is budgeted in the Streets Sales Tax Fund for Patching which includes asphalt patching, crack seal and dust control maintenance operations.

XIII. Staff Recommendation:

Staff recommends approving contract with Envirotech Services, Inc for not to exceed \$60,898.32 for dust control.



Public Works Agreement

This PUBLIC WORKS Agreement is entered into by and between the City of Fort Lupton, Colorado (hereinafter “City”) and **Envirotech Services, Inc.** (hereinafter “CONTRACTOR”).

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

1. **SCOPE OF WORK.** Contractor will furnish all tools, equipment, machinery, supplies, superintendence, insurance, transportation, labor and other construction accessories, services and facilities specified or required to be incorporated in and for a permanent part of the completed work. Contractor shall provide and perform all necessary labor in a first class and workmanlike manner and in accordance with the conditions and prices stated in the bid proposal and the requirements, stipulations, provisions and conditions of the contract documents. Contractor shall perform, execute, construct and complete all things mentioned to be done by the Contractor and all work included in the scope of work and bid specifications set forth and incorporated herein as **Exhibit A** (See attached) Contractor shall provide all insurance and or bonds as required by Exhibit A prior to commencement of work. All certificates of insurance from contractors should list the City as an additional insured.

2. **CONTRACT DOCUMENTS.** This Agreement consists of and includes this Agreement and the scope of work set forth in the Contractor’s Bid proposal set forth as **Exhibit A**. In the event of any conflict between any of these documents, this document shall control.

3. **TIME OF COMPLETION.** The Contractor agrees to commence work upon execution of this Agreement and to complete all work by no later than **September 15, 2020.**

4. **CONTRACT SUM.** The City shall pay to the Contractor for performance and completion of the work encompassed by this Agreement, and the Contractor will accept as full compensation therefore the sum of **\$60,898.32**, subject to confirmation by the City of completion of the scope of work in accordance with the contract documents attached hereto. Said amounts to be paid upon inspection and acceptance of the work by the City, in its sole discretion, including completion by the Contractor of any punch-list items as determined by the City and execution of any releases by Contractor deemed necessary by the City.

5. **CONTRACT APPROPRIATIONS/NO CHANGE ORDERS.** No change orders shall be allowed on this project unless with written approval of the City. The City states that the amount of money appropriated for this Agreement is equal to or

in excess of the contract amount. No change order to this Agreement requiring additional compensable work to be performed, which work causes the aggregate amount payable under this Agreement to exceed the amount appropriated for the original contract shall be issued by the City unless the City notifies the Contractor in writing, that lawful appropriations to cover the costs of this additional work has been made. No Change Order work shall be allowed unless approved in writing by City.

6. **AMENDMENT/NO ASSIGNMENT.** No modification or amendment of this Agreement shall be valid unless in writing and signed by all parties to this Agreement.

7. **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.

8. **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.

9. **GOVERNING LAW.** Contractor agrees to comply with all local, state and federal laws in its performance of work under this Agreement. 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.

10. **OSHA REQUIREMENTS.** Contractor 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. Contractor 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. Contractor 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 its actions as required by all OSHA rules and regulations. The Contractor shall adhere to all federal, state and local safety and health regulations, laws and ordinances.

11. **NO WAIVER OF GOVERNMENTAL IMMUNITY.** 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.

12. **INDEPENDENT CONTRACTOR.** Contractor is a separate, legal entity from the City and the parties make this Agreement accordingly with the understanding that Contractor at all times is acting as an independent contractor and not an employee or agent of the City. All persons retained by Contractor to perform services pursuant to this Agreement shall be employees or independent contractors of Contractor and are not employees, contractors or agents of the City. Contractor does not have the authority to bind the City by contract or otherwise

13. **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.

14. **INDEMNIFICATION BY CONTRACTOR.** Contractor shall defend, indemnify and hold the City harmless from any damages, including but not limited to any loss, liability, expenses, suit or claim, or claim for injury to persons or damage to property arising out of the activities of Contractor or its contractors pursuant to this Agreement. Expenses shall include all out of pocket expenses, attorney fees, expert costs and related litigation fees.

15. **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 _____, 2021.

CITY OF FORT LUPTON, COLORADO

BY: **Zo Stieber**
TITLE: **Mayor**

CONTRACTOR:
ENVIROTECH SERVICES, INC.

BY: _____
TITLE: _____



SALES QUOTE

910 54th Ave., Suite 230
Greeley, CO 80634
Order Line 800-577-5346
Fax 970-346-3959

Sales Person: Al Roys
970-260-7420
aroys@envirotechservices.com
Date: 5/5/2021

TO: Roy Vestal C/O City of Fort Lupton
130 South McKinley
Fort Lupton Colorado 80621
Phone: 720-466-6109
Cell 720-966-3613
New Customer ☒

Ship Address: Roy Vestal C/O City of Fort Lupton
County roads on Map
Fort Lupton Colorado 80621
Contact: Roy Vestal
Email for Confirmation: RVestal@Fortluptonco.gov
Desired Delivery Date: Late July

Credit/Pre-Pay	FOB Origin	Delivered FOB Destination	EnviroTech Water	Customer Water	EnviroTech Apply Product	Plant Site
credit	no	yes	yes	No But will Supply	yes	COEVA

QTY	Unit	DESCRIPTION / APPLICATION RATE	Cust. # - CA #	UNIT PRICE	LINE TOTAL
48332	gallons	Durablend Shot rate .35	10301-	\$ 1.21	\$ 58,481.72
48332	gallons	water .35 (supplied by City)		\$ 0.05	\$ 2,416.60
LENGTH	51,787		PO#		
WIDTH	24			Subtotal	\$ 60,898.32
SQYDS	138,099				
				TOTAL	\$ 60,898.32

*Taxes, if applicable, will be added to this total. Total may vary depending on final quantities delivered. Prices may change without notice.

If tax exempt, list state & certificate # _____

If tax exempt information is incomplete, sales tax will be charged.

Notes/Special Requirements (i.e. special fittings, longer hoses, etc.)

Durablend and water to be sprayed by ESI on selected roads by the City of Fort Lupton, The City must have roads, Bladed and prepared before applying water or Durablend. Spreadsheet provided by the City of roads needing sprayed. City will supply the water for this project at no cost to ESI. Application rate is .35 for water and Durablend.

Disclaimer: No warranty is conveyed concerning this product, be it expressed or implied. This includes but is not limited to a warranty of merchantability or fitness for a particular purpose. Product performance may vary depending on road conditions, traffic counts, weather and other related factors.

Credit Card Information:

Name on Card

Credit Card number

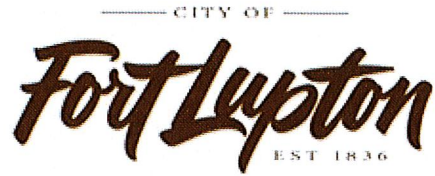
Billing Address from cc stmt

Exp date

3 Digit Code

PEOPLE HELPING PEOPLE IMPROVE THEIR ENVIRONMENT

**CITY OF FORT LUPTON
CITY COUNCIL**



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespin, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AM 2021-073

**APPROVAL OF A RESOLUTION RATIFYING THE REAPPOINTMENT OF THOMAS MEYERS BY
THE MAYOR FOR A THREE YEAR TERM TO THE PLANNING COMMISSION AS A REGULAR
MEMBER BEGINNING MAY 22, 2021 AND ENDING MAY 22, 2024**

I. **Agenda Date:** Council Meeting – May 18, 2021

II. **Attachments:** a. Proposed Resolution.
b. Application.

III. **Summary Statement:**

Thomas Meyers is a current member of the Planning Commission whose term expires on May 21, 2021. Mr. Meyers has expressed an interest in continuing to serve on the Planning Commission and has submitted an application for reappointment to another term.

IV. **Submitted by:**


Planner

V. **Finance Reviewed**


Finance Director

VI. **Approved for Presentation:**


City Administrator

VII. **Attorney Reviewed**

☐ Approved

☐ Pending Approval

VIII. **Certification of Council Approval:**

City Clerk

Date

IX. Detail of Issue/Request:

Thomas Meyers is a current member of the Planning Commission whose term expires on May 21, 2021. Mr. Meyers has expressed an interest in continuing to serve on the Planning Commission and has submitted an application for reappointment as a regular member to the Commission. Section 2-182 of the Fort Lupton Municipal Code allows for up to seven members to the Planning Commission with one alternate to sit as a regular member should a regular member be absent. Mr. Meyers lives in the City and has served as a regular member to the Planning Commission for one term.

X. Legal/Political Considerations:

The Mayor has the statutory authority under C.R.S. 31-23-203, and Section 2-182 of the Fort Lupton Municipal Code, to appoint members of the public to fill vacancies on the Planning Commission.

XI. Alternatives/Options:

- *Approve the Resolution*
- *Do not approve the Resolution*

XII. Financial Considerations:

There are no financial considerations.

XIII. Staff Recommendation:

Staff recommends approval of the Resolution reappointing Thomas Meyers as a regular member of the Planning Commission for a three (3) year term expiring on May 22, 2024.

RESOLUTION 2021Rxxx

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON RATIFYING THE REAPPOINTMENT OF THOMAS MEYERS AS A REGULAR MEMBER ON THE PLANNING COMMISSION FOR A THREE YEAR TERM BEGINNING MAY 22, 2021 AND EXPIRING MAY 22, 2024

WHEREAS, the Mayor of Fort Lupton under C.R.S. 31-23-203 and Municipal Code Section 2-182 has the authority to fill vacancies on the Planning Commission and hereby exercises the right to appoint Thomas Meyers to the Planning Commission, and

WHEREAS, the City Council may ratify the appointments by the Mayor to serve on the Planning Commission, and

WHEREAS, Thomas Meyers has expressed an interest in continuing to serve on the Planning Commission, and

NOW THEREFORE BE IT RESOLVED that the Fort Lupton City Council hereby ratifies the Mayor's appointment of Thomas Meyers to serve as a regular member for the Planning Commission for a three-year term expiring on May 22, 2024.

APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 18th DAY OF MAY 2021.

City of Fort Lupton, Colorado

Zo Stieber, Mayor

Attest:

Maricela Peña
City Clerk

Approved as to form:

Andy Ausmus, City Attorney



Meyers

**CITY OF FORT LUPTON
APPLICATION FOR CITIZEN ADVISORY BOARD/
COMMISSION APPOINTMENT**

City Boards and Commissions play an important role in forming City policy. To be considered as a candidate, please complete this application and return it to the City Clerk's Office at 130 South McKinley Avenue, Fort Lupton, CO 80621; Phone: 720-466-6101. The City Clerk will submit your application to the Mayor for review. Thank you for your interest!

Date: 6 MAY 2021

City of Fort Lupton Resident? Yes



No



Name: THOMAS MEYERS

Home Phone:

N/A

Address: 1110 STAGE DRIVE

Cell Phone:

303 818 7006

FORT LUPTON, CO 80621

Work Phone:

N/A

Occupation:

e-mail:

temeyers1975@gmail

Board or Commission you are applying for: (Please use a separate application if applying for more than one.)

PLANNING COMMISSION

1. Please list your work experience, community involvement, and other interests which apply to this Board or Commission: (Information may be continued on back of form or attached.)

PLANNING COMMISSION 1 TERM, INTEREST IN LOCAL CITY
ACTIVITIES, VOLUNTEER AT PAST COMMUNITY GARDENS (RAINE, WI)

2. List any licenses, certificates of special training, or education which apply to this Board or Commission:

N/A

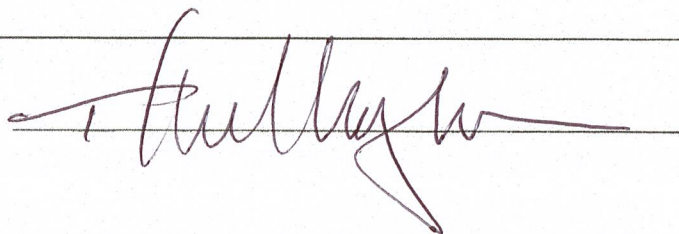
3. Briefly describe the reasons for your interest in serving on this City Board or Commission:

TO VOLUNTEER IN A DOABLE POSITION, CONSIDERING TIME.

4. Please list supporting documents if not continued on other side:

N/A

Signature of Applicant: by signing this application
I agree that I have received a copy of the City
Council Code of Ethics and Conduct.



CITY OF
Fort Lupton
EST. 1836

David Crespín, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

APPROVE A RESOLUTION ACCEPTING THE BRANDYWINE FARMS MINOR SUBDIVISION TO CREATE THREE SEPARATE LOTS.

Leonard Toews and Sherri Toews (the "Applicants") have submitted an application for a three lot minor subdivision. The proposed minor subdivision is located at the northwest corner of Highway 52 and County Road 23. The Applicants are not proposing any changes to the land use at this time.

Planner

Finance Director

City Administrator

Pending Approval

Date _____

IX. Detail of Issue/Request:

Leonard Toews and Sherri Toews (the "Applicants") have submitted an application for a three lot minor subdivision. The proposed minor subdivision is located at the northwest corner of Highway 52 and County Road 23.

The minor subdivision will create three separate lots. Lot 1 will be 1.00 acre, more or less. Lot 2 will be 4.30 acres, more or less. Lot 3 will be 25.26 acres, more or less. A change of zone for lot 1 has been submitted for concurrent review, and will be presented at a separate public hearing. The Applicants are not proposing any changes to the land use at this time. Any proposed development will be reviewed at separate public hearings at a later date.

X. Legal/Political Considerations:

The Subdivision Regulations require published notice of the hearings at least fifteen (15) days prior to the hearings. The Planning Commission and City Council hearings were published in the Fort Lupton Press on April 28, 2021.

Notice of public hearings were posted on the property on April 28, 2021, pursuant to the Subdivision Regulations, which require posting at least fifteen (15) day prior to the hearings.

Notice was mailed to neighbors within one-hundred (100) feet of the property on April 28, 2021. Mineral notifications were sent at least fifteen (15) days prior to the public hearings.

XI. Alternatives/Options:

The City Council has the following three options for each request:

- a) Approve the request;*
- b) Deny the request; or*
- c) Refer the request back to Planning Commission for further study.*

XII. Financial Considerations:

The Applicant has paid all applicable land use application fees and are covering ongoing review expenses.

XIII. Staff Recommendation:

Staff recommends conditional approval of the Brandywine Farms Minor Subdivision.

RESOLUTION NO. 2021Rxxx

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE BRANDYWINE FARMS MINOR SUBDIVISION TO CREATE THREE SEPARATE LOTS ON A PROPERTY LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

WHEREAS, the Planning Commission held a public hearing on May 13, 2021, for the purpose of reviewing the Brandywine Farms Minor Subdivision application; and

WHEREAS, after review of the application for the minor subdivision, and consideration of staff comments, applicant's presentation and any public input, the Planning Commission recommended approval, with conditions, of the application for a three-lot minor subdivision; and

WHEREAS, the City Council held a public hearing to consider and review the request for the minor subdivision on May 18, 2021; and

WHEREAS, after review of the application and supporting information, the City Council finds that the minor subdivision conforms to Colorado Revised Statutes and City codes and policies therein, and

WHEREAS, all legal requirements for the public hearing have been met, including publication of the legal notice in the Fort Lupton Press, mailing of public hearing notices to adjacent property owners within 100 feet, and posting of the hearing on the site; and

NOW THEREFORE BE IT RESOLVED that the Fort Lupton City Council reviewed the plans and supporting documentation, referral comments, as well as any citizen input in response to this application. Based upon the review of applicable policies and goals in the Fort Lupton Comprehensive Plan, review of the Zoning and Subdivision Regulations, and analysis of referral comments and the facts presented on this date, the City Council hereby approves the Brandywine Farms Minor Subdivision to create three (3) separate lots on a property located in the East Half of the northeast Quarter of Section 2, Township 1 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado with the following conditions:

I. Prior to recording the minor subdivision plat:

- A. The title of the minor subdivision map shall include the Project No.: LUP2021-0010 & Plan No.: MSD2021-0001.
- B. Any redline comments provided by staff shall be made to the minor subdivision plat.
- C. Applicant shall dedicate by separate document 55' of right-of-way on County Road 23.
- D. Applicant shall provide written acknowledgement of the comments from the Fort Lupton Fire Protection District.

- E. Applicant shall provide written acknowledgement of the comments from the Northern Colorado Water Conservancy District.
- F. Applicant shall provide written evidence that the comments from United Power have been adequately addressed.
- G. Applicant shall provide written evidence that the comments from Public Service Company of Colorado dba Xcel Energy have been adequately addressed.
- H. Applicant shall submit evidence that the comments from the Colorado Division of Water Resources have been adequately addressed including submitting a Well Abandonment Report for well no. 130770 and submitting a well permit application to re-permit the existing well (well permit no. 130770-A).
- I. Applicant shall provide an exhibit indicating the location of nonconforming buildings on Lots 1, 2 and 3.
- J. The following notes shall be added to the minor subdivision map:
 - 1. The well on Lot 1 shall be re-permitted as required by the Colorado Division of Water Resources, and the property owner must submit evidence of adequate water supply for Lots 2 and 3 prior to any change of use on those lots.
 - 2. The site shall maintain compliance with the Division of Water Resources.
 - 3. Buildings in the right-of-way must be moved or removed at property owner's expense at the time of road expansion.
 - 4. All access and utility easements are dedicated for the benefit of all owners of lots depicted on this plat, including owner of future lots created therefrom, regardless of lot configuration or number of users, and without limitation of the use or intensity of the use of such easements. No lot owner may install a gate or otherwise impede the use of such easements without the approval of all persons with rights of use of such easements.

APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL THIS 18th DAY OF MAY, 2021.

City of Fort Lupton, Colorado

Zo Stieber, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

RESOLUTION NO. P2021-012

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF THE BRANDYWINE FARMS MINOR SUBDIVISION TO CREATE THREE LOTS ON A PROPERTY LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

WHEREAS, the Planning Commission held a public hearing on May 13, 2021, for the purpose of reviewing the Brandywine Farms Minor Subdivision application; and

WHEREAS, the minor subdivision will divide the property into three (3) separate lots planned; and

WHEREAS, after review of the application and supporting documentation, the Planning Commission finds the request for a minor subdivision to create three (3) separate lots, generally conform with City codes and requirements and policies therein; and

WHEREAS, all legal requirements for the public hearing have been met, including publication of the legal notice in the Fort Lupton Press, mailing of public hearing notices to adjacent property owners within 100 feet and posting of the hearing on the site; and

NOW THEREFORE BE IT RESOLVED, the Planning Commission has considered the application and has taken into consideration all referral comments and any citizen testimony in response to this application. Based upon the facts presented on this date, the Planning Commission hereby recommends approval of the Brandywine Farms Minor Subdivision to create three (3) separate lots on a property located in the East Half of the Northeast Quarter of Section 2, Township 1 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado with the following conditions:

I. Prior to recording the minor subdivision plat:

- A. The title of the minor subdivision map shall include the Project No.: LUP2021-0010 & Plan No.: MSD2021-0001.
- B. Any redline comments provided by staff shall be made to the minor subdivision plat.
- C. Applicant shall dedicate by separate document 55' of right-of-way on County Road 23.
- D. Applicant shall provide written acknowledgement of the comments from the Fort Lupton Fire Protection District.
- E. Applicant shall provide written acknowledgement of the comments from the Northern Colorado Water Conservancy District.

- F. Applicant shall provide written evidence that the comments from United Power have been adequately addressed.
- G. Applicant shall provide written evidence that the comments from Public Service Company of Colorado dba Xcel Energy have been adequately addressed.
- H. Applicant shall submit evidence that the comments from the Colorado Division of Water Resources have been adequately addressed including submitting a Well Abandonment Report for well no. 130770 and submitting a well permit application to re-permit the existing well (well permit no. 130770-A).
- I. Applicant shall provide an exhibit indicating the location of nonconforming buildings on Lots 1, 2 and 3.
- J. The following notes shall be added to the minor subdivision map:
 - 1. The well on Lot 1 shall be re-permitted as required by the Colorado Division of Water Resources, and the property owner must submit evidence of adequate water supply for Lots 2 and 3 prior to any change of use on those lots.
 - 2. The site shall maintain compliance with the Division of Water Resources.
 - 3. Buildings in the right-of-way must be moved or removed at property owner's expense at the time of road expansion.
 - 4. All access and utility easements are dedicated for the benefit of all owners of lots depicted on this plat, including owner of future lots created therefrom, regardless of lot configuration or number of users, and without limitation of the use or intensity of the use of such easements. No lot owner may install a gate or otherwise impede the use of such easements without the approval of all persons with rights of use of such easements.

DONE THIS 13TH DAY OF MAY, 2021 BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.

Chairman

ATTEST:

Planning Director

This Resolution was approved by Planning Commission on May 13, 2021. Due to COVID, there has been a delay in obtaining the Chairman's signature. The signed Resolution will be added to the files once it is received.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021**

The Planning Commission of the City of Fort Lupton met in session virtually via GoToMeeting, on Thursday, May 13, 2021.

Chair Mike Simone called the meeting to order at 6:01 pm and gave the following advisement:

Tonight's meeting shall be held virtually so as to ensure the health and safety of the general public and the City of Fort Lupton Planning Commission and staff.

The intent and purpose of the virtual appearance options is to allow the City to be innovative in providing the general public the most meaningful access possible in light of the current challenges present as a result of the Covid-19 pandemic. Therefore, subject to social distancing and public health orders, members of the general public will be offered the opportunity to be electronically present for meetings at the City, subject to existing health conditions.

An electronic link has been made available for tonight's meeting on the City's website and social media platforms and as posted at City Hall, so that the general public, Planning Commission and staff may participate electronically via the internet or on the phone.

ROLL CALL

Roll was taken and those present were Chair Mike Simone, Vice-Chair Bush White and Commission Members Carlos Barron, Kathy Kvasnicka and Thomas Meyers. Also in attendance were Planning Director Todd Hodges, City Planner II Alyssa Knutson, City Planner I Maria Lancto, City Clerk Mari Peña and Planning Administrative Assistant Magaly Morales-Tejada.

APPROVAL OF AGENDA

Chair Simone called for a motion to approve the agenda. It was moved by Vice-Chair Bush White and seconded by Kathy Kvasnicka

CONSENT AGENDA

Chair Simone called for a motion to approve the consent agenda. It was moved by Vice-Chair Bush White and seconded by Kathy Kvasnicka.

PUBLIC COMMENT

Chair Simone asked if there was anyone who would like to comment on an item not on the agenda tonight. Hearing none, he closed Public Comment

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021**

ACTION ITEMS

Chair Simone addressed the applicant, Leonard Toews.

He asked if Mr. Toews understood that Members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Mr. Toews stated yes.

Chair Simone asked if he consented to the applicable members voting on his submittal, even though said members are not present in person.

Mr. Toews stated yes.

Chair Simone asked if he understood that he had the right to continue this public hearing to such a date to allow a full in-person public hearing.

Mr. Toews stated yes.

Chair Simone asked if he voluntarily signed and submitted the written waiver and consent to proceed electronically tonight.

Mr. Toews stated yes.

Chair Simone asked if he waived his right to proceed in an in-person public hearing and has consented to proceed forward voluntarily tonight in this virtual planning commission meeting.

Mr. Toews stated yes.

P2021-012: Brandywine Farms Minor Subdivision

Planner Maria Lancto presented this item. Ms. Lancto stated that this property is located at the northwest corner of the intersection of Highway 52 and County Road 23 and is zoned Agriculture. She stated that this minor subdivision will result in three separate lots; Lot 1 being 1 acre, Lot 2 approximately 4.3 acres and lot 3 25.26 acres. She stated that the applicants have also submitted for a change of zone for Lot 1, which is being reviewed at the public hearing following this. Ms. Lancto stated that the use of the property is not being changed at this time. Ms. Lancto stated that all notification requirements had been met, including publishing in the newspaper, posting at the property and mailing to neighbors. Ms. Lancto stated that the applicants, Leonard and Sherri Toews, are available to speak further about the proposal and answer any questions.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021**

Chair Simone addressed the applicant, Leonard Toews. He asked if he had anything to add or present on behalf of his application.

Mr. Toews stated that the properties west and adjacent to his property are both commercially zoned. He stated that his property has been on the City's comprehensive plan for quite some time. Mr. Toews stated that they see themselves as a gateway to Fort Lupton and see their property as a key point in furthering the development in the area.

Chair Simone asked Mr. Toews if he felt he had a full opportunity to participate in the public hearing.

Mr. Toews stated yes.

Chair Simone asked Mr. Toews if there was anything he would have liked to present in support of his presentation that he felt he was prevented from doing.

Mr. Toews stated no.

Chair Simone opened up the public comment portion of the Hearing for the action item. Hearing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

Chair Simone opened up the hearing to Planning Commissioners' comments and questions. With no questions from Planning Commissioners, Chair Simone called for a motion to approve P2021-0012.

It was moved by Kathy Kvasnicka and seconded by Bush White. Motion passed unanimously.

P2021-013 Brandywine Farms Change of Zone

Planner Maria Lancto presented this item. She stated that this application is for Lot 1 of the Brandywine Farms Minor Subdivision, located at the northwest corner of Highway 52 and County Road 23. Ms. Lancto stated that the applicants are requesting this lot be rezoned from Agriculture to "C-2" Heavy Commercial. She stated that this location is designated for commercial transition land uses in the City's Comprehensive Plan, therefore this request is appropriate for the future of this area. Ms. Lancto stated that there is no proposed development with this application and any land use proposals would be brought back to the City for review. She stated that all notification requirements had been met, including publishing in the newspaper, posting at the property and mailing to neighbors.

Chair Simone asked the applicant, Leonard Toews, if there was anything he would like to add on behalf of his application.

Mr. Toews reiterated that his property is at a key intersection to start future development.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021**

Chair Simone asked Mr. Toews if the previous answers to question on his consent to an virtual question applied to this action item.

Mr. Toews stated yes.

Chair Simone opened up the public comment portion of the Hearing for the action item. Hearing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

Chair Simone asked Mr. Toews if he felt he had a full opportunity to participate in tonight's public hearing.

Ms. Toews stated yes.

Chair Simone opened up the hearing to Planning Commissioners' comments and questions.

Member Carlos Barron asked if there were any future plans for this lot.

Mr. Toews stated that there is not currently, but they do see potential for the property in the future.

Vice-Chair White asked for clarification on heavy commercial zoning.

Planning Director Todd Hodges explained that along the highway, heavy commercial allows for more development than standard retail. He stated that under the current Code, any future development would come before Planning Commission.

Vice-Chair White asked for a worst case scenario use in heavy commercial zoning.

Planner Alyssa Knutson read the permitted uses and special uses listed in the Fort Lupton Municipal Code for C-2 Heavy Commercial zoning. She stated that all uses permitted in C-1 are also permitted in C-2.

Mr. Toews added that they currently operate a floral greenhouse on Lot 2 of this property and have hopes of expanding into a plant nursery.

With no further questions from Planning Commissioners, Chair Simone called for a motion to approve P2021-013.

It was moved by Vice-Chair White and seconded by Kathy Kvasnicka. Motion passed unanimously.

P2021-0014 Chapter 16 Article II Amendments

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021

Planner Maria Lancto presented this item. She stated that this is a review of proposed changes to Article 2 of Chapter 16 of the Fort Lupton Municipal Code. Ms. Lancto stated that during the November elections of 2020, citizens voted to allow medical and retail marijuana stores to operate within Fort Lupton. Ms. Lancto stated that since then staff has been working on a series of ordinances which, with state statues, will regulate this use. She stated that these ordinances include a Medical Marijuana Ordinance, a Retail Marijuana Ordinance, the tax ordinance and changes to the zoning ordinance. Ms. Lancto stated that all 4 of these will be brought before City Council the following Tuesday, May 18, however the zoning ordinance must first be reviewed by Planning Commission. She stated this meeting and presentation is only for the proposed changes to the zoning chapter of the code. Ms. Lancto stated that the city will only allow a medical marijuana store to operate within a retail store, a standalone medical establishment will not be permitted as the city will only be allowing a maximum of 4 establishments at this time. Ms. Lancto stated that through discussion and research City staff has determined that Commercial and Industrial zoning works best for this use, so it will be permitted in the C-1, C-2, I-1 and I-2 zone districts. She stated that the city wants to leave open the possibility for this use in a PUD that allows for commercial and industrial uses, however this use would need to be specifically included in the PUD standards. Ms. Lancto stated that zoning is not the only way in which the location of these establishments will be regulated, she stated that they will not be permitted within or adjacent to residential properties, in downtown, within 1,000 feet from any school, childcare center, juvenile or adult halfway house, correction facility or substance abuse rehabilitation center or within 500 feet of a park with a playground and the establishments will be separated by 1,500 or 3,000 feet depending on the population - similar to how the city currently handles liquor licenses. Ms. Lancto referred to a map that depicts the buffers of where these establishments would not be allowed. Ms. Lancto stated that there will be a special tax of 3.1% to be collected by the city, in addition to the current 4.0% that is collected by the state. She stated that this rate may decrease or increase without further approval so long as it doesn't exceed 10%. Ms. Lancto stated that following this public meeting, there will be a public hearing with City Council on May 18, 2021 which will include this zoning ordinance and other ordinances related to this use. She explained that all ordinances that are approved require a second reading and publishing in the newspaper, which is a 60-day process, therefore the expected effective date of these ordinances is July 23, 2021. Ms. Lancto stated that the zoning ordinance includes changes to sections 16-40, 16-42 and 16-45. She stated that staff recommends that medical and retail marijuana stores be added as permitted uses in the C-1 and I-1 districts as well as adding to the end of section 16-45(c)(1) language that reads "medical marijuana stores and retail marijuana stores are permitted uses in PUDs, provided that they meet the qualifications and criteria set forth in Articles 7 and 8 of chapter 6 of this Code and are approved as part of the PUD approval process." She stated that the proposed resolution would need to be amended so that section 16-45(c)(1) of Exhibit A to the resolution referenced Chapter 6 and not Chapter 16. She stated that with these changes, no amendment is needed for sections for C-2 or I-2 zoning as the code currently lists all C-1 permitted uses are permitted uses in C-2 and similarly for I-1 and I-2 zoning. Ms. Lancto stated that Mari Peña, the City Clerk is also online and that staff will try to answer any questions, but that some questions may need to be passed along to City Council.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021

Chair Mike Simone opened up the meeting to public comments.

Chair Simone opened up the public comment portion of the Hearing for the action item. Hearing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

Chair Mike Simone opened up the meeting to Planning Commissioner's comments.

Member Thomas Meyers stated that there are a lot of DOT businesses in the area and feels as though having marijuana readily available for retail within the city would create conflict with DOT drivers.

Member Carlos Barron stated that he operates a DOT business and they require quarterly drug testing. He stated that all DOT employees should be aware of the regulations.

Member Meyers reiterated that having marijuana retail readily available near drivers who may make the choice to drive under the influence could have bigger consequences as they are driving larger vehicles than the average driver on the road.

Member Kathy Kvasnicka stated that Fort Lupton is not the first city in the area allowing for retail of marijuana, and that it already is readily available in the area. She stated that the retail of marijuana will bring in great revenue to the City.

Chair Simone stated that while good points were being made, this discussion is outside of the Planning Commissions role. He stated that he would like to recommend that staff bring to City Council's attention that many CDOT drivers are not aware that marijuana is still a federal offense and recommended that notice be required to be posted in marijuana establishments.

Planning Director Hodges stated that this can be brought to City Council although he is unsure if that would be a conflict with state regulations.

Chair Simone asked if home day cares are included in the buffers on the map.

Planning Director Hodges stated yes, all legally licensed childcares are included.

Chair Simone asked how future home day cares would be affected if there is an existing marijuana establishment in the area where a home daycare is being proposed.

City Clerk Mari Peña stated that if there is an existing marijuana facility, then a new home daycare would be allowed in the buffer area if they choose to be within that distance and it would not affect the status of the existing marijuana facility.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021

Chair Simone suggested that in the amendment being made to the Code, they also amend the wording for Medical and Dental Clinics to list "Healthcare and Dental Clinics"

Planning Director Hodges stated that they could look at that as part of the overall code change.

Vice-Chair White asked if the land use process for marijuana establishments could be through Special Use Permits rather than permanent.

Planning Director Hodges stated that from a land use planning perspective, applications for these establishments will be treated the same as other retail establishments, the only benefit from a Special Use Permit is that it is non-transferable. He stated that retail and medical establishments are a mandate of the voters of the City and the City is just regulating how and where these establishments can be located.

Member Meyers asked for clarification on what the Planning Commissioners votes are needed for, if these establishments have already been mandated by the voters.

Planning Director Hodges stated that the Planning Commission is voting on this use being allowed in the specified zoning districts.

Chair Simone stated that Planning Commissioners should vote based upon compliance with the regulations.

Planner Knutson stated that Planning Commissioners are voting on the recommendation to City Council.

Planning Director Hodges stated that the Planning Commissioners have the ability to recommend changes to the section being reviewed and although this is a mandate of the citizens, that the commissioners have the purview to regulate how this works in the city.

Vice-Chair White reiterated that he would like to see it regulated as a special use permit rather than other land use types as to not allow transferability and not make it as readily available, as he has seen firsthand the effects that having marijuana readily available has on youth that he works with.

City Clerk Mari Pena stated that transferability is regulated through the state and there are many requirements in order for anybody to open or operate an establishment. Ms. Pena stated that licensing is heavily regulated through the state. She stated that the requirements are not only similar as those for liquor licenses, but there are in fact more requirements for marijuana retail.

Mr. Meyers asked for clarification of the votes and if he could vote no based on whether or not her agrees with the allowed uses in the zoning.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021**

Chair Simone stated yes

Planner Knutson stated yes and explained that the Planning Commission is only voting on the amendment to the zoning district uses.

With no further questions from Planning commissioners, Chair Simone asked for a motion to approve P2021-0014. It was moved by Member Kathy Kvasnicka and seconded by Member Carlos Barron.

Motion passed on a roll call vote of 4 “yes” votes and 1 “no” vote.

DISCUSSION ITEMS

Review of Meeting Discussion

A review of meeting discussions took place.

Development Code Update

A discussion of the Development Code Update took place.

FUTURE BUSINESS

The next meeting of the Planning Commission is scheduled for June 10, 2021 at 6:00 PM.

ADJOURNMENT

Chair Mike Simone adjourned the meeting at 7:03 PM.

Submitted by

Magaly Morales-Tejada, Planning Assistant

Approved by Planning Commission

Mike Simone, Chair



BRANDYWINE FARMS MINOR SUBDIVISION
PROJECT NO. LUP2021-0010 / PLAN NO. MSD2021-0001

PROJECT DESCRIPTION

Project No.: LUP2021-0010 / Plan No.: MSD2021-0001

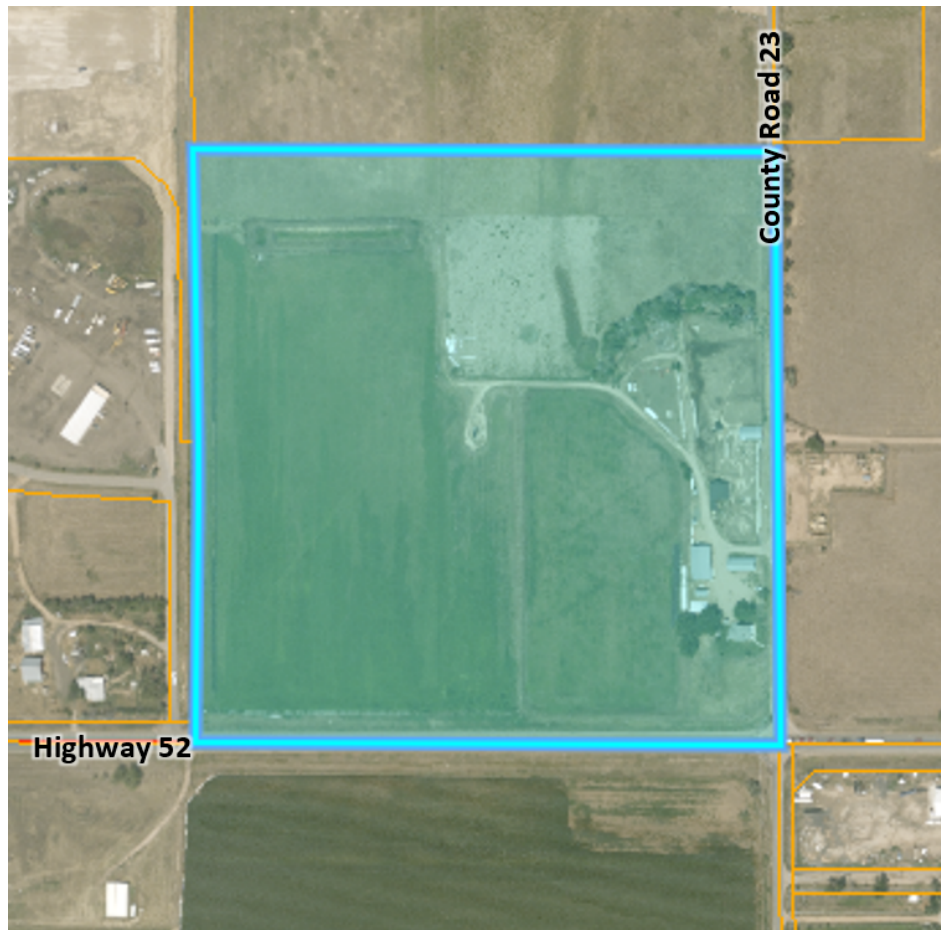
Project name: Brandywine Farms Minor Subdivision

Owner: Leonard Toews and Sherri Toews (“Applicants”)

Representative: N/A

Location of Request:

The site consists of a parcel of land located at the northwest corner of the intersection of Highway 52 and County Road 23 (Parcel No. 146902100005) (the “Property”). The site is located in the East Half of the Northeast Quarter of Section 2, Township 1 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado. It is directly adjacent to the City Limits on the south.



Nature of Request:

The Applicants have submitted a request for a minor subdivision of the Property into three separate lots. The applicants are requesting that Lot 1 be zoned C-2 Heavy Commercial, which will be reviewed at a separate public hearing. No development is planned for Lot 1 at this time, and any future proposed land uses will be reviewed at separate public hearings before the Planning Commission and City Council. Lots 2 and 3 will remain in the Agriculture Zone District.

Site Size: 33.04 acres, more or less, with the planned subdivided lots measuring as follows:

- Lot 1: 1.00 acres, more or less
- Lot 2: 4.30 acres, more or less
- Lot 3: 25.26 acres, more or less

Zone District: The property is currently zoned 'A' Agriculture. Lots 2 and 3 will remain in the Agriculture Zone District. The Applicants are proposing that Lot 1 be rezoned to 'C-2' Heavy Commercial, which will be reviewed at a separate public hearing.

Proposed Use: The use of the property will not change at this time. Any proposed development will be reviewed at separate public hearings at a later date.

Existing Use: Lot 1 contains an existing residence. Lots 2 and 3 are used agriculturally and contain a greenhouse and several sheds.

Hearing Dates: Planning Commission – May 13, 2021 at 6:00 PM; and
City Council – May 18, 2021 at 7:00 PM.

Hearing Location: Planning Commission: Held virtually via GoToMeeting due to COVID 19.
City Council: Fort Lupton City Hall – Council Chambers, 130 S. McKinley Ave., Fort Lupton, Colorado.

Staff Recommendation: Approval with conditions, as shown on the proposed resolution.

SUMMARY OF PREVIOUS APPLICATIONS

The property was annexed into Fort Lupton in 2021, and was initially zoned to the 'A' Agriculture Zone District (Toews Annexation and Initial Zoning).

APPLICATION PROCESS

The Applicant is requesting approval of a minor subdivision for three lots.

A minor subdivision is processed under Section 17-30 of the Fort Lupton Municipal Code ("Code").

After required public notice of the minor subdivision request, the Planning Commission shall consider the application, referral comments and any public testimony at a public hearing and make a recommendation to City Council to approve, approve with conditions or deny the minor subdivision. The Planning Commission's comments shall be based on the evidence presented, conformance with the Comprehensive Plan and compliance with the City's standards, regulations and policies.

The City Council shall then conduct a public hearing and evaluate the application, referral agency comments, Planning Commission recommendation and any public testimony, and shall approve,

conditionally approve, continue for additional information or for further study or deny the application based on the evidence presented and compliance with the City's standards, regulations and policies and other guidelines.

NOTIFICATION REQUIREMENTS

The Subdivision and Zoning Regulations require published notice of the hearings at least fifteen (15) days prior to the hearings. The Planning Commission and City Council hearings were published in the Fort Lupton Press on Wednesday, April 28, 2021.

Notice of the public hearings were posted on the Property pursuant to the Subdivision and Zoning Regulations, which require the Applicant post the Property with notice of hearings at least fifteen (15) days prior to the hearings.

Notice was mailed to neighbors within one-hundred (100) feet of the Property on April 28, 2021. Mineral notifications were sent as a courtesy at least 15 days prior to the Planning Commission hearing date.

CONFORMANCE WITH CITY STANDARDS, REGULATIONS AND POLICIES

The intent of a minor subdivision is to expedite the process of subdivisions that are minor in size and scope (Section 17-30). A minor subdivision must consist of four or fewer lots, meet zoning and subdivision regulations of the city, and must not include a dedication of public right-of-way. There also may not be other minor plats within the same subdivision that, in combination with the proposed minor plat, would circumvent the intent of Chapter 17 – Subdivision of the Code. The Brandywine Farms Minor Subdivision meets all of the necessary criteria as long as the conditions of approval are met.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Fort Lupton Comprehensive Plan designates the northern portion of this property for agricultural and rural residential land uses. The southern portion on the property is designated for commercial transitional land uses.

The agricultural and rural residential designation allows for agricultural and related uses as well as low density residential on the periphery of the planning area, intended to preserve a generally rural character. This also includes a variety of miscellaneous uses, such as isolated industrial businesses and semi-rural properties located under Estate Zoning.

The commercial transition designation identifies potential growth areas for commercial development outside the municipal boundaries or primary commercial districts of Fort Lupton. These areas should support gradual, long-term commercial investment outward from the City's urban core, including incremental transitioning of agricultural uses to commercial development.

The existing use of the property conforms to the agricultural and rural residential land use designation.

REFERRALS

Referrals were provided to the list below. Any comments received are enclosed with the Planning Commission packet.

Buildings / Grounds Manager	Building Inspector	OMI
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City Attorney	Police Chief	GIS Specialist
Public Works Director	Fort Lupton Fire Protection District	CDOT
Colorado DRMS	United Power	Comcast
CenturyLink	Xcel Energy	Postmaster
Weld County Department of Planning	Weld County School District RE-8	NCWCD
Weld County Dept. of Public Health & Env.		

RECOMMENDATION

Staff recommends conditional approval of the Brandywine Farms Minor Subdivision. Conditions are listed on the proposed Resolution provided to Planning Commission.

For more information on this development, please refer to the Planning Commission packet provided. Additional documents are available for review at the Fort Lupton City Hall.



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortluptonco.gov

Project No. _____

Land Use Application Form

A. CONTACT INFORMATION

- 1) Property Owner Name: Leonard Toews, Sherri Toews
 Company: _____
 Phone: (303) 919-7568 Email: Len@Brandywine-Farms.com
 Address: 5535 County Road 23, Fort Lupton CO 80621
 Preferred method of contact? Email: _____ Phone: ☒ Mail: _____
- 2) Representative Name: Len Toews
 Company: _____
 Phone: (303) 919-7568 Email: Len@Brandywine-Farms.com
 Address: 5535 County Road, Fort Lupton, CO 80621
 Preferred method of contact? Email: _____ Phone: ☒ Mail: _____
- 3) Billing Contact (where invoices should be directed to): _____
 Billing Company: _____
 Phone: (303) 919-7568 Email: Len@Brandywine-Farms.com
 Address: 5535 County Road 23, Fort Lupton, CO 80621

B. SITE DESCRIPTION

Site Address: 5535 County Road 23, Fort Lupton, CO 80621
 Parcel Number: 146902100005
 Existing Zone Classification: Agricultural Proposed Zone Classification: 2 Remaining - Ag
Commercial - C2
 Water Type: Well Name: Toews
 Sewage Type: Septic District Name or Location Hauled to: _____

C. APPLICATION TYPE (CHECK ALL THAT APPLY)

Sketch Plat	Administrative Site Plan	PUD Plan (Preliminary & Final)
Preliminary Plat	Special Use Permit	Variance
Final Plat	Oil & Gas Permit	Administrative Variance
<u>Minor Subdivision</u>	Annexation & Initial Zone	Appeal
Amended Plat	<u>Change of Zone</u>	Other: _____
Site Plan	Comp Plan Amendment	

D. PROJECT DESCRIPTIONProject Name: ~~Toews~~ Brandywine Farms

Please provide a short description of the proposed project in the space provided below:

Minor Subdivision - into 3 Total Parcels
 2 parcels remain Agriculture
 1 parcel zone change to Commercial - C2

E. REQUIRED DOCUMENTS

For an application to be considered complete, and for planning staff to begin review and schedule any applicable public hearings, this Land Use Application Form must be fully completed and all required attachments included. Planning staff will review the application for completeness and will provide notice to the representative and/or owner whether the application has been deemed complete.

F. CERTIFICATIONS**Representative Certification**

By signing this application, I attest that I am acting with the knowledge and consent of all owners of the property that is the subject of this application, and that I have been designated to act as the representative for the project described in this land use application. I further certify that all information submitted with this application is true and accurate to the best of my knowledge.

Representative: _____ Date: _____

Owner Certification

I hereby certify that I am the legal owner of record of the property that is the subject of this application. I authorize the representative listed on this application, if any, to communicate directly with City officials and to submit documentation and information regarding this application on my behalf.

Owner: Leonard Toews Date: March 8, 2021

For Office Use Only

Received Date: _____

If the application is not complete, state reasons why it is incomplete:

Deemed Complete Date: _____

Fees Submitted: _____ Escrow Submitted: _____

Project Description of Proposed Brandywine Farms Minor Subdivision

Brandywine Farms Minor Subdivision sits on the northwest corner of Highway 52 and County Road 23 (arterial road for Fort Lupton). Brandywine Farms has been in the Fort Lupton Comprehensive Plan for many years and has recently been annexed. This property is basically at the Gateway or entrance to Fort Lupton while heading east on Highway 52.

Brandywine Farms Minor Subdivision consists of 3 parcels of land. Parcel 1 is approximately 1 acre to be zoned C-2. Parcel 2 (4.30 acres) and parcel 3 (25.26 acres) are to remain zoned Agricultural. All 3 parcels of land are to be accessed from an entrance 300' north of the intersection of Highway 52 and County Road 23. All 3 parcels can be accessed by the road shown on the subdivision plat. Brandywine Farms Minor Subdivision is one of the first properties to the west of Fort Lupton that sit outside of the floodplain.

Brandywine Farms Minor Subdivision

PROJECT NO. LUP2021-XXXX & PLAN NO. XXXXXXX-XXXX

Located in the East 1/2 of the Northeast 1/4 of Section 2,
Township 1 North, Range 67 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

Sheet 1 of 1

PROPERTY DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE COINCIDENT WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 NORTH 00°00'00" EAST, A DISTANCE OF 110.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF STATE HIGHWAY NO. 52, AND THE POINT OF BEGINNING; THENCE CONTINUING COINCIDENT WITH SAID EAST LINE NORTH 00°00'00" EAST, A DISTANCE OF 1049.72 FEET TO THE NORTH LINE OF LOT A OF RECORDED EXEMPTION NO. 1489-02-1, REC-0009 RECORDED OCTOBER 20, 2011 AS RECEPTION NO. 3799966; THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT A NORTH 89°24'51" WEST, A DISTANCE OF 1312.79 FEET TO THE NORTHWEST CORNER OF SAID LOT A; THENCE COINCIDENT WITH THE WEST LINE OF SAID LOT A SOUTH 00°10'56" EAST, A DISTANCE OF 1099.76 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°24'51" EAST, A DISTANCE OF 1236.02 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY NORTH 45°36'09" EAST, A DISTANCE OF 70.70 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 22.75 FEET TO THE POINT OF BEGINNING; CONTAINING 33.04 ACRES, MORE OR LESS, COUNTY OF WELD, STATE OF COLORADO.

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, THAT WE, LEONARD TOEWS AND SHERRI TOEWS, BEING THE SOLE OWNERS OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE LAID OUT AND PLATTED UNDER THE NAME OF BRANDYWINE FARMS MINOR SUBDIVISION, AND DO HEREBY DEDICATE TO THE CITY OF FORT LUPTON AND ITS LICENSEES FOR PUBLIC USE FOREVER ALL STREETS, ALLEYS AND UTILITY EASEMENTS AS INDICATED HEREON. IN COMPLIANCE WITH THE CITY OF FORT LUPTON SUBDIVISION REGULATIONS AND BY CONTRACTUAL AGREEMENT, THE LANDOWNERS SHALL BEAR ALL EXPENSES INVOLVED IN IMPROVEMENTS.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS ____ DAY OF _____, 20____.

LEONARD TOEWS SHERRI TOEWS

STATE OF COLORADO SS.
COUNTY OF WELD

THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME BY _____

THIS ____ DAY OF _____, 20____.

WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____.

NOTARY PUBLIC

OWNER'S APPROVAL:

KNOW ALL MEN BY THESE PRESENTS, THAT WE LEONARD TOEWS AND SHERRI TOEWS, BEING THE SOLE OWNER(S) OF THE LAND DESCRIBED HEREIN, AND _____ ARE ALL OF THE MORTGAGEES AND HOLDERS OF LIENS UPON THE PROPERTY, AND EACH AND ALL HEREBY CONSENT TO THIS PLAT AND JOIN THE CONVEYANCE AND DEDICATION OF ALL STREETS, ROADS, ALLEYS, EASEMENTS, PUBLIC WAYS AND PLACES SHOWN HEREON.

LEONARD TOEWS SHERRI TOEWS

STATE OF COLORADO SS.
COUNTY OF WELD

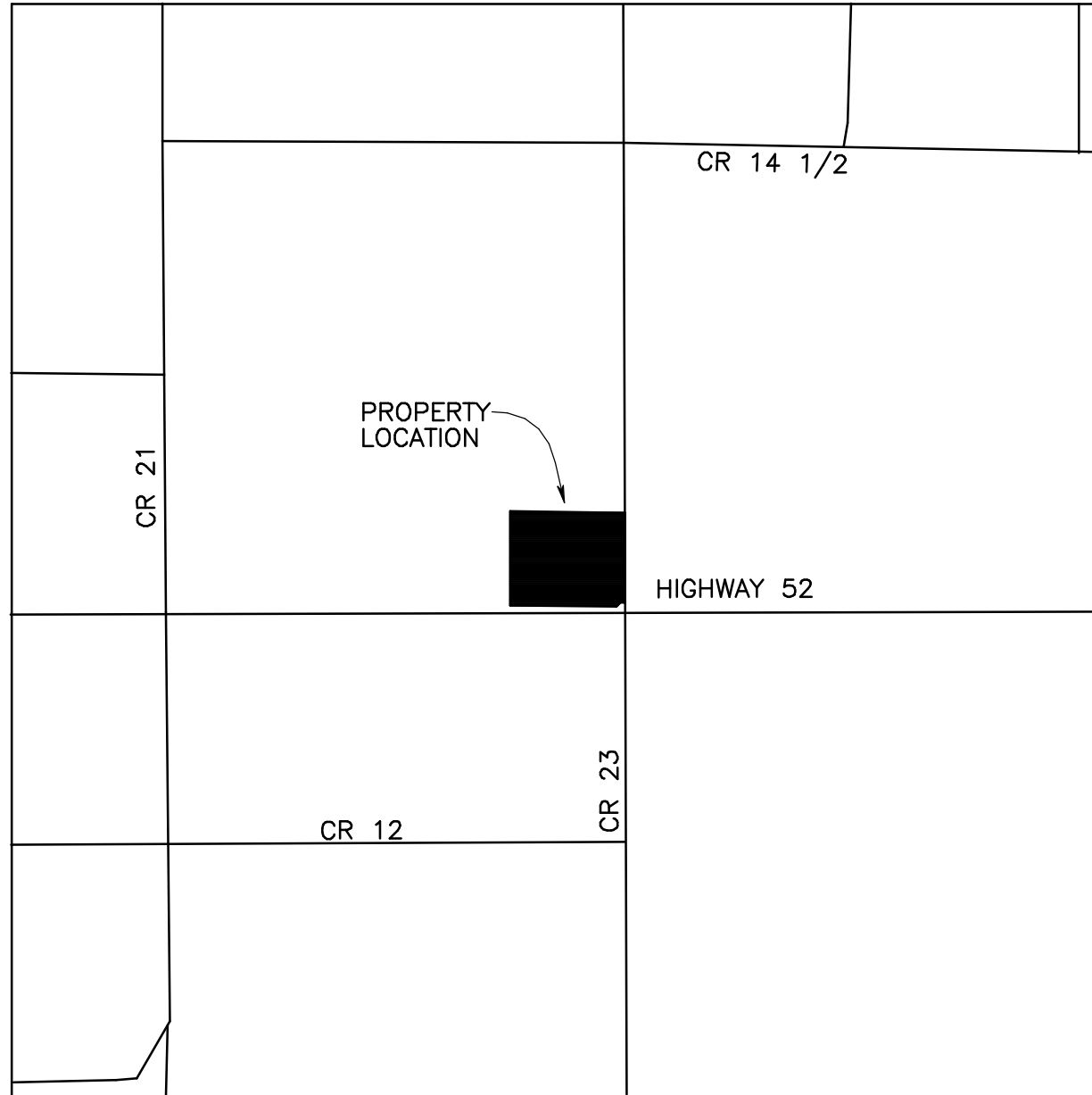
THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME BY _____

THIS ____ DAY OF _____, 20____.

WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____.

NOTARY PUBLIC



VICINITY MAP
SCALE: 1"=2000'

CITY ADMINISTRATOR'S APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____.

CITY ADMINISTRATOR _____

CITY WATER AND SEWER DEPARTMENT APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____.

CITY ENGINEER _____

NOTES:

1) BASIS OF BEARING: THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN IS ASSUMED TO BEAR SOUTH 00°32'57" EAST, AS MONUMENTED HEREON WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

2) DISTANCES ON THIS MINOR ADJUSTMENT ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.

3) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

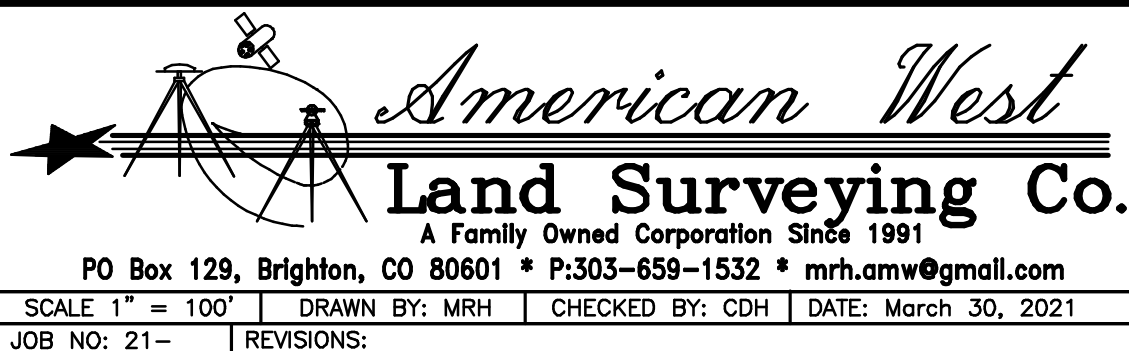
4) ANY PERSON WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY PUBLIC LAND SURVEY MONUMENT, AS DEFINED BY SECTION 38-53-103 (18), C.R.S., OR CONTROL CORNER, AS DEFINED IN SECTION 38-53-103 (6), C.R.S., OR A RESTORATION OF ANY SUCH MONUMENT OR WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY BEARING TREE KNOWING SUCH IS A BEARING TREE OR OTHER ACCESSORY, AS DEFINED BY SECTION 38-53-103 (1), C.R.S., EVEN IF SAID PERSON HAS TITLE TO THE LAND ON WHICH SAID MONUMENT OR ACCESSORY IS LOCATED, COMMITS A CLASS 2 MISDEMEANOR UNLESS, PRIOR TO SUCH REMOVAL, SAID PERSON HAS CAUSED A COLORADO PROFESSIONAL LAND SURVEYOR TO ESTABLISH AT LEAST TWO WITNESS CORNERS OR REFERENCE MARKS FOR EACH SUCH MONUMENT OR ACCESSORY REMOVED AND HAS FILED OR CAUSED TO BE FILED A MONUMENT RECORD PURSUANT TO ARTICLE 53 OF TITLE 38, C.R.S.

5) CERTIFICATION DEFINED: THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" BY A REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE PRACTICE OF LAND SURVEYING, CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OF FINDINGS WHICH ARE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED.

SURVEYOR'S CERTIFICATE:

I, MERLE R. HOOS, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF BRANDYWINE FARMS MINOR SUBDIVISION WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THIS PLAT HAS BEEN PREPARED IN COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO AT THE TIME OF THIS SURVEY AND WITHIN MY CONTROL, AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

MERLE R. HOOS P.L.S. 38046
FOR AND ON BEHALF OF
AMERICAN WEST LAND SURVEYING CO.,
A COLORADO CORPORATION



Brandywine Farms Minor Subdivision

PROJECT NO. LUP2021-XXXX & PLAN NO. XXXXXXX-XXXX

Located in the East 1/2 of the Northeast 1/4 of Section 2,
Township 1 North, Range 67 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

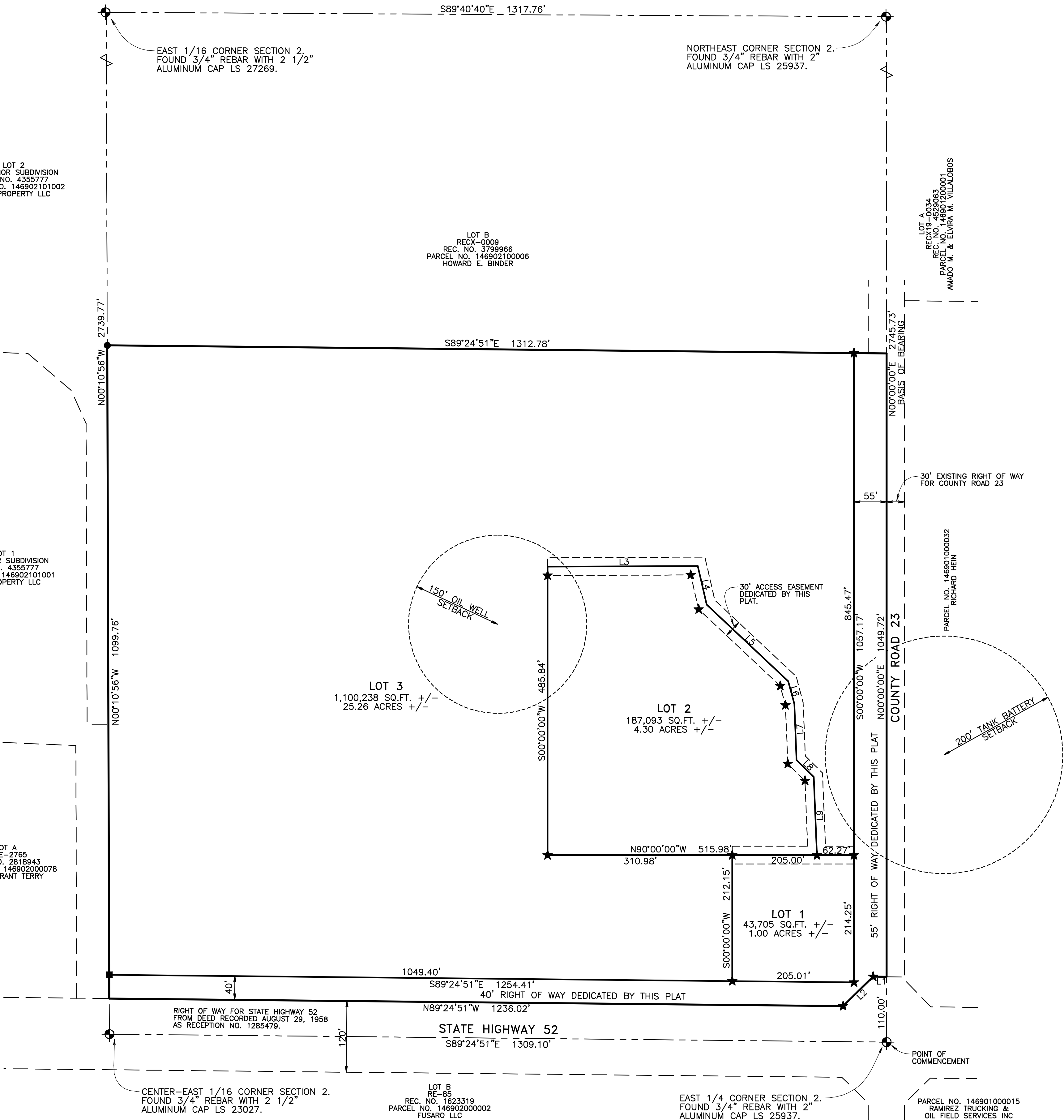
Sheet 1 of 1

LEGEND:

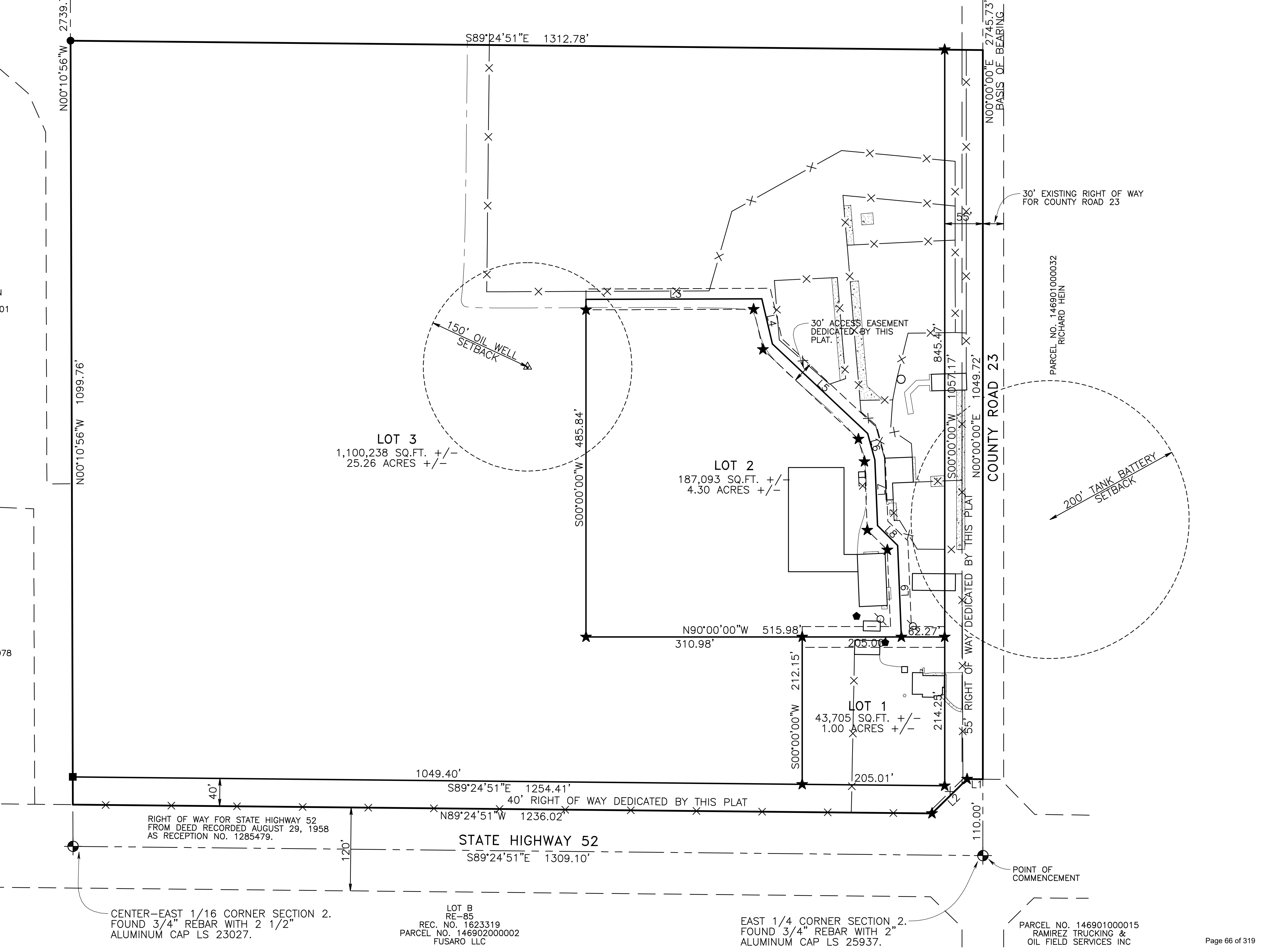
- ⊕ = SECTION CONTROL MONUMENT AS NOTED HEREON.
- ★ = SET 5/8" X 24" REBAR WITH 2" ALUMINUM CAP LS 38046.
- = FOUND 5/8" REBAR WITH PINK PLASTIC CAP LS 38046.
- = FOUND 5/8" REBAR WITH RED PLASTIC CAP LS 27269.

LINE TABLE:

LINE	BEARING	DISTANCE
L1	N89°26'53"W	22.75'
L2	S45°36'09"W	70.70'
L3	N89°46'46"E	253.04'
L4	S13°00'51"E	66.85'
L5	S46°48'32"E	188.14'
L6	S15°02'45"E	39.50'
L7	S02°21'23"E	94.55'
L8	S45°19'24"E	40.54'
L9	S02°22'48"E	131.90'



American West
Land Surveying Co.
A Family Owned Corporation Since 1991
PO Box 129, Brighton, CO 80601 * P:303-659-1532 * mrh.amw@gmail.com
SCALE 1" = 100' DRAWN BY: MRH CHECKED BY: CDH DATE: March 30, 2021
JOB NO: 21- REVISIONS:



Water Supply

Brandywine Farms water supply is from well permit 130770A. We have confirmed with the Colorado Department of Water Resources that we have approximately 8.4 Acre feet of water (2.7 million gallons per year). The 2 agricultural lots are also served by 2.5 shares of the New Brantner ditch. Brandywine Farms has retained a water attorney who has advised us that it is not a problem to provide water as required for the minor subdivision.

Sanitary Sewer Service

Septic field will be designed and built to standards provided by Colorado Department of Public Health and Environment.

Drainage Plan

Public Works comments are below:

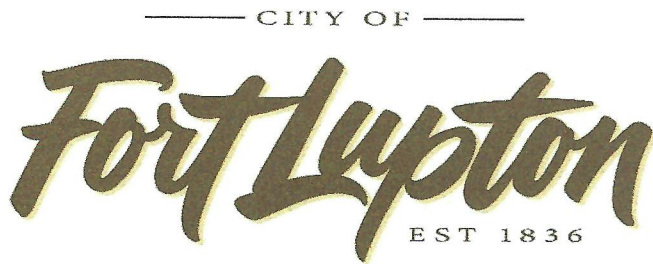
1. Drainage

- A. Final Drainage Study may be required, dependent upon proposed pavement changes.**
- B. This location is not located within a designated Floodplain.**
- C. A SWMP and Stormwater Discharge permit must be acquired from CDPH&E if area of disturbance or grading is required.**

Brandywine Farms comments:

The west 700' of property gently slopes to the north and we presently have a large retention pond at the north edge of the property.

The east 550' of the property gently slopes to the south towards the large ditch along Highway 52. It is possible to locate a detention pond within this area if required.



Public Works

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortluptonco.gov

MEMO

To: Todd Hodges
Alyssa Knutson

From: Roy Vestal

Date: February 4, 2021

Subject: Toews
Pre Application

Public Works has reviewed the submitted preapplication information for the above referenced development project with the following comments for inclusion with the Site Plan submittal.

1. Drainage

- a. Final Drainage Study may be required, dependent upon proposed pavement changes.
- b. This location is not located within a designated Floodplain.
- c. A SWMP and Stormwater Discharge permit must be acquired from CDPH&E if area of disturbance or grading is required.

2. Transportation

a. Traffic Control - Chapter 8

- i. A Traffic Study will be required with Site Plan. Addressing turns from and to Hwy 52
- ii. Additional ROW dedications by separate document for CR 23 will be required with the MSD. 110 ROW for arterial. Additional 25-feet required.

b. Roadway - Chapter 6

- i. Improvements to CR 23 frontage may be required (depending on the traffic study recommendations).



April 13, 2021

Magaly Morales-Tejada, Planning Assistant
City of Fort Lupton Planning Commission
Transmission via email: mmtejada@fortluptonco.gov

Re: Brandywine Farms Minor Subdivision and Rezone
Case Nos. LUP2021-0010, MSD2021-0001, & COZ2021-0002
Part of the SE ¼ NE ¼ of Sec. 2, T 1N, R 67W, 6th P.M.
Water Division 1, Water District 2, Weld County

Dear Magaly Morales-Tejada:

Pursuant to Section 30-28-136, C.R.S. the State Engineer's office will provide an opinion on water supply plans for new subdivisions regarding material injury to existing water rights or the adequacy of the proposed plan if a referral is submitted to this office by the board of county commissioners. This referral was submitted to this office by the City of Fort Lupton ("City"); therefore, pursuant to the State Engineer's March 4, 2005 and March 11, 2011 memorandums to the county planning directors, this office will only perform a cursory review of the referral information and provide comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, **the comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or the physical availability of water.**

The proposal is for a 3-lot subdivision and rezone of a 34.9-acre parcel located in part of the SE ¼ NE ¼ of Sec. 2, T 1N, R 67W, 6th P.M. Lot 1 will be 1 acre and rezoned to commercial. The estimated water demand, proposed uses, and water supply source for Lot 1 were not clearly defined. Lot 2 will be 4.3 acres and Lot 3 will be 25.26 acres, both lots will remain zoned as agricultural. The estimated water demand and proposed uses for Lots 2 and 3 were not clearly defined. The proposed water supply source for agricultural purposes is 2.5 New Brantner ditch shares.

The proposed water supply source for the subdivision also includes well permit no. 130770-A. Well permit no. 130770-A was issued November 23, 1998 pursuant to section 37-92-602(3)(c), C.R.S. for the replacement of an existing well, permit no. 130770. The use of the well is limited to its historic uses that existed as of May 8, 1972 and have continued since that time, which are: ordinary household purposes inside one (1) single-family dwelling, the watering of poultry, domestic animals, and livestock on a farm or ranch. The well is constructed in the nontributary Laramie-Fox Hills aquifer. Upon approval of this subdivision the conditions under which this permit was issued would no longer exist, making the well out of compliance with its permit. Should the applicant wish to use the existing well as a water supply for the proposed lots the existing well owner must re-permit the well consistent with the newly created parcel on which it will be located. This office recommends the following.

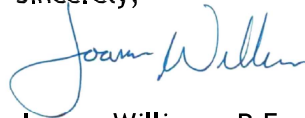
1. The City require that the requirement to re-permit the well be placed on the plat in a manner that is plainly visible such that the current owner and any prospective buyer will be aware of the requirement.
2. Prior to this subdivision being approved by the City, the City require the current well owner to submit to our office a well permit application to re-permit the well. Our office will hold that permit until the applicant provides to our office documentation that the county has approved the subdivision, at which time we will act upon the application.



Permit no. 130770-A was issued on the condition that the existing well under permit no. 130770 be plugged and abandoned. A Well Abandonment Report was not received for well no. 130770, therefore it is unknown if the well was plugged. To ensure well no. 130770 was plugged and abandoned, the well owner must submit a Well Abandonment Report (Form GWS-09) available for download at: <https://dwr.colorado.gov/services/well-construction-inspection>.

If you or the applicant have any questions, please contact Wenli Dickinson at 303-866-3581 x8206 or at Wenli.Dickinson@state.co.us.

Sincerely,

A handwritten signature in blue ink that reads "Joanna Williams". The signature is fluid and cursive, with the first name "Joanna" written in a larger, more prominent script than the last name "Williams".

Joanna Williams, P.E.
Water Resource Engineer

Ec: Referral no. 27642
Well permit no. 130770-A file



Fort Lupton Fire Protection District

1121 Denver Avenue • Fort Lupton, Colorado 80621

Office: (303)857-4603 • Fax: (303)857-6619 • Website: www.fortluptonfire.org

Date: 04/26/2021

Project name: Brandywine Farms Minor Subdivision & Change of Zone

Project address: Hwy 52 & Cr 23, Fort Lupton, Co 80621

FLFPD Project #

Plan reviewer: Taw Tamlin, Fire Marshal

The Fire District has reviewed the site plan submittal for **Brandywine Farms Minor Subdivision & Change of Zone** located at **Hwy 52 & Cr 23**, Fort Lupton, CO 80621. The submittal was reviewed for compliance with *2012 International Fire Code (IFC)* and the current National Fire Protection Association (*NFPA*) standards as adopted by the Fort Lupton Fire Protection District, City Council of Fort Lupton, and Weld County Commissioners. The Fort Lupton Fire Protection District has no concerns with the Brandywine Farms Minor Subdivision & Change of Zone. As the project develops the following specific and general requirements and conditions shall be met at time of construction.

Specific Requirements:

1. Any property owner or authorized agent who intends to conduct an operation or business, or install or modify systems and equipment which is regulated by this code, or to cause any such work to be done, shall first make application to the fire code official and obtain the required permits.
2. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1.
 - *Exception: A reduction in required fire-flow of up to 75 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table B105.1.*

TABLE B105.1
MINIMUM REQUIRED FIRE-FLOW AND FLOW DURATION FOR BUILDINGS

FIRE-FLOW CALCULATION AREA (square feet)					FIRE-FLOW (gallons per minute) ^b	FLOW DURATION (hours)
Type IA and IB ^a	Type IIA and IIIA ^a	Type IV and V-A ^a	Type IIB and IIIB ^a	Type V-B ^a		
0-22,700	0-12,700	0-8,200	0-5,900	0-3,600	1,500	2
22,701-30,200	12,701-17,000	8,201-10,900	5,901-7,900	3,601-4,800	1,750	
30,201-38,700	17,001-21,800	10,901-12,900	7,901-9,800	4,801-6,200	2,000	
38,701-48,300	21,801-24,200	12,901-17,400	9,801-12,600	6,201-7,700	2,250	
48,301-59,000	24,201-33,200	17,401-21,300	12,601-15,400	7,701-9,400	2,500	
59,001-70,900	33,201-39,700	21,301-25,500	15,401-18,400	9,401-11,300	2,750	
70,901-83,700	39,701-47,100	25,501-30,100	18,401-21,800	11,301-13,400	3,000	3
83,701-97,700	47,101-54,900	30,101-35,200	21,801-25,900	13,401-15,600	3,250	
97,701-112,700	54,901-63,400	35,201-40,600	25,901-29,300	15,601-18,000	3,500	
112,701-128,700	63,401-72,400	40,601-46,400	29,301-33,500	18,001-20,600	3,750	
128,701-145,900	72,401-82,100	46,401-52,500	33,501-37,900	20,601-23,300	4,000	4
145,901-164,200	82,101-92,400	52,501-59,100	37,901-42,700	23,301-26,300	4,250	
164,201-183,400	92,401-103,100	59,101-66,000	42,701-47,700	26,301-29,300	4,500	
183,401-203,700	103,101-114,600	66,001-73,300	47,701-53,000	29,301-32,600	4,750	
203,701-225,200	114,601-126,700	73,301-81,100	53,001-58,600	32,601-36,000	5,000	
225,201-247,700	126,701-139,400	81,101-89,200	58,601-65,400	36,001-39,600	5,250	
247,701-271,200	139,401-152,600	89,201-97,700	65,401-70,600	39,601-43,400	5,500	
271,201-295,900	152,601-166,500	97,701-106,500	70,601-77,000	43,401-47,400	5,750	
295,901-Greater	166,501-Greater	106,501-115,800	77,001-83,700	47,401-51,500	6,000	
—	—	115,801-125,500	83,701-90,600	51,501-55,700	6,250	
—	—	125,501-135,500	90,601-97,900	55,701-60,200	6,500	
—	—	135,501-145,800	97,901-106,800	60,201-64,800	6,750	
—	—	145,801-156,700	106,801-113,200	64,801-69,600	7,000	
—	—	156,701-167,900	113,201-121,300	69,601-74,600	7,250	
—	—	167,901-179,400	121,301-129,600	74,601-79,800	7,500	
—	—	179,401-191,400	129,601-138,300	79,801-85,100	7,750	
—	—	191,401-Greater	138,301-Greater	85,101-Greater	8,000	

3. The minimum number of fire hydrants available to a building shall not be less than that listed in Table C105.1. The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed in Table C105.1 when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted. *2012 IFC, C103.1*
4. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2. *2012 IFC, 501.4*
5. Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet (30 480 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all



Fort Lupton Fire Protection District

1121 Denver Avenue • Fort Lupton, Colorado 80621

Office: (303)857-4603 • Fax: (303)857-6619 • Website: www.fortluptonfire.org

weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available. 2012 IFC, 3310.1

Please contact Fire Marshal, Taw Tamlin at 303-857-4603 if you have questions or need further assistance.

Fort Lupton

EST 1836

FROM: Maria Lancto
DATE: 04/12/21
PROJECT: Brandywine Minor Subdivision and Change of Zone
Project No. LUP2021-0010; Plan Nos. MSD2021-0001 & COZ2021-0002

INTERNAL DISTRIBUTION:

- | | | |
|---|--|---|
| ☒ Buildings/Grounds Manager | ☒ City Attorney | ☒ Police Chief |
| ☐ City Administrator | ☐ City Clerk | ☒ Public Works Director |
| ☒ Building Inspector | ☐ Recreation Manager | ☐ Golf Course Manager |
| ☒ OMI | ☒ GIS Specialist | ☐ Finance Director |

OUTSIDE DISTRIBUTION:

- | | |
|--|---|
| ☒ Fort Lupton Fire Protection District | ☒ Weld County Dept. of Public Health & Env. |
| ☒ CDOT | ☐ Weld County Public Works |
| ☐ Colorado DRMS | ☒ Weld County School District RE-8 |
| ☐ Colorado Parks and Wildlife | ☒ NCWCD |
| ☒ Division of Water Resources | ☐ Fulton Ditch Company |
| ☐ Army Corp of Engineers | ☐ Platteville Ditch Company |
| ☒ United Power | ☐ City of Brighton |
| ☒ Comcast | ☐ Town of Frederick |
| ☒ CenturyLink | ☐ Town of Platteville |
| ☒ Xcel Energy | ☐ City of Dacono |
| ☒ Postmaster | ☐ Town of Firestone |
| ☒ Weld County Department of Planning | ☐ Other: |

If you have comments, please respond by: May 3, 2021

Comments may be sent via mail, faxed to 303.857.0351 or emailed to planningdept@fortluptonco.gov. A non-response to this referral may be considered a favorable response.

COMMENTS:

Property Owners will need to file Petitions for Inclusion of Lands with Northern Colorado Water Conservancy District + Municipal Subdistrict.

Magaly Morales-Tejada

From: Lauren Light
Sent: Friday, April 30, 2021 4:02 PM
To: Magaly Morales-Tejada
Subject: RE: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

If there is a sewer line within 400 feet connection is required unless Fort Lupton agrees to Septic Systems

Lauren Light, M.B.S.
Program Manager/Environmental Planner, Environmental Health Services
Weld County Department of Public Health & Environment
1555 N. 17th Ave.
Greeley, CO 80631
llight@weldgov.com
970-400-2211 (office)



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From: Magaly Morales-Tejada
Sent: Friday, April 30, 2021 10:50 AM
Cc: Maria Lancto ; Alyssa Knutson ; Todd Hodges
Subject: FW: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Caution: This email originated from outside of Weld County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I am following up on the referral response request below, as a reminder the deadline for any comments on this application is this following **Monday, May 3, 2021**.

If you do not have any comments, please disregard this email and have a wonderful weekend!

Thank you,

Magaly Morales-Tejada

Planning assistant
130 S. McKinley Ave.
Fort Lupton, CO 80621
Direct: 720-466-6111



From: Magaly Morales-Tejada
Sent: Monday, April 12, 2021 9:30 AM
Cc: Maria Lancto; [Todd Hodges](#) ; [Alyssa Knutson](#)
Subject: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Good Morning,

The documentation located at the following link is submitted to you for review and recommendation for a minor subdivision being reviewed by the City of Fort Lupton. The application documents can be reviewed at the following link: <https://www.fortluptonco.gov/DocumentCenter/Index/587>.

Any comments you consider relevant to this request would be appreciated. Please reply by **May 3, 2021**, so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed to be a favorable response to the Planning & Building Department.

The Public Hearings for this matter are scheduled for:

- Planning Commission: Thursday, May 13, 2021 at 6:00 PM; and
- City Council: Tuesday, May 18, 2021 at 7:00 PM

Your time in this matter is greatly appreciated!

Magaly Morales-Tejada
Planning assistant
130 S. McKinley Ave.
Fort Lupton, CO 80621
Direct: 720-466-6111



The information transmitted is intended only for the person or entity to which it is addressed and may contain CONFIDENTIAL material. If you receive this information in error, please delete or destroy the information.

Maria Lancto

From: Magaly Morales-Tejada
Sent: Monday, May 3, 2021 11:08 AM
To: Maria Lancto
Subject: FW: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Referral Response from Weld CO Planning

Magaly Morales-Tejada

Planning assistant

130 S. McKinley Ave.
Fort Lupton, CO 80621
Direct: 720-466-6111



From: Jim Flesher [mailto:jflesher@weldgov.com]
Sent: Monday, May 3, 2021 11:07 AM
To: Alyssa Knutson <AKnutson@Fortluptonco.gov>
Cc: Magaly Morales-Tejada <MMTejada@Fortluptonco.gov>
Subject: RE: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Hi, Alyssa:

I don't have any formal comments for you on this minor replat. I looked at the plat and don't have any issues. We have had issues with access easements in the past. You might encourage the property owner to record a separate agreement describing the details for maintenance, etc. Here is some language one of our attorneys came up with to put on plats with access easements: "All access and utility easements are dedicated for the benefit of all owners of lots depicted on this plat, including owners of future lots created therefrom, regardless of lot configuration or number of users, and without limitation of the use or intensity of the use of such easements. No lot owner may install a gate or otherwise impede the use of such easements without the approval of all persons with rights of use of such easements."

Thanks,
Jim Flesher, AICP
Long-Range Planner
Weld County Planning Services
1555 N. 17th Ave.
Greeley, CO 80631
Phone: (970) 400-3552
www.weldgov.com

From: Tom Parko Jr. <tparko@weldgov.com>
Sent: Friday, April 30, 2021 10:54 AM
To: Jim Flesher <jflesher@weldgov.com>

Subject: FW: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

From:

Sent: Friday, April 30, 2021 10:50 AM

Cc: Maria Lancto <MLancto@Fortluptonco.gov>; Alyssa Knutson <AKnutson@Fortluptonco.gov>; Todd Hodges <thodges@Fortluptonco.gov>

Subject: FW: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

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Thank you,

Magaly Morales-Tejada

Planning assistant

130 S. McKinley Ave.
Fort Lupton, CO 80621
Direct: 720-466-6111



From: Magaly Morales-Tejada

Sent: Monday, April 12, 2021 9:30 AM

Cc: Maria Lancto <MLancto@Fortluptonco.gov>; Todd Hodges <thodges@Fortluptonco.gov>; Alyssa Knutson <AKnutson@Fortluptonco.gov>

Subject: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Good Morning,

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Any comments you consider relevant to this request would be appreciated. Please reply by **May 3, 2021**, so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed to be a favorable response to the Planning & Building Department.

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- Planning Commission: Thursday, May 13, 2021 at 6:00 PM; and
- City Council: Tuesday, May 18, 2021 at 7:00 PM

Your time in this matter is greatly appreciated!

Magaly Morales-Tejada

Planning assistant

130 S. McKinley Ave.
Fort Lupton, CO 80621
Direct: 720-466-6111



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May 3, 2021

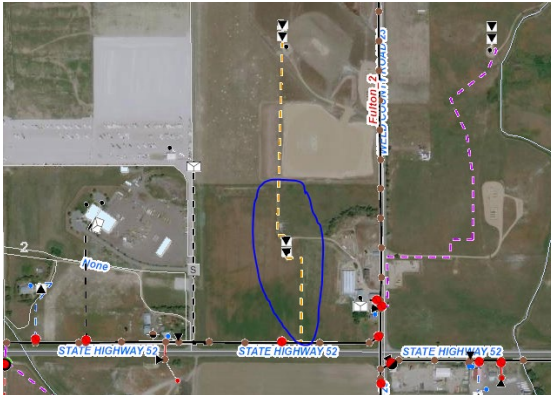
Fort Lupton Planning Department
130 S. McKinley Avenue
Fort Lupton, CO 80621
www.fortlupton.org

Re: Brandywine Minor Subdivision and Change of Zone Project No. LUP2021-0010; Plan Nos. MSD2021-0001 & COZ2021-0002

Dear Magaly Morales-Tejada:

On behalf of United Power, Inc., thank you for inviting us to review and comment on the Brandywine Minor Subdivision and Change of Zone. After review of the information, we have the following comments:

- United Power requires continuous dry utility easements for reliable electric facility installation. This allows us to install electric facilities in a continuous manner for our loop feed which provides reliability. We prefer the separation of gas and electric. We are needing 8' to 10' wide dry utility easements around the perimeter of the entire parcel.
- We also have an existing underground line running from the south end of the parcel heading north through the entire parcel. We would need that line called out on the plat or it could be added as note #6 on the plat.



Please note, the property owner/developer/contractor must submit an application along with CAD data for new electric service via <https://www.unitedpower.com/construction>. United Power would like to work with these persons early in the construction process on getting an electric design prepared so that we can request any additional easements needed and hopefully have those easements dedicated on the plat rather than obtaining separate document(s). Obtaining easements via a separate document can be time consuming and could cause delays.

As a Reminder: No permanent structures are acceptable within the dry utility easement(s); such as, window wells, wing walls, retaining walls, basement walls, roof overhang, anything affixed to the house like decks, etc. United Power considers any structure that impedes the access, maintenance, and safety of our facilities a permanent structure. No exceptions will be allowed, and any encroachments could result in penalties.

Service will be provided according to the rules, regulations, and policies in effect by United Power at the time service is requested. We look forward to safely and efficiently providing reliable electric power and outstanding service.

Thank you,

Amber Mendoza

Amber Mendoza, RWA
ROW Agent
720.249.9315 | platreferral@unitedpower.com



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571.3284
donna.l.george@xcelenergy.com

May 3, 2021

City of Fort Lupton Planning Department
130 South McKinley Avenue
Fort Lupton, CO 80621

Attn: Alyssa Knutson and Todd Hodges

Re: Brandywine Farms Minor Subdivision and Change of Zone
Case #s LUP2021-0010 / MSD2021-0001 / COZ2021-0002

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the request for the **Brandywine Farms Minor Subdivision and Change of Zone** and requests that utility use is added to the 30-foot access easement in order to serve natural gas to Lot 2.

PSCo has no objection to this proposed rezone, contingent upon PSCo's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities.

The property owner/developer/contractor must complete the application process for any new natural gas service via xcelenergy.com/InstallAndConnect. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details.

Additional easements may need to be acquired by separate document for new facilities – be sure to contact the Designer and request that they connect with a Right-of-Way and Permits Agent in this event.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com

Colorado Community Media
750 W. Hampden Ave. Suite 225
Englewood, CO 80110

City of Ft Lupton Legals
130 S McKinley Avenue
Fort Lupton CO 80621

Description: FLP222292 Pub Hear Toews minor subdivision

AFFIDAVIT OF PUBLICATION

State of Colorado }
County of Weld } ss

This Affidavit of Publication for the Fort Lupton Press, a weekly newspaper, printed and published for the County of Weld, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 1 successive week(s), the last of which publication was made 4/28/2021, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.



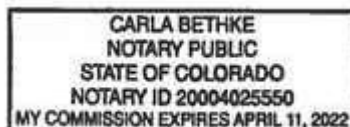
For the Fort Lupton Press

State of Colorado }
County of Weld } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before by the above named Gerard Healey, publisher of said newspaper, who is personally known to me to be the identical person in the above certificate on 4/28/2021. Gerard Healey has verified to me that he has adopted an electronic signature to function as his signature on this document.

20004025550-187273

Carla Bethke
Notary Public
My commission ends April 11, 2022



CITY OF FORT LUPTON NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Fort Lupton is in receipt of an application submitted by Leonard Toews and Sherri Toews for a minor subdivision for a property located at 5535 County Road 23 Fort Lupton, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearings are to be held before the Planning Commission on Thursday, May 13, 2021, at 6:00 P.M., and before the City Council on Tuesday, May 18, 2021, at 7:00 P.M. or as soon as possible thereafter.

The public hearings shall be held at the Fort Lupton City Hall, 130 S. McKinley Avenue in Fort Lupton, Colorado. In the event that the City Hall is closed to the public at the time of the hearings due to COVID-19, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda as posted on the City's website, www.fortluptonco.gov.

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE COINCIDENT WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 NORTH 00°00'00" EAST, A DISTANCE OF 110.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF STATE HIGHWAY NO. 52, AND THE POINT OF BEGINNING; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 25.34 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 44°26'09" EAST, A DISTANCE OF 6.66 FEET TO THE EAST RIGHT OF WAY OF COUNTY ROAD 23; THENCE COINCIDENT WITH SAID EAST RIGHT OF WAY NORTH 00°00'00" EAST, A DISTANCE OF 1054.41 FEET TO THE NORTH LINE OF LOT A OF RECORDED EXEMPTION NO. 1469-02-1 REC-X-0009 RECORDED OCTOBER 20, 2011 AS RECEPTION NO. 3799966; THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT A NORTH 89°24'51" WEST, A DISTANCE OF 1342.79 FEET TO THE NORTHWEST CORNER OF SAID LOT A; THENCE COINCIDENT WITH THE WEST LINE OF SAID LOT A SOUTH 00°10'56" EAST, A DISTANCE OF 1099.76 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°24'51" EAST, A DISTANCE OF 1236.02

Legal Ad No.: FLP222292
First Publication: April 28, 2021
Last Publication: April 28, 2021
Published In: Fort Lupton Press

Sign Posting Affidavit

Brandywine Farms Minor Subdivision & Change of Zone
LUP2021-0010; MSD2021-0001 & COZ2021-0002



County Road 23



Highway 52

I, Leonard Toews hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 28th day of April, 2021.

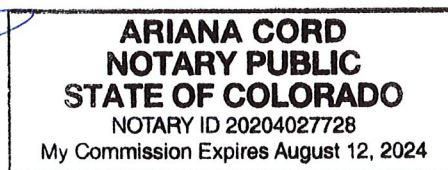
Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Leonard Toews, this 28th day of April, 2021. Witness my hand and seal.

My commission expires August 12, 2024.

Notary Public

(SEAL)



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 28th day of April, 2021, a true and correct copy of the foregoing Notice of Public Hearings and Maps for the Brandywine Farms Minor Subdivision and Change of Zone was sent via U.S. Mail, postage pre-paid, to the following addresses:

RESOLUTION FUND LLC
1808 BOISE AVE
#200
LOVELAND, CO 80538

RICHARD HEIN
5290 E YALE CIR
STE 103
DENVER, CO 80222

FRANCES J WIELAND
DAN ODELL
R.T WIELAND
5406 COUNTY ROAD 23
FORT LUPTON, CO 80621

ELVIRA M VILLALOBOS
AMADO M VILLALOBOS
1224 E 18TH WAY
RIFLE, CO 81650

REGINA D SCHMOTZER
DOUGLAS D SCHMOTZER
5962 COUNTY ROAD 23
FORT LUPTON, CO 80621
PEHR LAND TRUST
5238 COUTNY ROAD 23
FORT LUPTON, CO 80621

WELD COUNTY
1150 O ST
GREELEY, CO 80631

FUSARO LLC
PO BOX 192
FORT LUPTON, CO 80621

TERRY JAMES GRANT
10711 HWY 52
FORT LUPTON, CO 80621

HOWARD E BINDER
6155 COUNTY ROAD 23
FORT LUPTON, CO 80621

NPC LLC
10741 HWY 52
FORT LUPTON, CO 80621

W2H PROPERTY LLC
23744 COUNTY ROAD 6
HUDSON, CO 80642



City Official



CITY OF FORT LUPTON NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Fort Lupton is in receipt of an application submitted by Leonard Toews and Sherri Toews for a change of zone to the 'C-2' Heavy Commercial Zone District for lot 1 of the Brandywine Farms Minor Subdivision located at the northwest corner of State Highway 52 and County Road 23 in Fort Lupton, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearings are to be held before the Planning Commission on Thursday, May 13, 2021, at 6:00 P.M., and before the City Council on Tuesday, May 18, 2021, at 7:00 P.M. or as soon as possible thereafter.

The public hearings shall be held at the Fort Lupton City Hall, 130 S. McKinley Avenue in Fort Lupton, Colorado. In the event that the City Hall is closed to the public at the time of the hearings due to COVID-19, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda as posted on the City's website, www.fortluptonco.gov.

Further information is available through the City Planning and Building Department at (303) 857-6694.

ALL INTERESTED PERSONS MAY ATTEND.

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT BIT.LY/FLDEVELOPMENT AND SCROLLING DOWN TO THE ROW TITLED: BRANDYWINE MINOR SUBDIVISION AND CHANGE OF ZONE

LEGAL DESCRIPTION

LOT 1, BRANDYWINE FARMS MINOR SUBDIVISION



**CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Fort Lupton is in receipt of an application submitted by Leonard Toews and Sherri Toews for a minor subdivision for a property located at 5535 County Road 23 Fort Lupton, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearings are to be held before the Planning Commission on Thursday, May 13, 2021, at 6:00 P.M., and before the City Council on Tuesday, May 18, 2021, at 7:00 P.M. or as soon as possible thereafter.

The public hearings shall be held at the Fort Lupton City Hall, 130 S. McKinley Avenue in Fort Lupton, Colorado. In the event that the City Hall is closed to the public at the time of the hearings due to COVID-19, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda as posted on the City's website, www.fortluptonco.gov.

Further information is available through the City Planning and Building Department at (303) 857-6694.

ALL INTERESTED PERSONS MAY ATTEND.

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT BIT.LY/FLDEVELOPMENT AND SCROLLING DOWN TO THE ROW TITLED: BRANDYWINE MINOR SUBDIVISION AND CHANGE OF ZONE

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE COINCIDENT WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 NORTH 00°00'00" EAST, A DISTANCE OF 110.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF STATE HIGHWAY NO. 52, AND THE POINT OF BEGINNING; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 25.34 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 44°26'09" EAST, A DISTANCE OF 6.66 FEET TO THE EAST RIGHT OF WAY OF COUNTY ROAD 23; THENCE COINCIDENT WITH SAID EAST RIGHT OF WAY NORTH 00°00'00" EAST, A DISTANCE OF 1054.41 FEET TO THE NORTH LINE OF LOT A OF RECORDED EXEMPTION NO. 1469-02-1 RECX-0009 RECORDED OCTOBER 20, 2011 AS RECEPTION NO. 3799966; THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT A NORTH 89°24'51" WEST, A DISTANCE OF 1342.79 FEET TO THE NORTHWEST CORNER OF SAID LOT A; THENCE COINCIDENT WITH THE WEST LINE



OF SAID LOT A SOUTH 00°10'56" EAST, A DISTANCE OF 1099.76 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°24'51" EAST, A DISTANCE OF 1236.02

Brandywine Farms Minor Subdivision

PROJECT NO. LUP2021-XXXX & PLAN NO. XXXXXXX-XXXX

Located in the East 1/2 of the Northeast 1/4 of Section 2,
Township 1 North, Range 67 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

Sheet 1 of 1

PROPERTY DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE COINCIDENT WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 NORTH 00°00'00" EAST, A DISTANCE OF 110.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF STATE HIGHWAY NO. 52, AND THE POINT OF BEGINNING; THENCE CONTINUING COINCIDENT WITH SAID EAST LINE NORTH 00°00'00" EAST, A DISTANCE OF 1049.72 FEET TO THE NORTH LINE OF LOT A OF RECORDED EXEMPTION NO. 1489-02-1, REC'D-0009 RECORDED OCTOBER 20, 2011 AS RECEPTION NO. 3799966; THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT A NORTH 89°24'51" WEST, A DISTANCE OF 1312.79 FEET TO THE NORTHWEST CORNER OF SAID LOT A; THENCE COINCIDENT WITH THE WEST LINE OF SAID LOT A SOUTH 00°10'56" EAST, A DISTANCE OF 1099.76 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°24'51" EAST, A DISTANCE OF 1236.02 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY NORTH 45°36'09" EAST, A DISTANCE OF 70.70 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 22.75 FEET TO THE POINT OF BEGINNING; CONTAINING 33.04 ACRES, MORE OR LESS, COUNTY OF WELD, STATE OF COLORADO.

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, THAT WE, LEONARD TOEWS AND SHERRI TOEWS, BEING THE SOLE OWNERS OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE LAID OUT AND PLATTED UNDER THE NAME OF BRANDYWINE FARMS MINOR SUBDIVISION, AND DO HEREBY DEDICATE TO THE CITY OF FORT LUPTON AND ITS LICENSEES FOR PUBLIC USE FOREVER ALL STREETS, ALLEYS AND UTILITY EASEMENTS AS INDICATED HEREON. IN COMPLIANCE WITH THE CITY OF FORT LUPTON SUBDIVISION REGULATIONS AND BY CONTRACTUAL AGREEMENT, THE LANDOWNERS SHALL BEAR ALL EXPENSES INVOLVED IN IMPROVEMENTS.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS ____ DAY OF _____, 20____.

LEONARD TOEWS SHERRI TOEWS

STATE OF COLORADO SS.
COUNTY OF WELD

THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME BY _____

THIS ____ DAY OF _____, 20____.

WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____.

NOTARY PUBLIC

OWNER'S APPROVAL:

KNOW ALL MEN BY THESE PRESENTS, THAT WE LEONARD TOEWS AND SHERRI TOEWS, BEING THE SOLE OWNER(S) OF THE LAND DESCRIBED HEREIN, AND _____ ARE ALL OF THE MORTGAGEES AND HOLDERS OF LIENS UPON THE PROPERTY, AND EACH AND ALL HEREBY CONSENT TO THIS PLAT AND JOIN THE CONVEYANCE AND DEDICATION OF ALL STREETS, ROADS, ALLEYS, EASEMENTS, PUBLIC WAYS AND PLACES SHOWN HEREON.

LEONARD TOEWS SHERRI TOEWS

STATE OF COLORADO SS.
COUNTY OF WELD

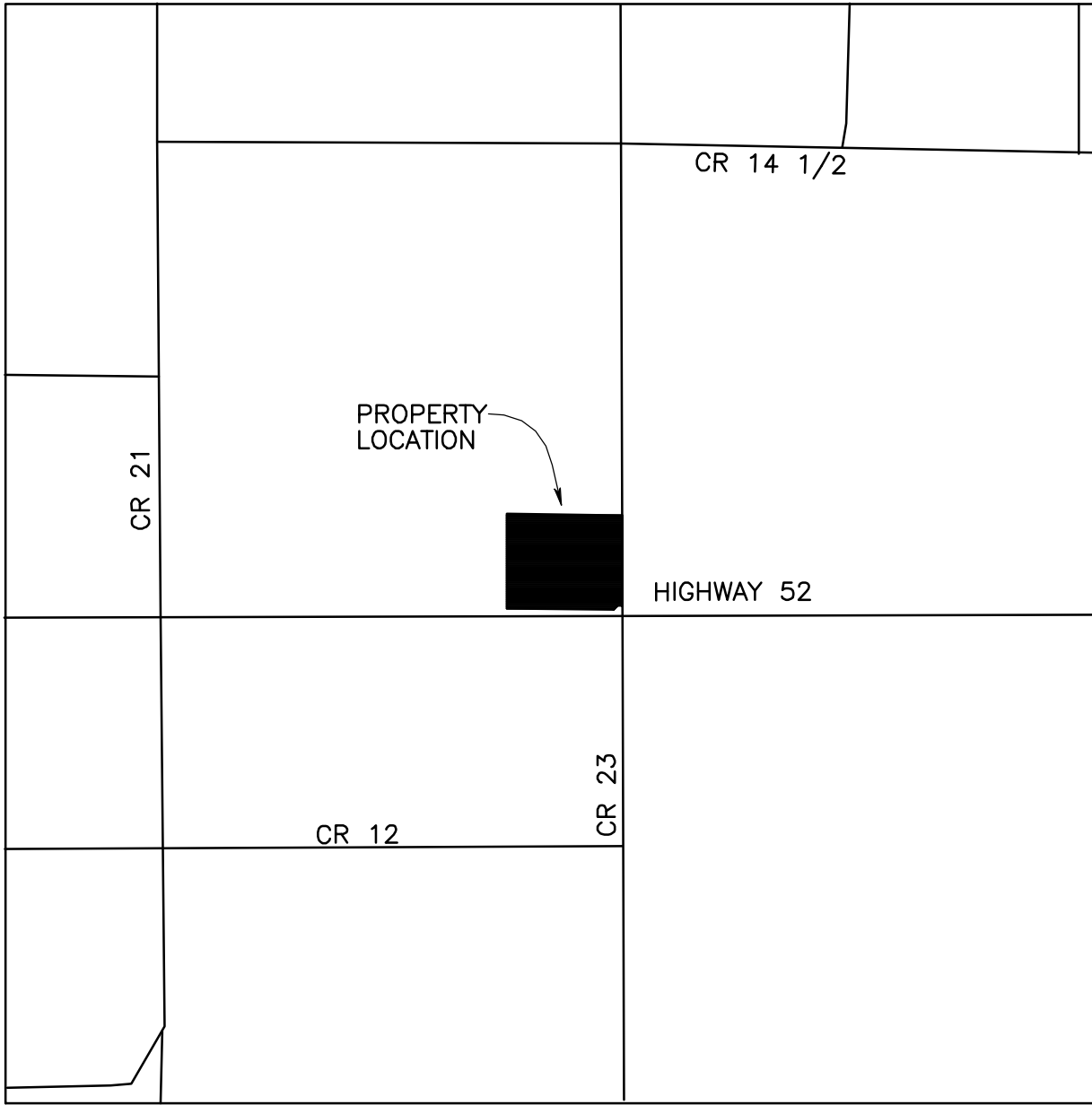
THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME BY _____

THIS ____ DAY OF _____, 20____.

WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____.

NOTARY PUBLIC



VICINITY MAP
SCALE: 1"=2000'

CITY ADMINISTRATOR'S APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____.

CITY ADMINISTRATOR _____

CITY WATER AND SEWER DEPARTMENT APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____.

CITY ENGINEER _____

NOTES:

1) BASIS OF BEARING: THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN IS ASSUMED TO BEAR SOUTH 00°32'57" EAST, AS MONUMENTED HEREON WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

2) DISTANCES ON THIS MINOR ADJUSTMENT ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.

3) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

4) ANY PERSON WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY PUBLIC LAND SURVEY MONUMENT, AS DEFINED BY SECTION 38-53-103 (18), C.R.S., OR CONTROL CORNER, AS DEFINED IN SECTION 38-53-103 (6), C.R.S., OR A RESTORATION OF ANY SUCH MONUMENT OR WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY BEARING TREE KNOWING SUCH IS A BEARING TREE OR OTHER ACCESSORY, AS DEFINED BY SECTION 38-53-103 (1), C.R.S., EVEN IF SAID PERSON HAS TITLE TO THE LAND ON WHICH SAID MONUMENT OR ACCESSORY IS LOCATED, COMMITS A CLASS 2 MISDEMEANOR UNLESS, PRIOR TO SUCH REMOVAL, SAID PERSON HAS CAUSED A COLORADO PROFESSIONAL LAND SURVEYOR TO ESTABLISH AT LEAST TWO WITNESS CORNERS OR REFERENCE MARKS FOR EACH SUCH MONUMENT OR ACCESSORY REMOVED AND HAS FILED OR CAUSED TO BE FILED A MONUMENT RECORD PURSUANT TO ARTICLE 53 OF TITLE 38, C.R.S.

5) CERTIFICATION DEFINED: THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" BY A REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE PRACTICE OF LAND SURVEYING, CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OF FINDINGS WHICH ARE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED.

SURVEYOR'S CERTIFICATE:

I, MERLE R. HOOS, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF BRANDYWINE FARMS MINOR SUBDIVISION WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THIS PLAT HAS BEEN PREPARED IN COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO AT THE TIME OF THIS SURVEY AND WITHIN MY CONTROL, AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

MERLE R. HOOS P.L.S. 38046
FOR AND ON BEHALF OF
AMERICAN WEST LAND SURVEYING CO.,
A COLORADO CORPORATION



Brandywine Farms Minor Subdivision

PROJECT NO. LUP2021-XXXX & PLAN NO. XXXXXXX-XXXX

Located in the East 1/2 of the Northeast 1/4 of Section 2,
Township 1 North, Range 67 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

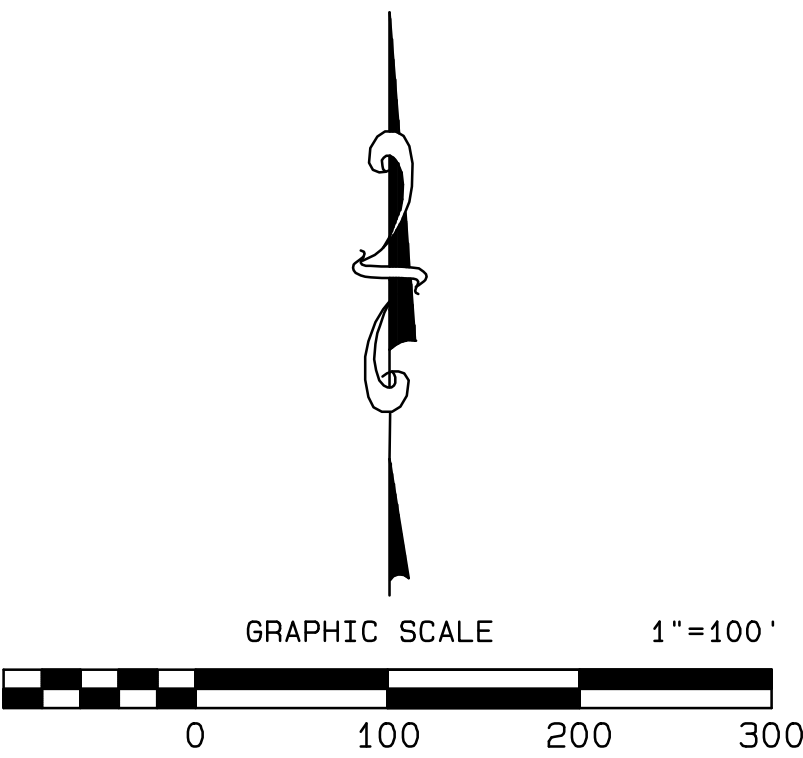
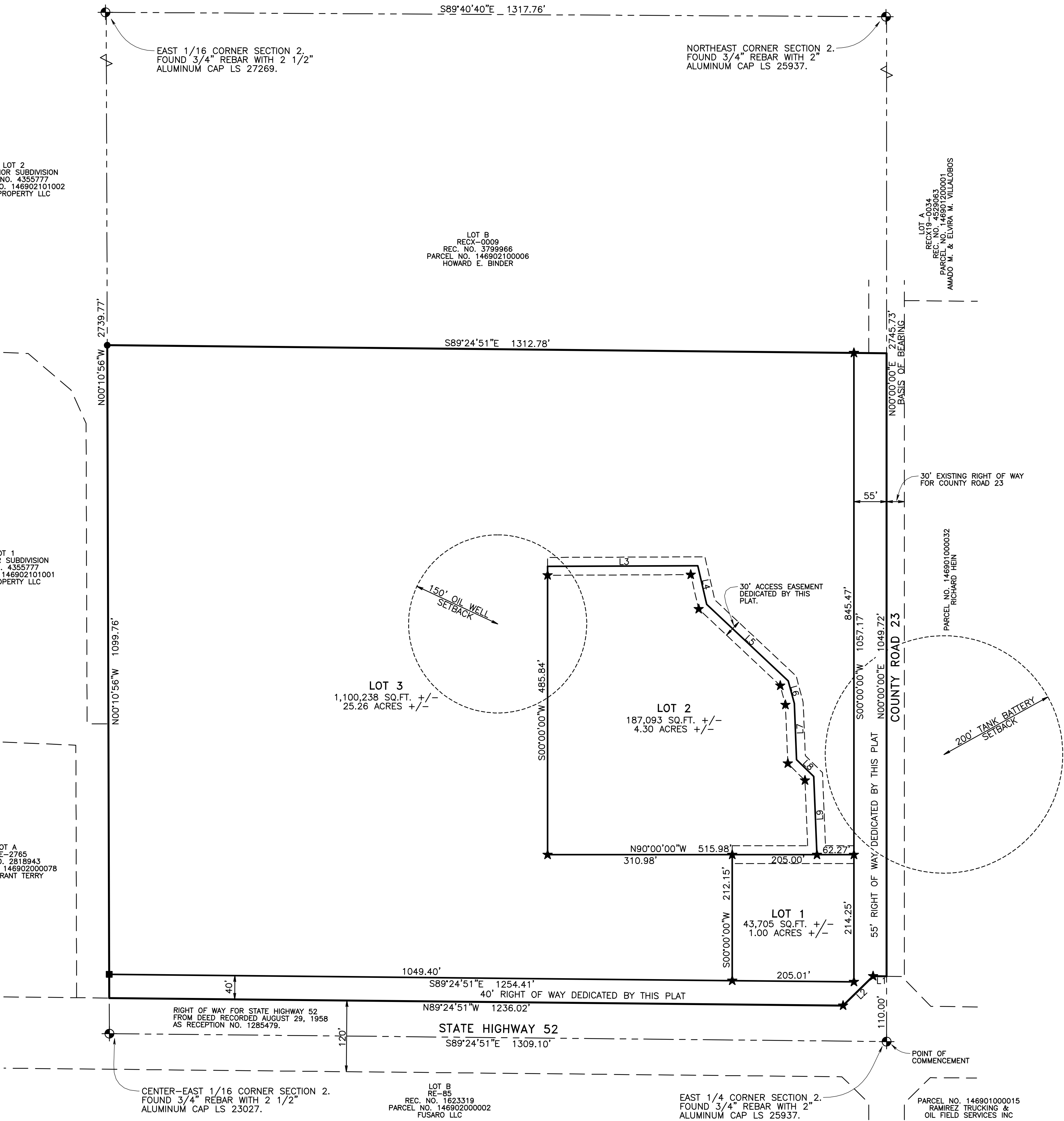
Sheet 1 of 1

LEGEND:

- ◆ = SECTION CONTROL MONUMENT AS NOTED HEREON.
- ★ = SET 5/8" X 24" REBAR WITH 2" ALUMINUM CAP LS 38046.
- = FOUND 5/8" REBAR WITH PINK PLASTIC CAP LS 38046.
- = FOUND 5/8" REBAR WITH RED PLASTIC CAP LS 27269.

LINE TABLE:

LINE	BEARING	DISTANCE
L1	N89°26'53"W	22.75'
L2	S45°36'09"W	70.70'
L3	N89°46'46"E	253.04'
L4	S13°00'51"E	66.85'
L5	S46°48'32"E	188.14'
L6	S15°02'45"E	39.50'
L7	S02°21'23"E	94.55'
L8	S45°19'24"E	40.54'
L9	S02°22'48"E	131.90'



American West
Land Surveying Co.
A Family Owned Corporation Since 1991
PO Box 129, Brighton, CO 80601 * P:303-659-1532 * mrh.amw@gmail.com

SCALE 1" = 100' | DRAWN BY: MRH | CHECKED BY: CDH | DATE: March 30, 2021
JOB NO: 21- | REVISIONS:

CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 14th day of April 2021, a true and correct copy of the foregoing Mineral Notification Letter for the Brandywine Farms Minor Subdivision and Change of Zone was sent via United States Mail, postage pre-paid, to the following addresses:

BEVERLY LAMBRECHT
616 NORTH 13TH AVE
BRIGHTON, CO 80601

DRL & SON HOLDINGS, LLC
160 BRIAR GROVE DR
PRINCETON, TX 75407-2677

KP KAUFMANN
1675 BROADWAY
28TH FLOOR
DENVER, CO 80202

OCCIDENTAL PETROLEUM CORPORATION
1099 18TH ST
DENVER, CO 80202



City Official



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694

Fax: 303.857.0351

www.fortlupton.org

April 14, 2021

Via U.S. Mail

Beverly Lambrecht
616 North 13th Ave
Brighton, CO 80601

Re: Brandywine Farms Minor Subdivision; Project No. LUP2021-0010; Plan Nos.
MSD2021-0001, COZ

To Whom It May Concern,

The City of Fort Lupton is currently reviewing a land use application submitted for a minor subdivision. A change of zone to the 'C-1' Commercial Zone District is being reviewed concurrently with this application. You are receiving this letter because you have been identified as a possible mineral estate owner for the subject property. I am enclosing application materials that were submitted by the applicant for the proposed subdivision. Additional application documents can be found online at bit.ly/FLDevelopment. You will then need to scroll to the row that addresses the Brandywine Farms Minor Subdivision and Change of Zone.

Any comments relevant to this request would be appreciated. Please reply by **May 3, 2021** so that we may give full consideration to your recommendation. The public hearings for this matter are to be held before the Planning Commission on Thursday, May 13, 2021 at 6:00 PM and before the City Council on Tuesday, May 18, 2021 7:00 PM.

Please do not hesitate to contact me with questions or concerns.

Sincerely,
Maria Lancto
Maria Lancto
Planner
City of Fort Lupton

Enclosures
Minor Subdivision Project Description
Minor Subdivision Map



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694

Fax: 303.857.0351

www.fortlupton.org

April 14, 2021

Via U.S. Mail

DRL & Son Holdings, LLC
160 Briar Grove Dr
Princeton, TX 75407

Re: Brandywine Farms Minor Subdivision; Project No. LUP2021-0010; Plan Nos.
MSD2021-0001, COZ

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Sincerely,
Maria Lancto
Maria Lancto
Planner
City of Fort Lupton

Enclosures
Minor Subdivision Project Description
Minor Subdivision Map



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694

Fax: 303.857.0351

www.fortlupton.org

April 14, 2021

Via U.S. Mail

KP Kaufman
1675 Broadway
28th Floor
Denver, CO 80202

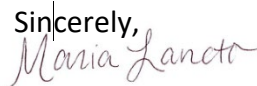
Re: Brandywine Farms Minor Subdivision; Project No. LUP2021-0010; Plan Nos.
MSD2021-0001, COZ

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Sincerely,

Maria Lancto
Planner
City of Fort Lupton

Enclosures
Minor Subdivision Project Description
Minor Subdivision Map



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694

Fax: 303.857.0351

www.fortlupton.org

April 14, 2021

Via U.S. Mail

Occidental Petroleum Corporation
1099 18th St
STE 1800
Denver, CO 80202

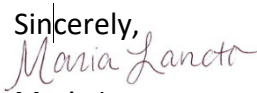
Re: Brandywine Farms Minor Subdivision; Project No. LUP2021-0010; Plan Nos.
MSD2021-0001, COZ

To Whom It May Concern,

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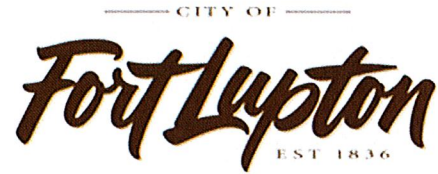
Any comments relevant to this request would be appreciated. Please reply by **May 3, 2021** so that we may give full consideration to your recommendation. The public hearings for this matter are to be held before the Planning Commission on Thursday, May 13, 2021 at 6:00 PM and before the City Council on Tuesday, May 18, 2021 7:00 PM.

Please do not hesitate to contact me with questions or concerns.

Sincerely,

Maria Lancto
Planner
City of Fort Lupton

Enclosures
Minor Subdivision Project Description
Minor Subdivision Map

**CITY OF FORT LUPTON
CITY COUNCIL**



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespino, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AM 2021-074

ADOPT AN ORDINANCE REZONING LAND LEGALLY DESCRIBED IN EXHIBIT A TO THE PROPOSED ORDINANCE, AND KNOWN AS THE BRANDYWINE FARMS CHANGE OF ZONE, TO THE C-2 HEAVY COMMERCIAL ZONE DISTRICT

I. Agenda Date: Council Meeting – May 18, 2021

II. Attachments:

- a. Proposed Ordinance
- b. Planning Commission Resolution
- c. Planning Commission Minutes
- d. Staff Report
- e. Land Use Application
- f. Project Description
- g. Minor Subdivision Plat
- h. Drainage Statement
- i. Sanitary Sewer Statement
- j. Water Supply Statement
- k. Referral Responses
- l. Legal Notifications

III. Summary Statement:

Leonard Toews and Sherri Toews (the "Applicants"), have submitted a request for a change of zone of certain land identified in Exhibit A to the proposed Ordinance to the C-2 Heavy Commercial Zone District. The property that is the subject of the rezoning is located at the northwest corner of Highway 52 and County Road 23 (the Property). The current zoning of the property is A Agricultural.

IV. Submitted by:


Planner

V. Finance Reviewed


Finance Director

VI. Approved for Presentation:


City Administrator

VII. Attorney Reviewed

Approved

Pending Approval

VIII. Certification of Council Approval:

City Clerk

Date

IX. Detail of Issue/Request:

Leonard Toews and Sherri Toews (the "Applicants"), have submitted a request for a change of zone of certain land identified in Exhibit A to the proposed Ordinance to the C-2 Heavy Commercial Zone District. The property that is the subject of the rezoning is located at the northwest corner of Highway 52 and County Road 23 (the Property). The current zoning of the property is A Agricultural.

The land use is not changing at this time. The request for a change of zone is to allow for future development of lot 1 of the Brandywine Minor Subdivision. Any future development will require additional review by City Council.

X. Legal/Political Considerations:

All notification requirements were met, including posting notice of the hearings on the property at least 15 days prior to this public hearing, mailing notice to property owners within 100 feet of the property, and publishing notice of the hearing at least fifteen days prior to the hearing.

XI. Alternatives/Options:

The City Council has the following options for this request:

- a) Adopt The Ordinance.*
- b) Do not adopt The Ordinance.*

XII. Financial Considerations:

The applicant has paid all applicable land use application fees and is covering ongoing review expenses.

XIII. Staff Recommendation:

Staff recommends approval of the proposed Ordinance rezoning the land described in Exhibit A of the proposed Ordinance to the C-2 Heavy Commercial Zone District.

ORDINANCE NO. 2021-xxxx

INTRODUCED BY: _____

AN ORDINANCE REZONING LAND LEGALLY DESCRIBED IN EXHIBIT A, AND KNOWN AS THE BRANDYWINE FARMS CHANGE OF ZONE, TO THE C-2 HEAVY COMMERCIAL ZONE DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO:

WHEREAS, under the procedures detailed in Section 16-9 of the Fort Lupton Municipal Code, the Applicants, Leonard Toews and Sherri Toews, submitted a request to rezone 33.04± acres of land more particularly described in Exhibit A.

WHEREAS, the Planning Commission held a public hearing on the zone request on May 13, 2021, and has provided City Council with Resolution No. P2021-013 recommending approval of the rezoning of land described in Exhibit A to the C-2 Heavy Commercial Zone District, with all the uses-by-right allowed in said district.

WHEREAS, the City Council, after public notice and hearing, and consideration of the Planning Commission recommendation, declares that the official zoning map be amended to reflect the change of zone on the property described in Exhibit A of this Ordinance to the C-2 Heavy Commercial Zone District, and that this Ordinance is hereby approved.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 18th day of May, 2021.

PUBLISHED in the Fort Lupton Press the ____th day of ____ 2021.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED PUBLISHED BY TITLE ONLY this ____th day of ____ 2021.

PUBLISHED BY TITLE ONLY the ____th day of ____ 2021.

EFFECTIVE (after publication) the ____th day of ____ 2021.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

EXHIBIT A

PROPERTY DESCRIPTION

LOT 1, BRANDYWINE FARMS MINOR SUBDIVISION

RESOLUTION NO. P2021-013

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF A CHANGE OF ZONE KNOWN AS THE BRANDYWINE FARMS CHANGE OF ZONE ON LOT 1 OF THE BRANDYWINE FARMS MINOR SUBDIVISION LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO.

WHEREAS, the Planning Commission held a public hearing May 13, 2021 for the purpose of reviewing a change of zone known as the Brandywine Farms Change of Zone to the C-2 Heavy Commercial Zone District on a property legally described under Exhibit A to this Resolution, and

WHEREAS, after review of the application and supporting information, the Planning Commission finds that the Brandywine Farms Change of Zone application conforms to Colorado Revised Statutes and City codes and policies therein, and

WHEREAS, all legal requirements for the public hearing have been met, including publication of the legal notice in the Fort Lupton Press, mailing of public hearing notices to adjacent property owners within 100 feet, and post notice of the public hearings on the site.

NOW THEREFORE BE IT RESOLVED, the Planning Commission has taken into consideration all referral comments and citizen testimony in response to this application. Based upon the facts presented on this date the Planning Commission hereby recommends approval of the Brandywine Farms Change of Zone to the C-2 Heavy Commercial Zone District.

DONE THIS 13TH DAY OF MAY, 2021, BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.

Chairman

ATTEST:

Planning Director

This Resolution was approved by Planning Commission on May 13, 2021. Due to COVID, there has been a delay in obtaining the Chairman's signature. The signed Resolution will be added to the files once it is received.

EXHIBIT A

LEGAL DESCRIPTION

LOT 1, BRANDYWINE FARMS MINOR SUBDIVISION

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021**

The Planning Commission of the City of Fort Lupton met in session virtually via GoToMeeting, on Thursday, May 13, 2021.

Chair Mike Simone called the meeting to order at 6:01 pm and gave the following advisement:

Tonight's meeting shall be held virtually so as to ensure the health and safety of the general public and the City of Fort Lupton Planning Commission and staff.

The intent and purpose of the virtual appearance options is to allow the City to be innovative in providing the general public the most meaningful access possible in light of the current challenges present as a result of the Covid-19 pandemic. Therefore, subject to social distancing and public health orders, members of the general public will be offered the opportunity to be electronically present for meetings at the City, subject to existing health conditions.

An electronic link has been made available for tonight's meeting on the City's website and social media platforms and as posted at City Hall, so that the general public, Planning Commission and staff may participate electronically via the internet or on the phone.

ROLL CALL

Roll was taken and those present were Chair Mike Simone, Vice-Chair Bush White and Commission Members Carlos Barron, Kathy Kvasnicka and Thomas Meyers. Also in attendance were Planning Director Todd Hodges, City Planner II Alyssa Knutson, City Planner I Maria Lancto, City Clerk Mari Peña and Planning Administrative Assistant Magaly Morales-Tejada.

APPROVAL OF AGENDA

Chair Simone called for a motion to approve the agenda. It was moved by Vice-Chair Bush White and seconded by Kathy Kvasnicka

CONSENT AGENDA

Chair Simone called for a motion to approve the consent agenda. It was moved by Vice-Chair Bush White and seconded by Kathy Kvasnicka.

PUBLIC COMMENT

Chair Simone asked if there was anyone who would like to comment on an item not on the agenda tonight. Hearing none, he closed Public Comment

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021**

ACTION ITEMS

Chair Simone addressed the applicant, Leonard Toews.

He asked if Mr. Toews understood that Members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Mr. Toews stated yes.

Chair Simone asked if he consented to the applicable members voting on his submittal, even though said members are not present in person.

Mr. Toews stated yes.

Chair Simone asked if he understood that he had the right to continue this public hearing to such a date to allow a full in-person public hearing.

Mr. Toews stated yes.

Chair Simone asked if he voluntarily signed and submitted the written waiver and consent to proceed electronically tonight.

Mr. Toews stated yes.

Chair Simone asked if he waived his right to proceed in an in-person public hearing and has consented to proceed forward voluntarily tonight in this virtual planning commission meeting.

Mr. Toews stated yes.

P2021-012: Brandywine Farms Minor Subdivision

Planner Maria Lancto presented this item. Ms. Lancto stated that this property is located at the northwest corner of the intersection of Highway 52 and County Road 23 and is zoned Agriculture. She stated that this minor subdivision will result in three separate lots; Lot 1 being 1 acre, Lot 2 approximately 4.3 acres and lot 3 25.26 acres. She stated that the applicants have also submitted for a change of zone for Lot 1, which is being reviewed at the public hearing following this. Ms. Lancto stated that the use of the property is not being changed at this time. Ms. Lancto stated that all notification requirements had been met, including publishing in the newspaper, posting at the property and mailing to neighbors. Ms. Lancto stated that the applicants, Leonard and Sherri Toews, are available to speak further about the proposal and answer any questions.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021

Chair Simone addressed the applicant, Leonard Toews. He asked if he had anything to add or present on behalf of his application.

Mr. Toews stated that the properties west and adjacent to his property are both commercially zoned. He stated that his property has been on the City's comprehensive plan for quite some time. Mr. Toews stated that they see themselves as a gateway to Fort Lupton and see their property as a key point in furthering the development in the area.

Chair Simone asked Mr. Toews if he felt he had a full opportunity to participate in the public hearing.

Mr. Toews stated yes.

Chair Simone asked Mr. Toews if there was anything he would have liked to present in support of his presentation that he felt he was prevented from doing.

Mr. Toews stated no.

Chair Simone opened up the public comment portion of the Hearing for the action item. Hearing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

Chair Simone opened up the hearing to Planning Commissioners' comments and questions. With no questions from Planning Commissioners, Chair Simone called for a motion to approve P2021-0012.

It was moved by Kathy Kvasnicka and seconded by Bush White. Motion passed unanimously.

P2021-013 Brandywine Farms Change of Zone

Planner Maria Lancto presented this item. She stated that this application is for Lot 1 of the Brandywine Farms Minor Subdivision, located at the northwest corner of Highway 52 and County Road 23. Ms. Lancto stated that the applicants are requesting this lot be rezoned from Agriculture to "C-2" Heavy Commercial. She stated that this location is designated for commercial transition land uses in the City's Comprehensive Plan, therefore this request is appropriate for the future of this area. Ms. Lancto stated that there is no proposed development with this application and any land use proposals would be brought back to the City for review. She stated that all notification requirements had been met, including publishing in the newspaper, posting at the property and mailing to neighbors.

Chair Simone asked the applicant, Leonard Toews, if there was anything he would like to add on behalf of his application.

Mr. Toews reiterated that his property is at a key intersection to start future development.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021**

Chair Simone asked Mr. Toews if the previous answers to question on his consent to an virtual question applied to this action item.

Mr. Toews stated yes.

Chair Simone opened up the public comment portion of the Hearing for the action item. Hearing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

Chair Simone asked Mr. Toews if he felt he had a full opportunity to participate in tonight's public hearing.

Ms. Toews stated yes.

Chair Simone opened up the hearing to Planning Commissioners' comments and questions.

Member Carlos Barron asked if there were any future plans for this lot.

Mr. Toews stated that there is not currently, but they do see potential for the property in the future.

Vice-Chair White asked for clarification on heavy commercial zoning.

Planning Director Todd Hodges explained that along the highway, heavy commercial allows for more development than standard retail. He stated that under the current Code, any future development would come before Planning Commission.

Vice-Chair White asked for a worst case scenario use in heavy commercial zoning.

Planner Alyssa Knutson read the permitted uses and special uses listed in the Fort Lupton Municipal Code for C-2 Heavy Commercial zoning. She stated that all uses permitted in C-1 are also permitted in C-2.

Mr. Toews added that they currently operate a floral greenhouse on Lot 2 of this property and have hopes of expanding into a plant nursery.

With no further questions from Planning Commissioners, Chair Simone called for a motion to approve P2021-013.

It was moved by Vice-Chair White and seconded by Kathy Kvasnicka. Motion passed unanimously.

P2021-0014 Chapter 16 Article II Amendments

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021

Planner Maria Lancto presented this item. She stated that this is a review of proposed changes to Article 2 of Chapter 16 of the Fort Lupton Municipal Code. Ms. Lancto stated that during the November elections of 2020, citizens voted to allow medical and retail marijuana stores to operate within Fort Lupton. Ms. Lancto stated that since then staff has been working on a series of ordinances which, with state statutes, will regulate this use. She stated that these ordinances include a Medical Marijuana Ordinance, a Retail Marijuana Ordinance, the tax ordinance and changes to the zoning ordinance. Ms. Lancto stated that all 4 of these will be brought before City Council the following Tuesday, May 18, however the zoning ordinance must first be reviewed by Planning Commission. She stated this meeting and presentation is only for the proposed changes to the zoning chapter of the code. Ms. Lancto stated that the city will only allow a medical marijuana store to operate within a retail store, a standalone medical establishment will not be permitted as the city will only be allowing a maximum of 4 establishments at this time. Ms. Lancto stated that through discussion and research City staff has determined that Commercial and Industrial zoning works best for this use, so it will be permitted in the C-1, C-2, I-1 and I-2 zone districts. She stated that the city wants to leave open the possibility for this use in a PUD that allows for commercial and industrial uses, however this use would need to be specifically included in the PUD standards. Ms. Lancto stated that zoning is not the only way in which the location of these establishments will be regulated, she stated that they will not be permitted within or adjacent to residential properties, in downtown, within 1,000 feet from any school, childcare center, juvenile or adult halfway house, correction facility or substance abuse rehabilitation center or within 500 feet of a park with a playground and the establishments will be separated by 1,500 or 3,000 feet depending on the population - similar to how the city currently handles liquor licenses. Ms. Lancto referred to a map that depicts the buffers of where these establishments would not be allowed. Ms. Lancto stated that there will be a special tax of 3.1% to be collected by the city, in addition to the current 4.0% that is collected by the state. She stated that this rate may decrease or increase without further approval so long as it doesn't exceed 10%. Ms. Lancto stated that following this public meeting, there will be a public hearing with City Council on May 18, 2021 which will include this zoning ordinance and other ordinances related to this use. She explained that all ordinances that are approved require a second reading and publishing in the newspaper, which is a 60-day process, therefore the expected effective date of these ordinances is July 23, 2021. Ms. Lancto stated that the zoning ordinance includes changes to sections 16-40, 16-42 and 16-45. She stated that staff recommends that medical and retail marijuana stores be added as permitted uses in the C-1 and I-1 districts as well as adding to the end of section 16-45(c)(1) language that reads "medical marijuana stores and retail marijuana stores are permitted uses in PUDs, provided that they meet the qualifications and criteria set forth in Articles 7 and 8 of chapter 6 of this Code and are approved as part of the PUD approval process." She stated that the proposed resolution would need to be amended so that section 16-45(c)(1) of Exhibit A to the resolution referenced Chapter 6 and not Chapter 16. She stated that with these changes, no amendment is needed for sections for C-2 or I-2 zoning as the code currently lists all C-1 permitted uses are permitted uses in C-2 and similarly for I-1 and I-2 zoning. Ms. Lancto stated that Mari Peña, the City Clerk is also online and that staff will try to answer any questions, but that some questions may need to be passed along to City Council.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021

Chair Mike Simone opened up the meeting to public comments.

Chair Simone opened up the public comment portion of the Hearing for the action item. Hearing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

Chair Mike Simone opened up the meeting to Planning Commissioner's comments.

Member Thomas Meyers stated that there are a lot of DOT businesses in the area and feels as though having marijuana readily available for retail within the city would create conflict with DOT drivers.

Member Carlos Barron stated that he operates a DOT business and they require quarterly drug testing. He stated that all DOT employees should be aware of the regulations.

Member Meyers reiterated that having marijuana retail readily available near drivers who may make the choice to drive under the influence could have bigger consequences as they are driving larger vehicles than the average driver on the road.

Member Kathy Kvasnicka stated that Fort Lupton is not the first city in the area allowing for retail of marijuana, and that it already is readily available in the area. She stated that the retail of marijuana will bring in great revenue to the City.

Chair Simone stated that while good points were being made, this discussion is outside of the Planning Commissions role. He stated that he would like to recommend that staff bring to City Council's attention that many CDOT drivers are not aware that marijuana is still a federal offense and recommended that notice be required to be posted in marijuana establishments.

Planning Director Hodges stated that this can be brought to City Council although he is unsure if that would be a conflict with state regulations.

Chair Simone asked if home day cares are included in the buffers on the map.

Planning Director Hodges stated yes, all legally licensed childcares are included.

Chair Simone asked how future home day cares would be affected if there is an existing marijuana establishment in the area where a home daycare is being proposed.

City Clerk Mari Peña stated that if there is an existing marijuana facility, then a new home daycare would be allowed in the buffer area if they choose to be within that distance and it would not affect the status of the existing marijuana facility.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021

Chair Simone suggested that in the amendment being made to the Code, they also amend the wording for Medical and Dental Clinics to list "Healthcare and Dental Clinics"

Planning Director Hodges stated that they could look at that as part of the overall code change.

Vice-Chair White asked if the land use process for marijuana establishments could be through Special Use Permits rather than permanent.

Planning Director Hodges stated that from a land use planning perspective, applications for these establishments will be treated the same as other retail establishments, the only benefit from a Special Use Permit is that it is non-transferable. He stated that retail and medical establishments are a mandate of the voters of the City and the City is just regulating how and where these establishments can be located.

Member Meyers asked for clarification on what the Planning Commissioners votes are needed for, if these establishments have already been mandated by the voters.

Planning Director Hodges stated that the Planning Commission is voting on this use being allowed in the specified zoning districts.

Chair Simone stated that Planning Commissioners should vote based upon compliance with the regulations.

Planner Knutson stated that Planning Commissioners are voting on the recommendation to City Council.

Planning Director Hodges stated that the Planning Commissioners have the ability to recommend changes to the section being reviewed and although this is a mandate of the citizens, that the commissioners have the purview to regulate how this works in the city.

Vice-Chair White reiterated that he would like to see it regulated as a special use permit rather than other land use types as to not allow transferability and not make it as readily available, as he has seen firsthand the effects that having marijuana readily available has on youth that he works with.

City Clerk Mari Pena stated that transferability is regulated through the state and there are many requirements in order for anybody to open or operate an establishment. Ms. Pena stated that licensing is heavily regulated through the state. She stated that the requirements are not only similar as those for liquor licenses, but there are in fact more requirements for marijuana retail.

Mr. Meyers asked for clarification of the votes and if he could vote no based on whether or not he agrees with the allowed uses in the zoning.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021**

Chair Simone stated yes

Planner Knutson stated yes and explained that the Planning Commission is only voting on the amendment to the zoning district uses.

With no further questions from Planning commissioners, Chair Simone asked for a motion to approve P2021-0014. It was moved by Member Kathy Kvasnicka and seconded by Member Carlos Barron.

Motion passed on a roll call vote of 4 “yes” votes and 1 “no” vote.

DISCUSSION ITEMS

Review of Meeting Discussion

A review of meeting discussions took place.

Development Code Update

A discussion of the Development Code Update took place.

FUTURE BUSINESS

The next meeting of the Planning Commission is scheduled for June 10, 2021 at 6:00 PM.

ADJOURNMENT

Chair Mike Simone adjourned the meeting at 7:03 PM.

Submitted by

Magaly Morales-Tejada, Planning Assistant

Approved by Planning Commission

Mike Simone, Chair



BRANDYWINE FARMS CHANGE OF ZONE STAFF REPORT
PROJECT NO. LUP2021-0010/ PLAN NO. COZ2021-0002

PROJECT DESCRIPTION

Project No.: LUP2021-0010 / Plan No. COZ2021-0002

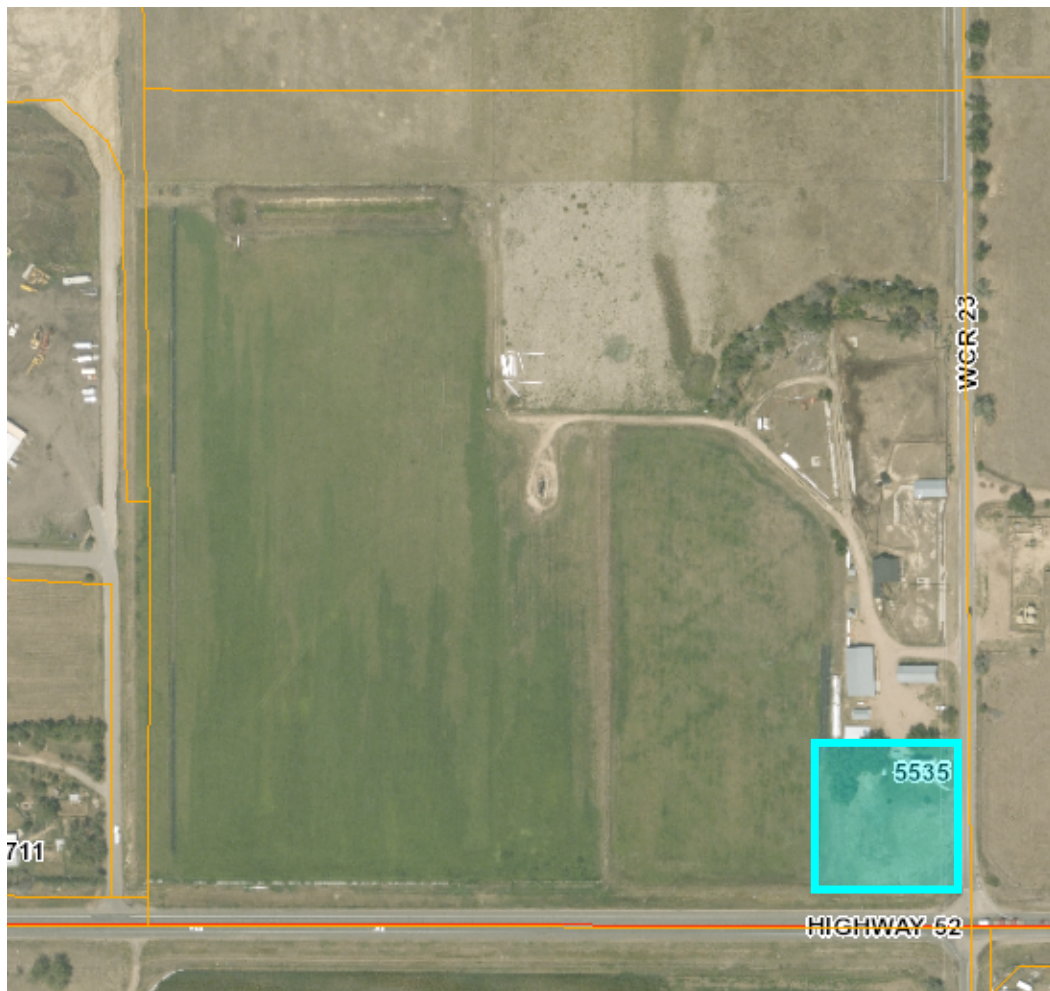
Project name: Brandywine Farms Change of Zone

Owner's Name: FORT Leonard Toews and Sherri Toews ("Applicants")

Representative: N/A

Location of Request:

The site consists of a parcel of land located at the northwest corner of the intersection of Highway 52 and County Road 23 (Parcel No. 146902100005) (the "Property"). The site is located in the East Half of the Northeast Quarter of Section 2, Township 1 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado. It is directly adjacent to the City Limits on the south.



Nature of Request:

The Applicants have submitted a change of zone request to the 'C-2' Heavy Commercial Zone District for Lot 1 of the Brandywine Farms Minor Subdivision. The current zoning of the Property is 'A' Agriculture. This rezoning has been submitted concurrently for review with the Brandywine Farms Minor Subdivision, which was brought before the Planning Commission as a separate public hearing.

No development is proposed at this time, and any future proposed land uses will be reviewed at separate public hearings before the Planning Commission and City Council.

Site Size: The Property is 1.00 acre, more or less.

Current Zone District: 'A' Agriculture.

Proposed Zone District: 'C-2' Heavy Commercial.

Proposed Use: The use of the property will not change at this time. Any proposed development will be reviewed at separate public hearings at a later date.

Existing Use: Agricultural and rural residential.

Hearing Dates: Planning Commission – May 13, 2021 at 6:00 PM; and
City Council – May 18, 2021 at 7:00 PM.

Hearing Location: Planning Commission: Held virtually via GoToMeeting due to COVID 19.
City Council: Fort Lupton City Hall – Council Chambers, 130 S. McKinley Ave.,
Fort Lupton, Colorado.

Staff Recommendation: Approval.

SUMMARY OF PREVIOUS APPLICATIONS

The property was annexed into Fort Lupton in 2021, and was initially zoned to the 'A' Agriculture Zone District (Toews Annexation and Initial Zoning).

An application for a minor subdivision to create this lot was submitted for concurrent review.

APPLICATION PROCESS

The Applicant is requesting approval of a change of zone to the 'C-2' Heavy Commercial Zone District.

A change of zone is processed under [Section 16-9](#) of the Fort Lupton Municipal Code ("Code"). After required public notice of the change of zone, the Planning Commission shall consider the application, referral comments and any public testimony at a public hearing and make a recommendation to City Council to approve, approve with conditions or deny the change of zone. The Planning Commission's comments shall be based on the evidence presented, conformance with the Comprehensive Plan and compliance with the City's standards, regulations and policies.

The City Council shall then conduct a public hearing and evaluate the change of zone, referral agency comments, Planning Commission recommendation and any public testimony, and shall approve, conditionally approve, continue for additional information or for further study or deny the application

based on the evidence presented and compliance with the City's standards, regulations and policies and other guidelines.

NOTIFICATION REQUIREMENTS

The Zoning Regulations require published notice of the hearings at least fifteen (15) days prior to the hearings. The Planning Commission and City Council hearings were published in the Fort Lupton Press on April 28, 2021.

Notice of the public hearings were posted on the Property pursuant to the Zoning Regulations at least fifteen (15) days prior to the hearings.

Notice was mailed to neighbors within one-hundred (100) feet of the Property on April 28, 2021.

CONFORMANCE WITH CITY STANDARDS, REGULATIONS AND POLICIES

The Property is located within the 'A' Agriculture Zone District, governed by [Section 16-32](#) of the Fort Lupton Municipal Code.

The Applicant wishes to change the zone of the Property to the 'C-2' Heavy Commercial Zone District, governed by [Section 16-45](#) of the Fort Lupton Municipal Code. The intent of the Heavy Commercial Zone District is to provide an environment adaptable to commercial uses which, by their nature, require heavy auto and truck traffic or outdoor storage and display.

The Applicant has submitted the required documents pursuant to the Code.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Future Land Use Map designates this area for commercial transitional land uses. The commercial transition designation identifies potential growth areas for commercial development outside the municipal boundaries or primary commercial districts of Fort Lupton. These areas should support gradual, long-term commercial investment outward from the City's urban core, including incremental transitioning of agricultural uses to commercial development.

The proposed zoning is compatible with this land use designation.

REFERRALS

Referrals were provided to the list below. Any comments received are enclosed with the Planning Commission packet.

Buildings / Grounds Manager	Building Inspector	OMI
City Attorney	Police Chief	GIS Specialist
Public Works Director	Fort Lupton Fire Protection District	CDOT
Colorado DRMS	United Power	Comcast
CenturyLink	Xcel Energy	Postmaster
Weld County Department of Planning	Weld County School District RE-8	NCWCD
Weld County Dept. of Public Health & Env.		

STAFF RECOMMENDATION

Staff recommendation approval of the Brandywine Farms Change of Zone.

***For more information on this development, please refer to the Planning Commission packet provided.
Additional documents are available for review at the Fort Lupton City Hall.***



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortluptonco.gov

Project No. _____

Land Use Application Form

A. CONTACT INFORMATION

1) Property Owner Name: Leonard Toews, Sherri Toews
Company: _____

Phone: (303) 919-7568 Email: Len@Brandywine-Farms.com

Address: 5535 County Road 23, Fort Lupton CO 80621

Preferred method of contact? Email: _____ Phone: ☒ Mail: _____

2) Representative Name: Len Toews

Company: _____

Phone: (303) 919-7568 Email: Len@Brandywine-Farms.com

Address: 5535 County Road, Fort Lupton, CO 80621

Preferred method of contact? Email: _____ Phone: ☒ Mail: _____

3) Billing Contact (where invoices should be directed to): _____

Billing Company: _____

Phone: (303) 919-7568 Email: Len@Brandywine-Farms.com

Address: 5535 County Road 23, Fort Lupton, CO 80621

B. SITE DESCRIPTION

Site Address: 5535 County Road 23, Fort Lupton, CO 80621

Parcel Number: 146902100005

Existing Zone Classification: Agricultural Proposed Zone Classification: 2 Remaining - Ag
1 Commercial - C2

Water Type: Well Name: Toews

Sewage Type: Septic District Name or Location Hauled to: _____

C. APPLICATION TYPE (CHECK ALL THAT APPLY)

Sketch Plat

Administrative Site Plan

PUD Plan (Preliminary & Final)

Preliminary Plat

Special Use Permit

Variance

Final Plat

Oil & Gas Permit

Administrative Variance

Minor Subdivision

Annexation & Initial Zone

Appeal

Amended Plat

Change of Zone

Other: _____

Site Plan

Comp Plan Amendment

D. PROJECT DESCRIPTIONProject Name: ~~Toews~~ Brandywine Farms

Please provide a short description of the proposed project in the space provided below:

Minor Subdivision - into 3 Total Parcels

2 parcels remain Agriculture

1 parcel zone change to Commercial - C2

E. REQUIRED DOCUMENTS

For an application to be considered complete, and for planning staff to begin review and schedule any applicable public hearings, this Land Use Application Form must be fully completed and all required attachments included. Planning staff will review the application for completeness and will provide notice to the representative and/or owner whether the application has been deemed complete.

F. CERTIFICATIONS**Representative Certification**

By signing this application, I attest that I am acting with the knowledge and consent of all owners of the property that is the subject of this application, and that I have been designated to act as the representative for the project described in this land use application. I further certify that all information submitted with this application is true and accurate to the best of my knowledge.

Representative: _____ Date: _____

Owner Certification

I hereby certify that I am the legal owner of record of the property that is the subject of this application. I authorize the representative listed on this application, if any, to communicate directly with City officials and to submit documentation and information regarding this application on my behalf.

Owner: Leonard Toews Date: March 8, 2021

For Office Use Only

Received Date: _____

If the application is not complete, state reasons why it is incomplete:

Deemed Complete Date: _____

Fees Submitted: _____ Escrow Submitted: _____

Change of Zone Description for Lot 1, Brandywine Farms Minor Subdivision

Lot 1 is the first lot west of County Road 23 and Highway 52. A change to Commercial zoning will allow for future development along the frontage of Highway 52. This lot change is a step towards the commercial transition within the City's Comprehensive Plan.

Brandywine Farms Minor Subdivision

PROJECT NO. LUP2021-XXXX & PLAN NO. XXXXXXX-XXXX

Located in the East 1/2 of the Northeast 1/4 of Section 2,
Township 1 North, Range 67 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

Sheet 1 of 1

PROPERTY DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE COINCIDENT WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 NORTH 00°00'00" EAST, A DISTANCE OF 110.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF STATE HIGHWAY NO. 52, AND THE POINT OF BEGINNING; THENCE CONTINUING COINCIDENT WITH SAID EAST LINE NORTH 00°00'00" EAST, A DISTANCE OF 1049.72 FEET TO THE NORTH LINE OF LOT A OF RECORDED EXEMPTION NO. 1489-02-1, REC'D-0009 RECORDED OCTOBER 20, 2011 AS RECEPTION NO. 3799966; THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT A NORTH 89°24'51" WEST, A DISTANCE OF 1312.79 FEET TO THE NORTHWEST CORNER OF SAID LOT A; THENCE COINCIDENT WITH THE WEST LINE OF SAID LOT A SOUTH 00°10'56" EAST, A DISTANCE OF 1099.76 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°24'51" EAST, A DISTANCE OF 1236.02 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY NORTH 45°36'09" EAST, A DISTANCE OF 70.70 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 22.75 FEET TO THE POINT OF BEGINNING; CONTAINING 33.04 ACRES, MORE OR LESS, COUNTY OF WELD, STATE OF COLORADO.

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, THAT WE, LEONARD TOEWS AND SHERRI TOEWS, BEING THE SOLE OWNERS OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE LAID OUT AND PLATTED UNDER THE NAME OF BRANDYWINE FARMS MINOR SUBDIVISION, AND DO HEREBY DEDICATE TO THE CITY OF FORT LUPTON AND ITS LICENSEES FOR PUBLIC USE FOREVER ALL STREETS, ALLEYS AND UTILITY EASEMENTS AS INDICATED HEREON. IN COMPLIANCE WITH THE CITY OF FORT LUPTON SUBDIVISION REGULATIONS AND BY CONTRACTUAL AGREEMENT, THE LANDOWNERS SHALL BEAR ALL EXPENSES INVOLVED IN IMPROVEMENTS.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS ____ DAY OF _____, 20____.

LEONARD TOEWS _____ SHERRI TOEWS _____

STATE OF COLORADO SS.
COUNTY OF WELD

THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME BY _____

THIS ____ DAY OF _____, 20____.

WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____.

NOTARY PUBLIC

OWNER'S APPROVAL:

KNOW ALL MEN BY THESE PRESENTS, THAT WE LEONARD TOEWS AND SHERRI TOEWS, BEING THE SOLE OWNER(S) OF THE LAND DESCRIBED HEREIN, AND _____ ARE ALL OF THE MORTGAGEES AND HOLDERS OF LIENS UPON THE PROPERTY, AND EACH AND ALL HEREBY CONSENT TO THIS PLAT AND JOIN THE CONVEYANCE AND DEDICATION OF ALL STREETS, ROADS, ALLEYS, EASEMENTS, PUBLIC WAYS AND PLACES SHOWN HEREON.

LEONARD TOEWS _____ SHERRI TOEWS _____

STATE OF COLORADO SS.
COUNTY OF WELD

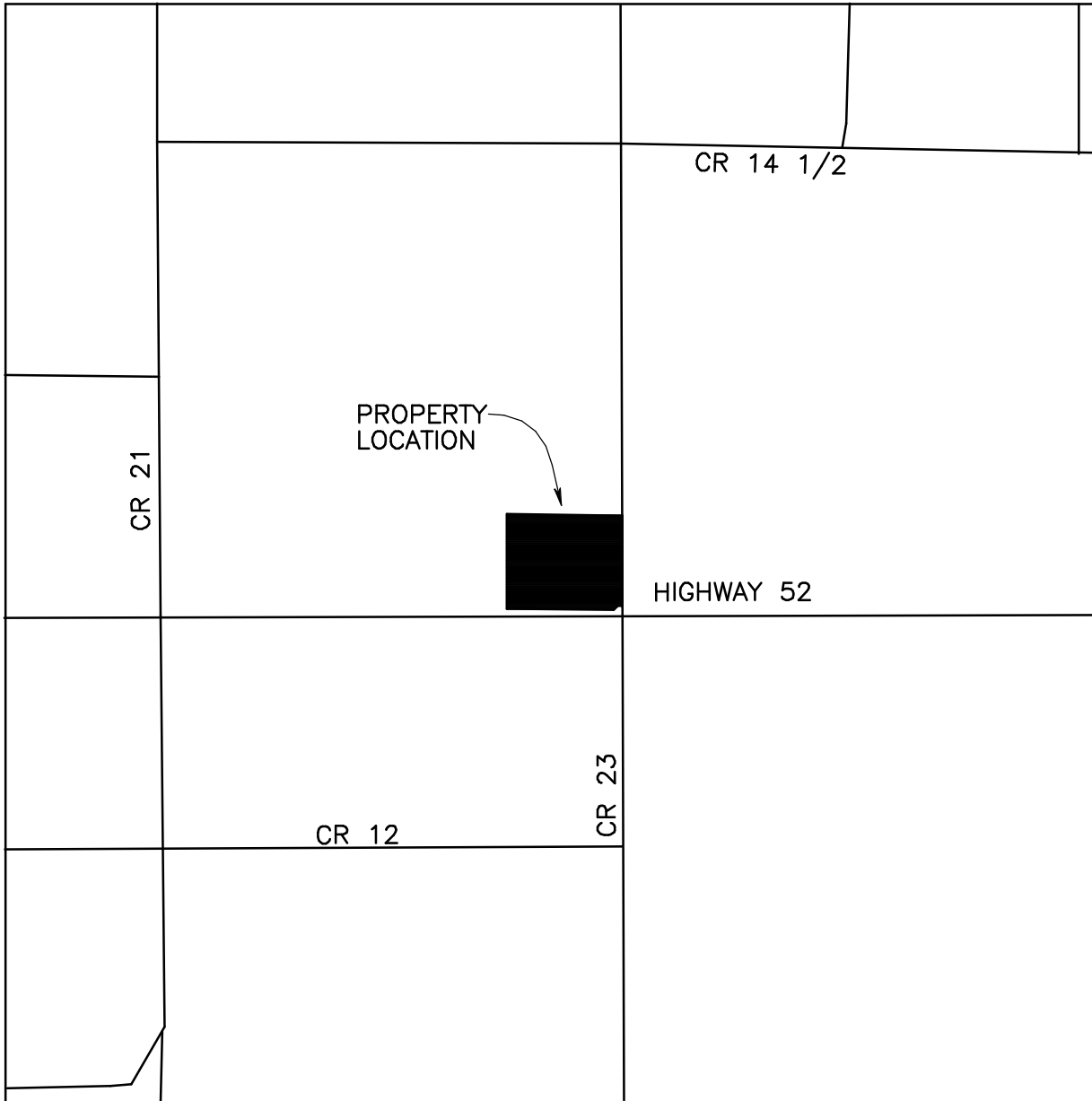
THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME BY _____

THIS ____ DAY OF _____, 20____.

WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____.

NOTARY PUBLIC



VICINITY MAP
SCALE: 1"=2000'

CITY ADMINISTRATOR'S APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____.

CITY ADMINISTRATOR

CITY WATER AND SEWER DEPARTMENT APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____.

CITY ENGINEER

NOTES:

1) BASIS OF BEARING: THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN IS ASSUMED TO BEAR SOUTH 00°32'57" EAST, AS MONUMENTED HEREON WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

2) DISTANCES ON THIS MINOR ADJUSTMENT ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.

3) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

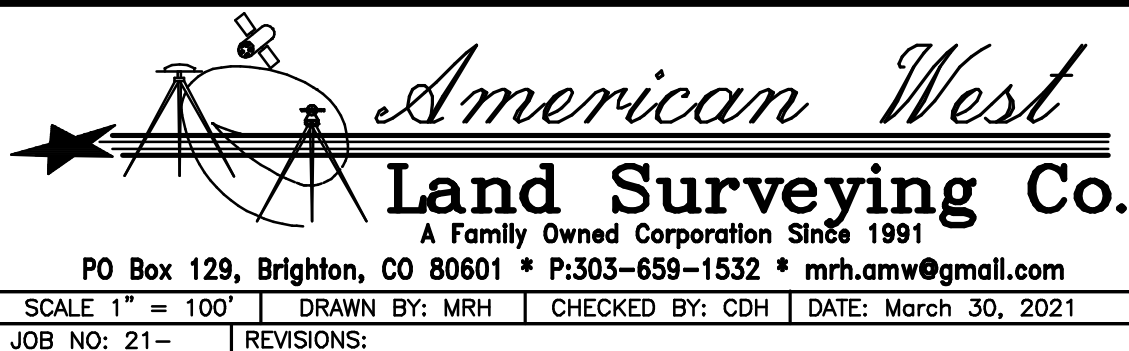
4) ANY PERSON WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY PUBLIC LAND SURVEY MONUMENT, AS DEFINED BY SECTION 38-53-103 (18), C.R.S., OR CONTROL CORNER, AS DEFINED IN SECTION 38-53-103 (6), C.R.S., OR A RESTORATION OF ANY SUCH MONUMENT OR WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY BEARING TREE KNOWING SUCH IS A BEARING TREE OR OTHER ACCESSORY, AS DEFINED BY SECTION 38-53-103 (1), C.R.S., EVEN IF SAID PERSON HAS TITLE TO THE LAND ON WHICH SAID MONUMENT OR ACCESSORY IS LOCATED, COMMITS A CLASS 2 MISDEMEANOR UNLESS, PRIOR TO SUCH REMOVAL, SAID PERSON HAS CAUSED A COLORADO PROFESSIONAL LAND SURVEYOR TO ESTABLISH AT LEAST TWO WITNESS CORNERS OR REFERENCE MARKS FOR EACH SUCH MONUMENT OR ACCESSORY REMOVED AND HAS FILED OR CAUSED TO BE FILED A MONUMENT RECORD PURSUANT TO ARTICLE 53 OF TITLE 38, C.R.S.

5) CERTIFICATION DEFINED: THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" BY A REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE PRACTICE OF LAND SURVEYING, CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OF FINDINGS WHICH ARE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED.

SURVEYOR'S CERTIFICATE:

I, MERLE R. HOOS, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF BRANDYWINE FARMS MINOR SUBDIVISION WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THIS PLAT HAS BEEN PREPARED IN COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO AT THE TIME OF THIS SURVEY AND WITHIN MY CONTROL, AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

MERLE R. HOOS P.L.S. 38046
FOR AND ON BEHALF OF
AMERICAN WEST LAND SURVEYING CO.,
A COLORADO CORPORATION



Brandywine Farms Minor Subdivision

PROJECT NO. LUP2021-XXXX & PLAN NO. XXXXXXX-XXXX

Located in the East 1/2 of the Northeast 1/4 of Section 2,
Township 1 North, Range 67 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

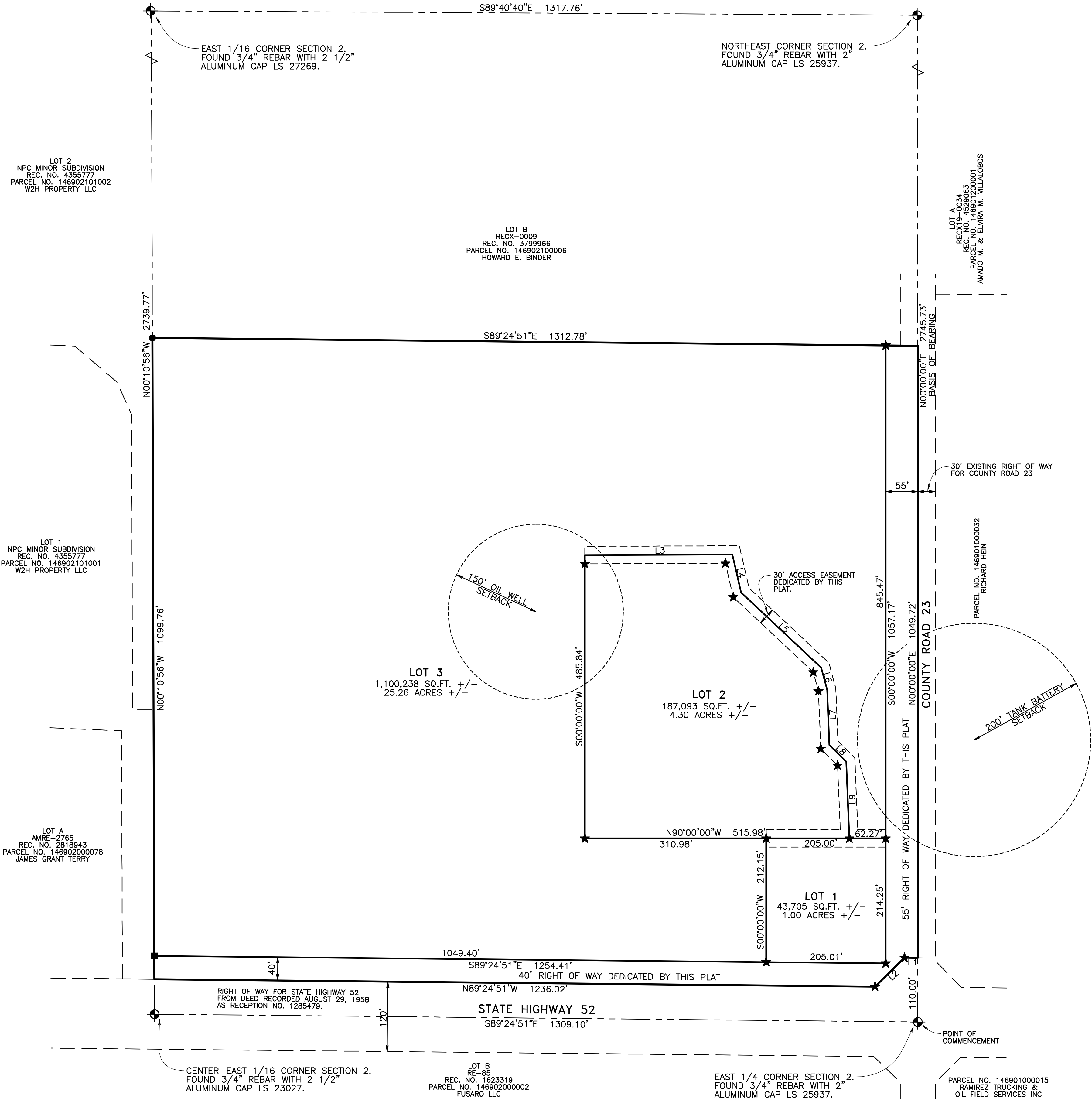
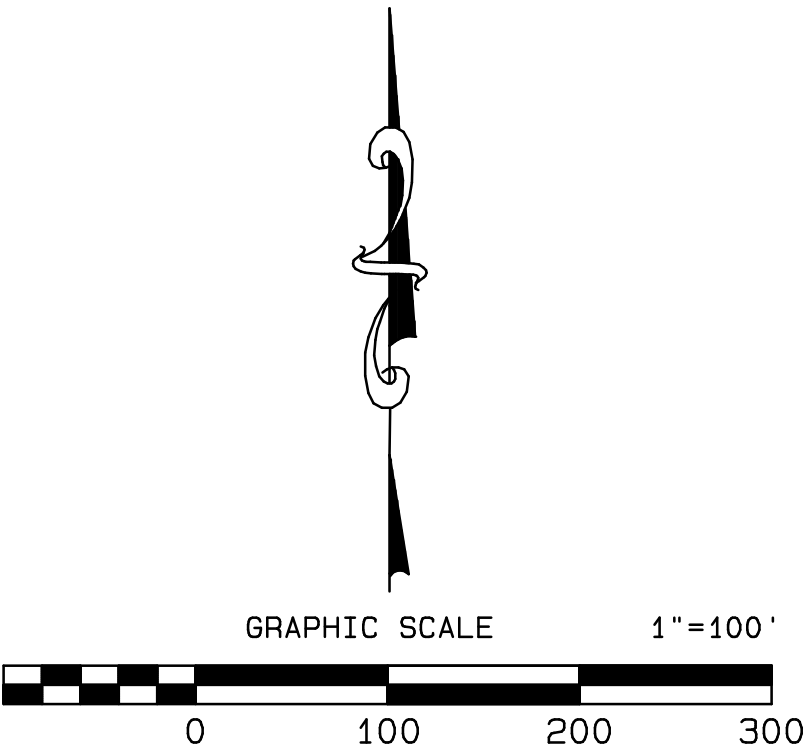
Sheet 1 of 1

LEGEND:

- ◆ = SECTION CONTROL MONUMENT AS NOTED HEREON.
- ★ = SET 5/8" X 24" REBAR WITH 2" ALUMINUM CAP LS 38046.
- = FOUND 5/8" REBAR WITH PINK PLASTIC CAP LS 38046.
- = FOUND 5/8" REBAR WITH RED PLASTIC CAP LS 27269.

LINE TABLE:

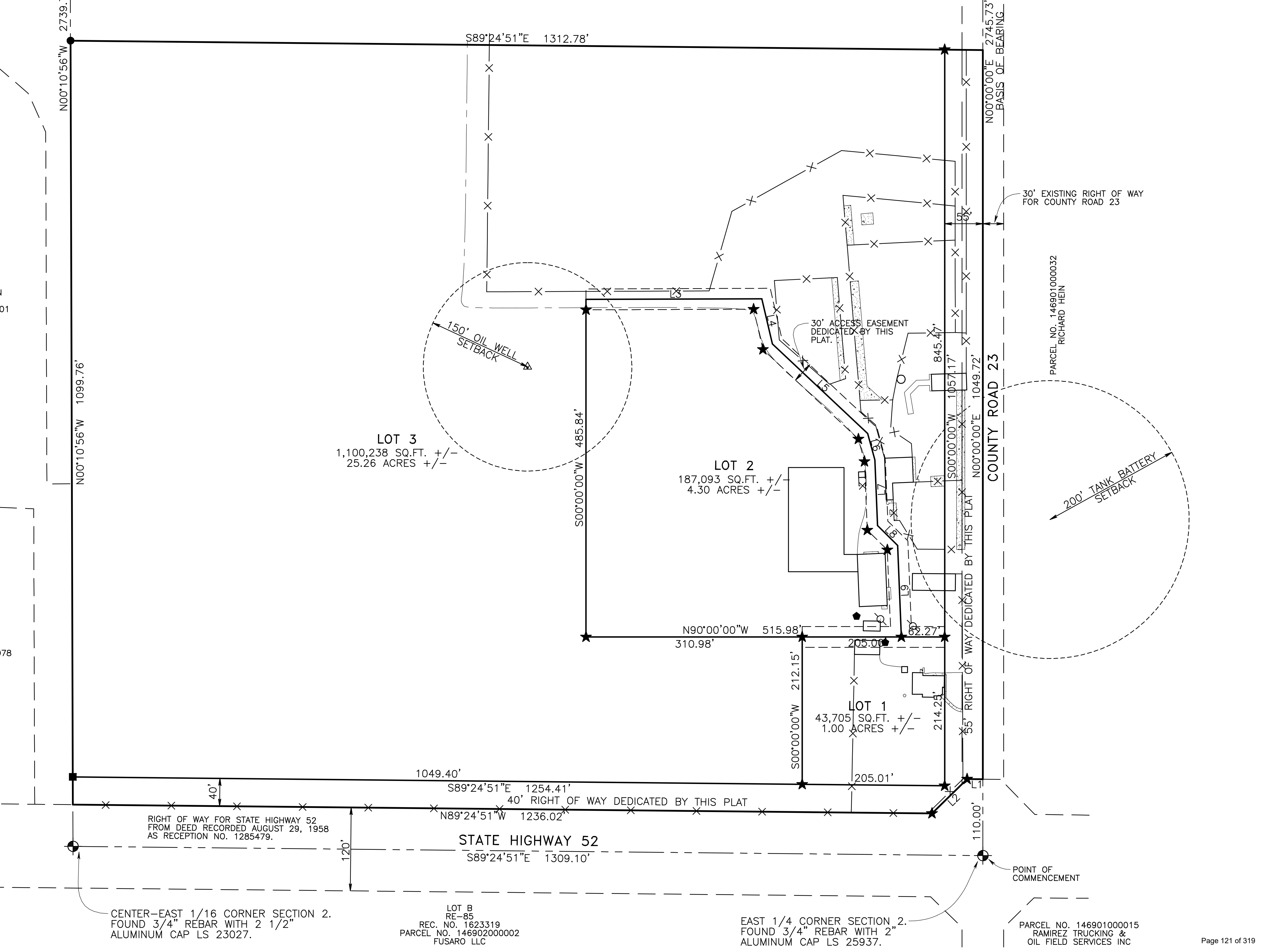
LINE	BEARING	DISTANCE
L1	N89°26'53"W	22.75'
L2	S45°36'09"W	70.70'
L3	N89°46'46"E	253.04'
L4	S13°00'51"E	66.85'
L5	S46°48'32"E	188.14'
L6	S15°02'45"E	39.50'
L7	S02°21'23"E	94.55'
L8	S45°19'24"E	40.54'
L9	S02°22'48"E	131.90'



American West
Land Surveying Co.
A Family Owned Corporation Since 1991
PO Box 129, Brighton, CO 80601 * P:303-659-1532 * mrh.amw@gmail.com

SCALE 1" = 100' DRAWN BY: MRH CHECKED BY: CDH DATE: March 30, 2021
JOB NO: 21- REVISIONS:

FILE: \\SERVER\Users\Public\Survey\T1-2N\T1N_R67W\S2\TOEWS SUB.pro



Drainage Plan

Public Works comments are below:

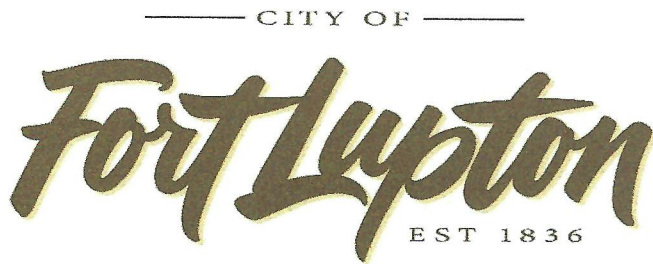
1. Drainage

- A. Final Drainage Study may be required, dependent upon proposed pavement changes.**
- B. This location is not located within a designated Floodplain.**
- C. A SWMP and Stormwater Discharge permit must be acquired from CDPH&E if area of disturbance or grading is required.**

Brandywine Farms comments:

The west 700' of property gently slopes to the north and we presently have a large retention pond at the north edge of the property.

The east 550' of the property gently slopes to the south towards the large ditch along Highway 52. It is possible to locate a detention pond within this area if required.



Public Works

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortluptonco.gov

MEMO

To: Todd Hodges
Alyssa Knutson

From: Roy Vestal

Date: February 4, 2021

Subject: Toews
Pre Application

Public Works has reviewed the submitted preapplication information for the above referenced development project with the following comments for inclusion with the Site Plan submittal.

1. Drainage

- a. Final Drainage Study may be required, dependent upon proposed pavement changes.
- b. This location is not located within a designated Floodplain.
- c. A SWMP and Stormwater Discharge permit must be acquired from CDPH&E if area of disturbance or grading is required.

2. Transportation

a. Traffic Control - Chapter 8

- i. A Traffic Study will be required with Site Plan. Addressing turns from and to Hwy 52
- ii. Additional ROW dedications by separate document for CR 23 will be required with the MSD. 110 ROW for arterial. Additional 25-feet required.

b. Roadway - Chapter 6

- i. Improvements to CR 23 frontage may be required (depending on the traffic study recommendations).

Sanitary Sewer Service

Septic field will be designed and built to standards provided by Colorado Department of Public Health and Environment.

Water Supply

Brandywine Farms water supply is from well permit 130770A. We have confirmed with the Colorado Department of Water Resources that we have approximately 8.4 Acre feet of water (2.7 million gallons per year). The 2 agricultural lots are also served by 2.5 shares of the New Brantner ditch. Brandywine Farms has retained a water attorney who has advised us that it is not a problem to provide water as required for the minor subdivision.



April 13, 2021

Magaly Morales-Tejada, Planning Assistant
City of Fort Lupton Planning Commission
Transmission via email: mmtejada@fortluptonco.gov

Re: Brandywine Farms Minor Subdivision and Rezone
Case Nos. LUP2021-0010, MSD2021-0001, & COZ2021-0002
Part of the SE ¼ NE ¼ of Sec. 2, T 1N, R 67W, 6th P.M.
Water Division 1, Water District 2, Weld County

Dear Magaly Morales-Tejada:

Pursuant to Section 30-28-136, C.R.S. the State Engineer's office will provide an opinion on water supply plans for new subdivisions regarding material injury to existing water rights or the adequacy of the proposed plan if a referral is submitted to this office by the board of county commissioners. This referral was submitted to this office by the City of Fort Lupton ("City"); therefore, pursuant to the State Engineer's March 4, 2005 and March 11, 2011 memorandums to the county planning directors, this office will only perform a cursory review of the referral information and provide comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, **the comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or the physical availability of water.**

The proposal is for a 3-lot subdivision and rezone of a 34.9-acre parcel located in part of the SE ¼ NE ¼ of Sec. 2, T 1N, R 67W, 6th P.M. Lot 1 will be 1 acre and rezoned to commercial. The estimated water demand, proposed uses, and water supply source for Lot 1 were not clearly defined. Lot 2 will be 4.3 acres and Lot 3 will be 25.26 acres, both lots will remain zoned as agricultural. The estimated water demand and proposed uses for Lots 2 and 3 were not clearly defined. The proposed water supply source for agricultural purposes is 2.5 New Brantner ditch shares.

The proposed water supply source for the subdivision also includes well permit no. 130770-A. Well permit no. 130770-A was issued November 23, 1998 pursuant to section 37-92-602(3)(c), C.R.S. for the replacement of an existing well, permit no. 130770. The use of the well is limited to its historic uses that existed as of May 8, 1972 and have continued since that time, which are: ordinary household purposes inside one (1) single-family dwelling, the watering of poultry, domestic animals, and livestock on a farm or ranch. The well is constructed in the nontributary Laramie-Fox Hills aquifer. Upon approval of this subdivision the conditions under which this permit was issued would no longer exist, making the well out of compliance with its permit. Should the applicant wish to use the existing well as a water supply for the proposed lots the existing well owner must re-permit the well consistent with the newly created parcel on which it will be located. This office recommends the following.

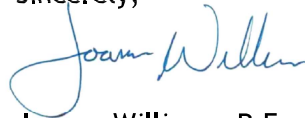
1. The City require that the requirement to re-permit the well be placed on the plat in a manner that is plainly visible such that the current owner and any prospective buyer will be aware of the requirement.
2. Prior to this subdivision being approved by the City, the City require the current well owner to submit to our office a well permit application to re-permit the well. Our office will hold that permit until the applicant provides to our office documentation that the county has approved the subdivision, at which time we will act upon the application.



Permit no. 130770-A was issued on the condition that the existing well under permit no. 130770 be plugged and abandoned. A Well Abandonment Report was not received for well no. 130770, therefore it is unknown if the well was plugged. To ensure well no. 130770 was plugged and abandoned, the well owner must submit a Well Abandonment Report (Form GWS-09) available for download at: <https://dwr.colorado.gov/services/well-construction-inspection>.

If you or the applicant have any questions, please contact Wenli Dickinson at 303-866-3581 x8206 or at Wenli.Dickinson@state.co.us.

Sincerely,

A handwritten signature in blue ink that reads "Joanna Williams". The signature is fluid and cursive, with the first name "Joanna" and last name "Williams" clearly distinguishable.

Joanna Williams, P.E.
Water Resource Engineer

Ec: Referral no. 27642
Well permit no. 130770-A file



Fort Lupton Fire Protection District

1121 Denver Avenue • Fort Lupton, Colorado 80621

Office: (303)857-4603 • Fax: (303)857-6619 • Website: www.fortluptonfire.org

Date: 04/26/2021

Project name: Brandywine Farms Minor Subdivision & Change of Zone

Project address: Hwy 52 & Cr 23, Fort Lupton, Co 80621

FLFPD Project #

Plan reviewer: Taw Tamlin, Fire Marshal

The Fire District has reviewed the site plan submittal for **Brandywine Farms Minor Subdivision & Change of Zone** located at **Hwy 52 & Cr 23**, Fort Lupton, CO 80621. The submittal was reviewed for compliance with *2012 International Fire Code (IFC)* and the current National Fire Protection Association (*NFPA*) standards as adopted by the Fort Lupton Fire Protection District, City Council of Fort Lupton, and Weld County Commissioners. The Fort Lupton Fire Protection District has no concerns with the Brandywine Farms Minor Subdivision & Change of Zone. As the project develops the following specific and general requirements and conditions shall be met at time of construction.

Specific Requirements:

1. Any property owner or authorized agent who intends to conduct an operation or business, or install or modify systems and equipment which is regulated by this code, or to cause any such work to be done, shall first make application to the fire code official and obtain the required permits.
2. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1.
 - *Exception: A reduction in required fire-flow of up to 75 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table B105.1.*

TABLE B105.1
MINIMUM REQUIRED FIRE-FLOW AND FLOW DURATION FOR BUILDINGS

FIRE-FLOW CALCULATION AREA (square feet)					FIRE-FLOW (gallons per minute) ^b	FLOW DURATION (hours)
Type IA and IB ^a	Type IIA and IIIA ^a	Type IV and V-A ^a	Type IIB and IIIB ^a	Type V-B ^a		
0-22,700	0-12,700	0-8,200	0-5,900	0-3,600	1,500	2
22,701-30,200	12,701-17,000	8,201-10,900	5,901-7,900	3,601-4,800	1,750	
30,201-38,700	17,001-21,800	10,901-12,900	7,901-9,800	4,801-6,200	2,000	
38,701-48,300	21,801-24,200	12,901-17,400	9,801-12,600	6,201-7,700	2,250	
48,301-59,000	24,201-33,200	17,401-21,300	12,601-15,400	7,701-9,400	2,500	
59,001-70,900	33,201-39,700	21,301-25,500	15,401-18,400	9,401-11,300	2,750	
70,901-83,700	39,701-47,100	25,501-30,100	18,401-21,800	11,301-13,400	3,000	3
83,701-97,700	47,101-54,900	30,101-35,200	21,801-25,900	13,401-15,600	3,250	
97,701-112,700	54,901-63,400	35,201-40,600	25,901-29,300	15,601-18,000	3,500	
112,701-128,700	63,401-72,400	40,601-46,400	29,301-33,500	18,001-20,600	3,750	
128,701-145,900	72,401-82,100	46,401-52,500	33,501-37,900	20,601-23,300	4,000	4
145,901-164,200	82,101-92,400	52,501-59,100	37,901-42,700	23,301-26,300	4,250	
164,201-183,400	92,401-103,100	59,101-66,000	42,701-47,700	26,301-29,300	4,500	
183,401-203,700	103,101-114,600	66,001-73,300	47,701-53,000	29,301-32,600	4,750	
203,701-225,200	114,601-126,700	73,301-81,100	53,001-58,600	32,601-36,000	5,000	
225,201-247,700	126,701-139,400	81,101-89,200	58,601-65,400	36,001-39,600	5,250	
247,701-271,200	139,401-152,600	89,201-97,700	65,401-70,600	39,601-43,400	5,500	
271,201-295,900	152,601-166,500	97,701-106,500	70,601-77,000	43,401-47,400	5,750	
295,901-Greater	166,501-Greater	106,501-115,800	77,001-83,700	47,401-51,500	6,000	
—	—	115,801-125,500	83,701-90,600	51,501-55,700	6,250	
—	—	125,501-135,500	90,601-97,900	55,701-60,200	6,500	
—	—	135,501-145,800	97,901-106,800	60,201-64,800	6,750	
—	—	145,801-156,700	106,801-113,200	64,801-69,600	7,000	
—	—	156,701-167,900	113,201-121,300	69,601-74,600	7,250	
—	—	167,901-179,400	121,301-129,600	74,601-79,800	7,500	
—	—	179,401-191,400	129,601-138,300	79,801-85,100	7,750	
—	—	191,401-Greater	138,301-Greater	85,101-Greater	8,000	

- The minimum number of fire hydrants available to a building shall not be less than that listed in Table C105.1. The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed in Table C105.1 when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted. *2012 IFC, C103.1*
- When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2. *2012 IFC, 501.4*
- Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet (30 480 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all



Fort Lupton Fire Protection District

1121 Denver Avenue • Fort Lupton, Colorado 80621

Office: (303)857-4603 • Fax: (303)857-6619 • Website: www.fortluptonfire.org

weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available. 2012 IFC, 3310.1

Please contact Fire Marshal, Taw Tamlin at 303-857-4603 if you have questions or need further assistance.

Fort Lupton

EST 1836

FROM: Maria Lancto
DATE: 04/12/21
PROJECT: Brandywine Minor Subdivision and Change of Zone
Project No. LUP2021-0010; Plan Nos. MSD2021-0001 & COZ2021-0002

INTERNAL DISTRIBUTION:

- | | | |
|---|--|---|
| ☒ Buildings/Grounds Manager | ☒ City Attorney | ☒ Police Chief |
| ☐ City Administrator | ☐ City Clerk | ☒ Public Works Director |
| ☒ Building Inspector | ☐ Recreation Manager | ☐ Golf Course Manager |
| ☒ OMI | ☒ GIS Specialist | ☐ Finance Director |

OUTSIDE DISTRIBUTION:

- | | |
|--|---|
| ☒ Fort Lupton Fire Protection District | ☒ Weld County Dept. of Public Health & Env. |
| ☒ CDOT | ☐ Weld County Public Works |
| ☐ Colorado DRMS | ☒ Weld County School District RE-8 |
| ☐ Colorado Parks and Wildlife | ☒ NCWCD |
| ☒ Division of Water Resources | ☐ Fulton Ditch Company |
| ☐ Army Corp of Engineers | ☐ Platteville Ditch Company |
| ☒ United Power | ☐ City of Brighton |
| ☒ Comcast | ☐ Town of Frederick |
| ☒ CenturyLink | ☐ Town of Platteville |
| ☒ Xcel Energy | ☐ City of Dacono |
| ☒ Postmaster | ☐ Town of Firestone |
| ☒ Weld County Department of Planning | ☐ Other: |

If you have comments, please respond by: May 3, 2021

Comments may be sent via mail, faxed to 303.857.0351 or emailed to planningdept@fortluptonco.gov. A non-response to this referral may be considered a favorable response.

COMMENTS:

Property Owners will need to file Petitions for Inclusion of Lands with Northern Colorado Water Conservancy District + Municipal Subdistrict.

Magaly Morales-Tejada

From: Lauren Light
Sent: Friday, April 30, 2021 4:02 PM
To: Magaly Morales-Tejada
Subject: RE: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

If there is a sewer line within 400 feet connection is required unless Fort Lupton agrees to Septic Systems

Lauren Light, M.B.S.
Program Manager/Environmental Planner, Environmental Health Services
Weld County Department of Public Health & Environment
1555 N. 17th Ave.
Greeley, CO 80631
llight@weldgov.com
970-400-2211 (office)



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From: Magaly Morales-Tejada
Sent: Friday, April 30, 2021 10:50 AM
Cc: Maria Lancto ; Alyssa Knutson ; Todd Hodges
Subject: FW: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Caution: This email originated from outside of Weld County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I am following up on the referral response request below, as a reminder the deadline for any comments on this application is this following **Monday, May 3, 2021**.

If you do not have any comments, please disregard this email and have a wonderful weekend!

Thank you,

Magaly Morales-Tejada

Planning assistant
130 S. McKinley Ave.
Fort Lupton, CO 80621
Direct: 720-466-6111



From: Magaly Morales-Tejada
Sent: Monday, April 12, 2021 9:30 AM
Cc: Maria Lancto; [Todd Hodges](#) ; [Alyssa Knutson](#)
Subject: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Good Morning,

The documentation located at the following link is submitted to you for review and recommendation for a minor subdivision being reviewed by the City of Fort Lupton. The application documents can be reviewed at the following link: <https://www.fortluptonco.gov/DocumentCenter/Index/587>.

Any comments you consider relevant to this request would be appreciated. Please reply by **May 3, 2021**, so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed to be a favorable response to the Planning & Building Department.

The Public Hearings for this matter are scheduled for:

- Planning Commission: Thursday, May 13, 2021 at 6:00 PM; and
- City Council: Tuesday, May 18, 2021 at 7:00 PM

Your time in this matter is greatly appreciated!

Magaly Morales-Tejada
Planning assistant
130 S. McKinley Ave.
Fort Lupton, CO 80621
Direct: 720-466-6111



The information transmitted is intended only for the person or entity to which it is addressed and may contain CONFIDENTIAL material. If you receive this information in error, please delete or destroy the information.

Maria Lancto

From: Magaly Morales-Tejada
Sent: Monday, May 3, 2021 11:08 AM
To: Maria Lancto
Subject: FW: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Referral Response from Weld CO Planning

Magaly Morales-Tejada

Planning assistant

130 S. McKinley Ave.
Fort Lupton, CO 80621
Direct: 720-466-6111



From: Jim Flesher [mailto:jflesher@weldgov.com]
Sent: Monday, May 3, 2021 11:07 AM
To: Alyssa Knutson <AKnutson@Fortluptonco.gov>
Cc: Magaly Morales-Tejada <MMTejada@Fortluptonco.gov>
Subject: RE: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Hi, Alyssa:

I don't have any formal comments for you on this minor replat. I looked at the plat and don't have any issues. We have had issues with access easements in the past. You might encourage the property owner to record a separate agreement describing the details for maintenance, etc. Here is some language one of our attorneys came up with to put on plats with access easements: "All access and utility easements are dedicated for the benefit of all owners of lots depicted on this plat, including owners of future lots created therefrom, regardless of lot configuration or number of users, and without limitation of the use or intensity of the use of such easements. No lot owner may install a gate or otherwise impede the use of such easements without the approval of all persons with rights of use of such easements."

Thanks,
Jim Flesher, AICP
Long-Range Planner
Weld County Planning Services
1555 N. 17th Ave.
Greeley, CO 80631
Phone: (970) 400-3552
www.weldgov.com

From: Tom Parko Jr. <tparko@weldgov.com>
Sent: Friday, April 30, 2021 10:54 AM
To: Jim Flesher <jflesher@weldgov.com>

Subject: FW: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

From:

Sent: Friday, April 30, 2021 10:50 AM

Cc: Maria Lancto <MLancto@Fortluptonco.gov>; Alyssa Knutson <AKnutson@Fortluptonco.gov>; Todd Hodges <thodges@Fortluptonco.gov>

Subject: FW: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Caution: This email originated from outside of Weld County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I am following up on the referral response request below, as a reminder the deadline for any comments on this application is this following **Monday, May 3, 2021**.

If you do not have any comments, please disregard this email and have a wonderful weekend!

Thank you,

Magaly Morales-Tejada

Planning assistant

130 S. McKinley Ave.
Fort Lupton, CO 80621
Direct: 720-466-6111



From: Magaly Morales-Tejada

Sent: Monday, April 12, 2021 9:30 AM

Cc: Maria Lancto <MLancto@Fortluptonco.gov>; Todd Hodges <thodges@Fortluptonco.gov>; Alyssa Knutson <AKnutson@Fortluptonco.gov>

Subject: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Good Morning,

The documentation located at the following link is submitted to you for review and recommendation for a minor subdivision being reviewed by the City of Fort Lupton. The application documents can be reviewed at the following link: <https://www.fortluptonco.gov/DocumentCenter/Index/587>.

Any comments you consider relevant to this request would be appreciated. Please reply by **May 3, 2021**, so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed to be a favorable response to the Planning & Building Department.

The Public Hearings for this matter are scheduled for:

- Planning Commission: Thursday, May 13, 2021 at 6:00 PM; and
- City Council: Tuesday, May 18, 2021 at 7:00 PM

Your time in this matter is greatly appreciated!

Magaly Morales-Tejada

Planning assistant

130 S. McKinley Ave.
Fort Lupton, CO 80621
Direct: 720-466-6111



The information transmitted is intended only for the person or entity to which it is addressed and may contain CONFIDENTIAL material. If you receive this information in error, please delete or destroy the information.

May 3, 2021

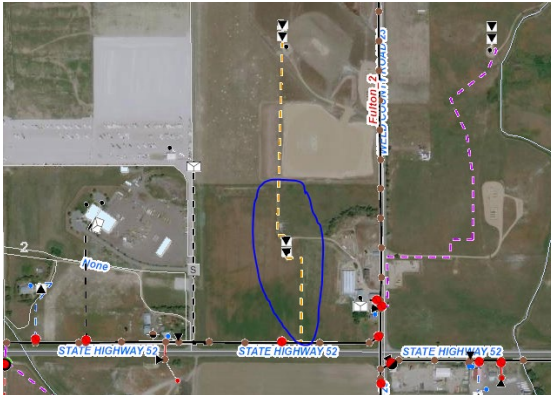
Fort Lupton Planning Department
130 S. McKinley Avenue
Fort Lupton, CO 80621
www.fortlupton.org

Re: Brandywine Minor Subdivision and Change of Zone Project No. LUP2021-0010; Plan Nos. MSD2021-0001 & COZ2021-0002

Dear Magaly Morales-Tejada:

On behalf of United Power, Inc., thank you for inviting us to review and comment on the Brandywine Minor Subdivision and Change of Zone. After review of the information, we have the following comments:

- United Power requires continuous dry utility easements for reliable electric facility installation. This allows us to install electric facilities in a continuous manner for our loop feed which provides reliability. We prefer the separation of gas and electric. We are needing 8' to 10' wide dry utility easements around the perimeter of the entire parcel.
- We also have an existing underground line running from the south end of the parcel heading north through the entire parcel. We would need that line called out on the plat or it could be added as note #6 on the plat.



Please note, the property owner/developer/contractor must submit an application along with CAD data for new electric service via <https://www.unitedpower.com/construction>. United Power would like to work with these persons early in the construction process on getting an electric design prepared so that we can request any additional easements needed and hopefully have those easements dedicated on the plat rather than obtaining separate document(s). Obtaining easements via a separate document can be time consuming and could cause delays.

As a Reminder: No permanent structures are acceptable within the dry utility easement(s); such as, window wells, wing walls, retaining walls, basement walls, roof overhang, anything affixed to the house like decks, etc. United Power considers any structure that impedes the access, maintenance, and safety of our facilities a permanent structure. No exceptions will be allowed, and any encroachments could result in penalties.

Service will be provided according to the rules, regulations, and policies in effect by United Power at the time service is requested. We look forward to safely and efficiently providing reliable electric power and outstanding service.

Thank you,

Amber Mendoza

Amber Mendoza, RWA
ROW Agent
720.249.9315 | platreferral@unitedpower.com



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571.3284
donna.l.george@xcelenergy.com

May 3, 2021

City of Fort Lupton Planning Department
130 South McKinley Avenue
Fort Lupton, CO 80621

Attn: Alyssa Knutson and Todd Hodges

Re: Brandywine Farms Minor Subdivision and Change of Zone
Case #s LUP2021-0010 / MSD2021-0001 / COZ2021-0002

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the request for the **Brandywine Farms Minor Subdivision and Change of Zone** and requests that utility use is added to the 30-foot access easement in order to serve natural gas to Lot 2.

PSCo has no objection to this proposed rezone, contingent upon PSCo's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities.

The property owner/developer/contractor must complete the application process for any new natural gas service via xcelenergy.com/InstallAndConnect. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details.

Additional easements may need to be acquired by separate document for new facilities – be sure to contact the Designer and request that they connect with a Right-of-Way and Permits Agent in this event.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com

Colorado Community Media
750 W. Hampden Ave. Suite 225
Englewood, CO 80110

City of Ft Lupton Legals
130 S McKinley Avenue
Fort Lupton CO 80621

Description: FLP222291 Pub Hear Toews zone change hearing

AFFIDAVIT OF PUBLICATION

State of Colorado }
County of Weld } ss

This Affidavit of Publication for the Fort Lupton Press, a weekly newspaper, printed and published for the County of Weld, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 1 successive week(s), the last of which publication was made 4/28/2021, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.



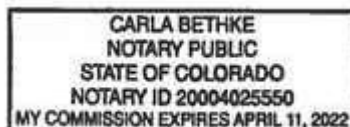
For the Fort Lupton Press

State of Colorado }
County of Weld } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before by the above named Gerard Healey, publisher of said newspaper, who is personally known to me to be the identical person in the above certificate on 4/28/2021. Gerard Healey has verified to me that he has adopted an electronic signature to function as his signature on this document.

20004025550-172421

Carla Bethke
Notary Public
My commission ends April 11, 2022



CITY OF FORT LUPTON NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Fort Lupton is in receipt of an application submitted by Leonard Toews and Sherri Toews for a change of zone to the 'C-2' Heavy Commercial Zone District for lot 1 of the Brandywine Farms Minor Subdivision located at the northwest corner of State Highway 52 and County Road 23 in Fort Lupton, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearings are to be held before the Planning Commission on Thursday, May 13, 2021, at 6:00 P.M., and before the City Council on Tuesday, May 18, 2021, at 7:00 P.M. or as soon as possible thereafter.

The public hearings shall be held at the Fort Lupton City Hall, 130 S. McKinley Avenue in Fort Lupton, Colorado. In the event that the City Hall is closed to the public at the time of the hearings due to COVID-19, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda as posted on the City's website, www.fortluptonco.gov.

LEGAL DESCRIPTION
LOT 1, BRANDYWINE FARMS MINOR
SUBDIVISION

Legal Ad No.: FLP222291
First Publication: April 28, 2021
Last Publication: April 28, 2021
Published In: Fort Lupton Press

Sign Posting Affidavit

Brandywine Farms Minor Subdivision & Change of Zone
LUP2021-0010; MSD2021-0001 & COZ2021-0002



County Road 23



Highway 52

I, Leonard Toews hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 28th day of April, 2021.

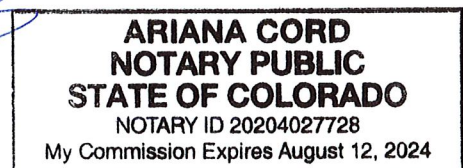
Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Leonard Toews, this 28th day of April, 2021. Witness my hand and seal.

My commission expires August 12, 2024.

Notary Public

(SEAL)



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 28th day of April, 2021, a true and correct copy of the foregoing Notice of Public Hearings and Maps for the Brandywine Farms Minor Subdivision and Change of Zone was sent via U.S. Mail, postage pre-paid, to the following addresses:

RESOLUTION FUND LLC
1808 BOISE AVE
#200
LOVELAND, CO 80538

RICHARD HEIN
5290 E YALE CIR
STE 103
DENVER, CO 80222

FRANCES J WIELAND
DAN ODELL
R.T WIELAND
5406 COUNTY ROAD 23
FORT LUPTON, CO 80621

ELVIRA M VILLALOBOS
AMADO M VILLALOBOS
1224 E 18TH WAY
RIFLE, CO 81650

REGINA D SCHMOTZER
DOUGLAS D SCHMOTZER
5962 COUNTY ROAD 23
FORT LUPTON, CO 80621
PEHR LAND TRUST
5238 COUTNY ROAD 23
FORT LUPTON, CO 80621

WELD COUNTY
1150 O ST
GREELEY, CO 80631

FUSARO LLC
PO BOX 192
FORT LUPTON, CO 80621

TERRY JAMES GRANT
10711 HWY 52
FORT LUPTON, CO 80621

HOWARD E BINDER
6155 COUNTY ROAD 23
FORT LUPTON, CO 80621

NPC LLC
10741 HWY 52
FORT LUPTON, CO 80621

W2H PROPERTY LLC
23744 COUNTY ROAD 6
HUDSON, CO 80642



City Official



**CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Fort Lupton is in receipt of an application submitted by Leonard Toews and Sherri Toews for a change of zone to the 'C-2' Heavy Commercial Zone District for lot 1 of the Brandywine Farms Minor Subdivision located at the northwest corner of State Highway 52 and County Road 23 in Fort Lupton, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearings are to be held before the Planning Commission on Thursday, May 13, 2021, at 6:00 P.M., and before the City Council on Tuesday, May 18, 2021, at 7:00 P.M. or as soon as possible thereafter.

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Further information is available through the City Planning and Building Department at (303) 857-6694.

ALL INTERESTED PERSONS MAY ATTEND.

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT BIT.LY/FLDEVELOPMENT AND SCROLLING DOWN TO THE ROW TITLED: BRANDYWINE MINOR SUBDIVISION AND CHANGE OF ZONE

LEGAL DESCRIPTION

LOT 1, BRANDYWINE FARMS MINOR SUBDIVISION



**CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Fort Lupton is in receipt of an application submitted by Leonard Toews and Sherri Toews for a minor subdivision for a property located at 5535 County Road 23 Fort Lupton, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearings are to be held before the Planning Commission on Thursday, May 13, 2021, at 6:00 P.M., and before the City Council on Tuesday, May 18, 2021, at 7:00 P.M. or as soon as possible thereafter.

The public hearings shall be held at the Fort Lupton City Hall, 130 S. McKinley Avenue in Fort Lupton, Colorado. In the event that the City Hall is closed to the public at the time of the hearings due to COVID-19, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda as posted on the City's website, www.fortluptonco.gov.

Further information is available through the City Planning and Building Department at (303) 857-6694.

ALL INTERESTED PERSONS MAY ATTEND.

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT BIT.LY/FLDEVELOPMENT AND SCROLLING DOWN TO THE ROW TITLED: BRANDYWINE MINOR SUBDIVISION AND CHANGE OF ZONE

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE COINCIDENT WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 NORTH 00°00'00" EAST, A DISTANCE OF 110.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF STATE HIGHWAY NO. 52, AND THE POINT OF BEGINNING; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 25.34 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 44°26'09" EAST, A DISTANCE OF 6.66 FEET TO THE EAST RIGHT OF WAY OF COUNTY ROAD 23; THENCE COINCIDENT WITH SAID EAST RIGHT OF WAY NORTH 00°00'00" EAST, A DISTANCE OF 1054.41 FEET TO THE NORTH LINE OF LOT A OF RECORDED EXEMPTION NO. 1469-02-1 RECX-0009 RECORDED OCTOBER 20, 2011 AS RECEPTION NO. 3799966; THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT A NORTH 89°24'51" WEST, A DISTANCE OF 1342.79 FEET TO THE NORTHWEST CORNER OF SAID LOT A; THENCE COINCIDENT WITH THE WEST LINE



OF SAID LOT A SOUTH 00°10'56" EAST, A DISTANCE OF 1099.76 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°24'51" EAST, A DISTANCE OF 1236.02

Brandywine Farms Minor Subdivision

PROJECT NO. LUP2021-XXXX & PLAN NO. XXXXXXX-XXXX

Located in the East 1/2 of the Northeast 1/4 of Section 2,
Township 1 North, Range 67 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

Sheet 1 of 1

PROPERTY DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE COINCIDENT WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 NORTH 00°00'00" EAST, A DISTANCE OF 110.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF STATE HIGHWAY NO. 52, AND THE POINT OF BEGINNING; THENCE CONTINUING COINCIDENT WITH SAID EAST LINE NORTH 00°00'00" EAST, A DISTANCE OF 1049.72 FEET TO THE NORTH LINE OF LOT A OF RECORDED EXEMPTION NO. 1489-02-1, REC'D-0009 RECORDED OCTOBER 20, 2011 AS RECEPTION NO. 3799966; THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT A NORTH 89°24'51" WEST, A DISTANCE OF 1312.79 FEET TO THE NORTHWEST CORNER OF SAID LOT A; THENCE COINCIDENT WITH THE WEST LINE OF SAID LOT A SOUTH 00°10'56" EAST, A DISTANCE OF 1099.76 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°24'51" EAST, A DISTANCE OF 1236.02 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY NORTH 45°36'09" EAST, A DISTANCE OF 70.70 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 22.75 FEET TO THE POINT OF BEGINNING; CONTAINING 33.04 ACRES, MORE OR LESS, COUNTY OF WELD, STATE OF COLORADO.

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, THAT WE, LEONARD TOEWS AND SHERRI TOEWS, BEING THE SOLE OWNERS OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE LAID OUT AND PLATTED UNDER THE NAME OF BRANDYWINE FARMS MINOR SUBDIVISION, AND DO HEREBY DEDICATE TO THE CITY OF FORT LUPTON AND ITS LICENSEES FOR PUBLIC USE FOREVER ALL STREETS, ALLEYS AND UTILITY EASEMENTS AS INDICATED HEREON. IN COMPLIANCE WITH THE CITY OF FORT LUPTON SUBDIVISION REGULATIONS AND BY CONTRACTUAL AGREEMENT, THE LANDOWNERS SHALL BEAR ALL EXPENSES INVOLVED IN IMPROVEMENTS.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS ____ DAY OF _____, 20____.

LEONARD TOEWS SHERRI TOEWS

STATE OF COLORADO SS.
COUNTY OF WELD

THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME BY _____

THIS ____ DAY OF _____, 20____.

WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____.

NOTARY PUBLIC

OWNER'S APPROVAL:

KNOW ALL MEN BY THESE PRESENTS, THAT WE LEONARD TOEWS AND SHERRI TOEWS, BEING THE SOLE OWNER(S) OF THE LAND DESCRIBED HEREIN, AND _____ ARE ALL OF THE MORTGAGEES AND HOLDERS OF LIENS UPON THE PROPERTY, AND EACH AND ALL HEREBY CONSENT TO THIS PLAT AND JOIN THE CONVEYANCE AND DEDICATION OF ALL STREETS, ROADS, ALLEYS, EASEMENTS, PUBLIC WAYS AND PLACES SHOWN HEREON.

LEONARD TOEWS SHERRI TOEWS

STATE OF COLORADO SS.
COUNTY OF WELD

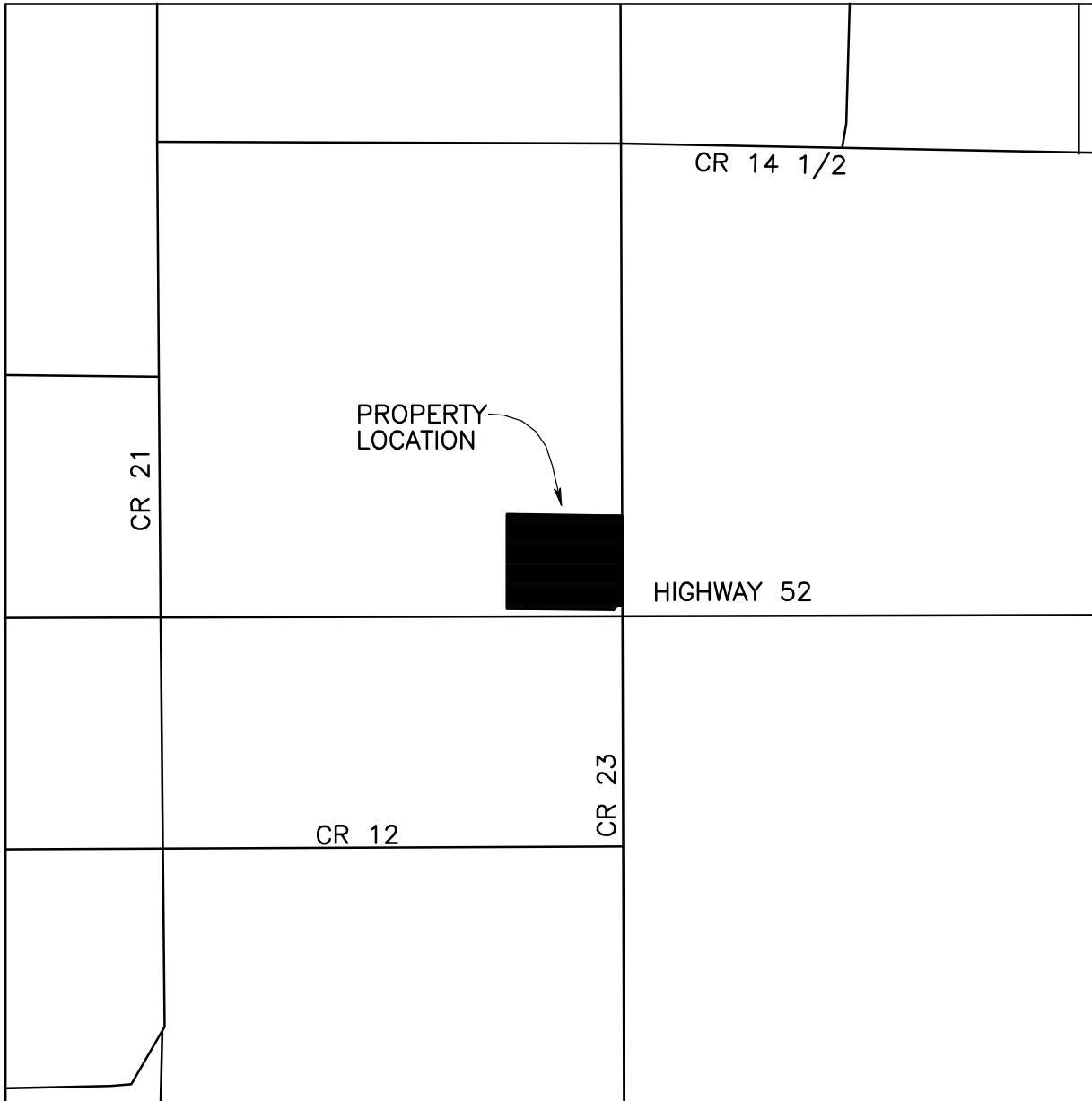
THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME BY _____

THIS ____ DAY OF _____, 20____.

WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____.

NOTARY PUBLIC



VICINITY MAP
SCALE: 1"=2000'

CITY ADMINISTRATOR'S APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____.

CITY ADMINISTRATOR _____

CITY WATER AND SEWER DEPARTMENT APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____.

CITY ENGINEER _____

NOTES:

1) BASIS OF BEARING: THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN IS ASSUMED TO BEAR SOUTH 00°32'57" EAST, AS MONUMENTED HEREON WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

2) DISTANCES ON THIS MINOR ADJUSTMENT ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.

3) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

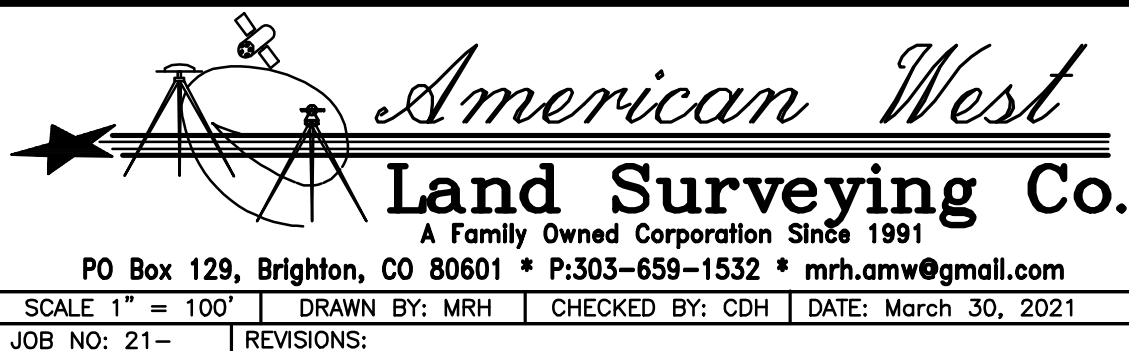
4) ANY PERSON WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY PUBLIC LAND SURVEY MONUMENT, AS DEFINED BY SECTION 38-53-103 (18), C.R.S., OR CONTROL CORNER, AS DEFINED IN SECTION 38-53-103 (6), C.R.S., OR A RESTORATION OF ANY SUCH MONUMENT OR WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY BEARING TREE KNOWING SUCH IS A BEARING TREE OR OTHER ACCESSORY, AS DEFINED BY SECTION 38-53-103 (1), C.R.S., EVEN IF SAID PERSON HAS TITLE TO THE LAND ON WHICH SAID MONUMENT OR ACCESSORY IS LOCATED, COMMITS A CLASS 2 MISDEMEANOR UNLESS, PRIOR TO SUCH REMOVAL, SAID PERSON HAS CAUSED A COLORADO PROFESSIONAL LAND SURVEYOR TO ESTABLISH AT LEAST TWO WITNESS CORNERS OR REFERENCE MARKS FOR EACH SUCH MONUMENT OR ACCESSORY REMOVED AND HAS FILED OR CAUSED TO BE FILED A MONUMENT RECORD PURSUANT TO ARTICLE 53 OF TITLE 38, C.R.S.

5) CERTIFICATION DEFINED: THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" BY A REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE PRACTICE OF LAND SURVEYING, CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OF FINDINGS WHICH ARE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED.

SURVEYOR'S CERTIFICATE:

I, MERLE R. HOOS, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF BRANDYWINE FARMS MINOR SUBDIVISION WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THIS PLAT HAS BEEN PREPARED IN COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO AT THE TIME OF THIS SURVEY AND WITHIN MY CONTROL, AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

MERLE R. HOOS P.L.S. 38046
FOR AND ON BEHALF OF
AMERICAN WEST LAND SURVEYING CO.,
A COLORADO CORPORATION



Brandywine Farms Minor Subdivision

PROJECT NO. LUP2021-XXXX & PLAN NO. XXXXXXX-XXXX

Located in the East 1/2 of the Northeast 1/4 of Section 2,
Township 1 North, Range 67 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

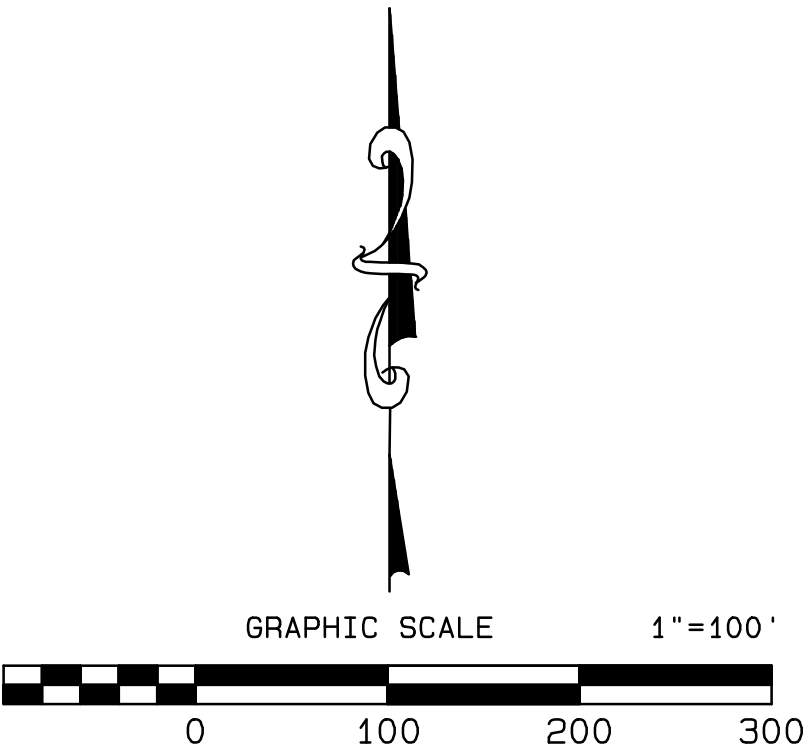
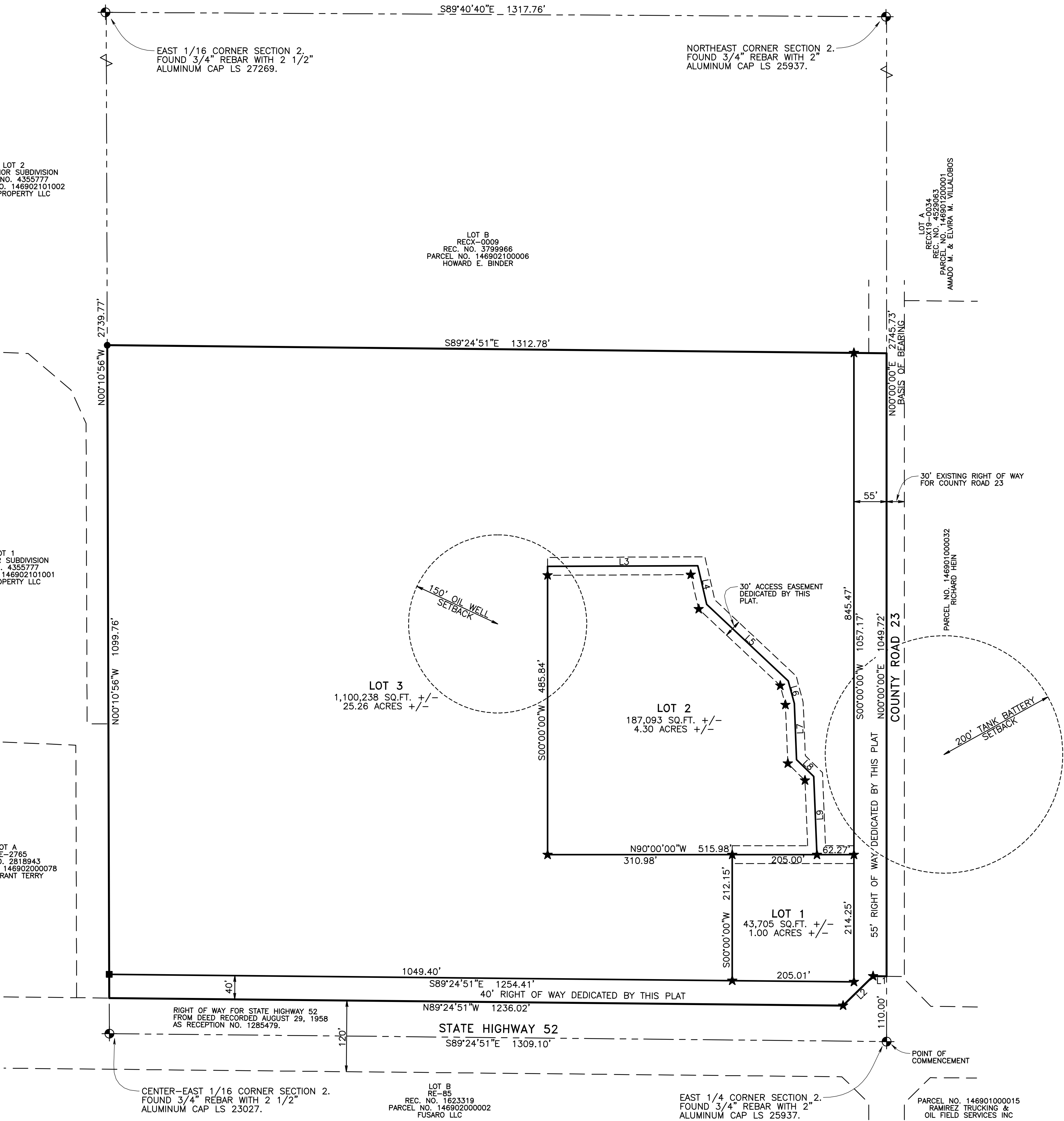
Sheet 1 of 1

LEGEND:

- ◆ = SECTION CONTROL MONUMENT AS NOTED HEREON.
- ★ = SET 5/8" X 24" REBAR WITH 2" ALUMINUM CAP LS 38046.
- = FOUND 5/8" REBAR WITH PINK PLASTIC CAP LS 38046.
- = FOUND 5/8" REBAR WITH RED PLASTIC CAP LS 27269.

LINE TABLE:

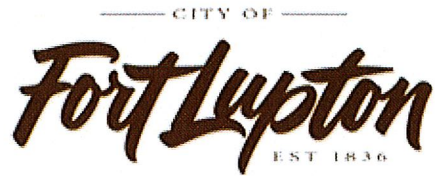
LINE	BEARING	DISTANCE
L1	N89°26'53"W	22.75'
L2	S45°36'09"W	70.70'
L3	N89°46'46"E	253.04'
L4	S13°00'51"E	66.85'
L5	S46°48'32"E	188.14'
L6	S15°02'45"E	39.50'
L7	S02°21'23"E	94.55'
L8	S45°19'24"E	40.54'
L9	S02°22'48"E	131.90'



American West
Land Surveying Co.
A Family Owned Corporation Since 1991
PO Box 129, Brighton, CO 80601 * P:303-659-1532 * mrh.amw@gmail.com

SCALE 1" = 100' | DRAWN BY: MRH | CHECKED BY: CDH | DATE: March 30, 2021
JOB NO: 21- | REVISIONS:

**CITY OF FORT LUPTON
CITY COUNCIL**



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespín, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AM 2021-076

ADOPTING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO, AMENDING SECTIONS 16-40, 16-42 AND 16-45, ARTICLE II OF CHAPTER 16 OF THE FORT LUPTON MUNICIPAL CODE RELATED TO THE C-1 GENERAL COMMERCIAL, I-1 LIGHT INDUSTRIAL, AND PUD PLANNED UNIT DEVELOPMENT ZONE DISTRICTS.

I. Agenda Date: Council Meeting – May 18, 2021

II. Attachments:

- a. Proposed Ordinance
- b. Planning Commission Resolution
- c. Planning Commission Minutes
- d. Memo to Planning Commission
- e. Sec. 16-40 Redline Changes
- f. Sec. 16-42 Redline Changes
- g. Sec. 16-45 Redline Changes
- h. Legal Notice

III. Summary Statement:

Amendments to certain zone district sections of the Code are required to support the proposed new articles XII and XIII of Chapter 6 of the Code. The proposed amendments will add medical marijuana stores and retail marijuana stores as permitted uses in the C-1 General Commercial, C-2 Heavy Commercial, I-1 Light Industrial, I-2 Heavy Industrial and PUD Planned Unit Development zone districts, which specifically permit medical and/or retail marijuana stores, and upon obtaining all land use approvals necessary for such use.

IV. Submitted by:


Planner

V. Finance Reviewed


Finance Director

VI. Approved for Presentation:


City Administrator

VII. Attorney Reviewed


Approved

Pending Approval

VIII. Certification of Council Approval:

City Clerk

Date

IX. Detail of Issue/Request:

On November 3, 2020, the registered electors of the City of Fort Lupton approved ballot initiatives permitting for the establishment and operation of medical marijuana centers and retail marijuana stores subject to the requirements of the State of Colorado medical and retail marijuana codes and regulations and the ordinances and codes to be adopted by the City of Fort Lupton.

Amendments to certain zone district sections of the Code are required to support the proposed new articles XII and XIII of Chapter 6 of the Code. The proposed ordinance would amend Section 16-40 to add medical marijuana stores and retail marijuana stores to the list of permitted uses within the C-1 General Commercial Zone District. Similarly, the proposed ordinance would amend Section 16-42 to add medical marijuana stores and retail marijuana stores to the list of permitted uses in the I-1 Light Industrial Zone District. Section 16-45 would be amended to add language permitting medical marijuana stores and retail marijuana stores within PUD Planned Unit Development zone district. The exact language is included below in Exhibit A to the proposed ordinance.

Sections 16-41 and 16-43 pertaining to the C-2 Heavy Commercial and I-2 Heavy Industrial districts do not need to be amended in order to permit medical marijuana stores and retail marijuana stores. Section 16-41(d)(1) lists all permitted uses allowed in the C-1 General Commercial District as permitted uses within the C-2 Heavy Commercial District. Similarly, Section 16-43(d)(1) lists all permitted uses allowed in the I-1 Light Industrial District as permitted uses within the I-2 Heavy Industrial District.

X. Legal/Political Considerations:

The Zoning Regulations require published notice of the hearing at least fifteen (15) days prior to the hearing. Notice of the Planning Commission Public Meeting and City Council Public Hearing was published in the Fort Lupton Press on April 28, 2021.

XI. Alternatives/Options:

City Council has the following options:

- a) Adopt The Ordinance.*
- b) Do not adopt The Ordinance.*

XII. Financial Considerations:

Not Applicable.

XIII. Staff Recommendation:

Staff recommends adoption of the proposed ordinance.

ORDINANCE NO. 2021-xxxx

INTRODUCED BY: _____

AN ORDINANCE OF THE CITY OF FORT LUPTON, COLORADO, AMENDING CHAPTER 16, ARTICLE II, SECTION 16-40 – C-1 GENERAL COMMERCIAL DISTRICT, SECTION 16-42 – I-1 LIGHT INDUSTRIAL DISTRICT AND SECTION 16-45 – PUD PLANNED UNIT DEVELOPMENT DISTRICT, OF THE FORT LUPTON MUNICIPAL CODE

WHEREAS, on November 3, 2020, the registered electors of the City of Fort Lupton approved ballot initiatives permitting for the establishment and operation of medical marijuana centers and retail marijuana stores subject to the requirements of the State of Colorado medical and retail marijuana codes and regulations and the ordinances and codes to be adopted by the City of Fort Lupton; and

WHEREAS, the Colorado Constitution specifically authorizes the City to prohibit or regulate marijuana businesses and to adopt regulations consistent with the intent of state law; and

WHEREAS, the Planning Commission held a public meeting on May 13, 2021, and has provided City Council with Resolution No. P2021-014 recommending approval of the amendments to Sections 16-40, 16-42 and 16-45, Articles II of Chapter 16 of the Fort Lupton Municipal Code related to C-1 General Commercial, I-1 Light Industrial and PUD Planned Unit Development Districts, and

WHEREAS, notice of the time and place of this meeting was published in the Fort Lupton Press at least fifteen (15) days prior to this meeting date, 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 16-40(d) of the Fort Lupton Municipal Code is hereby repealed in its entirety and re-enacted as follows:

(d) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided for in this Chapter, except for the following uses:

- (1) Baking, confectionary, dressmaking, dyeing, laundry, tailoring, upholstery, cleaning or other similar establishments.
- (2) Banks, office buildings and studios.
- (3) Bus stations and taxi stands.
- (4) Churches.

- (5) Gasoline and oil service stations, provided that all storage tanks are placed underground and merchandise is enclosed.
- (6) Liquor-licensed premises, including distilleries, breweries and wineries.
- (7) Medical and dental clinics.
- (8) Medical marijuana stores.
- (9) Membership clubs, fraternities and lodges.
- (10) Motels and hotels.
- (11) Personal care boarding homes, two (2) boarders or less, in existing residential structures.
- (12) Personal offices or service shops, such as barber, shoe shine and beauty parlors.
- (13) Printing and publishing establishments.
- (14) Public buildings, assembly halls and auditoriums.
- (15) Public recreation areas and facilities.
- (16) Residential uses in existing structures or if they are provided in conjunction with a commercial use.
- (17) Restaurants, cafes and other places serving food (including drive-ins).
- (18) Retail business stores and shops.
- (19) Retail cold storage locker plants; slaughtering activities, however, shall not be permitted.
- (20) Retail marijuana stores.
- (21) Schools, public and private.
- (22) Small wind energy systems are permitted, provided that they meet the qualifications for a building permit set forth in Section 18-9 of this Code.
- (23) Theaters (excluding drive-in theaters and amusement houses).

Section 2: Chapter 16, Article II, Section 16-42(d) of the Fort Lupton Municipal Code is hereby repealed in its entirety and re-enacted as follows:

(d) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided for in this Chapter, except for the following uses:

- (1) Auto, truck, boat, trailer and farm equipment sales, services and repairs.
- (2) Auto wash facilities.
- (3) Baking, confectionary, dressmaking, dyeing, laundry, tailoring, upholstery, cleaning or other similar establishments.
- (4) Banks, office buildings and studios.
- (5) Building supply yards.
- (6) Bus stations and taxi stands.
- (7) Churches.
- (8) Funeral homes.
- (9) Gasoline and oil service stations, provided that all storage tanks are placed underground and merchandise is enclosed.
- (10) Liquor-licensed premises, including distilleries, breweries and wineries.
- (11) Manufacturing, fabrication, processing, distribution or assembly facilities; provided that all limitations of external effects required under these regulations are met.
- (12) Medical and dental clinics.
- (13) Medical marijuana stores.

- (14) Membership clubs, fraternities and lodges.
- (15) Motels and hotels.
- (16) Outdoor commercial recreation facilities.
- (17) Personal care boarding homes, two (2) boarders or less, in existing residential structures.
- (18) Personal offices or service shops, such as barber, shoe shine and beauty parlors.
- (19) Plant nurseries.
- (20) Printing and publishing establishments.
- (21) Public buildings, assembly halls and auditoriums.
- (22) Public recreation areas and facilities.
- (23) Residential uses in existing structures or if they are provided in conjunction with a commercial use.
- (24) Restaurants, cafes and other places serving food (including drive-ins).
- (25) Retail business stores and shops.
- (26) Retail cold storage locker plants.
- (27) Retail marijuana stores.
- (28) Retail uses which require limited manufacturing or processing of items to be sold.
- (29) Schools, public and private.
- (30) Scientific research facilities.
- (31) Small wind energy systems are permitted, provided that they meet the qualifications for a building permit set forth in Section 18-9 of this Code.
- (32) Storage and warehousing facilities, indoor and outdoor, however no selling of merchandise or other tangible goods or services from any unit is permitted; provided that all outside storage is screened in accordance with these regulations.
- (33) Theaters (excluding drive-in theaters and amusement houses).
- (34) Veterinary clinics and hospitals.

Section 3: Chapter 16, Article II, Section 16-45(c)(1) of the Fort Lupton Municipal Code is hereby repealed in its entirety and re-enacted as follows:

(1) PUD permit requirements. All development within a PUD District must be in accordance with an approved PUD plan. No building or development permits shall be issued within a PUD District unless they are in conformance with an approved PUD plan for that District. Small wind energy systems are permitted uses in PUDs, provided that they meet the qualifications and criteria for a building permit set forth in Section 18-9 of this Code and are approved as part of the PUD approval process. Medical marijuana stores and retail marijuana stores are permitted uses in PUDs, provided that they meet the qualifications and criteria set forth in Articles XII and XIII of Chapter 6 of this Code and are approved as part of the PUD approval process.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 18th day of May 2021.

PUBLISHED in the Fort Lupton Press the ____ day of _____ 2021.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED FINALLY PUBLISHED
by title only this ____ day of _____ 2021.

PUBLISHED BY TITLE ONLY the ____ day of _____ 2021.

EFFECTIVE (after publication) the ____ day of _____ 2021.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

RESOLUTION NO. P2021-014

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF THE PROPOSED REVISIONS TO SECTIONS 16-40, 16-42 AND 16-45, ARTICLE II OF CHAPTER 16 OF THE FORT LUPTON MUNICIPAL CODE RELATED TO THE ‘C-1’ GENERAL COMMERCIAL, ‘I-1’ LIGHT INDUSTRIAL AND ‘PUD’ PLANNED UNIT DEVELOPMENT ZONE DISTRICTS.

WHEREAS, the Planning Commission held a public meeting May 13, 2021 for the purpose of reviewing proposed amendments to Sections 16-40, 16-42 and 16-45, Articles II of Chapter 16 of the Fort Lupton Municipal Code related to ‘C-1’ General Commercial, ‘I-1’ Light Industrial and ‘PUD’ Planned Unit Development Zone Districts, and

WHEREAS, notice of the time and place of this meeting was published in the Fort Lupton Press at least fifteen (15) days prior to this meeting date, and

WHEREAS, after review of the proposed amendments to the Code, which are attached to this Resolution as Exhibit A, the Planning Commission 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 RESOLVED, the Planning Commission has taken into consideration the proposed amendments to Sections 16-40, 16-42 and 16-45, Article II of Chapter 16 of the Fort Lupton Municipal Code, attached as Exhibit A to this Resolution, and has taken into consideration conformance to the Comprehensive Plan, staff comments, and any citizen testimony in response to these amendments. Based on the facts presented on this date, the Planning Commission hereby recommends approval of the proposed amendments to the Fort Lupton City Council.

DONE THIS 13TH DAY OF MAY, 2021, BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.

Chairman

ATTEST:

Planning Director

This Resolution was approved by Planning Commission on May 13, 2021. Due to COVID, there has been a delay in obtaining the Chairman's signature. The signed Resolution will be added to the files once it is received.

EXHIBIT A

Section 16-40 – C-1 General Commercial District

(d) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided for in this Chapter, except for the following uses:

- (1) Baking, confectionary, dressmaking, dyeing, laundry, tailoring, upholstery, cleaning or other similar establishments.
- (2) Banks, office buildings and studios.
- (3) Bus stations and taxi stands.
- (4) Churches.
- (5) Gasoline and oil service stations, provided that all storage tanks are placed underground and merchandise is enclosed.
- (6) Liquor-licensed premises, including distilleries, breweries and wineries.
- (7) Medical and dental clinics.
- (8) Medical marijuana stores.
- (9) Membership clubs, fraternities and lodges.
- (10) Motels and hotels.
- (11) Personal care boarding homes, two (2) boarders or less, in existing residential structures.
- (12) Personal offices or service shops, such as barber, shoe shine and beauty parlors.
- (13) Printing and publishing establishments.
- (14) Public buildings, assembly halls and auditoriums.
- (15) Public recreation areas and facilities.
- (16) Residential uses in existing structures or if they are provided in conjunction with a commercial use.
- (17) Restaurants, cafes and other places serving food (including drive-ins).
- (18) Retail business stores and shops.
- (19) Retail cold storage locker plants; slaughtering activities, however, shall not be permitted.
- (20) Retail marijuana stores.
- (21) Schools, public and private.
- (22) Small wind energy systems are permitted, provided that they meet the qualifications for a building permit set forth in Section 18-9 of this Code.
- (23) Theaters (excluding drive-in theaters and amusement houses).

Section 16-42 – I-1 Light Industrial District

(d) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided for in this Chapter, except for the following uses:

- (1) Auto, truck, boat, trailer and farm equipment sales, services and repairs.
- (2) Auto wash facilities.
- (3) Baking, confectionary, dressmaking, dyeing, laundry, tailoring, upholstery, cleaning or other similar establishments.
- (4) Banks, office buildings and studios.

- (5) Building supply yards.
- (6) Bus stations and taxi stands.
- (7) Churches.
- (8) Funeral homes.
- (9) Gasoline and oil service stations, provided that all storage tanks are placed underground and merchandise is enclosed.
- (10) Liquor-licensed premises, including distilleries, breweries and wineries.
- (11) Manufacturing, fabrication, processing, distribution or assembly facilities; provided that all limitations of external effects required under these regulations are met.
- (12) Medical and dental clinics.
- (13) Medical marijuana stores.
- (14) Membership clubs, fraternities and lodges.
- (15) Motels and hotels.
- (16) Outdoor commercial recreation facilities.
- (17) Personal care boarding homes, two (2) boarders or less, in existing residential structures.
- (18) Personal offices or service shops, such as barber, shoe shine and beauty parlors.
- (19) Plant nurseries.
- (20) Printing and publishing establishments.
- (21) Public buildings, assembly halls and auditoriums.
- (22) Public recreation areas and facilities.
- (23) Residential uses in existing structures or if they are provided in conjunction with a commercial use.
- (24) Restaurants, cafes and other places serving food (including drive-ins).
- (25) Retail business stores and shops.
- (26) Retail cold storage locker plants.
- (27) Retail marijuana stores.
- (28) Retail uses which require limited manufacturing or processing of items to be sold.
- (29) Schools, public and private.
- (30) Scientific research facilities.
- (31) Small wind energy systems are permitted, provided that they meet the qualifications for a building permit set forth in [Section 18-9](#) of this Code.
- (32) Storage and warehousing facilities, indoor and outdoor, however no selling of merchandise or other tangible goods or services from any unit is permitted; provided that all outside storage is screened in accordance with these regulations.
- (33) Theaters (excluding drive-in theaters and amusement houses).
- (34) Veterinary clinics and hospitals.

Section 16-45 – PUD Planned Unit Development District

(c)(1) PUD permit requirements. All development within a PUD District must be in accordance with an approved PUD plan. No building or development permits shall be issued within a PUD District unless they are in conformance with an approved PUD plan for that District. Small wind energy systems are permitted uses in PUDs, provided that they meet the qualifications and

criteria for a building permit set forth in Section 18-9 of this Code and are approved as part of the PUD approval process. Medical marijuana stores and retail marijuana stores are permitted uses in PUDs, provided that they meet the qualifications and criteria set forth in Articles XII and XIII of Chapter 6 of this Code and are approved as part of the PUD approval process.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021

The Planning Commission of the City of Fort Lupton met in session virtually via GoToMeeting, on Thursday, May 13, 2021.

Chair Mike Simone called the meeting to order at 6:01 pm and gave the following advisement:

Tonight's meeting shall be held virtually so as to ensure the health and safety of the general public and the City of Fort Lupton Planning Commission and staff.

The intent and purpose of the virtual appearance options is to allow the City to be innovative in providing the general public the most meaningful access possible in light of the current challenges present as a result of the Covid-19 pandemic. Therefore, subject to social distancing and public health orders, members of the general public will be offered the opportunity to be electronically present for meetings at the City, subject to existing health conditions.

An electronic link has been made available for tonight's meeting on the City's website and social media platforms and as posted at City Hall, so that the general public, Planning Commission and staff may participate electronically via the internet or on the phone.

ROLL CALL

Roll was taken and those present were Chair Mike Simone, Vice-Chair Bush White and Commission Members Carlos Barron, Kathy Kvasnicka and Thomas Meyers. Also in attendance were Planning Director Todd Hodges, City Planner II Alyssa Knutson, City Planner I Maria Lancto, City Clerk Mari Peña and Planning Administrative Assistant Magaly Morales-Tejada.

APPROVAL OF AGENDA

Chair Simone called for a motion to approve the agenda. It was moved by Vice-Chair Bush White and seconded by Kathy Kvasnicka

CONSENT AGENDA

Chair Simone called for a motion to approve the consent agenda. It was moved by Vice-Chair Bush White and seconded by Kathy Kvasnicka.

PUBLIC COMMENT

Chair Simone asked if there was anyone who would like to comment on an item not on the agenda tonight. Hearing none, he closed Public Comment

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021**

ACTION ITEMS

Chair Simone addressed the applicant, Leonard Toews.

He asked if Mr. Toews understood that Members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Mr. Toews stated yes.

Chair Simone asked if he consented to the applicable members voting on his submittal, even though said members are not present in person.

Mr. Toews stated yes.

Chair Simone asked if he understood that he had the right to continue this public hearing to such a date to allow a full in-person public hearing.

Mr. Toews stated yes.

Chair Simone asked if he voluntarily signed and submitted the written waiver and consent to proceed electronically tonight.

Mr. Toews stated yes.

Chair Simone asked if he waived his right to proceed in an in-person public hearing and has consented to proceed forward voluntarily tonight in this virtual planning commission meeting.

Mr. Toews stated yes.

P2021-012: Brandywine Farms Minor Subdivision

Planner Maria Lancto presented this item. Ms. Lancto stated that this property is located at the northwest corner of the intersection of Highway 52 and County Road 23 and is zoned Agriculture. She stated that this minor subdivision will result in three separate lots; Lot 1 being 1 acre, Lot 2 approximately 4.3 acres and lot 3 25.26 acres. She stated that the applicants have also submitted for a change of zone for Lot 1, which is being reviewed at the public hearing following this. Ms. Lancto stated that the use of the property is not being changed at this time. Ms. Lancto stated that all notification requirements had been met, including publishing in the newspaper, posting at the property and mailing to neighbors. Ms. Lancto stated that the applicants, Leonard and Sherri Toews, are available to speak further about the proposal and answer any questions.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021**

Chair Simone addressed the applicant, Leonard Toews. He asked if he had anything to add or present on behalf of his application.

Mr. Toews stated that the properties west and adjacent to his property are both commercially zoned. He stated that his property has been on the City's comprehensive plan for quite some time. Mr. Toews stated that they see themselves as a gateway to Fort Lupton and see their property as a key point in furthering the development in the area.

Chair Simone asked Mr. Toews if he felt he had a full opportunity to participate in the public hearing.

Mr. Toews stated yes.

Chair Simone asked Mr. Toews if there was anything he would have liked to present in support of his presentation that he felt he was prevented from doing.

Mr. Toews stated no.

Chair Simone opened up the public comment portion of the Hearing for the action item. Hearing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

Chair Simone opened up the hearing to Planning Commissioners' comments and questions. With no questions from Planning Commissioners, Chair Simone called for a motion to approve P2021-0012.

It was moved by Kathy Kvasnicka and seconded by Bush White. Motion passed unanimously.

P2021-013 Brandywine Farms Change of Zone

Planner Maria Lancto presented this item. She stated that this application is for Lot 1 of the Brandywine Farms Minor Subdivision, located at the northwest corner of Highway 52 and County Road 23. Ms. Lancto stated that the applicants are requesting this lot be rezoned from Agriculture to "C-2" Heavy Commercial. She stated that this location is designated for commercial transition land uses in the City's Comprehensive Plan, therefore this request is appropriate for the future of this area. Ms. Lancto stated that there is no proposed development with this application and any land use proposals would be brought back to the City for review. She stated that all notification requirements had been met, including publishing in the newspaper, posting at the property and mailing to neighbors.

Chair Simone asked the applicant, Leonard Toews, if there was anything he would like to add on behalf of his application.

Mr. Toews reiterated that his property is at a key intersection to start future development.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021**

Chair Simone asked Mr. Toews if the previous answers to question on his consent to an virtual question applied to this action item.

Mr. Toews stated yes.

Chair Simone opened up the public comment portion of the Hearing for the action item. Hearing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

Chair Simone asked Mr. Toews if he felt he had a full opportunity to participate in tonight's public hearing.

Ms. Toews stated yes.

Chair Simone opened up the hearing to Planning Commissioners' comments and questions.

Member Carlos Barron asked if there were any future plans for this lot.

Mr. Toews stated that there is not currently, but they do see potential for the property in the future.

Vice-Chair White asked for clarification on heavy commercial zoning.

Planning Director Todd Hodges explained that along the highway, heavy commercial allows for more development than standard retail. He stated that under the current Code, any future development would come before Planning Commission.

Vice-Chair White asked for a worst case scenario use in heavy commercial zoning.

Planner Alyssa Knutson read the permitted uses and special uses listed in the Fort Lupton Municipal Code for C-2 Heavy Commercial zoning. She stated that all uses permitted in C-1 are also permitted in C-2.

Mr. Toews added that they currently operate a floral greenhouse on Lot 2 of this property and have hopes of expanding into a plant nursery.

With no further questions from Planning Commissioners, Chair Simone called for a motion to approve P2021-013.

It was moved by Vice-Chair White and seconded by Kathy Kvasnicka. Motion passed unanimously.

P2021-0014 Chapter 16 Article II Amendments

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021

Planner Maria Lancto presented this item. She stated that this is a review of proposed changes to Article 2 of Chapter 16 of the Fort Lupton Municipal Code. Ms. Lancto stated that during the November elections of 2020, citizens voted to allow medical and retail marijuana stores to operate within Fort Lupton. Ms. Lancto stated that since then staff has been working on a series of ordinances which, with state statutes, will regulate this use. She stated that these ordinances include a Medical Marijuana Ordinance, a Retail Marijuana Ordinance, the tax ordinance and changes to the zoning ordinance. Ms. Lancto stated that all 4 of these will be brought before City Council the following Tuesday, May 18, however the zoning ordinance must first be reviewed by Planning Commission. She stated this meeting and presentation is only for the proposed changes to the zoning chapter of the code. Ms. Lancto stated that the city will only allow a medical marijuana store to operate within a retail store, a standalone medical establishment will not be permitted as the city will only be allowing a maximum of 4 establishments at this time. Ms. Lancto stated that through discussion and research City staff has determined that Commercial and Industrial zoning works best for this use, so it will be permitted in the C-1, C-2, I-1 and I-2 zone districts. She stated that the city wants to leave open the possibility for this use in a PUD that allows for commercial and industrial uses, however this use would need to be specifically included in the PUD standards. Ms. Lancto stated that zoning is not the only way in which the location of these establishments will be regulated, she stated that they will not be permitted within or adjacent to residential properties, in downtown, within 1,000 feet from any school, childcare center, juvenile or adult halfway house, correction facility or substance abuse rehabilitation center or within 500 feet of a park with a playground and the establishments will be separated by 1,500 or 3,000 feet depending on the population - similar to how the city currently handles liquor licenses. Ms. Lancto referred to a map that depicts the buffers of where these establishments would not be allowed. Ms. Lancto stated that there will be a special tax of 3.1% to be collected by the city, in addition to the current 4.0% that is collected by the state. She stated that this rate may decrease or increase without further approval so long as it doesn't exceed 10%. Ms. Lancto stated that following this public meeting, there will be a public hearing with City Council on May 18, 2021 which will include this zoning ordinance and other ordinances related to this use. She explained that all ordinances that are approved require a second reading and publishing in the newspaper, which is a 60-day process, therefore the expected effective date of these ordinances is July 23, 2021. Ms. Lancto stated that the zoning ordinance includes changes to sections 16-40, 16-42 and 16-45. She stated that staff recommends that medical and retail marijuana stores be added as permitted uses in the C-1 and I-1 districts as well as adding to the end of section 16-45(c)(1) language that reads "medical marijuana stores and retail marijuana stores are permitted uses in PUDs, provided that they meet the qualifications and criteria set forth in Articles 7 and 8 of chapter 6 of this Code and are approved as part of the PUD approval process." She stated that the proposed resolution would need to be amended so that section 16-45(c)(1) of Exhibit A to the resolution referenced Chapter 6 and not Chapter 16. She stated that with these changes, no amendment is needed for sections for C-2 or I-2 zoning as the code currently lists all C-1 permitted uses are permitted uses in C-2 and similarly for I-1 and I-2 zoning. Ms. Lancto stated that Mari Peña, the City Clerk is also online and that staff will try to answer any questions, but that some questions may need to be passed along to City Council.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021

Chair Mike Simone opened up the meeting to public comments.

Chair Simone opened up the public comment portion of the Hearing for the action item. Hearing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

Chair Mike Simone opened up the meeting to Planning Commissioner's comments.

Member Thomas Meyers stated that there are a lot of DOT businesses in the area and feels as though having marijuana readily available for retail within the city would create conflict with DOT drivers.

Member Carlos Barron stated that he operates a DOT business and they require quarterly drug testing. He stated that all DOT employees should be aware of the regulations.

Member Meyers reiterated that having marijuana retail readily available near drivers who may make the choice to drive under the influence could have bigger consequences as they are driving larger vehicles than the average driver on the road.

Member Kathy Kvasnicka stated that Fort Lupton is not the first city in the area allowing for retail of marijuana, and that it already is readily available in the area. She stated that the retail of marijuana will bring in great revenue to the City.

Chair Simone stated that while good points were being made, this discussion is outside of the Planning Commissions role. He stated that he would like to recommend that staff bring to City Council's attention that many CDOT drivers are not aware that marijuana is still a federal offense and recommended that notice be required to be posted in marijuana establishments.

Planning Director Hodges stated that this can be brought to City Council although he is unsure if that would be a conflict with state regulations.

Chair Simone asked if home day cares are included in the buffers on the map.

Planning Director Hodges stated yes, all legally licensed childcares are included.

Chair Simone asked how future home day cares would be affected if there is an existing marijuana establishment in the area where a home daycare is being proposed.

City Clerk Mari Peña stated that if there is an existing marijuana facility, then a new home daycare would be allowed in the buffer area if they choose to be within that distance and it would not affect the status of the existing marijuana facility.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021

Chair Simone suggested that in the amendment being made to the Code, they also amend the wording for Medical and Dental Clinics to list "Healthcare and Dental Clinics"

Planning Director Hodges stated that they could look at that as part of the overall code change.

Vice-Chair White asked if the land use process for marijuana establishments could be through Special Use Permits rather than permanent.

Planning Director Hodges stated that from a land use planning perspective, applications for these establishments will be treated the same as other retail establishments, the only benefit from a Special Use Permit is that it is non-transferable. He stated that retail and medical establishments are a mandate of the voters of the City and the City is just regulating how and where these establishments can be located.

Member Meyers asked for clarification on what the Planning Commissioners votes are needed for, if these establishments have already been mandated by the voters.

Planning Director Hodges stated that the Planning Commission is voting on this use being allowed in the specified zoning districts.

Chair Simone stated that Planning Commissioners should vote based upon compliance with the regulations.

Planner Knutson stated that Planning Commissioners are voting on the recommendation to City Council.

Planning Director Hodges stated that the Planning Commissioners have the ability to recommend changes to the section being reviewed and although this is a mandate of the citizens, that the commissioners have the purview to regulate how this works in the city.

Vice-Chair White reiterated that he would like to see it regulated as a special use permit rather than other land use types as to not allow transferability and not make it as readily available, as he has seen firsthand the effects that having marijuana readily available has on youth that he works with.

City Clerk Mari Pena stated that transferability is regulated through the state and there are many requirements in order for anybody to open or operate an establishment. Ms. Pena stated that licensing is heavily regulated through the state. She stated that the requirements are not only similar as those for liquor licenses, but there are in fact more requirements for marijuana retail.

Mr. Meyers asked for clarification of the votes and if he could vote no based on whether or not he agrees with the allowed uses in the zoning.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
May 13, 2021**

Chair Simone stated yes

Planner Knutson stated yes and explained that the Planning Commission is only voting on the amendment to the zoning district uses.

With no further questions from Planning commissioners, Chair Simone asked for a motion to approve P2021-0014. It was moved by Member Kathy Kvasnicka and seconded by Member Carlos Barron.

Motion passed on a roll call vote of 4 “yes” votes and 1 “no” vote.

DISCUSSION ITEMS

Review of Meeting Discussion

A review of meeting discussions took place.

Development Code Update

A discussion of the Development Code Update took place.

FUTURE BUSINESS

The next meeting of the Planning Commission is scheduled for June 10, 2021 at 6:00 PM.

ADJOURNMENT

Chair Mike Simone adjourned the meeting at 7:03 PM.

Submitted by

Magaly Morales-Tejada, Planning Assistant

Approved by Planning Commission

Mike Simone, Chair



To: Planning Commission

From: Maria Lancto, Planner I

Meeting Date: May 13, 2021

Subject: Proposed revisions to Sections 16-40, 16-42 and 16-45, Article II of Chapter 16 of the Fort Lupton Municipal Code related to the 'C-1' General Commercial, 'I-1' Light Industrial, and 'PUD' Planned Unit Development Zone Districts.

I. Description

On November 3, 2020, the registered electors of the City of Fort Lupton approved ballot initiatives permitting for the establishment and operation of medical marijuana centers and retail marijuana stores subject to the requirements of the State of Colorado marijuana codes and regulations and the ordinances and codes to be adopted by the City of Fort Lupton.

In response, City staff have drafted ordinances regarding the regulations and licensing of medical and retail marijuana stores, including location and land use requirements. Specifically, staff is proposing that medical and retail marijuana stores are permitted only within the following zoning districts: the 'C-1' General Commercial District, 'C-2' Heavy Commercial District, 'I-1' Light Industrial District, 'I-2' Heavy Industrial District and 'PUD' Planned Unit Development District, which specifically permit medical and/or retail marijuana stores, and upon obtaining all land use approvals necessary for such use.

In order to approve the proposed ordinances enacting new articles XII and XIII of Chapter 6 of the Code regarding the regulation and licensing of medical and retail marijuana stores, City Council must also approve revisions to Sections 16-40, 16-42 and 16-45, Article II of Chapter 16 of the Code which will add medical marijuana stores and retail marijuana stores as permitted uses in the appropriate zone districts. Planning Commission shall review the proposed revisions to these sections and vote to recommend approval or not recommend approval. Planning Commission's recommendation will be provided to City Council.

II. Legal Considerations

Pursuant to C.R.S. 31-23-305, zoning regulations may be amended, supplemented, changed, modified or repealed from time to time. However, parties of interest and citizens shall have

an opportunity to be heard. This public meeting, and the public hearing before the City Council to be held on May 18, 2021 at 7:00 PM, was published in the Fort Lupton Press at least fifteen days prior to the public hearing for this matter.

III. Staff Recommendation

Staff recommends approval of the proposed revisions.

Section 16-40 – C-1 General Commercial District

(d) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided for in this Chapter, except for the following uses:

- (1) Baking, confectionary, dressmaking, dyeing, laundry, tailoring, upholstery, cleaning or other similar establishments.
- (2) Banks, office buildings and studios.
- (3) Bus stations and taxi stands.
- (4) Churches.
- (5) Gasoline and oil service stations, provided that all storage tanks are placed underground and merchandise is enclosed.
- (6) Liquor-licensed premises, including distilleries, breweries and wineries.
- (7) Medical and dental clinics.
- ~~(8)~~ (8) Medical marijuana store.
- ~~(89)~~ (9) Membership clubs, fraternities and lodges.
- ~~(910)~~ (10) Motels and hotels.
- ~~(1011)~~ (11) Personal care boarding homes, two (2) boarders or less, in existing residential structures.
- ~~(1112)~~ (12) Personal offices or service shops, such as barber, shoe shine and beauty parlors.
- ~~(1213)~~ (13) Printing and publishing establishments.
- ~~(1314)~~ (14) Public buildings, assembly halls and auditoriums.
- ~~(1415)~~ (15) Public recreation areas and facilities.
- ~~(1516)~~ (16) Residential uses in existing structures or if they are provided in conjunction with a commercial use.
- ~~(1617)~~ (17) Restaurants, cafes and other places serving food (including drive-ins).
- ~~(1718)~~ (18) Retail business stores and shops.
- ~~(1819)~~ (19) Retail cold storage locker plants; slaughtering activities, however, shall not be permitted.
- ~~(20)~~ (20) Retail marijuana stores.
- ~~(1921)~~ (21) Schools, public and private.
- ~~(2022)~~ (22) Small wind energy systems are permitted, provided that they meet the qualifications for a building permit set forth in Section 18-9 of this Code.
- ~~(2123)~~ (23) Theaters (excluding drive-in theaters and amusement houses).

Section 16-42 – I-1 Light Industrial District

(d) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided for in this Chapter, except for the following uses:

- (1) Auto, truck, boat, trailer and farm equipment sales, services and repairs.
- (2) Auto wash facilities.
- (3) Baking, confectionary, dressmaking, dyeing, laundry, tailoring, upholstery, cleaning or other similar establishments.
- (4) Banks, office buildings and studios.
- (5) Building supply yards.
- (6) Bus stations and taxi stands.
- (7) Churches.
- (8) Funeral homes.
- (9) Gasoline and oil service stations, provided that all storage tanks are placed underground and merchandise is enclosed.
- (10) Liquor-licensed premises, including distilleries, breweries and wineries.
- (11) Manufacturing, fabrication, processing, distribution or assembly facilities; provided that all limitations of external effects required under these regulations are met.
- (12) Medical and dental clinics.
- (13) Medical marijuana stores.
- ~~(1314)~~ Membership clubs, fraternities and lodges.
- ~~(1415)~~ Motels and hotels.
- ~~(1516)~~ Outdoor commercial recreation facilities.
- ~~(1617)~~ Personal care boarding homes, two (2) boarders or less, in existing residential structures.
- ~~(1718)~~ Personal offices or service shops, such as barber, shoe shine and beauty parlors.
- ~~(1819)~~ Plant nurseries.
- ~~(1920)~~ Printing and publishing establishments.
- ~~(2021)~~ Public buildings, assembly halls and auditoriums.
- ~~(2122)~~ Public recreation areas and facilities.
- ~~(2223)~~ Residential uses in existing structures or if they are provided in conjunction with a commercial use.
- ~~(2324)~~ Restaurants, cafes and other places serving food (including drive-ins).
- ~~(2425)~~ Retail business stores and shops.
- ~~(2526)~~ Retail cold storage locker plants.
- (27) Retail marijuana stores.
- ~~(2628)~~ Retail uses which require limited manufacturing or processing of items to be sold.
- ~~(2729)~~ Schools, public and private.
- ~~(2830)~~ Scientific research facilities.
- ~~(2931)~~ Small wind energy systems are permitted, provided that they meet the qualifications for a building permit set forth in Section 18-9 of this Code.
- ~~(3032)~~ Storage and warehousing facilities, indoor and outdoor, however no selling of merchandise or other tangible goods or services from any unit is permitted; provided that all outside storage is screened in accordance with these regulations.
- ~~(3133)~~ Theaters (excluding drive-in theaters and amusement houses).
- ~~(3234)~~ Veterinary clinics and hospitals.

Section 16-45 – PUD Planned Unit Development District

(c)(1) PUD permit requirements. All development within a PUD District must be in accordance with an approved PUD plan. No building or development permits shall be issued within a PUD District unless they are in conformance with an approved PUD plan for that District. Small wind energy systems are permitted uses in PUDs, provided that they meet the qualifications and criteria for a building permit set forth in Section 18-9 of this Code and are approved as part of the PUD approval process. Medical marijuana stores and retail marijuana stores are permitted uses in PUDs, provided that they meet the qualifications and criteria set forth in Articles XII and XIII of Chapter 6 of this Code and are approved as part of the PUD approval process.

Colorado Community Media
750 W. Hampden Ave. Suite 225
Englewood, CO 80110

City of Ft Lupton Legals
130 S McKinley Avenue
Fort Lupton CO 80621

Description: FLP222289 Pub Hear Amend Zoning Districts

AFFIDAVIT OF PUBLICATION

State of Colorado }
County of Weld } ss

This Affidavit of Publication for the Fort Lupton Press, a weekly newspaper, printed and published for the County of Weld, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 1 successive week(s), the last of which publication was made 4/28/2021, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.



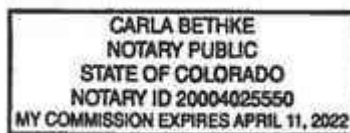
For the Fort Lupton Press

State of Colorado }
County of Weld } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before by the above named Gerard Healey, publisher of said newspaper, who is personally known to me to be the identical person in the above certificate on 4/28/2021. Gerard Healey has verified to me that he has adopted an electronic signature to function as his signature on this document.

20004025550-163231

Carla Bethke
Notary Public
My commission ends April 11, 2022



CITY OF FORT LUPTON NOTICE OF PUBLIC HEARING

Notice is hereby given that a public meeting has been scheduled for Thursday, May 13, 2021 at 6:00 P.M. with the Fort Lupton Planning Commission, and a public hearing has been scheduled for Tuesday, May 18, 2021 at 7:00 P.M. with the Fort Lupton City Council to consider proposed amendments to Article II of Chapter 16 of the Fort Lupton Municipal Code related to Zoning Districts. A copy of the proposed amendments may be reviewed in the Fort Lupton Planning Department.

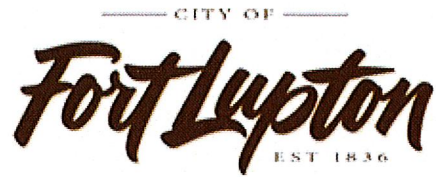
The public meeting and public hearing shall be held in the City Hall, 130 South McKinley Avenue, Fort Lupton, Colorado, or at such other time or place in the event this hearing is adjourned. In the event that City Hall is closed to the public at the time of the hearings due to COVID-19, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda posted on the City's website, www.fortluptonco.gov.

Further information is available through the City Planning & Building Department at (303) 857-6694.

ALL INTERESTED PERSONS MAY ATTEND

Legal Ad No.: FLP222289
First Publication: April 28, 2021
Last Publication: April 28, 2021
Published In: Fort Lupton Press

**CITY OF FORT LUPTON
CITY COUNCIL**



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespin, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AM 2021-079

ADOPTING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO, ENACTING A NEW ARTICLE XII OF CHAPTER 6 OF THE FORT LUPTON MUNICIPAL CODE REGARDING THE REGULATIONS AND LICENSING OF MEDICAL MARIJUANA ESTABLISHMENTS

I. Agenda Date: Council Meeting – May 18, 2021

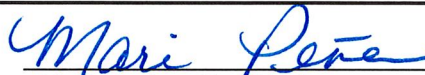
II. Attachments:

- a. Proposed Ordinance
- b. Map

III. Summary Statement:

On November 3, 2020, the registered electors of the City of Fort Lupton approved ballot initiatives permitting for the establishment and operation of medical marijuana centers and retail marijuana stores subject to the requirements of the State of Colorado medical and retail marijuana codes and regulations and the ordinances and codes to be adopted by the City of Fort Lupton. This ordinance establishes the regulations and licensing for medical marijuana centers.

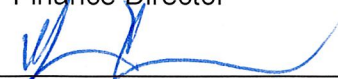
IV. Submitted by:


Mari Peña, City Clerk

V. Finance Reviewed


Finance Director

VI. Approved for Presentation:


City Administrator

VII. Attorney Reviewed

Approved

Pending Approval

VIII. Certification of Council Approval:

City Clerk

Date

IX. Detail of Issue/Request:

On November 3, 2020, the registered electors of the City of Fort Lupton approved ballot initiatives permitting for the establishment and operation of medical marijuana centers and retail marijuana stores subject to the requirements of the State of Colorado medical and retail marijuana codes and regulations and the ordinances and codes to be adopted by the City of Fort Lupton. This ordinance established the regulations and licensing for medical marijuana.

Key Points:

- Only allowed within the same building as a Retail Marijuana Business;
- Maximum number of licensed establishments shall not exceed four (4);
- Stores are permitted only within the following zoning districts: the C-1 General Commercial District, C-2 Heavy Commercial District, I-1 Light Industrial Zone District, I-2 Heavy Industrial Zone District and PUD Planned Unit Development District, which specifically permits retail marijuana stores, and upon obtaining all land use approvals necessary for such use;
- Within one thousand (1,000) feet of any school, any child care center, any juvenile or adult halfway house, correctional facility or substance abuse rehabilitation center;
- Within five hundred (500) feet any public park with playground equipment;

The Ordinances creates: License/bond requirements, Screening and response to state license applications, Application, Co-location, Local licensing authority, Issuance of license; duration, renewal, Annual operating and administrative fees, Location, operational restrictions and requirements, retail marijuana store, Inspection of books, records, and licensed premises, Unlawful acts of licensees and persons.

X. Legal/Political Considerations:

XI. Alternatives/Options:

XII. Financial Considerations:

XIII. Staff Recommendation:

Staff seeks recommendation.

ORDINANCE NO. 2021-XXXX

INTRODUCED BY: ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO, ENACTING A NEW ARTICLE XII OF CHAPTER 6 OF THE FORT LUPTON MUNICIPAL CODE REGARDING THE REGULATIONS AND LICENSING OF MEDICAL MARIJUANA ESTABLISHMENTS

WHEREAS, on November 3, 2020, the registered electors of the City of Fort Lupton approved ballot initiatives permitting for the establishment and operation of medical marijuana centers and retail marijuana stores subject to the requirements of the State of Colorado medical and retail marijuana codes and regulations and the ordinances and codes to be adopted by the City of Fort Lupton; and

WHEREAS, at the same said election, the registered voters approved an additional 3.1% sales tax on the sales of retail marijuana and retail marijuana products with the rate of tax being able to decrease or increase without further voter approval so long as the rate of taxation does not exceed 10%.

WHEREAS, the City of Fort Lupton, Colorado (“City”) is authorized under Title 31 of the Colorado Revised Statutes to adopt and amend ordinances in furtherance of governmental administration and the City’s police powers; and

WHEREAS, the Colorado Constitution specifically authorizes the City to prohibit or regulate medical marijuana businesses and to adopt regulations consistent with the intent of state law; and

WHEREAS, The City desires to adopt a comprehensive licensing and regulatory program concerning medical marijuana centers; and

WHEREAS, the City has determined that the comprehensive licensing scheme for medical marijuana establishments will further the public health, safety, and welfare of the community.

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

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as finding of the City Council.

Section 2. **Enactment of Article XII of Chapter 6 of the Municipal Code.** A new Article XII of Chapter 6 of the Fort Lupton Municipal Code is hereby enacted to read in full as follows:

Chapter 6

Article XII - Medical Marijuana Establishment Regulations and Licensing

Sections:

6-320	Legislative intent and authority
6-321	Relationship to other laws
6-322	Definitions
6-323	Optional premises cultivation facilities, infused product manufacturing facilities, and transporters prohibited
6-324	License requirements
6-325	Application
6-326	Co-location with retail marijuana business
6-327	Local licensing authority
6-328	Issuance of license; duration, renewal
6-329	Annual operating and administrative fees
6-330	Location, operational restrictions and requirements, medical marijuana stores
6-331	Inspections of books, records, and licensed premises
6-332	Unlawful acts of licensees and persons
6-333	No city liability; indemnification
6-334	Other laws remain applicable

ARTICLE XII MEDICAL MARIJUANA ESTABLISHMENT REGULATIONS AND LICENSING

Sec. 6-320 - Legislative intent and authority.

- (a) Section 14 of Article XVIII of the Colorado Constitution establishes an affirmative defense from criminal prosecution by the state for certain persons who use or provide medical marijuana to treat debilitating conditions and the Colorado Marijuana Code, C.R.S. §44-10-101, et seq., as amended, authorizes a system of state and local licensing for businesses engaged in the cultivation, testing, manufacturing, and retail sale of medical marijuana (collectively "medical marijuana establishments"), which allows localities to prohibit licensing of medical marijuana establishments and to impose distance and size restrictions upon such establishments along with other requirements to ensure control of the premises and ease of enforcement.
- (b) The authority of the city to regulate medical marijuana establishments is further set forth in the Colorado Marijuana Code, Article 10, and its rules (1 CCR 212-3), Title 44, C.R.S., Colorado Medical Marijuana Program (C.R.S. § 25-1.5-106), and Part 3, Article 23, Title 31, C.R.S., (municipal zoning powers), § 31-15-103, C.R.S., (making of ordinances) and § 31-15-401, C.R.S., (municipal police powers), § 31-15-501, C.R.S. (municipal authority regulate businesses).

Sec 6-321. - Relationship to other laws.

Except as otherwise specifically provided herein, this article incorporates the requirements and procedures set forth in the Colorado Marijuana Code and its rules. In the event of any conflict between the provisions of this article and the provisions of the Colorado Marijuana Code, including its rules or any other applicable state or local law, the more restrictive provision shall control.

Sec. 6-322. - Definitions.

- (a) The following words and phrases shall mean as follows unless the context clearly indicates otherwise:

Colorado Marijuana Code, ("Colorado Marijuana Code") shall mean Section 501, Title 44, Article 10, Colorado Revised Statutes, and its "rules" (1 CCR 212-3) as both may be amended from time to time.

C-1 means the C-1 General Commercial District as defined by Article II of Chapter 16 of the Code.

C-2 means the C-2 Heavy Commercial District as defined in Article II of Chapter 16 of the Code.

I-1 means the Light Industrial District as defined in Article II of Chapter 16 of the Code.

I-2 means the Heavy Industrial District as defined in Article II of Chapter 16 of the Code.

Industrial hygienist means an individual who has obtained a baccalaureate or graduate degree in industrial hygiene, biology, chemistry, engineering, physics or a closely-related physical or biological science from an accredited college or university and who meets the skills, ability, and competence to perform the tasks required by the state pursuant to 1 CCR 212-3, as same may be amended from time to time.

Medical marijuana means marijuana that is grown, and sold pursuant to this article and the Colorado Marijuana Code for a purpose authorized by Section 14 of Article XVIII of the Colorado Constitution.

Medical marijuana business means any of the following entities licensed pursuant to the Colorado Marijuana Code: A medical marijuana store, a medical marijuana cultivation facility, a medical marijuana products manufacturer, a medical marijuana testing facility, a marijuana research and development licensee, a medical marijuana business operator, or a medical marijuana transporter.

Medical marijuana business operator means an entity or person that is not an owner and that is licensed to provide professional operational services to a medical marijuana business for direct remuneration from the medical marijuana business. A medical marijuana business operator is not, by virtue of its status as a medical marijuana business operator, a controlling beneficial owner or a passive beneficial owner of any medical marijuana business it operates.

Medical marijuana cultivation facility means a person licensed pursuant to Title 44, Article 10 to operate a business as described in section 44-10-502.

Medical marijuana product means a product infused with medical marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures.

Medical marijuana products manufacturer means a person licensed pursuant to 44-10-101 et. seq. to operate a business as described in section 44-10-503.

Medical marijuana store means a person licensed pursuant to the Colorado Marijuana Code to operate a business that sells medical marijuana to registered patients or primary caregivers as, but is not a primary caregiver.

Medical marijuana code rules ("rules") means the permanent rules pertaining to the Colorado Marijuana Code adopted by the Colorado Department of Revenue, Marijuana Division, 1 CCR. 212-3 as may be amended from time to time.

Medical marijuana testing facility means an entity licensed to analyze and certify the safety and potency of medical marijuana.

Medical marijuana transporter means an entity or person licensed to transport medical marijuana and medical marijuana-infused products from one medical marijuana establishment to another medical marijuana establishment and to temporarily store the transported medical marijuana and medical marijuana-infused products at its licensed premises, but is not authorized to sell medical marijuana or medical marijuana-infused products under any circumstances.

Parks means any public land that has been designated or used for any *park*, open space or recreational uses or activities, including but not limited to a *park*, playground, nature trail, swimming pool, reservoir, athletic field, basketball court, tennis court, bike or pedestrian path, open space, wilderness area or similar land within the City.

PUD means the Planned Unit Development District as defined in Article II of Chapter 16 of the Code.

Residential District means the R-1, R-1A, R-2, R-3, M-H, and R-O Districts as defined in Article II of Chapter 16 of the code.

School means a public or private preschool or a public or private elementary, middle, junior high, or high school or institution of higher education.

(b) In addition to the definitions set forth herein, the terms used in this article shall have the meaning ascribed to them in Section 14 of Article XVIII of the Colorado Constitution and the Colorado Marijuana Code and its rules.

Sec. 6-323. - Cultivation facilities, products manufacturers, testing facilities, transporters, business operator and research and development prohibited.

Except as to medical marijuana stores as permitted herein by this article, it shall be unlawful for any person to operate, cause to be operated, or permit to be operated a medical marijuana cultivation facility products manufacturers, testing facilities, transporters, business operators and research and development and all such uses are hereby prohibited in any location within the city, or within any area hereinafter annexed to the city. In addition, it shall be unlawful for any person to establish and operate, cause to be operated, or permit to be operated at any location within the city, or within any area hereinafter annexed to the city a medical marijuana transporter business.

Sec. 6-324. - License requirements.

- (a) It shall be unlawful for any person to operate a medical marijuana store without obtaining a license to operate such business in accordance with the requirements of this article.
- (b) The license requirement set forth in this article shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law, rule, or regulations, including, by way of example, the Colorado Marijuana Code, its rules, and any applicable local zoning, licensing or building code.
- (c) A separate license shall be required for each specific business or business entity and for each geographical location.
- (d) It shall be unlawful for any person to establish to operate, cause to be operated, or permit to be operated at any location within the city, or within any area hereinafter annexed to the city a medical marijuana business other than a store.

Sec. 6-325. - Application.

- (a) Prior to submitting an application for a local license, an applicant must obtain an approved zoning verification form from the city's community development department which, based upon an applicant's submittal of an area map drawn to scale, demonstrates that the proposed medical marijuana testing facility is in compliance with the location restrictions set forth in this article. The zoning verification form will outline any required land use processes to be completed prior to site occupancy. Applicants shall submit the approved zoning verification form to the city clerk along with the completed State Marijuana Enforcement Division forms, together with all supplemental information required by the city.
- (b) The applicant shall also provide the following information to the city, which information shall be required for the applicant, and as applicable, the manager of the medical marijuana store, and all persons having any financial interest in the medical marijuana store that is the subject of the application; to the extent that any of the following information has been included with the applicant's state license application, it may provide copies of such documents to the local licensing authority.
 - (1) Proof of insurance of workers' compensation insurance and public liability insurance, which at a minimum meets the current maximum liability amounts for injury to any single person, or for any injury to two (2) or more persons in any such occurrence, as set forth in the Colorado Governmental Immunity Act (C.R.S. § 24-10-114), as same may be amended.
 - (2) Proof of lawful possession of the premises to be licensed, which proof may include, for example, property executed deeds of trust, leases or other written documentation acceptable to the local licensing authority.
 - (3) If the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a medical marijuana establishment and authorizing the City to enter the property for inspections of the proposed licensed premises on a form approved by the City.
 - (4) An operating plan for the proposed medical marijuana store, including the following information:

- a. A description of the services to be provided by the medical marijuana store.
 - b. A dimensional floor plan, drawn to scale, clearly labeled, and showing:
 - 1. The layout of the structure and the floor plan in which the medical marijuana store is to be located;
 - 2. The principal uses of the floor area depicted on the floor plan, including, but not limited to, the areas where the public will be permitted, and all private, storage and restricted areas where medical marijuana will be located;
 - 3. Areas where any services other than the distribution of medical marijuana are proposed to occur in the premises.
- (5) The city shall require each medical marijuana store applicant to obtain and submit a report from an industrial hygienist to verify that the establishment's facility and its processes and procedures are in compliance with all applicable laws, rules, and regulations, and adequately designed and operated to protect the establishment, its employees, customers, the general public, and adjacent properties.
- (6) A plan for disposal of any marijuana waste product that protects any portion thereof from being possessed or ingested by any person or animal.
- (8) A plan for ventilation of the medical marijuana store that fully describes the ventilation systems that will ensure the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the medical marijuana store or at any adjoining property.
- (9) Fingerprints and personal background information for all owners, and financiers employed by or under contract to provide services to the medical marijuana store, directly or as a member, partner, or officer of a corporation, partnership, association, or company.
- (c) All applications must include all documents and information required by the Colorado Marijuana Code, including its rules, and any information that the city deems reasonably necessary for the investigation and review of the application.
- (d) Upon receipt of an application, the city clerk shall notify all affected departments of the city to determine whether the application is in full compliance with all state and local laws, rules, and regulations. The city clerk, upon review of all applicable information, shall prepare a report including all applicable documents to be submitted to the local licensing authority.
- (e) In the event the criminal history of an owner, member, manager, financier, or other person named on the application contains information regarding conviction of a crime or previous denial or revocation of any medical or retail marijuana or professional license, that person may include with the license application any information regarding such conviction, denial, or revocation. Such information may include, but is not limited to, evidence of rehabilitation, character references, and educational achievements, especially documentation pertaining to the period of time between the applicant's last criminal conviction and the date of the application.
- (f) Any application or renewal for a medical marijuana store license shall include, as applicable, payment of a nonrefundable application or renewal fee and payment of an annual operating

fee. If a license is not granted, the operating fee is refundable in full. All such fees shall be established by resolution of city council.

- (g) A license issued pursuant to this article does not eliminate the need for the licensee to obtain other required permits or licenses related to the operation of the medical marijuana store, including, without limitation, any State of Colorado license or any sales tax license, business registration, development approvals, or building permits required by the Code.

Sec. 6-326. – Co-location.

A licensee may operate both a medical marijuana establishment and a retail marijuana establishment in the same premises (“dual operation”) provided they meet the requirements of the Colorado Marijuana Code and this Code.

Sec. 6-327. - Local licensing authority.

- (a) The City Council shall serve as the local licensing authority and have and exercise all powers expressly granted and necessarily implied by the Colorado Marijuana Code, its rules, and as set forth in this article to regulate medical marijuana stores within the city. The local licensing authority shall be responsible for all local duties and responsibilities including but not limited to, the issuance, renewal, suspension, revocation, transfer of ownership, modification of premises and change of location of a medical marijuana store.
- (b) The local licensing authority shall have the power to promulgate rules and regulations as are reasonable and necessary to implement and administer the requirements of this article.
- (c) Upon receipt of a complete application from the city clerk, the local licensing authority shall review all applicable documentation, as well as any other facts pertinent to the license or qualifications of the licensee and issue a decision as to whether to grant, deny upon a finding of "good cause," or conditionally approve such application within fifteen (15) business days or such additional time as may be necessary of receipt of same from the city clerk. The decision shall be in writing and state the reasons for the decision with a copy to be sent to the applicant at the store’s address provided on the application.
 - (1) The local licensing authority shall have the authority to deny any application that does not meet the requirements of the Colorado Marijuana Code, its rules, this article, and any other applicable state or local law, rule, or regulation. The local licensing authority shall also have the authority to deny any application that contains any false, misleading, or incomplete information. Denial of an application for a license shall not be subject to administrative review but only to review by a court of competent jurisdiction.
 - (2) A local license shall only be applicable to a specifically identified business at a fixed location within an enclosed and secure premises, shall not be issued until a state license has been granted, appropriate land use process, if required has been approved and shall not be issued until the building in which the store’s business is to be conducted has passed all applicable inspections and is ready for occupancy with such furniture, fixtures, and equipment in place as are necessary to comply with any applicable provisions of this Code or any state law, rule, or regulation.
- (d) The local licensing authority may, after notice and hearing, suspend, revoke, or refuse to renew a license for "good cause." The local licensing authority is authorized to adopt rules

and procedures governing the conduct of such hearings. No portion of any application or operating fees previously paid shall be refunded in the event of any suspension or revocation of a license.

- (e) "Good cause", for the purpose of refusing or denying a license renewal, reinstatement, or initial license issuance, means:
- (1) The applicant or licensee has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of this article, the Colorado Marijuana Code, its rules, or any applicable state or local law, rule, or regulation.
 - (2) The local licensing authority has determined that the applicant or licensee's character, record, or reputation is not satisfactory after consideration of factors that include, but are not limited to, the following:
 - a. The applicant or licensee has knowingly submitted a false application, made a willful misrepresentation, or knowingly committed a fraudulent act;
 - b. The applicant or licensee has a criminal history of crimes of moral turpitude, which may include, for example, but not be limited to, murder, burglary, robbery, arson, kidnapping, sexual assault, and illegal drugs or narcotics convictions;
 - c. The applicant or licensee has had any previous retail or medical marijuana license denied or revoked as a result of violations of law, rule, or regulation or a finding of bad moral character by any licensing authority;
 - d. The applicant or licensee has been found to be currently delinquent in the payment of any state or local taxes;
 - e. The applicant or licensee has an established pattern of multiple statutory violations which resulted in the revocation or denial of any professional license, leading to the finding of bad moral character by any licensing authority;
 - f. The licensed premises have been operated in a manner that adversely affects the public health, safety, or welfare. Evidence to support such a finding, may include, but not be limited to, a continuing pattern of disorderly conduct or drug related criminal conduct upon or in the immediate vicinity of the premises, continuing pattern of criminal conduct directly related to or arising from the operation of the medical marijuana business, or an ongoing nuisance condition emanating from or caused by the medical marijuana business;
 - g. When making a determination as to character, record, and reputation, the licensing authority shall also consider evidence of rehabilitation. Such evidence may include, but not be limited to, evidence of no criminal record information, educational achievements, financial solvency, community standing, lack of additional arrests or convictions, or the lack of parole or probation violations since the date of last conviction; or
 - h. The applicant or licensee has failed to comply with any special terms or conditions of a license, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any renewal or suspension proceedings held subsequent to the date of issuance of the license.

Sec. 6-328. - Issuance of license; duration, renewal.

- (a) Each license shall show the type of license, name of the licensee, and the physical address for which the license is issued. The license, along with the city sales tax license and the current contact information for the owner(s), shall be displayed continuously in a conspicuous location at the physical address indicated on the license.
- (b) Each license issued pursuant to this article shall be valid for one (1) year from the date of issuance and may be renewed only as provided in this article. All renewals of a license shall be for no more than one (1) year. The local licensing authority shall act on renewal applications in accordance with the applicable provisions of the Colorado Marijuana Code and its rules. The timely filing of a renewal application shall extend the current license until a decision is made on the renewal.
- (c) Notwithstanding subsection (b), a licensee whose license has been expired for not more than ninety (90) days may file a late renewal application upon the payment of a non-refundable late application fee to the local licensing authority in the amount established by resolution of city council. A licensee who files a late renewal application and pays the requisite fee shall be subject to compliance with all applicable local, state, and federal laws, rules and regulations and may continue to operate until a decision is made on the renewal.

Sec. 6-329. - Annual operating and administrative fees.

In addition to the application, renewal, late renewal, and annual operating fee, the city shall impose administrative fees for services, which include the transfer of ownership, background investigations, change of business manager, employee application, modification of premises, change of location, application modification, license modification, change of corporate structure, change of financier, zoning verification, duplicate license, temporary permit, change of trade name, with all such fees to be established by resolution of city council.

Sec. 6-330. - Location, operational restrictions and requirements, medical marijuana stores.

- (a) Medical marijuana stores are permitted if such location is:
 - (1) Within the following zoning districts: the C-1 General Commercial District, C-2 Heavy Commercial District, I-1 Light Industrial Zone District, I-2 Heavy Industrial Zone District and PUD Planned Unit Development District, which specifically permits medical marijuana stores, and upon obtaining all land use approvals necessary for such use.
 - (2) Within the same building as a retail marijuana business.
- (b) Medical marijuana stores will not be permitted if, at the time of application for such license, such location is:
 - (1) Within or immediately adjacent to any Residential District, which includes R-1 Residential District – Low Density, R-1A Residential District – Low Density, R-2 Residential District Medium Density, R-3 Residential District – High Density, M-H Mobile Home Community District, R-O Residential and Office District, and PUD Planned Unit Development District, which exclusively permits residential land uses;

- (2) Between First Street and Ninth Street, all properties adjacent to Denver Avenue, Main Street, and Park Avenue;
 - (3) Within one thousand (1,000) feet of:
 - a. Any school,
 - b. Any child care center,
 - c. Any juvenile or adult halfway house, correctional facility or substance abuse rehabilitation center;
 - (4) Within five hundred (500) feet of:
 - a. Any park with playground equipment;
 - (5) Within three thousand (3,000) feet of another marijuana establishment if the population of the City is ten thousand (10,000) or fewer; or within one thousand five hundred (1,500) feet of another marijuana establishment if the population is greater than ten thousand (10,000);
- (c) The distance restrictions described above shall be computed by direct measurement from the nearest property line of the parcel of land on which the protected use is located to the nearest portion of the building or unit in which the proposed medical marijuana store would be located.
- (1) The distance regulations described above shall not be applicable to the renewal of a license once granted.
 - (2) A previously licensed marijuana store that seeks to change locations and applies for and receives a retail marijuana store license is subject to the location requirements above.
- (d) The maximum number of licensed marijuana establishments within the city shall not exceed four (4).
- (e) All medical marijuana stores shall affix labels to all receptacles on the licensed premise that contain medical marijuana or medical marijuana products which labels shall clearly display potency profiles and contaminant results from a licensed medical marijuana testing facility.
- (f) No medical marijuana store shall be located within any building that contains a residence or within any dwelling or residentially zoned district.
- (g) *Business conducted within building.* Any and all possession, storage, sales and other distribution of medical marijuana shall occur only within the medical marijuana store and shall not be visible from the exterior of the establishment.
- (h) *Manager registration requirements.* Each medical marijuana store licensee shall manage or have a manager, and shall register the manager with the state and the local licensing authority. Whenever a person ceases to be a registered manager of a medical marijuana store, the medical marijuana store licensee shall notify the licensing authorities within five (5) days and shall designate a new registered manager within thirty (30) days. Either the state or the local licensing authority may refuse to accept any person as a registered manager unless the person is satisfactory to the respective licensing authorities as to character, record, and reputation. In determining a registered manager's character, record, and reputation, the state or local

licensing authority may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency.

- (i) *Use of pesticides.* A medical marijuana store shall comply with all applicable laws regarding use of pesticides.
- (j) *Ventilation required.* A medical marijuana store shall be ventilated to ensure the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the medical marijuana store or at any adjoining property.
- (k) *Wastewater requirements.* A medical marijuana store shall be operated in such a manner as to not permit, allow, or cause to be discharged any substance or material prohibited by the city into or upon any watercourse or city conduit.
- (l) *Off-premises storage of medical marijuana and medical marijuana-infused products prohibited.* No medical marijuana business or medical marijuana transporter may store medical marijuana or medical marijuana-infused products in any off-premises storage facility located within the city.
- (m) *Reporting requirements.* A medical marijuana store shall report to the local licensing authority each of the following events within the time specified. If no time is specified, the report shall be provided within seventy-two (72) hours of the event.
 - (1) Transfer or change of financial interest, business manager, or financier in the license to the city at least thirty (30) days before the transfer or change.
 - (2) Taxable transactions and sales and use tax reports to the city monthly.
 - (3) A violation of any law by any licensee or applicant of a medical marijuana establishment.
 - (4) Each licensee shall post and keep at all times visible to the public, in a conspicuous place on the premises, a sign to be furnished by the city clerk's office, which sign shall be in the following form: "WARNING: THE FORT LUPTON POLICE DEPARTMENT MUST BE NOTIFIED IMMEDIATELY OF ALL UNLAWFUL ACTS AND DISTURBANCES IN THIS ESTABLISHMENT." Licensees shall immediately report to the police department any unlawful act, conduct, or disturbance committed upon the premises.
- (n) *Respond to inquiry.* An owner or manager of a medical marijuana store is required to respond by phone or email within twenty-four (24) hours of contact by a city official concerning its medical marijuana testing facility at the phone number or email address provided to the city as the contact for the business. Each twenty-four-hour period during which an owner or manager does not respond to the city official shall be considered a separate violation.
- (o) *Signs.* All medical marijuana store licensees shall comply with all city ordinances regulating signs.
- (p) *Hours of operation.* A medical marijuana store shall be closed to the public, and no sale or other distribution of marijuana shall occur upon the premises between the hours of 10:00 p.m., thru and including 8:00 a.m.

Sec. 6-331. - Inspection of books, records, and licensed premises.

- (a) Each licensee shall keep a complete set of all records necessary to show fully the business transactions of the licensee, all of which shall be open at all times during business hours for the inspection and examination by the local licensing authority, its duly authorized representatives, and the city police department for the purposes of investigating and determining compliance with the provisions of this article and any other applicable state and local laws or regulations. The local licensing authority may require any licensee to furnish such information as it considers necessary for the proper administration of this article. It may also require an audit to be made of the books of accounts and records on such occasions as it may consider necessary by an auditor to be selected by the local licensing authority, who shall likewise have access to all books and records of the licensee.
- (b) The licensed premises, including any places of storage where medical marijuana or medical marijuana-infused products are stored, shall be subject to inspection by the local licensing authority, its duly authorized representatives, and the city police department during all business hours and other times of apparent activity, for the purpose of inspection or investigation. For examination of any inventory or books and records required to be kept by the licensees, access shall be required during business hours. Where any part of the licensed premises consists of a locked area, upon demand to the licensee, by the local licensing authority or any other authorized city personnel, such area shall be made available for inspection without delay.
- (c) Each licensee shall retain all books and records necessary to show fully the business transactions of the licensee for a period of the current tax year and the three (3) immediately prior tax years.

Sec. 6-332. - Unlawful acts of licensees and persons.

- (a) It shall be unlawful for any medical marijuana store licensee to:
 - (1) Violate or fail to comply with any provision, term, condition, or requirement of the Colorado Marijuana Code, including its rules.
 - (2) Allow marijuana or marijuana products to be consumed upon its licensed premises.
 - (3) Refuse to allow inspection of a medical marijuana store upon request of an authorized city employee. Any licensee, owner, business manager, operator of a medical marijuana store, or owner of the property where a medical marijuana store is located may be charged with this violation.
 - (4) Violate any provision of this article or any condition of an approval granted pursuant to this article, or any law, rule, or regulation applicable to the use of medical marijuana or the operation of a medical marijuana store.
- (b) It shall be unlawful for any person to engage in any form of business or commerce involving the cultivation, processing, manufacturing, storage, sale, distribution, or consumption of medical marijuana other than those forms of business and commerce that are expressly permitted by Section 14 of Article XVIII of the Colorado Constitution, the Colorado Marijuana Code, including its rules, Medical Marijuana Program (C.R.S. § 25-1.5-106), and this article, which only permits, medical marijuana stores.

Sec. 6-333. - No city liability; indemnification.

- (a) By accepting a license issued pursuant to this article, the licensee waives and releases the city, its officers, elected and appointed officials, employees, attorneys, agents, and authorized volunteers from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of the owners, operators, employees, clients, or customers of the medical marijuana store for a violation of state or federal laws, rules, and regulations.
- (b) By accepting a license issued pursuant to this article, all licensees, jointly and severally, if more than one (1), agree to indemnify, defend, and hold harmless the city, its officers, elected and appointed officials, employees, attorneys, agents, authorized volunteers, insurers, and self-insurance pool against all liability, claims, and demands on account of any injury, loss, or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or are in any manner connected with the operation of the medical marijuana store that is the subject of the license.

Sec. 6-334. - Other laws remain applicable.

- (a) Except as specifically provided herein, to the extent the state adopts any additional or stricter law, rule, or regulation, governing the sale, testing, transportation, manufacture, cultivation, processing, packaging, displaying, or distribution of medical marijuana or medical marijuana-infused products, the additional or stricter regulation shall control the operation of any medical marijuana testing facility in the city. Compliance with any applicable state law, rule or regulation shall be deemed an additional requirement for issuance, renewal or denial of any license or operation of any establishment under this article, and noncompliance with any applicable state law or regulation shall be grounds for non-renewal, revocation, or suspension of any license issued hereunder.
- (b) Any licensee may be required to demonstrate, upon demand by the local licensing authority, its authorized representative, or law enforcement officers, that the source and quantity of any marijuana upon the licensed premises are in full compliance with any applicable state law or regulation.
- (c) If the state or federal government prohibits the testing of marijuana through the use of medical marijuana testing facilities, any license issued hereunder shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress available, on behalf of the licensee.
- (d) The issuance of any license pursuant to this article shall not be deemed to create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the transportation, packaging, manufacturing, cultivation, possession, sale, distribution, testing, or use of marijuana.

Section 3. Codification Amendments. The codifier of Fort Lupton's Municipal Code is hereby authorized to make such numerical, technical, and formatting changes as may be necessary to incorporate the provisions of this ordinance within the Fort Lupton Code.

Section 4. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The city council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. The repeal or modification of any provision of the Municipal Code of the City of Fort Lupton by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 7. This ordinance is deemed necessary for the preservation of the public property, health, welfare, peace and safety.

Section 8. Violations of this ordinance shall be punishable in accordance with the provisions of Section 1-72 and Section 10-289 of the Fort Lupton Municipal Code.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 18th day of May, 2021.

PUBLISHED in the Fort Lupton Press the 26th day of May 2021.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED PUBLISHED BY TITLE ONLY this __ day of __ 2021.

PUBLISHED BY TITLE ONLY the __th day of __ 2021.

EFFECTIVE (after publication) the __th day of __ 2021.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

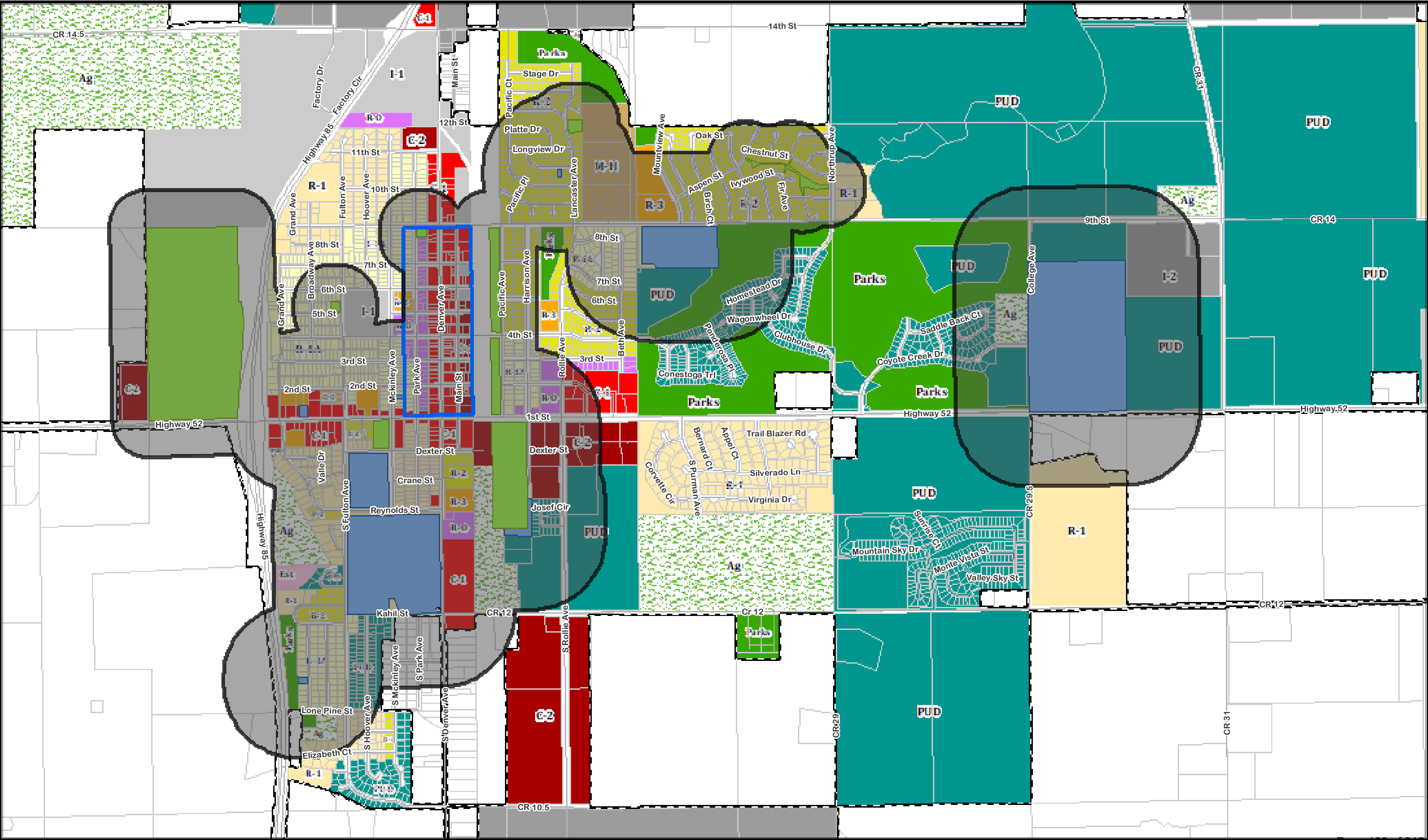
Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

Areas Excluded from Marijuana Retail Facilities

- Exclusion Areas
- Downtown
- Facilities
- Parks with Playgrounds



— CITY OF —
Fort Lupton
EST 1836

David Crespín, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

**ADOPTING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT LUPTON,
COLORADO, ENACTING A NEW ARTICLE XIII OF CHAPTER 6 OF THE FORT LUPTON
MUNICIPAL CODE REGARDING THE REGULATIONS AND LICENSING OF RETAIL
MARIJUANA STORES**

- On November 3, 2020, the registered electors of the City of Fort Lupton approved ballot initiatives permitting for the establishment and operation of medical marijuana centers and retail marijuana stores subject to the requirements of the State of Colorado medical and retail marijuana codes and regulations and the ordinances and codes to be adopted by the City of Fort Lupton. This ordinance establishes the regulations and licensing of retail marijuana stores.

- Mari Peña
Mari Peña, City Clerk

- Leann Davis
Finance Director

- 

City Administrator

- Approved Pending Approval

- Date

IX. Detail of Issue/Request:

On November 3, 2020, the registered electors of the City of Fort Lupton approved ballot initiatives permitting for the establishment and operation of medical marijuana centers and retail marijuana stores subject to the requirements of the State of Colorado medical and retail marijuana codes and regulations and the ordinances and codes to be adopted by the City of Fort Lupton. This ordinance establishes the regulations and licensing of retail marijuana stores.

Key Points:

- Maximum number of licensed establishments shall not exceed four (4);
- Stores are permitted only within the following zoning districts: the C-1 General Commercial District, C-2 Heavy Commercial District, I-1 Light Industrial Zone District, I-2 Heavy Industrial Zone District and PUD Planned Unit Development District, which specifically permits retail marijuana stores, and upon obtaining all land use approvals necessary for such use;
- Within one thousand (1,000) feet of any school, any child care center, any juvenile or adult halfway house, correctional facility or substance abuse rehabilitation center;
- Within five hundred (500) feet any public park with playground equipment;

The Ordinances creates: License/bond requirements, Screening and response to state license applications, Application, Co-location, Local licensing authority, Issuance of license; duration, renewal, Annual operating and administrative fees, Location, operational restrictions and requirements, retail marijuana store, Inspection of books, records, and licensed premises, Unlawful acts of licensees and persons.

X. Legal/Political Considerations:

XI. Alternatives/Options:

XII. Financial Considerations:

XIII. Staff Recommendation:

Staff seeks recommendation.

ORDINANCE NO. 2021-10XX

INTRODUCED BY: ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO, ENACTING A NEW ARTICLE XIII OF CHAPTER 6 OF THE FORT LUPTON MUNICIPAL CODE REGARDING THE REGULATIONS AND LICENSING OF RETAIL MARIJUANA STORES

WHEREAS, on November 3, 2020, the registered electors of the City of Fort Lupton approved ballot initiatives permitting for the establishment and operation of medical marijuana centers and retail marijuana stores subject to the requirements of the State of Colorado medical and retail marijuana codes and regulations and the ordinances and codes to be adopted by the City of Fort Lupton; and

WHEREAS, at the same election, the registered voters approved an additional 3.1% sales tax on the sales of retail marijuana and retail marijuana products with the rate of tax being able to decrease or increase without further voter approval so long as the rate of taxation does not exceed 10%.

WHEREAS, the City of Fort Lupton, Colorado (“City”) is authorized under Title 31 of the Colorado Revised Statutes to adopt and amend ordinances in furtherance of governmental administration and the Town’s police powers; and

WHEREAS, the Colorado Constitution specifically authorizes the City to prohibit or regulate medical marijuana businesses and to adopt regulations consistent with the intent of state law; and

WHEREAS, The City desires to adopt a comprehensive licensing and regulatory program concerning medical marijuana centers; and

WHEREAS, the City has determined that the comprehensive licensing scheme for medical marijuana establishments will further the public health, safety, and welfare of the community.

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

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as finding of the City Council.

Section 2. **Enactment of Article XII of Chapter 6 of the Municipal Code.** A new Article XIII of Chapter 6 of the Fort Lupton Municipal Code is hereby enacted to read in full as follows:

**Article XIII – Retail Marijuana Establishment Regulations and Licensing
Sections:**

6-350	Legislative intent and authority
6-351	Relationship to other laws
6-352	Definitions
6-353	License/bond requirements
6-354	Screening and response to state license applications
6-355	Application
6-356	Co-location
6-357	Local licensing authority
6-358	Issuance of license; duration, renewal
6-359	Annual operating and administrative fees
6-360	Location, operational restrictions and requirements, retail marijuana store
6-361	Inspection of books, records, and licensed premises
6-362	Unlawful acts of licensees and persons
6-363	No city liability; indemnification
6-364	Other laws remain applicable

Sec. 6-350. - Legislative intent and authority.

- (a) Section 16 of Article XVIII of the Colorado Constitution ("Amendment 64") authorizes a system of state licensing for businesses engaged in the cultivation, testing, manufacturing, and retail sale of marijuana (collectively "retail marijuana establishments"). Subsection 16(5) (f) of Article XVIII allows localities to prohibit retail marijuana establishments and to license them subject to the time, place, and manner in which such establishments may operate and to limit the total number of such establishments.
- (b) The authority of the city to regulate retail marijuana establishments is further set forth in the Colorado Marijuana Code, Article 10, Title 44, C.R.S., including its rules and regulations (1-CCR 212-3) and Part 3, Article 23, Title 31, C.R.S., (municipal zoning powers), § 31-15-103, C.R.S., (making of ordinances) and § 31-15-401, C.R.S., (municipal police powers), § 31-15-501, C.R.S. (municipal authority to regulate businesses).

Sec. 6-351. - Relationship to other laws.

Except as otherwise specifically provided herein, this article incorporates the requirements and procedures set forth in the Colorado Marijuana Code and its rules. In the event of any conflict between the provisions of this article and the provisions of the Colorado Marijuana Code, including its rules, or any other applicable state or local law, the more restrictive provision shall control.

Sec. 6-352. - Definitions.

- (a) The following words and phrases shall mean as follows unless the context clearly indicates otherwise:

Colorado Marijuana Code ("Colorado Marijuana Code") shall mean Title 44, Article 10, Colorado Revised Statutes ("C.R.S."), as the same may be amended.

C-1 means the C-1 General Commercial District as defined by Article II of Chapter 16 of the Code.

C-2 means the C-2 Heavy Commercial District as defined in Article II of Chapter 16 of the Code.

I-1 means the Light Industrial District as defined in Article II of Chapter 16 of the Code.

I-2 means the Heavy Industrial District as defined in Article II of Chapter 16 of the Code.

Industrial hygienist means an individual who has obtained a baccalaureate or graduate degree in industrial hygiene, biology, chemistry, engineering, physics or a closely-related physical or biological science from an accredited college or university and who meets the skills, ability, and competence to perform the tasks required by the state.

Local Licensing Authority the City of Fort Lupton City Council

PUD means the Planned Unit Development District as defined in Article II of Chapter 16 of the Code.

Residential District means the R-1, R-1A, R-2, R-3, M-H, and R-O Districts as defined in Article II of Chapter 16 of the code.

Retail marijuana means marijuana that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana establishment.

Retail marijuana code rules ("rules") shall mean the permanent rules pertaining to the Colorado Marijuana Code adopted by the Colorado Department of Revenue, Marijuana Enforcement Division, 1 CCR. 212-3, as the same may be amended from time to time.

Retail marijuana cultivation facility means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to retail marijuana product manufacturing facilities, and to other retail marijuana cultivation facilities, but not to consumers.

Retail marijuana establishment means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturer or a retail marijuana testing facility.

Retail marijuana products means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

Retail marijuana products manufacturing facility means an entity licensed to purchase marijuana, manufacture, prepare, and package retail marijuana products, and sell marijuana and retail marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

Retail marijuana store means 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.

Retail marijuana testing facility means an entity licensed to analyze and certify the safety and potency of retail marijuana.

Retail marijuana transporter means an entity or a person that is licensed to transport retail marijuana and retail marijuana products from one retail marijuana establishment to another retail marijuana establishment and to temporarily store the transported retail marijuana and retail marijuana products at its licensed premises, but is not authorized to sell, give away, buy, or

receive complimentary retail marijuana and retail marijuana products under any circumstances. A retail marijuana transporter does not include a licensee that transports and distributes its own retail marijuana or retail marijuana products.

School means a public or private preschool or a public or private elementary, middle, junior high or high school or institution of higher education.

- (b) In addition to the definitions set forth herein, the terms used in this article shall have the meaning ascribed to them in Article XVIII, Section 16 of the Colorado Constitution, the Colorado Marijuana Code, including its rules.

Sec. 6-353. - License/bond requirements.

- (a) It shall be unlawful for any person to operate a retail marijuana store without obtaining a license to operate such business in accordance with the requirements of this article.
- (b) The license requirement set forth in this article shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law, rules or regulations, including, by way of example, the Colorado Marijuana Code, its rules, and any applicable local licensing, zoning or building code.
- (c) All retail marijuana stores which sell at retail, in addition to being required to obtain a city sales tax license, must as a condition of licensing, procure, maintain, and file with the city's finance department evidence of a good and sufficient bond in the amount of five thousand dollars (\$5,000.00) with a corporate surety duly licensed to do business in the State of Colorado, approved as to form by the city and conditioned upon the applicant's reporting and payment of all city sales and use taxes required by law. In lieu of a surety bond an applicant may submit a letter of credit in a form acceptable to the city or a cash bond.
- (d) A separate license shall be required for each specific business or business entity and for each geographical location.
- (e) It shall be unlawful for any person to establish and operate, cause to be operated, or permit to be operated at any location within the city, or within any area hereinafter annexed to the city a retail marijuana transporter business or retail marijuana establishment other than a store.

Sec. 6-354. - Screening and response to state licensing applications.

- (a) Upon receipt of an application from the state licensing authority for a retail marijuana store license, the city clerk shall:
 - (1) Initially determine, in consultation with the city's planning department, whether or not the proposed location complies with all zoning and land use laws of the city and all restrictions regarding locations and distances and types of retail marijuana establishments permitted within the city as set forth in this article. If the city clerk makes an initial determination that the proposed license would be in violation of any zoning or land use laws or other restriction set forth in the Code, the city clerk shall notify the state licensing authority in writing that the application is disapproved by the city. The failure of the city clerk to make such a determination upon the initial review of a state license application shall not preclude the local licensing authority from later

determining that the proposed license is in violation of any zoning or land use law or other restriction set forth in the Code, and disapprove the issuance of a local license on this basis.

- (2) For any application that is not disapproved, as provided in subsection (1) above, the city clerk shall notify the state licensing authority in writing that the city's further consideration of the application is subject to completion of the local licensing process described in this article, after which the city clerk will notify the state licensing authority in writing of whether or not the retail marijuana license proposed in the application has or has not been approved by the local licensing authority.

Sec. 6-355. - Application.

- (a) Prior to submitting an application for a local license, an applicant must obtain an approved zoning verification form from the city's planning department which, based upon an applicant's submittal of an area map drawn to scale, demonstrates that the proposed retail marijuana establishment is in compliance with the location restrictions set forth in this article. The zoning verification form will outline any required land use processes to be completed prior to site occupancy. Applicants shall submit the approved zoning verification form to the city clerk along with completed State Marijuana Enforcement Division forms, together with all supplemental information required by the city.
- (b) The applicant shall also provide the following information to the city, which information shall be required for the applicant and, as applicable, the proposed manager of the retail marijuana store, and all persons having any financial interest in the retail marijuana store. To the extent that any of the following information has been included with the applicant's state license application, it may provide copies of such documents to the local licensing authority.
 - (1) Proof of insurance of workers' compensation insurance and public liability insurance, which at a minimum meets the current maximum liability amounts for injury to any single person, or for any injury to two (2) or more persons in any such occurrence, as set forth in the Colorado Governmental Immunity Act (C.R.S. § 24-10-114), as same may be amended.
 - (2) Proof of lawful possession of the premises to be licensed, which proof may include, for example, properly executed deeds of trust, leases or other written documentation acceptable to the licensing authority.
 - (3) An operating plan for the proposed retail marijuana store, including the following information:
 - a. A description of the products and services to be provided by the retail marijuana store.
 - b. A dimensional floor plan, drawn to scale, clearly labeled, and showing:
 1. The layout of the structure and the floor plan in which the retail marijuana store is to be located;
 2. The principal uses of the floor area depicted on the floor plan, including, but not limited to, the areas where the public will be permitted and all private, storage, retail, and restricted areas where retail marijuana will be located;

3. Areas where any services other than the distribution of retail marijuana are proposed to occur in the premises; and
 4. If applicable, the separation of areas open to persons who are underage from those areas open to persons eligible to purchase retail marijuana.
- (4) The city shall require each retail marijuana store applicant to obtain and submit a report from an industrial hygienist to verify that the establishment's facility and its processes and procedures, which include but are not limited to, the sale, storage, and packaging, of marijuana, are in compliance with all applicable laws, rules and regulations, and adequately designed and operated in a manner which protects the store, its employees, customers, the general public, and adjacent properties.
 - (5) A plan for disposal of any retail marijuana or retail marijuana product that is not sold in a manner that protects any portion thereof from being possessed or ingested by any person or animal.
 - (6) A plan for ventilation of the retail marijuana store that fully describes the ventilation systems that will ensure the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the retail marijuana store or at any adjoining property.
 - (7) Fingerprints and personal background information for all owners, managers, and financiers employed by or under contract to provide services to the retail marijuana store, directly, or as a member, partner, or officer of a corporation, partnership, association, or company.
 - (8) All applications must include all documents and information required by the Colorado Marijuana Code, including its rules and any information that the city deems reasonably necessary for the investigation and review of the application.
 - (9) Upon receipt of an application, the city clerk shall notify all affected departments of the city to determine whether the application is in full compliance with all state and local laws, rules and regulations. The city clerk, upon review of all applicable information, shall prepare a report including all applicable documents to be submitted to the local licensing authority.
 - (10) In the event the criminal history of an owner, member, manager, financier, or other person named on the application contains information regarding conviction of a crime or previous denial or revocation of any medical or retail marijuana or professional license, that person may include with the license application any information regarding such conviction, denial, or revocation. Such information may include, but is not limited to, evidence of rehabilitation, character references, and educational achievements, especially documentation pertaining to the period of time between the applicant's last criminal conviction and the date of the application.
 - (11) Any application or renewal for a retail marijuana store license shall include, as applicable, payment of a nonrefundable application, or renewal fee, and payment of an annual operating fee. If a license is not granted, the operating fee is refundable in full. All such fees shall be established by resolution of city council.

- (12) A license issued pursuant to this article does not eliminate the need for the licensee to obtain other required permits or licenses related to the operation of the retail marijuana store, including, without limitation, any State of Colorado license or any sales tax license, business registration, development approvals, or building permits required by the code.

Sec. 6-356 Co-location.

A licensee may operate both a medical marijuana establishment and a retail marijuana establishment in the same premises ("dual operation") provided they meet the requirements of the Colorado Marijuana Code and this Code.

Sec. 6-357. - Local licensing authority.

- (a) The City Council shall serve as the local licensing authority and have and exercise all powers expressly granted and necessarily implied by the Colorado Marijuana Code, its rules, and as set forth in this article to regulate retail marijuana stores within the city. The local licensing authority shall be responsible for all local duties and responsibilities, including but not limited to, the issuance, renewal, suspension, revocation, transfer of ownership, and change of location of a retail marijuana store.
- (b) The local licensing authority shall have the power to promulgate rules and regulations as are reasonable and necessary to implement and administer the requirements of this article.
- (c) Upon receipt of a complete application from the city clerk, the local licensing authority shall review all applicable documentation, as well as any other facts pertinent to the license or qualifications of the licensee, and issue a decision as to whether to grant, deny upon a finding of "good cause," or conditionally approve such application within fifteen (15) business days or such additional time as may be necessary of receipt of same from the city clerk. The decision shall be in writing and state the reasons for the decision with a copy to be sent to the applicant at the store's address provided in the application.
 - (1) The local licensing authority shall have the authority to deny any application that does not meet the requirements of the Colorado Marijuana Code, its rules, this article, and any other applicable state or local law, rule or regulation. The local licensing authority shall also have the authority to deny any application that contains any false, misleading, or incomplete information. Denial of an application for a license shall not be subject to administrative review but only to review by a court of competent jurisdiction.
 - (2) A local license, which shall only be applicable to a specifically identified business at a fixed location within an enclosed and secure premises, shall not be issued until a state license has been granted, appropriate land use process, if required has been approved and the building in which the store's business is to be conducted has passed all applicable inspections and is ready for occupancy with such furniture, fixtures, and equipment in place as are necessary to comply with any applicable provisions of the code or any state law, rule, or regulation.
- (d) The local licensing authority may, after notice and hearing, suspend, revoke, or refuse to renew a license for "good cause." The local licensing authority is authorized to adopt rules

and procedures governing the conduct of such hearings. No portion of any application or operating fees previously paid shall be refunded in the event of any suspension or revocation of a license.

- (e) "Good cause", for the purpose of denying, refusing to renew, suspending or revoking a license, or exercising other discretionary authority granted the local licensing authority, shall mean:
- (1) The applicant or licensee has violated, does not meet, or has failed to comply with any of the terms, requirements, conditions, or provisions of this article, the Colorado Marijuana Code, its rules, or any applicable state or local law, rule or regulation;
 - (2) The local licensing authority has determined that the applicant or licensee's character, record, or reputation is not satisfactory after consideration of factors, which include, but are not limited to, the following:
 - a. The applicant or licensee has knowingly submitted a false application made a willful misrepresentation, or knowingly committed a fraudulent act.;
 - b. The applicant or licensee has a criminal history of crimes of moral turpitude, which may include, for example, but not be limited to, murder, burglary, robbery, arson, kidnapping, sexual assault, and illegal drugs or narcotics convictions;
 - c. The applicant or licensee has had any previous retail or medical marijuana license denied or revoked as a result of violations of law, rule or regulation, or a finding of bad moral character by any licensing authority;
 - d. The applicant or licensee has been found to be currently delinquent in the payment of any state or local taxes;
 - e. The applicant or licensee has an established pattern of multiple statutory violations that resulted in the revocation or denial of any professional license, leading to the finding of bad moral character by any licensing authority;
 - f. The licensed premises has been operated in a manner that adversely affects the public health, safety, or welfare. Evidence to support such a finding, may include, but not be limited to, a continuing pattern of disorderly conduct or drug related criminal conduct upon or in the immediate vicinity of the premises, continuing pattern of criminal conduct directly related to or arising from the operation of the retail marijuana establishment, or an ongoing nuisance condition emanating from or caused by the retail marijuana establishment.
 - g. When making a determination as to character, record, and reputation, the licensing authority shall also consider evidence of rehabilitation. Such evidence may include, but not be limited to, evidence of no criminal record information, educational achievements, financial solvency, community standing, lack of additional arrests or convictions, or the lack of parole or probation violations since the date of last conviction.
 - h. The applicant or licensee has failed to comply with any special terms or conditions of a license, including those terms and conditions that were established at the time

of issuance of the license and those imposed as a result of any renewal or suspension proceedings held subsequent to the date of issuance of the license.

Sec. 6-358. - Issuance of license; duration, renewal.

- (a) Each license shall show the name of the licensee, the physical address for which the license is issued, and the type of retail marijuana establishment for which it is issued. The license, along with the city sales tax license and the current contact information for the owner(s), shall be displayed continuously in a conspicuous location at the physical address indicated on the license.
- (b) Each license issued pursuant to this article shall be valid for one (1) year from the date of issuance and may be renewed only as provided in this article. All renewals of a license shall be for no more than one (1) year. The local licensing authority shall act on renewal applications in accordance with the applicable provisions of the Colorado Marijuana Code and its rules. The timely filing of a renewal application shall extend the current license until a decision is made on the renewal.
- (c) Notwithstanding subsection (b), a licensee whose license has been expired for not more than ninety (90) days may file a late renewal application upon the payment of a nonrefundable late application fee to the local licensing authority in the amount established by resolution of city council. A licensee who files a late renewal application and pays the requisite fee shall be, subject to compliance with all applicable local, state, and federal laws, rules, and regulations and may continue to operate until a decision is made on the renewal.

Sec. 6-359. - Annual operating and administrative fees.

In addition to application, renewal, late renewal, and an annual operating fee, the city shall impose administrative fees for services, which include the transfer of ownership, background investigations, change of business manager, employee application, modification of premises, change of location, application modification, license modification, change of corporate structure, change of financier, zoning verification, duplicate license, temporary permit, change of trade name, change of class of license, with all such fees to be established by resolution of city council.

Sec. 6-360. - Location, operational restrictions and requirements, retail marijuana store.

- (a) Retail marijuana stores are permitted only within the following zoning districts: the C-1 General Commercial District, C-2 Heavy Commercial District, I-1 Light Industrial Zone District, I-2 Heavy Industrial Zone District and PUD Planned Unit Development District, which specifically permits retail marijuana stores, and upon obtaining all land use approvals necessary for such use.
- (b) Retail marijuana stores will not be permitted if, at the time of application for such license, such location is:
 - (1) Within or immediately adjacent to any Residential District, which includes R-1 Residential District – Low Density, R-1A Residential District – Low Density, R-2 Residential District Medium Density, R-3 Residential District – High Density, M-H Mobile Home Community District, R-O Residential and Office District, and PUD Planned Unit Development District, which exclusively permits residential land uses;
 - (2) Between First Street and Ninth Street, all properties adjacent to Denver Avenue, Main Street, and Park Avenue;
 - (3) Within one thousand (1,000) feet of:
 - a. Any school,
 - b. Any child care center,
 - c. Any juvenile or adult halfway house, correctional facility or substance abuse rehabilitation center;
 - (4) Within five hundred (500) feet of:
 - a. Any park with playground equipment;
 - (5) Within three thousand (3,000) feet of another marijuana establishment if the population of the City is ten thousand (10,000) or fewer; or within one thousand five hundred (1,500) feet of another marijuana establishment if the population is greater than ten thousand (10,000);
- (c) The distance restrictions described above shall be computed by direct measurement from the nearest property line of the parcel of land on which the protected use is located to the nearest portion of the building or unit in which the proposed retail marijuana store would be located.
 - (1) The distance regulations described above shall not be applicable to the renewal of a license once granted.
 - (2) A previously licensed marijuana store that seeks to change locations and applies for and receives a retail marijuana store license is subject to the location requirements in Subsection (3) above.
- (b) The maximum number of licensed marijuana establishments within the city shall not exceed four (4).
- (c) All retail marijuana stores shall affix labels to all receptacles on the licensed premise that contain retail marijuana or retail marijuana products which labels shall clearly display potency profiles and contaminant results from a licensed retail marijuana testing facility.

(g) *Business conducted within building.* Any and all distribution, possession, storage, display, sales, or other distribution of marijuana shall occur only within the restricted area of a retail marijuana store and shall not be visible from the exterior of the store.

(h) *Manager registration requirements.* The manager of a retail marijuana store shall register with the state and the local licensing authority. Whenever a person ceases to be a registered manager of a retail marijuana store, the retail marijuana licensee shall notify the licensing authorities within five (5) days and shall designate a new registered manager within thirty (30) days. Either the state or the local licensing authority may refuse to accept any person as a registered manager unless the person is satisfactory to the respective licensing authorities as to character, record, and reputation. In determining a registered manager's character, record, and reputation, the state or local licensing authority may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency.

(i) *Hours of operation.* A retail marijuana store shall be closed to the public, and no sale or other distribution of marijuana shall occur upon the premises between the hours of 10:00 p.m., thru and including 8:00 a.m.

(j) *Use of pesticides.* No pesticides or insecticides that are prohibited by applicable law for fertilization or production of edible produce shall be used on any marijuana produced or distributed by a retail marijuana store. A retail marijuana store shall comply with all applicable laws regarding use of pesticides.

(k) *Ventilation required.* A retail marijuana store shall be ventilated to ensure the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the retail marijuana store or at any adjoining property.

(l) *Wastewater requirements.* All retail marijuana stores shall be operated in such a manner as to not permit, allow, or cause to be discharged any substance or material prohibited by the city into or upon any watercourse or city reclamation conduit, facility, or plant.

(m) *Storage prohibitions of retail marijuana and retail marijuana product prohibited.* No retail marijuana establishment may store retail marijuana or any retail marijuana product in any off-premises storage facility located within the city nor may any retail marijuana transporter store any retail marijuana or retail marijuana product within the city.

(n) *Reporting requirements.* A retail marijuana store shall report to the local licensing authority each of the following events within the time specified. If no time is specified, the report shall be provided within seventy-two (72) hours of the event.

- (1) Transfer or change of financial interest, business manager, or financier in the license to the city at least thirty (30) days before the transfer or change.
- (2) Taxable transactions and sales and use tax reports and remits to the city monthly.
- (3) A violation of any law by any licensee or applicant of a retail marijuana business.
- (4) Each licensee shall post and keep at all times visible to the public, in a conspicuous place on the premises, a sign to be furnished by the city clerk's office, which sign shall be in the following form: "WARNING: THE FORT LUPTON POLICE

DEPARTMENT MUST BE NOTIFIED IMMEDIATELY OF ALL UNLAWFUL ACTS AND DISTURBANCES IN THIS ESTABLISHMENT." Licensees' shall immediately report to the police department any unlawful act, conduct, or disturbance committed upon the premises.

(o) *Respond to inquiry.* An owner or manager of a retail marijuana store is required to respond by phone or email within twenty-four (24) hours of contact by a city official concerning its retail marijuana store at the phone number or email address provided to the city as the contact for the business. Each twenty-four-hour period during which an owner or manager does not respond to the city official shall be considered a separate violation.

(p) *Signs and advertising.*

- (1) Any person or premises licensed as a retail marijuana store shall comply with all city ordinances regulating signs and advertising. In addition, no licensed retail marijuana store shall use any advertising material that is misleading, deceptive, false, or that, as evidenced either by the content of the advertising material or the medium or the manner in which the advertising is disseminated, is designed to appeal to persons under twenty-one (21) years of age.
- (2) Except as otherwise provided in this subsection (2), it shall be unlawful for any person licensed under this article or any other person to advertise any retail marijuana or retail marijuana product anywhere in the city where the advertisement is visible to members of the public from any street, sidewalk, park, or other public place, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device as defined by the zoning code; any sign mounted on a vehicle, any hand-held or other portable sign; or any handbill, leaflet or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property without the consent of the property owner. The prohibition set forth in this section shall not apply to:
 - a. Any sign located on the same zone lot as a retail marijuana store which exists solely for the purpose of identifying the location of the retail marijuana store and which otherwise complies with the city's zoning requirements and any other applicable city laws and regulations; or
 - b. Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the city; or
 - c. Advertising which is purely incidental to sponsorship of a charitable event by a retail marijuana establishment.
- (3) For purposes of this subsection(s), the terms "advertise," "advertising," or "advertisement," means the act of drawing the public's attention to a retail marijuana establishment in order to promote the sale of retail marijuana goods or products by the establishment.

Sec. 6-361. - Inspection of books, records, and licensed premises.

- (a) Each licensee shall keep a complete set of all records necessary to show fully the business transactions of the licensee, all of which shall be open at all times during business hours for

the inspection and examination by the local licensing authority, its duly authorized representatives, and the city police department for the purposes of investigating and determining compliance with the provisions of this article and any other applicable state and local laws or regulations. The local licensing authority may require any licensee to furnish such information as it considers necessary for the proper administration of this article. It may also require an audit to be made of the books of accounts and records on such occasions as it may consider necessary by an auditor to be selected by the local licensing authority, who shall likewise have access to all books and records of the licensee.

- (b) The licensed premises, including any places of storage where retail marijuana or retail marijuana products are stored, manufactured, packaged, cultivated, processed, displayed, sold, or dispensed, shall be subject to inspection by the local licensing authority, its duly authorized representatives, and the city police department during all business hours and other times of apparent activity, for the purpose of inspection or investigation. For examination of any inventory or books and records required to be kept by the licensees, access shall be required during business hours. Where any part of the licensed premises consists of a locked area, upon demand to the licensee by the local licensing authority or any other authorized city personnel, such area shall be made available for inspection without delay.
- (c) Each licensee shall retain all books and records necessary to show fully the business transactions of the licensee for a period of the current tax year and the three (3) immediately prior tax years.

Sec. 6-362. - Unlawful acts of licensees and persons.

(a) It shall be unlawful for any licensee to:

- (1) Violate or fail to comply with any provision, term, condition, or requirement of the Retail Marijuana Code, including its rules.
- (2) Allow marijuana or marijuana products to be consumed upon its licensed premises.
- (3) Use advertising material that is misleading, deceptive, false, or designed to appeal to persons under twenty-one (21) years of age.
- (4) Sell retail marijuana or retail marijuana products to a person under twenty-one (21) years of age or to a person who does not present a government-issued identification at the time of purchase.
- (5) Refuse to allow inspection of a retail marijuana store upon request of an authorized city employee. Any licensee, owner, business manager, operator of a retail marijuana store, or owner of the property where a retail marijuana store is located may be charged with violation of this requirement.
- (6) Advertise or publish materials or display signs that are in violation of this article.
- (7) Violate any provision of this article or any condition of an approval granted pursuant to this article, or any law, rule, or regulation applicable to the use of retail marijuana or the operation of a retail marijuana store.
- (8) Distribute marijuana or retail marijuana product within a retail marijuana store to any person who shows visible signs of intoxication from alcohol, marijuana, or other drugs.

- (b) It shall be unlawful for any person to engage in any form of business or commerce involving the cultivation, processing, manufacturing, storage, sale, distribution, testing, or consumption of marijuana other than those forms of business and commerce that are expressly permitted by Section 16 of Article XVIII of the Colorado Constitution, the Colorado Marijuana Code including its rules, and this article, which permits only retail marijuana stores.

Sec. 6-363. - No city liability; indemnification.

- (a) By accepting a license issued pursuant to this article, the licensee waives and releases the city, its officers, elected and appointed officials, employees, attorneys, agents, and authorized volunteers from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of the owners, operators, employees, clients, or customers of the retail marijuana store for a violation of state or federal laws, rules, and regulations.
- (b) By accepting a license issued pursuant to this article, all licensees, jointly and severally, if more than one, agree to indemnify, defend, and hold harmless the city, its officers, elected and appointed officials, employees, attorneys, agents, authorized volunteers, insurers, and self-insurance pool, against all liability, claims, and demands on account of any injury, loss, or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the retail marijuana store that is the subject of the license.

Sec. 6-364. - Other laws remain applicable.

- (a) Except as specifically provided herein, to the extent the state adopts any additional or stricter law, rule or regulation, governing the sale, transportation, manufacture, cultivation, processing, packaging, displaying, testing, or distribution of retail marijuana or retail marijuana products, the additional or stricter regulation shall control the operation of any retail marijuana establishment in the city. Compliance with any applicable state law, rule or regulation shall be deemed an additional requirement for issuance, renewal or denial of any license or operation of any establishment under this article, and noncompliance with any applicable state law or regulation shall be grounds for non-renewal, revocation, or suspension of any license issued hereunder.
- (b) Any licensee may be required to demonstrate, upon demand by the local licensing authority, its authorized representative, or by law enforcement officers, that the source and quantity of any marijuana grown upon the licensed premises are in full compliance with any applicable state law or regulation.
- (c) If the state or federal government prohibits the sale, transportation, manufacture, cultivation, processing, packaging, testing, or distribution of marijuana through retail marijuana establishments, any license issued hereunder shall be deemed immediately revoked by operation of law, with no ground for appeal, or other redress available, on behalf of the licensee.
- (d) The issuance of any license pursuant to this article shall not be deemed to create an exception, defense, or immunity to any person in regard to any potential criminal liability

the person may have for the transportation, packaging, manufacturing, cultivation, possession, sale, distribution, testing, or use of marijuana.

Section 3. Codification Amendments. The codifier of Fort Lupton's Municipal Code is hereby authorized to make such numerical, technical, and formatting changes as may be necessary to incorporate the provisions of this ordinance within the Fort Lupton Code.

Section 4. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The city council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. The repeal or modification of any provision of the Municipal Code of the City of Fort Lupton by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 7. This ordinance is deemed necessary for the preservation of the public property, health, welfare, peace and safety.

Section 8. Violations of this ordinance shall be punishable in accordance with the provisions of Section 1-72 and Section 10-289 of the Fort Lupton Municipal Code.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 18th day of May, 2021.

PUBLISHED in the Fort Lupton Press the 26th day of May 2021.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED PUBLISHED BY TITLE ONLY this __ day of __ 2021.

PUBLISHED BY TITLE ONLY the _th day of __ 2021.

EFFECTIVE (after publication) the _th day of __ 2021.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

Areas Excluded from Marijuana Retail Facilities

- Exclusion Areas
- Facilities
- Downtown
- Parks with Playgrounds

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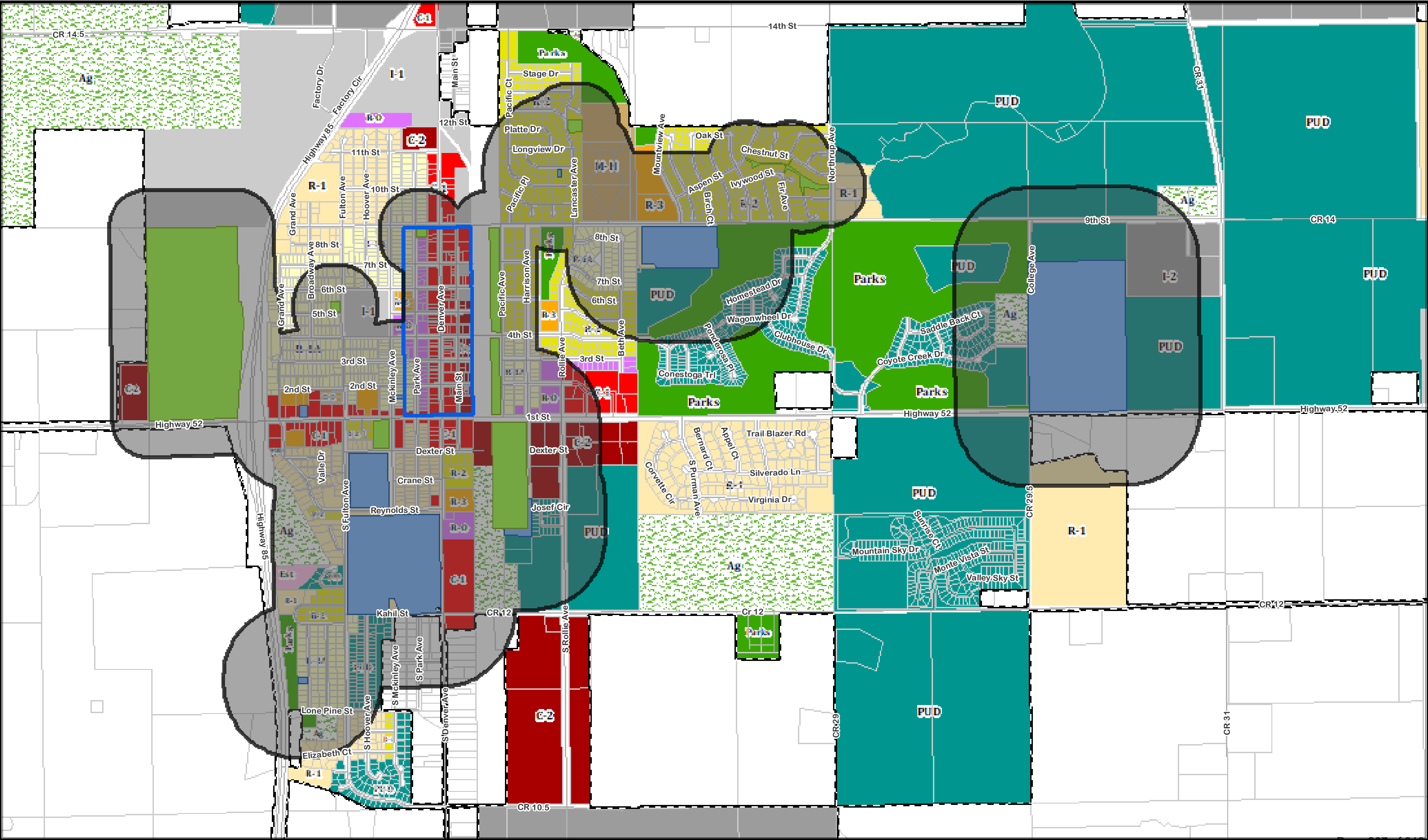
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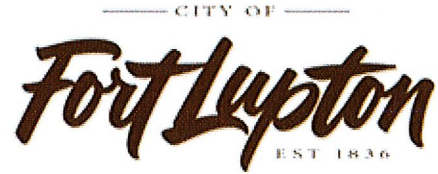
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Fort Lupton

May 14, 2021



**CITY OF FORT LUPTON
CITY COUNCIL**



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespino, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AM 2021-078

ADOPTING AN ORDINANCE IMPOSING A SALES TAX FOR EACH SALES TRANSACTION BY ANY MARIJUANA STORE ON THE SALES OF ANY RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS WITHIN THE CITY; SETTING FORTH THE PURPOSE OF SUCH TAX; ESTABLISHING ADMINISTRATIVE AND ENFORCEMENT PROCEDURES; PROVIDING AN EFFECTIVE DATE OF SUCH TAX; AND ENACTING A NEW ARTICLE VIII OF CHAPTER 4 OF THE FORT LUPTON MUNICIPAL CODE CONCERNING ADDITIONAL TAXES ON THE PURCHASE OR SALE OF MARIJUANA AND RETAIL MARIJUANA PRODUCTS

I. **Agenda Date:** Council Meeting – May 18, 2021

II. **Attachments:** a. Proposed Ordinance

III. **Summary Statement:**

On November 3, 2020, the registered electors of the City of Fort Lupton approved a ballot initiatives providing for an additional 3.1% sales tax on the sales of retail marijuana and retail marijuana products with the rate of tax being able to decrease or increase without further voter approval so long as the rate of taxation does not exceed 10%. The ordinance is in response to the ballot measure.

IV. **Submitted by:**


Leann Perino, Finance Director

V. **Finance Reviewed**


Finance Director

VI. **Approved for Presentation:**


City Administrator

VII. **Attorney Reviewed**

Approved _____ Pending Approval _____

VIII. **Certification of Council Approval:**

City Clerk

Date

IX. **Detail of Issue/Request:**

On November 3, 2020, the registered electors of the City of Fort Lupton approved a ballot initiatives providing for an additional 3.1% sales tax on the sales of retail marijuana and retail marijuana products with the rate of tax being able to decrease or increase without further voter approval so long as the rate of taxation does not exceed 10%. The ordinance is in response to the ballot measure.

X. **Legal/Political Considerations:**

XI. **Alternatives/Options:**

XII. **Financial Considerations:**

XIII. **Staff Recommendation:**

Staff seeks recommendation.

ORDINANCE 2021-XXX

PRESENTED BY: —

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO, IMPOSING A SALES TAX FOR EACH SALES TRANSACTION BY ANY MARIJUANA STORE ON THE SALES OF ANY RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS WITHIN THE CITY; SETTING FORTH THE PURPOSE OF SUCH TAX; ESTABLISHING ADMINISTRATIVE AND ENFORCEMENT PROCEDURES; PROVIDING AN EFFECTIVE DATE OF SUCH TAX; AND ENACTING A NEW ARTICLE VIII OF CHAPTER 4 OF THE FORT LUPTON MUNICIPAL CODE CONCERNING ADDITIONAL TAXES ON THE PURCHASE OR SALE OF MARIJUANA AND RETAIL MARIJUANA PRODUCTS

WHEREAS, the City of Fort Lupton, Colorado (“City”) is authorized under Title 31 of the Colorado Revised Statutes to adopt and amend ordinances in furtherance of governmental administration and the City’s police powers; and

WHEREAS, Section 31-15-501(1)(c), C.R.S. and other applicable law authorizes the City to license, regulate and tax the owners of businesses on the privilege of conducting various classes of businesses within the City; and

WHEREAS, on November 3, 2020, the registered electors of the City of Fort Lupton approved ballot initiatives permitting for the establishment and operation of medical marijuana centers and retail marijuana stores subject to the requirements of the State of Colorado medical and retail marijuana codes and regulations and the ordinances and codes to be adopted by the City of Fort Lupton; and

WHEREAS, at said election, the registered voters approved an additional 3.1% sales tax on the sales of retail marijuana and retail marijuana products with the rate of tax being able to decrease or increase without further voter approval so long as the rate of taxation does not exceed 10%.

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

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as finding of the City Council.

Section 2 Enactment of Article VIII of Chapter 4 of the Municipal Code. A new Article VIII of Chapter 4 of the Fort Lupton Municipal Code is hereby enacted to read in full as follows:

Article VIII Retail Marijuana Sales Tax

4-163 Purpose
4-164 Definitions

4-165	Tax Imposed
4-166	Maximum Authorized Tax Rate
4-167	Collection and Enforcement Procedures
4-168	Use of Collected Tax Revenues
4-169	Rules and Regulations

Sec. 4-163 - Purpose.

The purpose of this article is to impose, in addition to the city's existing sales and use tax: (a) a sales tax on the sale of marijuana and marijuana products in the City.

Sec. 4-164. - Definitions.

The definitions contained in the Colorado Marijuana Code, the state administrative regulations adopted pursuant to such statutes, the City's retail marijuana licensing ordinances as amended from time to time, is incorporated into this Chapter by reference.

Sec. 4-165. - Tax Imposed.

A sales tax is imposed and shall be collected upon the lawful sale of retail marijuana and retail marijuana products by a retailer within the City at the rate of three point one percent (3.1%) of the purchase price paid by the purchaser thereof rounded off to the nearest penny. The tax shall be collected by the licensed vendor and paid to the City. The tax imposed by this section is in addition to, and not in lieu of, the sales tax owed and payable to the City in connection by the State related to the sale of retail marijuana. No amount of the tax collected pursuant to this Section may be retained by the retailer to cover the expenses of collecting and remitting the tax.

Sec. 4-166. – Maximum Authorized Tax Rate.

The maximum tax rate that may be imposed pursuant to this Chapter is ten percent (10%). At any time on and after January 1, 2021, the local licensing authority may, by ordinance:

- (1) Establish a tax rate that may be imposed pursuant to the Chapter that is not to exceed ten percent (10%); or
- (2) After establishing a tax rate that does not to exceed ten percent (10%), increase the tax rate to be imposed pursuant to this Chapter, except that in no event shall the rate be increased above ten percent (10%). Notwithstanding any other provision of law, an increase in the tax rate pursuant to this subsection shall not require voter approval such approval having been provided at the November 3, 2020, election.

Sec. 4-167. – Collection and Enforcement Procedures

Except for those provisions that by their terms cannot apply, the City shall administer, collect and enforce the City's marijuana sales tax imposed under this Article in similar manner as to the administration, collection and enforcement of taxes provided in Chapter 4, Section 4-78 of this Code, except that the State Director of Revenue's obligations referred to therein shall be

obligations of the City Finance Director pertaining to administering, collecting and enforcement of the marijuana sales tax, which shall be consistent with the obligations set forth in this Code and applicable Colorado statutory law.

Sec. 4-168. – Use of Collected Tax Revenues

The revenues collected from the Marijuana Sales Tax imposed hereunder shall be used to pay or reimburse the City for direct and indirect costs incurred for:

- (1) Adequate training, enforcement, and administration of the City's medical and retail marijuana regulations not otherwise covered by the fees collected by the City under the Colorado Marijuana Code and the City's ordinances,
- (2) Other general purposes of the City.

Sec 4-169. – Rules and Regulations.

The Finance Director shall have the authority from time to time to adopt, amend, alter and repeal administrative rules and regulations as may be necessary for the proper administration of this Chapter and the collection and enforcement of the tax obligations imposed hereby.

Section 3. Codification Amendments. The codifier of Fort Lupton's Municipal Code is hereby authorized to make such numerical, technical, and formatting changes as may be necessary to incorporate the provisions of this ordinance within the Fort Lupton Code.

Section 4. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The city council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. The repeal or modification of any provision of the Municipal Code of the City of Fort Lupton by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 6. This ordinance is deemed necessary for the preservation of the public property, health, welfare, peace and safety.

Section 7. Violations of this ordinance shall be punishable in accordance with the provisions of Chapter 1, Sections 1-71, 1-72 of the Fort Lupton Municipal Code.

**INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED
PUBLISHED** this __th day of __, 2021.

PUBLISHED in the Fort Lupton Press the __ day of ____ 2021.

**FINALLY READ BY TITLE ONLY, PASSED AND ORDERED PUBLISHED BY TITLE
ONLY** this __ day of __ 2021.

PUBLISHED BY TITLE ONLY the __th day of __ 2021.

EFFECTIVE (after publication) the __th day of __ 2021.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

**CITY OF FORT LUPTON
CITY COUNCIL**



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespín, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

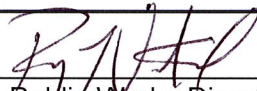
AM 2021-069

**APPROVAL OF A RESOLUTION APPROVING THE SUBDIVISION IMPROVEMENTS AGREEMENT
FOR THE FINAL PLAT OF THE LUPTON VILLAGE PUD SECOND FILING (AKA LUPTON VILLAGE
TOWNHOMES FINAL PLAT)**

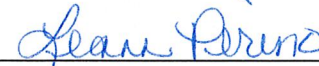
- I. **Agenda Date:** Council Meeting – May 18, 2021
- II. **Attachments:** a. Proposed Resolution.
b. Subdivision Improvement Agreement.
- III. **Summary Statement:**

Approval of the Subdivision Improvements Agreement between the City of Fort Lupton and Lupton Village Land Developers, LLC, for the Lupton Village PUD Second Filing (AKA Lupton Village Townhomes Final Plat)

IV. **Submitted by:**


Public Works Director

V. **Finance Reviewed**


Finance Director

VI. **Approved for Presentation:**


City Administrator

VII. **Attorney Reviewed**

Approved

Pending Approval

VIII. **Certification of Council Approval:**

City Clerk

Date

IX. Detail of Issue/Request:

This Subdivision Improvement Agreement was drafted for the Lupton Village PUD Second Filing Final Plat (LUP2021-0003 and Plan No. FPL2021-0001) approved by City Council on March 16, 2021, which is located east of South Rollie Avenue, immediately south of the Safeway development.

Improvements are for the construction of water and sanitary sewer main extensions. Approximate cost of this agreement for construction is \$528,487.98.

X. Legal/Political Considerations:

Not Applicable

XI. Alternatives/Options:

- *Approve Resolution*
- *Do not approve Resolution*

XII. Financial Considerations:

None

XIII. Staff Recommendation:

Staff recommends approval of this Subdivision Improvement Agreement between the City of Fort Lupton and Lupton Village Land Developers, LLC.

RESOLUTION NO. 2021RXXX

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE LUPTON VILLAGE LAND DEVELOPER, LLC SUBDIVISION IMPROVEMENT AGREEMENT OF THE LUPTON VILLAGE PUD SECOND FILING FINAL PLAT LOCATED IN FORT LUPTON, WELD COUNTY, COLORADO.

WHEREAS, the City Council Resolution No. 2021R022 approved the Lupton Village PUD Second Filing Final Plat with conditions March 16, 2021; and

WHEREAS, Developer is required to construct certain public improvements as a condition of subdivision approval for the Development; and

WHEREAS, the City Council finds that the Subdivision Improvement Agreement is in conformance with the Fort Lupton Land Use Plan, zoning code and is consistent with the goals and policies therein; and

NOW THEREFORE BE IT RESOLVED that the Fort Lupton City Council reviewed the Subdivision Improvement Agreement with supporting documentation. Based upon review of the applicable policies and goals in the Fort Lupton Land Use Plan, review of the Zoning Regulations, and analysis of staff comments, the City hereby approves the Lupton Village Land Developers, LLC Subdivision Improvement Agreement and authorizes the Mayor to sign.

APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL THIS 18th DAY OF MAY 2021.

City of Fort Lupton, Colorado

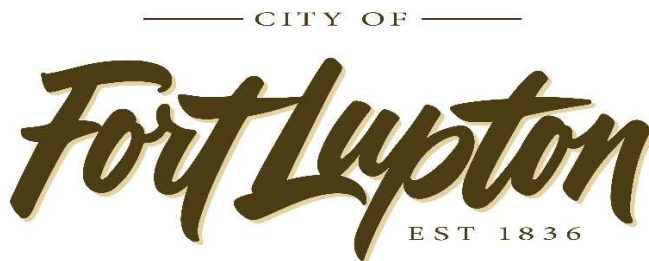
Zo Steiber, Mayor

Attest:

Maricella Pena, MMC
City Clerk

Approved as to form:

Andy Ausmus, City Attorney



Public Works

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortluptonco.gov

SUBDIVISION IMPROVEMENTS AGREEMENT FOR LUPTON VILLAGE TOWNHOMES

THIS AGREEMENT is made and entered into this _____ day of _____, 2021, by and between the CITY OF FORT LUPTON, a municipal corporation, in the County of Weld, State of Colorado, hereinafter referred to as the "City," and **Lupton Village Land Developers, LLC**, hereinafter referred to as "Developer", together referred to as the "Parties".

WHEREAS, the Developer submitted a Planned Unit Development Plat for the Subdivision entitled "Lupton Village PUD Second Filing, Project No. LUP2021-0003 and Plan No. FPL2021-0001" (the "Development"), which Plat depicts the proposed project (the "Development") to be constructed by Developer on the property depicted on the PUD, which is the "Subject Property"; and

WHEREAS the PUD was approved by the City of Fort Lupton City Council on March 16, 2021 by Resolution No. 2021R022 with conditions; and

WHEREAS, Developer is required to construct certain public improvements (the "Improvements") as a condition of subdivision approval for the Development; and

WHEREAS, Section 17-23(c) of the City of Fort Lupton Municipal Code requires that a subdivision agreement for public improvements be executed by the Developer and the City and recorded in the office of the Weld County Clerk and Recorder; and

WHEREAS, Section 17-23(f)(7) of the City of Fort Lupton Municipal Code requires that the installation of the required public improvements be guaranteed in the form of letter of credit, cash, or other suitable means, which have been approved by the City Attorney.

NOW, THEREFORE, in consideration of the foregoing, the Parties promise, covenant and agree as follows:

1.0 GENERAL CONDITIONS

1.1 Development Obligation. Developer shall be responsible for performance of the covenants set forth herein. Unless as otherwise amended within this agreement, the Developer shall be responsible for performance of all requirements in this Agreement.

1.2 Engineering and Surveying Services. Developer agrees to furnish, at its expense, all necessary engineering and surveying services relating to the design layout and construction of the improvements (the "Improvements") depicted on **Exhibit "A"** and **Exhibit "B"** attached hereto and fully incorporated herein by this reference. Said engineering services shall

be performed by or under the supervision of a Registered Professional Engineer or Registered Land Surveyor, or other professionals as appropriate, licensed by the State of Colorado, and in accordance with applicable Colorado law, and shall conform to the standards and criteria for public improvements as established and approved by the City as of the date of submittal to the City.

1.3 Construction Standards. Developer shall construct all Improvements required by this Agreement, in accordance with plans and specifications approved in writing by the City, in conformance with all applicable codes and ordinances as adopted by the City, and in full conformity with the City's construction and specifications applicable at the time of actual construction.

1.4 Development Coordination. Unless specifically provided in this Agreement to the contrary, all submittals to the City or approvals required of the City in connection with this Agreement shall be submitted to or rendered by the City Administrator, or his designee, who shall have general responsibility for coordinating development with Developer.

1.5 Construction Acceptance and Warranty. No later than ten (10) days after the Improvements are completed, Developer shall request and the City shall provide inspection by the City. If Developer does not request this inspection within ten (10) days of completion of the Improvements, the City may conduct the inspection without the approval of Developer. Developer shall provide "as-built" drawings no later than thirty (30) days after the Improvements are completed. If the Improvements completed by Developer are satisfactory, the City shall grant construction acceptance ("Construction Acceptance") within ten (10) days of the Developer's submission of "as-built" drawings, which shall be subject to final acceptance ("Final Acceptance") as set forth herein. If the Improvements completed by Developer are unsatisfactory, the City shall provide written notice to Developer of the repairs, replacements, construction or other work required to receive Construction Acceptance within ten (10) days from the date of City inspection. Developer shall complete all needed repairs, replacements, construction or other work within thirty (30) days of said notice, weather permitting. After Developer does complete the repairs, replacements, construction or other work required, Developer shall request a re-inspection of such work within ten (10) days to determine if Construction Acceptance can be granted. The City shall provide either Construction Acceptance or written notice of additional repairs, replacements, construction or other work required to receive Construction Acceptance within ten (10) days of the re-inspection date. The City shall issue no certificate of occupancy until the City has granted the Construction Acceptance.

1.6 Final Acceptance. At least thirty (30) days before one (1) year has elapsed from the issuance of Construction Acceptance, or as soon thereafter as weather permits, Developer shall request a Final Acceptance inspection. The City shall inspect the Improvements and shall notify the Developer in writing of all deficiencies and necessary repairs. After Developer has corrected all deficiencies and made all necessary repairs identified in said written notice, the City shall issue to Developer a letter of Final Acceptance.

1.7 Testing and Inspection.

(a) At all times during construction of the public improvements, the City shall have access to inspect materials and workmanship, and all materials and work not conforming to the approved plans and specifications shall be repaired or removed and replaced at Developer's expense so as to conform to the approved plans and specifications.

(b) The Developer will be responsible for oversight of the construction of the public improvements. The Developer shall solicit and retain a third-party engineer or inspector, solely at Developer's cost, to perform oversight, provided the engineer/inspector's qualifications are approved by the City prior to commencement of construction of the public improvements. The Developer will provide the resume of a Civil Engineer, or other qualified inspector(s), of the construction and installation of such improvements before construction may begin. The City Engineer or the City's designee shall determine the amount of oversight required, after consultation with the Developer.

(c) All testing required by the City's "*Standards and Specifications for the Design and Construction of Public Improvements*" shall be the responsibility of the Developer. All test reports shall be provided to the City Engineer.

(d) All work shown on the Improvements plans requires inspection by the City. Inspection services are provided Monday through Friday, except legal holidays, from 8:00 a.m. to 4:00 p.m. During the hours listed above and except as otherwise provided for in advance, inspections shall be scheduled a minimum of three (3) business days in advance.

1.8 Indemnification and Release of Liability. Developer agrees to defend, indemnify and hold harmless the City, its officers, employees, agents or servants, and to pay any and all judgments rendered against said persons on account of any suit, actions or claim caused by, arising from, or on account of acts or omissions by the Developer, its officers, employees, agents, consultants, contractors and subcontractors; provided, however, that Developer's obligation herein shall not apply to the extent said suit, action or claim results from any acts or omissions of officers, employees, agents or servants of the City. Said obligation of Developer shall be limited to suits, actions or claims based upon conduct prior to Final Acceptance by the City of the construction work. Developer acknowledges that the City's review and approval of plans for development of the Subject Property is done in furtherance of the general public's health, safety and welfare and that no immunity is waived and no specific relationship with, or duty of care to, the Developer or third parties is assumed by such review approval.

1.9 Insurance OSHA. Developer shall furnish to the City upon request proof thereof that all employees and contractors engaged in the construction of Improvements are covered by adequate Worker's Compensation Insurance and Public Liability Insurance and shall require faithful compliance with all provisions of the Federal Occupational Safety and Health Act (OSHA).

(a). **OSHA Requirements.** Developer 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. Developer's Contractor 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. Developer acknowledges and agrees that with respect to the scope of work under this contract, Developer's Contractor shall comply with all obligations and assume all responsibilities for its actions as required by all OSHA rules and regulations. The Contractor shall adhere to all federal, state and local safety and health regulations, laws and ordinances and shall comply with all obligations and assume all responsibilities imposed upon the "controlling contractor" as such term is defined and construed under all OSHA rules and regulations.

2.0 CONSTRUCTION OF IMPROVEMENTS

2.1 Rights-of-Way, Easements and Permits. Before the City may approve construction plans for any Improvements herein agreed upon, Developer shall acquire, at its own expense, all rights-of-way and easements depicted on the Plat, as required by the City for the construction of the Improvements. All such conveyances shall be free and clear of liens, taxes and encumbrances and shall be by deed, easement, license, agreement in form and substance acceptable to the City Administrator or the Administrator's designee. All title documents shall be recorded at the Developer's expense.

3.0 INFRASTRUCTURE IMPROVEMENTS

3.1 Public Improvements

The Developer agrees to construct public improvements (the "Improvements"), within the Subdivision, depicted on **Exhibit "A"** attached hereto and fully incorporated herein by this reference. The Developer shall be responsible for providing the City with a Security Bond, Letter of Credit, or cash deposit with the City (the "Security") guaranteeing installation of the Improvements that are not completed prior to issuance of the first building permit. The amount shall be one hundred twenty-five percent (125%) of the applicable phased estimated cost of the required Improvements per approved Construction Drawings. The City may accept portions of the Improvements, reducing the Security for each portion completed and accepted by the City, to no less than twenty-five percent (25%) of the actual or estimated construction costs, whichever is greater, for each completed system. Each Improvement phase shall define a system, i.e. roadways system, sewer system, water system. The remaining twenty-five percent (25%) percent for each system shall be retained to secure the Developer's warranty during the designated warranty period. A warranty period of two (2) years shall apply to all public improvements. The City shall release or return the Security to the Developer within Thirty (30) days of receipt of the Conditional Acceptance as provided in paragraph 1.5 herein, less the twenty-five percent (25%) of construction costs to be retained during the warranty period. Upon Final Acceptance of the Improvements as provided in paragraph 1.6 herein, the twenty-five percent (25%) Security retained during the warranty period shall be released or returned to the Developer within Thirty (30) days of issuance of the Final Acceptance.

4.0 SPECIFICATIONS.

All street improvements, curb, gutter and sidewalks and appurtenances thereto, water mains, sewer mains and stormwater improvements shall be constructed and installed so as to meet or exceed City-approved plans, specifications and the Improvements described on **Exhibit "A"** Public Improvements. All streets within the Subdivision are considered Private and will not be maintained by the City. All streetscaping will meet the requirements of the Fort Lupton Subdivision Regulations. Detention or Retention pond improvements will be required at the time of construction on the site as determined by the Phase III Drainage Study submitted.

5.0 OTHER REQUIREMENTS

5.1 Trash, Debris, Mud. Developer agrees that, during construction of the Development and Improvements described herein, Developer shall take any and all steps necessary to control trash, debris and wind or water erosion in the Development. Developer agrees to take any and all steps necessary to prevent the transfer of mud or debris from the construction site into public rights-of-way and to immediately remove such mud and debris from public rights-of-way after notification by the City. If these requirements are not met, the developer

will be responsible for reimbursing the City for any costs incurred by the City in mitigating impacts of trash, debris, and mud.

5.2 Erosion Control and Sedimentation Plan. Developer agrees to submit an erosion control and sedimentation plan for review and approval by the City Engineer prior to commencement of construction on the site. Each individual lot will require erosion control measures be taken. Colorado State permits required shall be the responsibility of the Developer.

6.0 MISCELLANEOUS TERMS

6.1 Local Codes and Ordinances. In addition to any of the items listed in this Agreement, all construction in the Development is subject to all local Codes and Ordinances as adopted by the City subject to exceptions agreed or granted.

6.2 Recording of Agreement. The City shall record this Agreement at Developer's expense in the office of the Clerk and Recorder, County of Weld, State of Colorado, and the City shall retain the recorded Agreement.

6.3 Binding Effect of Agreement. This Agreement shall run with the land included within the Development and shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto.

6.4 Modification and Waiver. No modification of the terms of this Agreement shall be valid unless in writing and executed with the same formality as this Agreement, and no waiver of the breach of the provisions of any section of this Agreement shall be construed as a waiver of any subsequent breach of the same section or any other sections which are contained herein.

6.5 Notices. Any notice or communication required or permitted hereunder shall be given in writing and shall be personally delivered or sent by United States mail, postage prepaid, registered or certified mail, return receipt requested, addressed as follows:

CITY: City of Fort Lupton
 Attention: City Administrator
 130 South McKinley Avenue
 Fort Lupton, Colorado 80621

DEVELOPER: Lupton Village Land Developers, LLC
 3780 W. 10th St, Unit 200
 Greeley, CO 80634

or to such other address or the attention of such other person(s) as hereafter designated in writing by the applicable parties in conformance with this procedure. Notices shall be effective upon mailing or personal delivery in compliance with this paragraph.

6.6 No Waiver Of Governmental Immunity. The City, its elected officials, officers and employees are relying upon, and do not waive or intend 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.

6.7 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.

6.8 Approvals. Whenever approval or acceptance of a matter is required or requested of the City pursuant to any provisions of this Agreement, the City shall act reasonably in responding to such matter, and no such approval or acceptance shall be unreasonably withheld or delayed.

6.9 Title and Authority. Developer warrants to the City that it is the record owner of the Subject Property upon which the Development shall be constructed or is acting in accordance with the authority of the owner. The undersigned further warrants to have full power and authority to enter into this Agreement.

6.10 Severability. This Agreement is to be governed and construed according to the laws of the State of Colorado. In the event that any provision of this Agreement is held to be violative of city, state or federal laws and hereby rendered unenforceable, either party, in its sole discretion, may determine whether the remaining provisions will or will not remain in force.

IN WITNESS WHEREOF, the Parties hereto have caused their duly authorized officials to place their hands and seals upon this Agreement the day and year first above written.

By: _____
Zo Stieber
Mayor

STATE OF COLORADO)
)
COUNTY OF WELD) SS.

SUBSCRIBED AND SWORN to before me this _____ day of _____ 2021, by Zo Stieber as Mayor of the City of Fort Lupton, Colorado.

MY COMMISSION EXPIRES:

Lupton Village Land Developers, LLC a
Colorado Limited Liability Company

By: _____
By: AJG NP Development, Manager
By: Andrew J. Gerk, Member

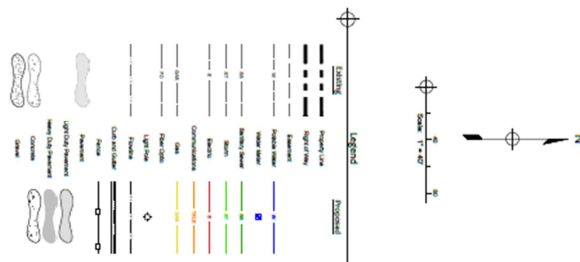
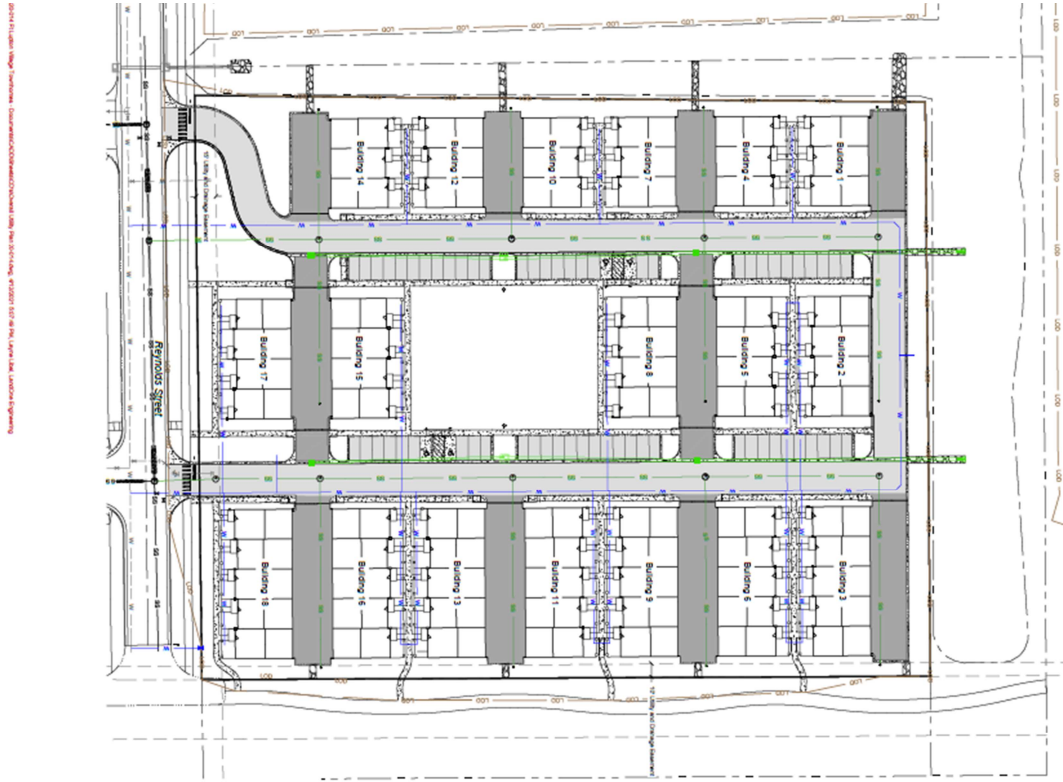
STATE OF COLORADO)
)
COUNTY OF WELD) ss.

SUBSCRIBED AND SWORN to before me this ____ day of _____ 2021, by Andrew J. Gerk, as Member of AJG NP Development, LLC as Manager of Lupton Village Land Developers, LLC, a Colorado Limited Liability Company.

MY COMMISSION EXPIRES:

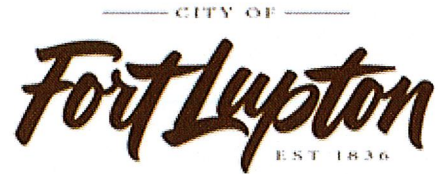
Page 223 of 319

EXHIBIT B



Sheet: C8.0 Lupton Village Townhomes Construction Documents Overall Utility Plan Fort Lupton, CO	Rev. No. Date Revision Description 1 02/10/21 Initial Design 2 02/10/21 Final Design 3 02/10/21 Final Design	LandOne Engineering, LLC 10111 1st Avenue, Suite 100 Greeley, CO 80634 Phone: 970.433.1111 Fax: 970.433.1112 Email: info@landoneeng.com Website: www.landoneeng.com	LANDONE engineering 301 7th Avenue, Suite 100 Greeley, CO 80634
	PRELIMINARY NOT FOR CONSTRUCTION		
	111		
	111		

**CITY OF FORT LUPTON
CITY COUNCIL**



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespín, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AM 2021-080

CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL RESCINDING THE LOCAL HISTORIC DESIGNATION OF THE SEYMOUR AND BIRDIE RHODE HOUSE LOCATED AT 149 DENVER AVENUE.

I. Agenda Date: Council Meeting – May 18, 2021

II. Attachments:

- a. Proposed Ordinance
- b. Application for Rescission of Local Historic Designation
- c. Minutes & Staff Report from the Planning Commission Meeting
- d. Minutes & Memorandum from the Historic Preservation Board Hearing
- e. Article XVII Historic Preservation
- f. Application for Historic Designation & Architectural Inventory Form
- g. Notice to Planning Commission of the Public Hearing
- h. Notice to Owner of the Public Hearing
- i. Newspaper Publication Affidavit
- j. Sign Posting Affidavit

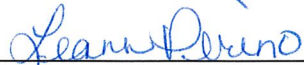
III. Summary Statement:

The Applicant, Salvador Flores, has submitted an application for rescission of historic designation of the local historic registrar of the Seymour & Birdie Rhode House located at 149 Denver Avenue. The reason for the request is identified on the Application for Local Historic Designation or Rescission of Local Designation provided by the Applicant.

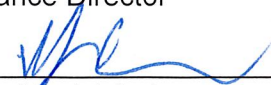
IV. Submitted by:


Planner

V. Finance Reviewed


Finance Director

VI. Approved for Presentation:


City Administrator

VII. Attorney Reviewed

☐ Approved

☐ Pending Approval

VIII. Certification of Council Approval:

City Clerk

Date

IX. Detail of Issue/Request:

The Applicant, Salvador Flores, has submitted an application for rescission of historic designation of the local historic registrar of the Seymour & Birdie Rhode House located at 149 Denver Avenue. The reason for the request is identified on the Application for Local Historic Designation or Rescission of Local Designation, included in the Historic Preservation Board packet. Additional information is also included in the Minutes from the Planning Commission public meeting and Historic Preservation Board public hearing.

Additional information on this proposal is included in the materials attached to this Action Memorandum.

X. Legal/Political Considerations:

The Applicant is requesting approval to rescind the historic designation of the Property. Pursuant to Section 18-353 of the Fort Lupton Municipal Code ("Code"), a historic site or district designation may be amended or rescinded in the same manner as the original designation was made.

Designations (and rescission of designations) are processed under [Chapter 18, Article XVII](#) of the Fort Lupton Municipal Code ("Code") and require a three step review process. This includes:

- 1. Planning Commission review of the proposed designation rescission;*
- 2. Historic Preservation Board hearing; and*
- 3. City Council action by ordinance to rescind the designation.*

This Public Meeting before the City Council is the final step of the three step review process. The Planning Commission held a meeting on March 11, 2021 as required under Section 18-345 of the Code, and voted unanimously to recommend denial of the proposed rescission of designation of the Property to the Historic Preservation Board. The Historic Preservation Board held a public hearing on May 6, 2021 as required under Section 18-347 of the Code, and voted unanimously to recommend denial of the proposed rescission of designation of the Property to City Council.

Upon receipt of the recommendations transmitted by the Historic Preservation Board, the City Council may by ordinance rescind the designation of a historic landmark, site or district. Due consideration shall be given to the written view of owners of affected property and in its discretion the City Council may hold public hearings on any proposed rescission of a landmark, historic site or district designation.

With respect to notification requirements, staff states the following:

All notification requirements below have been met, and proof has been included in the City Council packet materials for reference.

Written notice of the time, date, place and subject of the hearing was sent by certified mail on March 1, 2021, being not less than thirty days prior to the hearing to all owners of record.

Signs indicating that recommendation for historic designation is being considered by the Historic Preservation Board were posted on March 17, 2021 for a period of not less than fifteen days immediately preceding the hearing on the Property.

A legal notice indicating the nature of the hearing, the property involved and the time, date and place of the hearing, was published in a local newspaper of general circulation on March 17, 2021, being least fifteen days prior to the hearing.

Written notice of the proposed rescission of historic designation, including the identification of the property, the basis for commencing with the designation procedure and the time, date and place of the hearing, was given to the Planning Commission on March 1, 2021, being not later than thirty days prior to the hearing.

The Board will transmit to the City Council and owner of the property its recommendation on the designation of the historic site, including the description of the property involved and findings upon which the recommendation is based within fifteen days after reaching its decision, pursuant to Section 18-349 of the Code. The transmittal will include this Action Memorandum, and all attachments, and the minutes from the May 6, 2021 Historic Preservation Board meeting that details the findings for which its recommendation was based.

XI. Alternatives/Options:

The City Council has the following options:

- 1. Approve the ordinance to allow rescission of historic designation;*
- 2. Deny the ordinance to allow rescission of historic designation City Council.*

XII. Financial Considerations:

Not applicable.

XIII. Staff Recommendation:

Pursuant to Section 18-348 of the Code, the Historic Preservation Board transmitted to City Council its recommendation on a rescission of designation within fifteen days after reaching its decision. Therefore, the recommendation provided here is the Historic Preservation Board's recommendation to the City Council, rather than the staff recommendation. To view staff's original recommendation, you may review the staff report provided to Planning Commission.

Historic Preservation Board Recommendation is as follows:

During its May 6, 2021 meeting, the Historic Preservation Board voted unanimously to recommend denial of the application to rescind the designation.

The basis for the denial is detailed in the minutes from the May 6, 2021 meeting, which are included with the packet materials. The Historic Preservation Board generally found that the applicant has not submitted required paperwork to the City for work performed on the property, and has not submitted applications to the State to receive financial benefits. It was determined that if the applicant were to submit these items, that many of the Applicant's proposed changes to the property may be approved.

ORDINANCE NO. 2021-xxxx

INTRODUCED BY:

AN ORDINANCE OF THE CITY OF FORT LUPTON RESCINDING THE LOCAL HISTORIC DESIGNATION OF THE SEYMOUR AND BIRDIE RHODE HOUSE LOCATED AT 149 DENVER AVENUE.

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

WHEREAS, the City Council enacts this ordinance pursuant to its authority under Code Section 18-350 of the City of Fort Lupton, Colorado, to rescind the local historic designation of the Seymour and Birdie Rhode House located at 149 Denver Avenue (the "Property").

WHEREAS, the City Council finds that: 1) On February 22, 2021 the Historic Board received an application made by the owner of the property at 149 Denver Avenue, Fort Lupton, Colorado consenting in writing to rescind the local historic designation of the Property; 2) on March 11, 2021 the Fort Lupton Planning Commission reviewed the application pursuant to Section 18-345 and denied the application to rescind the local historic designation of the Property; 3) on May 6, 2021 the Historic Preservation Board held a public hearing on the proposed designation meeting the requirements of Section 18-344; and 4) on May 6, 2021 the Historic Preservation Board recommended that City Council deny the proposed rescission of local historic designation of the Property.

WHEREAS, the City Council therefore rescinds the designation of the Seymour and Birdie Rhode House as a local historic landmark.

WHEREAS, the City Council directs that the Secretary of the Historic Preservation Board give prompt notice of this rescission of designation to the property owner as required by Section 18-352 and that the City Clerk cause a copy of this Ordinance to be recorded as required by Section 18-351.

INTRODUCED, READ, AND PASSED ON FIRST READING AND ORDERED PUBLISHED this ____ day of ____ 2021.

PUBLISHED in the Fort Lupton Press the ____ day of ____ 2021.

FINALLY ADOPTED AND EFFECTIVE AND ORDERED FINALLY PUBLISHED by title only this ____ day of ____ 2021.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694

www.fortluptonco.gov

Project No. _____

**APPLICATION FOR LOCAL HISTORIC DESIGNATION OR
RESCISSION OF LOCAL DESIGNATION****A. CONTACT INFORMATION**Applicant Name: Salvador Flores

Company: _____

Phone: 720 472-8795 Email: salvadorflores999@gmail.comAddress: 149 Denver Ave Fort Lupton Co 80621**B. PROPERTY DESCRIPTION**

Site Address for Property to be Locally Designated or Rescinded of Designation:

FTL 15140 L1 thru 4 blk 21 twomlys subHistoric Property Name (if applicable): Seymour & Birdie Rhode House

Please submit the type of application you are applying for:

☐ Local Property Designation (Complete Sections A, B, C, D, F)☒ Rescission of Local Designation (Complete Sections A, B, E, F)

Are you the owner of the Property that is the subject of this Application for Local Historic Designation or Rescission of Local Designation?

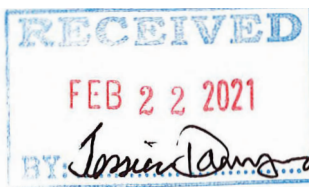
☒ Yes☐ No

If you are not the owner, please provide information whether you have discussed this Application with them and the nature of those discussions:

C. HISTORIC DESIGNATION CRITERIA

In order to be designated for preservation as a Fort Lupton local landmark a site, structure, object or district one of the four criteria listed below must be met. Please mark all criteria that the Property qualifies under.

- ☐
- Historical importance.
- The site, structure, object or district has character, interest or value as part of the development, heritage or cultural characteristics of the City, state or nation; is the site of a historic event with an effect upon society; is identified with a person or group of persons who had



some influence on society; or exemplifies the cultural, political, economic, social or historic heritage of the community.

- ☐ Architectural importance. The site, structure, object or district portrays the environment of a group of people in an era of history characterized by a distinctive architectural style; embodies those distinguishing characteristics of an architectural-type specimen; is the work of an architect or master builder whose individual work has influenced the development of the City; or contains elements of architectural design, detail, materials or craftsmanship which represent a significant innovation.
- ☐ Geographic importance. The site, structure, object or district, because of being part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based on a historic, cultural or architectural motif or due to its unique location or singular physical characteristics, represents an established and familiar visual feature of the neighborhood, community or City.
- ☐ Inclusion in National Register of Historic Places. Inclusion of any property within the City in the National Register of Historic Places as provided in the National Historic Preservation Act of 1966 shall be construed as local historic site designation, and subject to the same protections as any local historic site.

D. REQUIRED DOCUMENTS FOR HISTORIC DESIGNATION

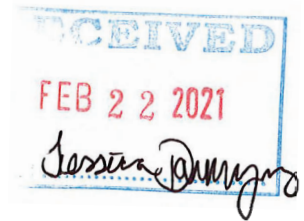
The following information must be attached to this Application:

- ☐ A written statement that includes (you may submit as separate attachments, or one written document):
 - Description of the Property proposed for local designation. Include any significant alterations to the Property and, if known, indicate plans for future additions, changes or alterations to the Property.
 - A detailed outline of the reasons why such property should be locally designated. Include a clear narrative on how the Property meets the Criteria identified under Section C of this Application.
 - The proposed boundaries of the Property for local designation, and why the boundaries were determined as proposed by the Application.
 - A narrative of the historic and current functions of the Property.
 - Provide a Statement of Significance covering: a) Area of Significance; b) Period of Significance; c) Significant Dates; d) Significant Persons.
 - Provide any bibliographical references used to complete the information for this Application.
- ☐ If an Architectural Inventory Form has been completed, submit that with the Application (it may serve to meet several of the criteria required for the written statement).
- ☐ Provide the legal description of the Property in Word format.
- ☐ Proof of ownership of the Property, if the Applicant is the owner.

E. APPLICATION FOR RESCISSION OF DESIGNATION

Provide an explanation of why the Property's local historic designation should be rescinded. You may use the space below, or attach a separate document(s) if you require more space or have attachments:

As I have stated before on the Pre-Application on 8-25-2018 my ex-wife was the one that submitted this application and I just never seen any benefits for us I want to take my home out of the historical list because I need to fix my home and everytime I do anything to my home, I get tickets even when I have the proper permits, I just don't feel this is my home at all because I have to ask for every little detail I need to do in my own home



F. CERTIFICATIONS

Only sign one of the two certifications below, whichever is applicable.

Owner Certification

I hereby certify that I am the legal owner of record of the Property that is the subject of this Application, and consent to this Application for local historic designation of the Property identified in this Application.

Owner: Salvador Flores Date: 2-22-2021

Non-Owner Certification

I hereby certify that I am not the legal owner of record of the Property that is the subject of this Application, and am proceeding with this Application on behalf of the Property.

Owner: _____ Date: _____

For Office Use Only

Received Date: _____

If the application is not complete, state reasons why it is incomplete:

Deemed Complete Date: _____

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
March 11, 2021

The Planning Commission of the City of Fort Lupton met in session virtually via GoToMeeting, on Thursday, March 11, 2021.

Chair Mike Simone called the meeting to order at 6:00 p.m.

ROLL CALL

Roll was taken and those present were Chair Mike Simone, Vice-Chair Bushrod White and Commission Members Carlos Barron, Kathy Kvasnicka, and Paul Weber. Also in attendance were Planning Director Todd Hodges, City Planner II Alyssa Knutson, City Planner I Maria Lancto, and Planning Administrative Assistant Magaly Morales-Tejada.

Chair Simone gave the following advisement:

Tonight's meeting shall be held virtually so as to ensure the health and safety of the general public and the City of Fort Lupton Planning Commission and staff.

The intent and purpose of the virtual appearance options is to allow the City to be innovative in providing the general public the most meaningful access possible in light of the current challenges present as a result of the Covid-19 pandemic. Therefore, subject to social distancing and public health orders, members of the general public will be offered the opportunity to be electronically present for meetings at the City, subject to existing health conditions.

An electronic link has been made available for tonight's meeting on the City's website and social media platforms and as posted at City Hall, so that the general public, Planning Commission and staff may participate electronically via the internet or on the phone.

APPROVAL OF AGENDA

Chair Simone called for a motion to approve the agenda. It was moved by Bushrod White and seconded by Carlos Barron.

CONSENT AGENDA

Chair Simone called for a motion to approve the consent agenda. It was moved by Bushrod White and seconded by Kathy Kvasnicka.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
March 11, 2021**

PUBLIC COMMENT

Chair Simone asked if there was anyone who would like to comment on an item not on the agenda tonight. Hearing none, he closed Public Comment.

ACTION ITEMS

Continuance of Public Hearing for United Fulton Augmentation Station Project

Planner Alyssa Knutson presented the request for continuance. She stated that staff had submitted a request for publication to the newspaper which had unfortunately not been published. Ms. Knutson stated that in order to provide the public sufficient notice staff recommends continuing the hearing until March 25, 2021 at 6:00 PM - this date would ensure that there were at least 15 days of newspaper notification of the hearing.

Chair Simone addressed the applicant, Drew Damiano, and asked if he agreed with this continuance.

Drew Damiano stated yes.

Chair Simone opened up the public comment portion of the Hearing for the continuance action item. Hearing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

Chair Simone called for a motion to continue the hearing until March 25, 2021 at 6:00 PM.

Kathy Kvasnicka motioned, Bush White seconded.

P2021-008: Consideration of Rescission of the 149 Denver Avenue (aka Seymour [sic] & Birdie Rhode House) Historic Designation

Planner Alyssa Knutson presented this action item. She explained that the Planning Commission does not make the final decision on designations/rescission of designation, however the Fort Lupton City Code does require that the Planning Commission provide a recommendation to the Historic Preservation Board. Ms. Knutson stated that the applicant had submitted an application to rescind designation and additional information was available in the staff report sent to the commissioners. Ms. Knutson stated that the applicant was available to discuss.

There were technical difficulties connecting to the applicant, Mr. Flores, and staff tried to get in contact him. Ms. Knutson gave a brief general overview of benefits of designation to

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
March 11, 2021

the Planning Commission and number of designations currently in the City. After a few minutes the applicant was able to connect.

Mike Simone addressed the applicant, Salvador Flores. He asked if he had anything to add or present on behalf of his application.

Mr. Flores stated no.

He asked if Mr. Flores understood that Members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Mr. Flores stated yes.

Chair Simone asked if he consented to the applicable members voting on their submittal, even though said members are not present in person.

Mr. Flores stated yes.

Chair Simone asked if he understood that he had the right to continue this public hearing to such a date to allow a full in-person public hearing.

Mr. Flores stated yes.

Chair Simone asked if he has agreed to voluntarily waive that right on behalf of the applicant or themselves by proceeding tonight electronically.

Mr. Flores stated yes.

Chair Simone asked if he voluntarily signed and submitted the written waiver and consent to proceed electronically tonight.

Mr. Flores stated yes.

Chair Simone asked if he waived his right to proceed in an in-person public hearing and have consented to proceed forward voluntarily tonight in this virtual planning commission meeting, is that correct.

Mr. Flores stated yes.

Chair Simone opened up the public comment portion of the Hearing for the Site Plan action item. Hearing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
March 11, 2021

Chair Simone asked Mr. Flores if he felt he had a full opportunity to participate in the public hearing.

Mr. Flores stated yes.

Chair Simone opened up the hearing to Planning Commissioners' comments and questions.

Member Bush White asked why the applicant wanted to rescind designation from his property.

Mr. Flores stated that the initial designation was made by his ex-wife and provided additional background on the original designation. He stated his ex-wife told him that they would be able to get financial help to make repairs to the house, and that the windows in particular need work and can't be opened. He then stated that after designation he asked about funding for repairs, but was told that there was no funding. He stated that the building is the only thing that is designed, but that other projects he was working on in the yard got stopped by code enforcement for not getting approval from the Historic Preservation Board. He also provided additional information regarding projects that he has done/wants to do around the exterior of the home that he stated he does not want to go to the Historic Preservation Board for approval on.

Member Kathy Kvasnicka stated she does not recall Mr. Flores bringing any requests forward to the Historic Preservation Board that he wanted to do. She asked if the applicant has previously presented projects to the Historic Preservation Board that have been denied.

Mr. Flores stated that his ex-wife submitted paperwork to the Board. He stated he would like to keep the house like it is, but it is old and a lot of money to repair. He stated that he needs to make repairs with different materials because it is old and that he has submitted paperwork.

Chair Simone asked staff if the applicant has been receiving tax breaks from the City for this designation.

Planner Alyssa Knutson stated that there is no funding that would come directly from the City, but rather the State. She stated that these benefits are only available if the applicant submits all paperwork to the State.

Chair Simone asked to clarify if the applicant would be responsible for paying back anything if the property is rescinded.

Ms. Knutson stated that he would not.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
March 11, 2021

Member Bush White asked if code enforcement was causing issues for the applicant and how this falls under their authority based on the Historic Preservation aspects of the home.

Planning Director Todd Hodges stated that zoning/code enforcement works with planning and has worked under his direction on any fines for this property. He stated that historically designated structures require approval from the Historic Preservation Board prior to starting work. He stated that the applicant has received violation notices due to the applicant doing work on the property with no building permits or Historic Preservation approval.

Chair Simone asked Mr. Hodges to clarify staff's neutral recommendation to the planning commission on this agenda item.

Mr. Hodges stated that staff debated on the staff recommendation a lot. He stated that staff has worked with Mr. Flores quite a bit, and that he has not gone through the appropriate process for getting permits or Historic Preservation approval for changes to the house or his property. Mr. Hodges stated that even if the property is no longer designated, building permits would still be required, he would just no longer go to the Historic Preservation Board. He continued that financial benefits are through the State, and that Mr. Flores has not submitted the applications to receive those benefits. Mr. Hodges added that historic designation prevents the ability to demolish the building, although he wouldn't think it would be. He added that the Planning & Building Department does still have authority over demolition permits and would hopefully be able to work to prevent that from occurring if it were ever discussed. Mr. Hodges concluded that staff does also believe in property rights and that the applicant has been interested removing the house from being designated for a number of years.

Ms. Knutson reiterated that it was a difficult decision for staff. She stated that it were her personal decision it would remain designated, however the neutral recommendation kept in mind property rights and difficulties in getting Mr. Flores to go to the Historic Preservation Board for approvals. She stated a shed was placed without permits that would probably have not been approved by the Historic Preservation Board and has not been painted red as directed by the Board, so it's been a difficult position for staff to be in. She concluded that she hopes nothing happens to the house because of its significance.

Chair Simone asked each Planning Commissioner for their thoughts.

Member Barron stated that he is learning and didn't yet have an opinion either way.

Member Weber stated he would like the property to stay designated. He felt that the property owner could have followed through with pursuing the benefits provided.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
March 11, 2021**

Before Member Kvasnicka's comments, Ms. Knutson stated that Member Kvasnicka is on the Historic Preservation Board, but she will be asked to recuse from this hearing before the Board and therefore she can comment on the matter this evening. Member Kvasnicka stated she does not agree with the rescission. She feels this is one of the few properties whose significance can be pinpointed, and the improvements could have been worked out with the Historic Preservation Board.

Vice-Chair White didn't see a barrier to making improvements to the property. Vice-Chair White stated he feels it should stay a historic site.

Chair Simone asked staff for an opinion on if the Historic Preservation Board has been unreasonable in dealing with permits and applications.

Ms. Knutson stated she can easily say no. She cited St. Andrews Church, which was fully converted from a church into a residence by working with the Historic Preservation Board. She stated the Board is happy to work with people, they just need an application to review.

Chair Simone stated this is a difficult decision, and he believes Mr. Flores should be able to do what he wants with his house. At the same time is it historical and doesn't want any chance of it being demolished. He felt if it is just a financial issue that is difficult, because the repair concerns could be addressed and the City would work with him. He added that it sounds like the Historic Preservation Board and staff is being reasonable. He is leaning towards denial.

Member Barron added he is for property rights, but he is leaning more towards keeping it designated.

Chair Simone asked for a motion to approve P2021-0008. Paul Weber motioned to approve, Kathy Kvasnicka seconded. Motion to recommend approval of the rescission of designation was denied unanimously by a roll call vote.

DISCUSSION ITEMS

Review of Meeting Discussion

A review of meeting discussions took place.

Development Code Update

A discussion of the Development Code Update took place.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
March 11, 2021**

FUTURE BUSINESS

The next meeting of the Planning Commission is scheduled for March 25, 2021 at 6:00 PM.

ADJOURNMENT

Chair Mike Simone adjourned the meeting at 6:45 PM.

Submitted by



Magaly Morales-Tejada, Planning Assistant

Approved by Planning Commission



Mike Simone, Chair

**REQUEST FOR RESCISSION OF LOCAL HISTORIC DESIGNATION OF
149 DENVER AVENUE (AKA SEYMOUR & BIRDIE RHODE HOUSE)**

STAFF REPORT

PROJECT NO. LUP2021-0008 / PLAN NO. HIS2021-0001

PROJECT DESCRIPTION

Project No.: LUP2021-0008 / Plan Nos. HIS2021-0001

Project name: Request for Rescission of Local Historic Designation of 149 Denver Avenue (aka Seymour & Birdie Rhode House)

Owner's Name: Salvador Flores ("Applicant")

Location of Request:

The Property is located at 149 Denver Avenue, which is on the southwest corner of 2nd Street and Denver Ave (Parcel No. 147106132013) (the "Property").



Nature of Request:

The Property is a locally designated landmark within the City of Fort Lupton. Historic designation requires that exterior work be reviewed by the Historic Preservation Board to ensure that changes are in conformance with the Municipal Code, as well as the Secretary of Interior's Standards for Rehabilitation. In exchange, the property is eligible for tax credits for eligible work completed on the home (if required applications are submitted and approved by the State Historic Preservation Office).

Applicant has submitted a request for rescission of historic designation on the local historic registrar. The reason for the request is identified on the Application for Local Historic Designation or Rescission of Local Designation, included in the Planning Commission packet.

The Historic Preservation Board will hold a hearing on this matter on April 1, 2021 at 6:15 PM. Planning Commission may recommend approval, rejection or modification of the proposed designation [or rescission] and its recommendation shall contain a statement of the basis for the recommendation. The recommendation shall be delivered to the Historic Preservation Board in written form at or prior to the hearing.

Site Size: 13,832 square feet, or 0.318 acres, more or less.

Zone District: C-1 General Commercial

Existing Use: Private residence.

Hearing/Meeting Dates: Planning Commission – March 11, 2021 at 6:00 PM; and
Historic Preservation Board – April 1, 2021 at 6:15 PM
City Council – April 20, 2021 at 7:00 PM.

Hearing Location: Virtually via GoToMeeting.

Staff Recommendation:

The building is an important landmark in the City of Fort Lupton, and has been found to have significance at the local, as well as national level. More information on this is found under the Conformance with City Standards, Regulations and Policies section of this Staff Report, and also in the attached Architectural Inventory Form. Currently, prior to exterior changes, including demolition, Historic Preservation Board approval must be obtained. Removal of the Property would remove this requirement.

Applicant has not stated an intent to make significant exterior changes and/or demolition to the Property, and in particular the main structure on the Property. However, the future desires of the owner or a new owner may change.

With that being said, staff takes a neutral stance on recommendation for approval, rejection or modification of the proposed rescission of historic designation of 149 Denver Avenue (aka Seymour & Birdie Rhode House).

SUMMARY OF PREVIOUS APPLICATIONS

On March 10, 2008 the owners of the property at 149 Denver Avenue, Fort Lupton, Colorado applied to the City of Fort Lupton Historic Preservation Board consenting in writing to designate said structure as a local historic landmark; on May 13, 2008 the Fort Lupton Planning Commission reviewed the application pursuant to Section 18-345 and had no objection to, and found no conflicts with the proposed designation;

on June 5, 2008 the Historic Preservation Board held a public hearing on the proposed designation meeting the requirements of Section 18-344; on June 5, 2008 the Historic Preservation Board recommended that the City Council approve the proposed designation; and on July 24, 2008 the City Council adopted Ordinance 2008-903 to designate the Property.

APPLICATION PROCESS

The Applicant is requesting approval to rescind the historic designation of the Property. Pursuant to Section 18-353 of the Fort Lupton Municipal Code ("Code"), a historic site or district designation may be amended or rescinded in the same manner as the original designation was made.

Designations (and rescission of designations) are processed under [Chapter 18, Article XVII](#) of the Fort Lupton Municipal Code ("Code") and require a three step review process. This includes:

1. Planning Commission review of the proposed designation rescission;
2. Historic Preservation Board hearing; and
3. City Council action by ordinance to rescind the designation.

This is Step 1 of the three step review process. Planning Commission shall review the proposed designation rescission with respect to:

- (1) Its relationship to the zoning ordinance of the City and the Comprehensive Plan of the City;
- (2) The effect of the designation upon the surrounding neighborhoods; and
- (3) Such other planning consideration as may be relevant.

The Planning Commission may recommend approval, rejection or modification of the proposed designation and its recommendation shall contain a statement of the basis for the recommendation. The recommendation shall be delivered to the Historic Preservation Board in written form at or prior to the hearing.

Following the Planning Commission review, at least four members of the Historic Preservation Board shall conduct the hearing. Reasonable opportunity shall be provided for all interested parties to express their opinions regarding the proposed designation or designations. However, nothing contained herein shall be construed to prevent the Historic Preservation Board from establishing reasonable rules to govern the proceedings of the hearings or from establishing reasonable limits on the length of individual presentations. The hearings shall be recorded, minutes written by staff and provided to each City Council member. Written presentations, including the report of the Planning and Zoning Commission, shall be included in the record of the hearing.

Upon receipt of the recommendations transmitted by the Historic Preservation Board, the City Council may by ordinance designate property as a historic landmark, site or district. Due consideration shall be given to the written view of owners of affected property and in its discretion the City Council may hold public hearings on any proposed landmark, historic site or district designation.

NOTIFICATION REQUIREMENTS

Written notice of the time, date, place and subject of the hearing shall be sent by certified mail not less than thirty (30) days prior to the hearing to all owners of record on the date of the resolution who own

the real property being proposed for designation as a historic site or historic district. Such notice shall be deemed delivered upon the passage of five (5) days from the deposit of the notice in the mail.

Signs indicating that recommendation for historic designation is being considered by the Historic Preservation Board shall be posted by the Board for a period of not less than fifteen (15) days immediately preceding the hearing on all property proposed for historic designation and on the boundaries of all areas proposed for historic district designations. Such signs shall be prominently displayed and easily readable from abutting public ways.

A legal notice indicating the nature of the hearing, the property involved and the time, date and place of the hearing, shall be published in a local newspaper of general circulation one (1) time at least fifteen (15) days prior to the hearing.

Written notice of the proposed historic designation, including the identification of the property, the basis for commencing with the designation procedure and the time, date and place of the hearing, shall be given to the Planning Commission not later than thirty (30) days prior to the hearing.

CONFORMANCE WITH CITY STANDARDS, REGULATIONS AND POLICIES

As stated earlier in this report, Planning Commission review is Step 1 of the three step review process.

Staff presents the following findings Planning Commission to assist with the Commission's review of the proposed designation rescission with respect to:

- (1) Its relationship to the zoning ordinance of the City and the Comprehensive Plan of the City;

The Property is zoned C-1 General Commercial. Therefore, the use as a residence is legally nonconforming. There is no issue with it remaining a residence, and historic designation of the Property does not have any effect on the zoning ordinance of the City.

The Comprehensive Plan does not have any relevant relationship to designation or rescission of designation of the property.

- (2) The effect of the [rescission of] designation upon the surrounding neighborhoods; and

Removal of the Property from the local historic register would allow for the owner to make alterations without Historic Preservation Board approval. It would also allow for the ability to demolish the structure(s) on the Property. Although it has not been identified as the owner's intent to make significant alterations or to demolish the structure, in the future the owner or a new owner may do so.

The Seymour & Birdie Rhode House has been identified as eligible for individual designation to the National Register of Historic Places on the local (and possibly state) level of significance in relation to two criteria. First for embodying the distinctive features of the Queen Anne style of architecture. While the home and its grounds have experienced some changes since the residence was constructed in 1902, its Queen Anne detailing and overall integrity remain largely intact.

Secondly for its historic significance, the Property served as the home of Seymour and Birdie Rhode from 1902 into the 1950s. The couple founded Fort Lupton's first bank. Birdie's role as the bank's president was unusual for the time and may be significant on a state level in the area of social history. The bank has been demolished as this home is now the only building associated with these local business leaders.

Therefore, if there were to be future significant alterations or demolition, it would impact the neighborhood visually on the neighborhood since the home has been in existence since 1902. In addition, the Property is zoned C-1 General Commercial, so any new construction would be commercial on this lot.

(3) Such other planning consideration as may be relevant.

Not applicable.

***For more information on this development, please refer to the Planning Commission packet provided.
Additional documents are available for review at the Fort Lupton City Hall.***

**RECORD OF PROCEEDINGS
FORT LUPTON HISTORIC PRESERVATION BOARD
May 6, 2021**

The Historic Preservation Board of the City of Fort Lupton met in session at the City Hall, 130 South McKinley Ave., the regular meeting place of the Historic Preservation Board and virtually via GoToMeeting, on Thursday, May 6, 2021. Chair Kathy Kvasnicka called the meeting to order at 6:15 pm.

ROLL CALL

Those present were Chair Kathy Kvasnicka, Vice Chair Penny Rankin and Members Amy Adkins, Al Mowrer, and Ginny White. Also present was Planning Director Todd Hodges, City Planner II Alyssa Knutson and Administrative Assistant Magaly Morales-Tejada.

APPROVAL OF THE AGENDA

Al Mowrer made a motion to approve the agenda and Penny Rankin seconded. Motion passed unanimously.

APPROVAL OF THE CONSENT AGENDA

Ginny White made a motion to approve the consent agenda and it was seconded by Al Mowrer. Motion passed unanimously.

PUBLIC AND VISITOR INPUT

It was noted that there were no members of the public in person or on the online platform present to make comments not otherwise related to the agenda; the public comment portion was closed.

ACTION ITEM

HAM2021-003 (Public Hearing): Application for Rescission of Local Historic Designation of the Seymour and Birdie Rhode House Located at 149 Denver Avenue to the Fort Lupton City Council.

Prior to discussion of HAM2021-003, Chair Kathy Kvasnicka recused herself due to her participation in the Planning Commission discussion of this item on March 11, 2021.

Vice-Chair Penny Rankin gave a brief explanation of the procedure of a public hearing. She then asked staff if they had a presentation for the Board.

Planner Alyssa Knutson presented the item. She stated that this application is to rescind historic designation of the property at 149 Denver Ave. and remove it from the local historic registrar. She stated that the property was historically designated in 2008 and is historically known as the Seymour and Birdie Rhode House. Ms. Knutson stated that this property was

RECORD OF PROCEEDINGS
FORT LUPTON HISTORIC PRESERVATION BOARD
May 6, 2021

found to have significance at the local and national level based on 2 criteria – that it embodies the distinctive features of the Queen Anne style of architecture and that Seymour and Birdie Rhode founded the first bank in Fort Lupton where Birdie’s role as a female bank president was unusual at the time. She stated that the application to rescind was submitted by the property Owner, Salvador Flores, who was present at the hearing. She stated that all notification requirements had been met. Ms. Knutson stated that the process for removing a designation from the local registrar is the same as adding the property – it is a 3 step process, the first being a meeting before the Planning Commission to provide a recommendation to the Historic Preservation Board. She stated that the Planning Commission meeting was held on March 11, 2021 and it was voted unanimously to deny recommending approval of de-designation. Ms. Knutson stated that the next step in this process is tonight’s public hearing, where the Board shall provide a reasonable opportunity to all interested parties to voice their opinions regarding this matter. After this hearing the Board shall transmit its recommendation to City Council for final consideration. Ms. Knutson stated that the applicant’s wife was present and may wish to provide a presentation on behalf of the application.

Esmeralda Flores, 149 Denver Ave, Salvador Flores’ wife provided a brief presentation to the Board. She stated that the property had originally been designated by Mr. Flores’ ex-wife and provided additional background to the original designation. She stated that Mr. Flores was told by his ex-wife that they would be able to receive financial help to make repairs to the house. Ms. Flores stated that since she has lived at property, since March 2016, they have made several repairs to the exterior of the home, citing repairs done to the water fountain, synthetic grass, and overall upkeep on the three yards of the home. Ms. Flores stated that her husband is frustrated with the City as he has received no financial support and feels as though they have to report all changes done to their property to the City. Ms. Flores stated their intention is to improve the home’s appearance, but that they don’t want to have to receive Board approval before every minor project. Ms. Flores stated that they don’t believe it is fair that the City has a say in what repairs get done in the home if the City is not helping fund said repairs.

Member Al Mowrer stated that there is funding available to assist with home repairs, but proper paperwork needs to be provided and it does take time to receive funding.

Ms. Flores stated that they were told that there is no funding available. She stated that Mr. Flores’ ex-wife had applied for these benefits but they never received anything.

Planner Alyssa Knutson stated that there is no funding from the City for historically designated properties, but there is funding from the State. Ms. Knutson added that there is funding from the Fort Lupton Urban Renewal Authority, which provides up to a 50% match for exterior improvements. She stated that information for this funding has been directly provided to Mr. Flores and there have been yearly postcards sent to their home every time the grant is open for applications. Ms. Knutson stated that they have not applied for this grant.

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Ms. Flores stated that they are under the impression that they would have to pay this money back based on comments from the Planning Commission meeting and therefore did not want to apply if they would be liable to pay this money back in the future.

Planning Assistant Magaly Morales-Tejada explained that the comment made at the Planning Commission was actually a clarifying question on whether the applicant is liable for any funds that have been awarded for repairs to the property, and the answer was no. She stated that this can be referenced back to in the minutes from said Planning Commission meeting.

Member Mowrer reiterated that it is a long process to apply and receive funding, but that it is available. He stated that this had been previously been explained to the applicants.

Planner Knutson stated that the process to receive funding from the State may be a long process, however receiving funding from the Urban Renewal Authority is a fairly simple process, but it does require that the applicant follow through with submitting the paperwork. Ms. Knutson added that a lot of the issues for the property owners have come from failure to receive building permits from the building department, not just the Historic Preservation Board.

Ms. Flores stated that they are up to date with all of their permits with the building department.

Ms. Knutson stated that in most of those cases, work was done prior to applying for any building permits.

Planning Director Todd Hodges stated that he appreciates the work that has been done on the home and that while the permits are now up to date, much of the work was started before obtaining proper permits and that is why their projects have been stopped by the City. Mr. Hodges stated that while there is an additional step for properties that are historically designated, the Board is always willing to work with applicants.

Vice- Chair Penny Rankin asked if the Board members had any comments and questions.

Member Ginny White stated that she understands property rights and understands that it's hard feeling as though it's not your home, however there is a process that needs to be followed by everybody.

Member Amy Rankin agreed with Member White, she stated that while she understands the frustration, proper permits will still be needed through the City whether or not the building is historically designated.

Member Al Mowrer stated that he agrees with what has been said by the other members and stated that he himself has often been stopped by the City for starting a project without

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the proper permits, so he understands that it can be frustrating however he also understands that there is process to doing things properly.

Vice-Chair Rankin stated that she agrees with the Board but would like to point out Article XVII of the Preservation Plan where it is stated that the Board would not designate a property without owner consent.

Planning Director Todd Hodges stated that from a staff perspective that is written in the Code due to the fact that properties can be designated without owner approval.

Planner Alyssa Knutson reiterated that a property can be historically designated without owner consent and believes that that statement was added in order to clarify that it is not the Board's intention to initially designate a property without owner consent. She added that the wording is subject to interpretation of the Board.

Member Al Mowrer asked if all changes to the home needed to come to the Board for approval.

Ms. Flores stated that she wanted to reiterate that they do not intend on making any big changes to the exterior of the home.

Planning Director Hodges stated that all work on the exterior of the home needs to come to the Board for approval, however work on the interior only requires permits from the building department.

Member Mowrer stated that the Board is willing to work with applicants and asked if the applicants are willing to follow through with the application process and work with the board.

Ms. Flores stated that her husband has several health issues and due to that he does not want to go through long processes to acquire permits and continue work on his home.

Seeing no more questions or comments from the Board, Vice-Chair Penny Rankin called for a motion to approve HAM2021-003. Al Mowrer motioned to approve, Penny Rankin seconded. Motion to recommend approval of the rescission of designation to City Council was denied unanimously by a roll call vote.

DISCUSSION ITEMS

Saving Places Conference Recap

Member Ginny White stated that she really enjoyed the conference and specifically enjoyed being able to see what other communities are doing with their historic main streets.

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Chair Kvasnicka agreed with Member White and added that she enjoyed the presentation on the Secretary of Interior's Standards for Rehabilitation and always learns a lot watching the debates take place.

Planner Knutson stated that she enjoyed Joe Minicozzi's presentation and the visuals that show the high property value of downtowns and the influence that downtown revitalization has on the rest of the community.

Chair Kvasnicka stated that his presentation would be a good thing to bring up to the Fort Lupton Urban Renewal Authority.

Monthly Historic Review Quiz

There was no historic review quiz this month.

FUTURE BUSINESS

Next Board meeting on June 3, 2021 at 6:15pm.

ADJOURN

Chair Kathy Kvasnicka adjourned the meeting at 6:52pm.

Submitted by

Magaly Morales-Tejada, Planning Assistant

Approved by Historic Preservation Board

Kathy Kvasnicka, Chair

HAM 2021-003

CONSIDER AN APPLICATION FOR RESCISSION OF LOCAL HISTORIC DESIGNATION OF THE SEYMOUR AND BIRDIE RHODE HOUSE LOCATED AT 149 DENVER AVENUE AND PROVIDE A RECOMMENDATION TO THE FORT LUPTON CITY COUNCIL

I. **Agenda Date:** *Board Meeting – May 6, 2021*

II. **Attachments:**

- A. *Proposed Resolution*
- B. *Application for Rescission of Local Historic Designation*
- C. *Minutes from the Planning Commission Meeting*
- D. *Staff Report from the Planning Commission Meeting*
- E. *Article XVII Historic Preservation*
- F. *Application for Historic Designation & Architectural Inventory Form*
- G. *Notice to Planning Commission of the Public Hearing*
- H. *Notice to Property Owner of Public Hearing*
- I. *Newspaper Publication Affidavit*
- J. *Sign Posting Affidavit*

III. **Issue/Request:**

The Applicant, Salvador Flores, has submitted a request for rescission of historic designation on the local historic registrar of the Seymour & Birdie Rhode House located at 149 Denver Avenue. The reason for the request is identified on the Application for Local Historic Designation or Rescission of Local Designation, included in the Historic Preservation Board packet. Additional information is also included in the Minutes from the Planning Commission meeting.

Additional information on this proposal is included in the material attached to this Historic Action Memorandum.

VI. **Legal / Political Considerations:**

The Applicant is requesting approval to rescind the historic designation of the Property. Pursuant to Section 18-353 of the Fort Lupton Municipal Code ("Code"), a historic site or district designation may be amended or rescinded in the same manner as the original designation was made.

Designations (and rescission of designations) are processed under [Chapter 18, Article XVII](#) of the Fort Lupton Municipal Code ("Code") and require a three step review process. This includes:

1. *Planning Commission review of the proposed designation rescission;*
2. *Historic Preservation Board hearing; and*
3. *City Council action by ordinance to rescind the designation.*

This Public Hearing before the Historic Preservation Board is Step 2 of the three step review process. The Planning Commission held a meeting on March 11, 2021 as required under Section 18-345 of the Code. The Planning Commission unanimously recommended denial of the proposed rescission of designation of the Property. Additional information on this recommendation can be found under the Staff Recommendation section of this Memorandum.

Pursuant to Section 18-347, following Planning Commission review, at least four members of the Historic Preservation Board shall conduct the hearing. Reasonable opportunity shall be provided for all interested parties to express their opinions regarding the proposed designation or designations. However, nothing contained herein shall be construed to prevent the Historic Preservation Board from establishing reasonable rules to govern the proceedings of the hearings or from establishing reasonable limits on the length of individual presentations. The hearings shall be recorded, minutes written by staff and provided to each City Council member. Written presentations, including the report of the Planning Commission, shall be included in the record of the hearing.

Finally, upon receipt of the recommendations transmitted by the Historic Preservation Board, the City Council may by ordinance designate property as a historic landmark, site or district. Due consideration shall be given to the written view of owners of affected property and in its discretion the City Council may hold public hearings on any proposed landmark, historic site or district designation.

With respect to notification requirements, staff states the following:

All notification requirements below have been met, and proof has been included in the Historic Preservation Board packet materials for reference.

Written notice of the time, date, place and subject of the hearing shall be sent by certified mail not less than thirty (30) days prior to the hearing to all owners of record on the date of the resolution who own the real property being proposed for designation as a historic site or historic district. Such notice shall be deemed delivered upon the passage of five (5) days from the deposit of the notice in the mail.

Signs indicating that recommendation for historic designation is being considered by the Historic Preservation Board shall be posted by the Board for a period of not less than fifteen (15) days immediately preceding the hearing on all property proposed for historic designation and on the boundaries of all areas proposed for historic district designations. Such signs shall be prominently displaced and easily readable from abutting public ways. A legal notice indicating the nature of the hearing, the property involved and the time, date and place of the hearing, shall be published in a local newspaper of general circulation one (1) time at least fifteen (15) days prior to the hearing.

Written notice of the proposed historic designation, including the identification of the property, the basis for commencing with the designation procedure and the time, date and place of the hearing, shall be given to the Planning Commission not later than thirty (30) days prior to the hearing.

VII. Alternatives/Options:

The Board has the following options:

- 1. Recommend to City Council approval of the request for rescission of designation;*
- 2. Do not recommend to City Council approval of the request for rescission of designation;*
- 3. Delay a decision in order to request additional information.*

VIII. Financial Considerations:

None.

IX. Staff Recommendation:

Pursuant to Section 18-345 of the Code, The Planning Commission may recommend approval, rejection or modification of the proposed designation and its recommendation shall contain a statement of the basis for the recommendation. The recommendation shall be delivered to the Historic Preservation Board in written form at or prior to the hearing. Therefore, the recommendation provided here is the Planning Commission's recommendation to the Historic Preservation Board, rather than the staff recommendation. To view staff's original recommendation, you may review the staff report provided to Planning Commission.

Planning Commission Recommendation is as follows:

During its March 11, 2021 meeting, the Planning Commission voted unanimously to recommend denial of the application to rescind the designation.

The basis for the denial is detailed in the minutes from the March 11, 2021 meeting, which are included with the Historic Preservation Board packet materials. The Planning Commission generally found that the applicant has not submitted required paperwork to the City for work performed on the property, and has not submitted applications to the State to receive financial benefits. It was determined that if the applicant were to submit these items, that he would be able to make changes to the property.

ARTICLE XVII - Historic Preservation

Sec. 18-341. - Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section:

Alteration means any act or process which changes one (1) or more of the exterior architectural features of a designated historic structure.

Board means the Historic Preservation Board created in Section 2-221.

Construction means the erection of any on-site improvements of any parcel of ground located on a historic site, whether the site is presently improved or unimproved, or the erection of a new principal or accessory structure on such property.

Demolition means any act or process that destroys in part or in whole a landmark or a structure upon a historic site.

Exterior architectural feature means the architectural design, style, general arrangement and components of all the outer surfaces of a structure or improvement, including but not limited to the color, texture, materials, type and style of all windows, doors, lights, signs and other fixtures appurtenant to said structure or improvement.

Historic site, landmark or district means any site, structure, object or improvement and its surrounding environs or a group of structures, objects or improvements and their surrounding environs:

- a. Which has a special character or special historic or aesthetic interest or value as part of the development, heritage or cultural characteristics of the City, state or nation;
- b. Wherein any event of major historic significance with a measurable effect upon society took place;
- c. Which is closely identified with a person or group of persons who have had some measurable influence on society;
- d. Wherein the board cultural, political, economic or social heritage of the community is exemplified;
- e. Which faithfully portrays the environment of a group of people in an era of history characterized by a distinctive architectural-type specimen or which is the work of an architect or master builder whose individual work has influenced the development of the City;
- f. Which, because of being a part of or related to a square, park or other distinctive area, should be developed or preserved according to plan based upon a historic, cultural or architectural significance;
- g. Which, due to unique location or singular physical characteristic, represents an established, familiar and significant visual feature of the neighborhood, community or City; or
- h. Officially designated as a historic site or historic district pursuant to the provisions of this Article.

Improvement means any building, structure, place, work of art or other object constituting a physical betterment of real property or any part of such betterment, including improvements on public property.

Owner means any person having such right or title to, or interest in, any improvement so as to be legally entitled, upon obtaining the required permits and approvals from the City agencies having jurisdiction over building construction, to perform with respect to such property any construction, alteration, removal, demolition or other work as to which such person seeks the authorization of

approval of the Historic Preservation Board, the Administrator of Planning and Zoning or the City Council.

Permit means any permit issued by the City pertaining to construction, alteration, removal or demolition of a building or feature within a designated historic site or landmark.

Reasonable use means taking into consideration the standards for designation for historic preservation and determining the use to be just, proper, fit and appropriate to the end in view, not immoderate or excessive, but being fair and suitable.

Relocation means moving a historic structure or object to a different location.

Repair and maintenance means work done on a structure or object in order to correct any deterioration, decay or damage to any part thereof in order to restore the same as nearly as practical to its condition prior to such deterioration, decay or damage.

Structure means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

Working day means any day except Saturday, Sunday and any national, state or local holiday (or day of observation) during which the Building Permit and Inspection Department is not open for regular business.

(Ord. 651, 1994)

Sec. 18-342. - Standards for designation of sites, structures, objects and districts for preservation.

A site, structure, object or district may be designated for preservation if it meets one (1) or more of the following criteria:

- (1) Historical importance. The site, structure, object or district has character, interest or value as part of the development, heritage or cultural characteristics of the City, state or nation; is the site of a historic event with an effect upon society; is identified with a person or group of persons who had some influence on society; or exemplifies the cultural, political, economic, social or historic heritage of the community.
- (2) Architectural importance. The site, structure, object or district portrays the environment of a group of people in an era of history characterized by a distinctive architectural style; embodies those distinguishing characteristics of an architectural-type specimen; is the work of an architect or master builder whose individual work has influenced the development of the City; or contains elements of architectural design, detail, materials or craftsmanship which represent a significant innovation.
- (3) Geographic importance. The site, structure, object or district, because of being part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based on a historic, cultural or architectural motif or due to its unique location or singular physical characteristics, represents an established and familiar visual feature of the neighborhood, community or City.
- (4) Inclusion in National Register of Historic Places. Inclusion of any property within the City in the National Register of Historic Places as provided in the National Historic Preservation Act of 1966 shall be construed as local historic site designation, and subject to the same protections as any local historic site.

(Ord. 651, 1994)

Sec. 18-343. - Designation procedure.

- (a) Initiation of procedure. Whenever in the opinion of the Historic Preservation Board, upon its own motion or upon application of any citizen or owner of property in the City, a site, structure, object or district meets the criteria of a historic site, the Board shall contact the owner or owners of such historic site or district outlining the reasons and effects of designation as a landmark or district and, if possible, shall secure the owner's consent to such designation. If the Board is unable to personally contact such owner, it shall be sufficient for the City Clerk to send a written request by certified mail, return receipt requested, for the consent to designation of such property, addressed to the owner of the property as shown on the most recent records of the County Assessor at the address shown on such records.
- (b) Board review without owner's consent. Following such contact, if an owner does not notify the City Clerk in writing that the owner objects to such designation of the property within fifteen (15) days from the date of receipt of the request for consent to designation, or the owner objects in writing to such designation, the Clerk shall notify the Board and the City Council of such and the Board, upon the affirmative vote of at least four (4) of its members, may proceed by officially adopting a resolution stating that:
 - (1) The preliminary investigation by the Board indicates that the described property is eligible for designation as a historic site, landmark, object or district;
 - (2) The reason the Board feels that it should proceed without the consent of the owner to such designation; and
 - (3) Scheduling a public hearing by the Board on the question of designation, hereinafter called a designation hearing at a specified time, date and place and directing that the notice of hearing be given as described in Section 18-344 below.

Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.

- (c) Board review with owner's consent. If the owner consents in writing to such designation, the Board, upon the affirmative vote of a majority of the members present, may adopt a resolution scheduling a public hearing by the Board on the question of designation, hereinafter called a designation hearing, at a specified time, date and place and directing that the notice of hearing be given as described in Section 18-344 below. All applications submitted in accordance with this Section shall include a description of the property proposed for designation and a detailed outline of the reasons why such property should be designated and why the boundaries of the property should be determined as described in the application. No motion or application of a specific historic site or historic district may be made more than once during any twelve (12) consecutive months, or twice during any five-year period, unless ownership changes.

(Ord. 651, 1994)

Sec. 18-344. - Notice of hearing.

Notice of designation hearing shall be given as follows:

- (1) Written notice of the time, date, place and subject of the hearing shall be sent by certified mail not less than thirty (30) days prior to the hearing to all owners of record on the date of the resolution who own the real property being proposed for designation as a historic site or historic district. Such notice shall be deemed delivered upon the passage of five (5) days from the deposit of the notice in the mail.
- (2) Signs indicating that recommendation for historic designation is being considered by the Historic Preservation Board shall be posted by the Board for a period of not less than fifteen (15) days immediately preceding the hearing on all property proposed for historic designation and on the boundaries of all areas proposed for historic district designations. Such signs shall be prominently displaced and easily readable from abutting public ways.

- (3) A legal notice indicating the nature of the hearing, the property involved and the time, date and place of the hearing, shall be published in a local newspaper of general circulation one (1) time at least fifteen (15) days prior to the hearing.
- (4) Written notice of the proposed historic designation, including the identification of the property, the basis for commencing with the designation procedure and the time, date and place of the hearing, shall be given to the Planning and Zoning Commission not later than thirty (30) days prior to the hearing.

(Ord. 651, 1994)

Sec. 18-345. - Planning and Zoning Commission review.

- (a) The Planning and Zoning Commission shall review the proposed designation with respect to:
 - (1) Its relationship to the zoning ordinance of the City and the Comprehensive Plan of the City;
 - (2) The effect of the designation upon the surrounding neighborhoods; and
 - (3) Such other planning consideration as may be relevant.
- (b) The Planning and Zoning Commission may recommend approval, rejection or modification of the proposed designation and its recommendation shall contain a statement of the basis for the recommendation. The recommendation shall be delivered to the Historic Preservation Board in written form at or prior to the hearing.

(Ord. 651, 1994)

Sec. 18-346. - Interim control.

No building permit shall be issued by the Building Permit and Inspection Department for alteration, construction, relocation or demolition of a site, structure or object under consideration for historic designation or any site, structure or object within a district under consideration for historic district designation from the date of the hearing of the Historic Preservation Board at which a designation is first presented for consideration of any kind until final disposition of the designation by the City Council unless such alteration, construction, relocation or demolition is authorized by resolution of the City Council as necessary for public health, welfare or safety. In no event shall the delay in issuance of a building permit due to the provisions of this Section be for more than ninety (90) days.

(Ord. 651, 1994)

Sec. 18-347. - Hearing.

- (a) At least four (4) members of the Historic Preservation Board shall conduct the hearing. If at least four (4) members are not present, the members present may adjourn the meeting to another date within two (2) weeks. If any hearing is continued, the time, date and place of the continuation shall be established and announced to those present when the current session is to be adjourned. Such information shall be promptly forwarded, by regular mail, to the owners of record as established and addressed pursuant to Section 18-344.
- (b) Reasonable opportunity shall be provided for all interested parties to express their opinions regarding the proposed designation or designations. However, nothing contained herein shall be construed to prevent the Historic Preservation Board from establishing reasonable rules to govern the proceedings of the hearings or from establishing reasonable limits on the length of individual presentations. The hearings shall be recorded, minutes written by staff and provided to each City Council member. Written

presentations, including the report of the Planning and Zoning Commission, shall be included in the record of the hearing.

(Ord. 651, 1994)

Sec. 18-348. - Findings and recommendations of the Board.

- (a) The Historic Preservation Board shall act officially on each proposed designation within thirty-five (35) days of the hearing. The Board may approve, reject or modify any proposal, but no proposal may be extended beyond the boundaries of the land described in the original resolution unless the initiation and hearing procedure is repeated for the enlarged boundaries. No ruling may deny the owner a reasonable use of his or her property.
- (b) The Board shall set forth in its records the findings of fact which constitute the basis for its decision. If the Board fails to act within the thirty-five-day period, the designation shall be deemed to have been rejected and the designation procedure shall thereby be terminated.

(Ord. 651, 1994)

Sec. 18-349. - Transmittal to City Council.

- (a) Within fifteen (15) days after reaching its decision, the Historic Preservation Board shall transmit to the City Council and the owner of the property its recommendation on the designation of a historic site or historic district, including the description of the property involved and the findings upon which the recommendation was based.
- (b) If more than one (1) property is involved in the designation procedure, the Historic Preservation Board may approve in part and terminate in part. Each part shall then be treated as a separate action. In no event may any property be added to the area described in the initiation resolution without instituting a new designation procedure.

(Ord. 651, 1994)

Sec. 18-350. - City Council action.

Upon receipt of the recommendations transmitted by the Historic Preservation Board, the City Council may by ordinance designate property as a historic landmark, site or district. Due consideration shall be given to the written view of owners of affected property and in its discretion the City Council may hold public hearings on any proposed landmark, historic site or district designation.

(Ord. 651, 1994)

Sec. 18-351. - Recording with County Clerk.

Within fifteen (15) days of the effective date of an ordinance designating property as a landmark, historic site or district, the City shall record among the real estate records of the County Clerk and Recorder either:

- (1) A certified copy of the ordinance designating the specified property as a historic site or historic district; and listing the individual properties included therein; or
- (2) A notice stating that the specified property has been designated as a historic site or historic district and citing the ordinance and the effective date of the ordinance which made the

designation effective. The notice may also contain a brief summary of the effects of such designation as set forth in this Article.

(Ord. 651, 1994)

Sec. 18-352. - Final notification to owner.

Within ten (10) days after the recording of the ordinance or the notice of designation of property as a historic site or historic district, the secretary of the Historic Preservation Board shall send to the owner of each property so designated by certified mail a letter outlining the reasons for such designation and the obligations and restrictions created by such designation. Such letter shall also contain a request that the owner or his or her successors or assigns notify the secretary of the Board prior to:

- (1) Preparation of plans for the reconstruction or alteration of the exterior of improvements located on such property; and/or
- (2) Preparation of plans for the construction, alteration, relocation or demolition of improvements on such property.

(Ord. 651, 1994)

Sec. 18-353. - Amendment or rescission of designation.

A historic site or district designation may be amended or rescinded in the same manner as the original designation was made.

(Ord. 651, 1994)

Sec. 18-354. - Work requiring building permit.

- (a) Action on an application for a building permit, including any permit for the demolition of a building, shall be deferred by the Building Inspector except as provided in Section 18-359, until the application is accompanied by a report of acceptability from the Historic Preservation Board for the proposed work when the proposed work involves any of the following:
 - (1) Alteration or reconstruction of or addition to the exterior of any improvement which constitutes all or part of a historic site;
 - (2) Demolition or relocation of any improvement or object which constitutes all or part of a historic site; or
 - (3) Construction or erection of or addition to any improvement upon any land included on a historic site.
- (b) In order to obtain a report of acceptability, the applicant shall submit the application for a building permit, including sketches, plans and other requirements as determined by the Historic Preservation Board, to the Board through the Planning and Zoning Commission. All such application shall be reviewed by the Board in two (2) phases to determine compliance with this Article as follows:
 - (1) Conceptual review. Conceptual review is an opportunity for applicants to discuss requirements, standards and policies that apply to historic sites or structures within a historic district. Problems can be identified and solved prior to final review of the application. After review of the application by the Historic Preservation Board, the Planning and Zoning Commission shall furnish the applicant with written comments regarding the conceptual review. Conceptual approval of any proposed work may be limited to certain portions of the work as deemed appropriate by the Board. Conceptual approval does not guarantee final approval of proposed work. If, upon review of the proposed work, the Board determines that conceptual review is not necessary given the absence

of a significant impact on the historic site or historic district involved, it may be waived by the Board and the Board may then proceed to consider the proposed work on final review at the same meeting.

- (2) Final review. If an application or parts thereof are conceptually approved, it shall be finally reviewed by the Historic Preservation Board at a subsequent meeting of the Board. During final review, the Board shall consider the application or parts thereof that have received conceptual approval and any changes made by the applicant since conceptual review.

(Ord. 651, 1994)

Sec. 18-355. - Work not requiring building permit; application for approval.

- (a) Except as otherwise provided herein, no land surface within any real property designated as a historic site or district shall be changed and no improvements shall be erected, removed, restored, demolished or altered, including alteration of color, without prior written approval of the Historic Preservation Board. No addition shall be made to any real property designated as a historic site, landmark or district in such a manner or of such a character as to change the exterior appearance or exterior architectural features, which change shall be visible from any public street, park or other public place, without prior written approval of the Board.
- (b) Any person desiring to remove, demolish or in any way change the exterior appearance or the exterior architectural features of improvements on real property designated as a historic site or district or desiring to change the land surface of any such real property shall submit to the Historic Preservation Board an application for approval and a specific statement of the work proposed, together with such details as the Board may require.

(Ord. 651, 1994)

Sec. 18-356. - Approval of proposed work.

- (a) If upon receipt of an application for a building permit pursuant to Section 18-354, or upon receipt of an application pursuant to Section 18-355, the Historic Preservation Board finds that the proposed work is of a nature that will not erode the authenticity or destroy any distinctive exterior feature of the improvements and is compatible with the distinctive characteristics of the historic site or historic district and within the spirit of purposed of this Article, the Board shall advise the applicant in writing by issuing a report of acceptability and shall affix its seal to the plans and specifications for the approved work. In the case of an application for a building permit, upon receipt of the Board's report of acceptability, the Building Inspector shall proceed with the review of the application for a building permit. No change which would defeat the purpose of this Article shall be made in an application for a building permit or the plans and specifications for the proposed work approved by the Board without resubmittal to the Board and approval of such changes in the same manner as the original application.
- (b) In determining the decision to be made concerning the issuance of a report of acceptability, the Historic Preservation Board shall consider the following criteria:
 - (1) The effect of the proposed work upon the general historical and/or architectural character of the historic site, landmark or district;
 - (2) The architectural style, arrangement, texture and materials of existing and proposed structures and their relation to the structures in the district;
 - (3) The effects of the proposed work in creating, changing or destroying the exterior architectural features of the structure upon which such work is to be done;
 - (4) The effect of the proposed work upon the protection, enhancement, perpetuation and use of the historic site or historic district;

- (5) The Standards for Rehabilitation and Guidelines of Rehabilitating Historic Buildings; and
- (6) Such additional criteria, as established by the Historic Preservation Board, which it deems to be in the best interests of the City.

(Ord. 651, 1994)

Sec. 18-357. - Denial of building permit.

If the proposed work is not approved by the Historic Preservation Board, the Building Inspector shall deny the application for the Building permit and shall advise the applicant. No reapplication shall be submitted pursuant to Section 18-354, et seq., under the original plans and specifications found unacceptable by the Board except upon a showing of changed circumstances sufficient to justify the reapplication.

(Ord. 651, 1994)

Sec. 18-358. - Action of Board on unacceptable proposed work.

- (a) If the proposed work is not acceptable, the Historic Preservation Board, acting with all due diligence, shall explore with the applicant all means for substantially preserving the historic structure or historic district which would have been affected by the required permit. These investigations may include, by way of example and not of limitation:
 - (1) Feasibility of modification of the plans;
 - (2) Feasibility of any alternative private use of the structure which would substantially preserve the original character; or
 - (3) Possibility of public acquisition for a public purpose of the structure involved.
- (b) If the Historic Preservation Board is unsuccessful in developing either alternate plans or an appropriate public or private use for such structure, which are acceptable to the applicant, it shall notify the owner and the Building Inspector in writing. No work, erection, construction, reconstruction or alterations or demolitions of landmarks or structures in historic districts shall be allowed except on approval of the Board as provided in this Article.

(Ord. 651, 1994)

Sec. 18-359. - Remedying of dangerous conditions.

In any case where the Building Inspector, the Fort Lupton Fire Protection District, or any other public authority having the power, orders or directs the construction, reconstruction, alteration, repair, relocation or demolition of any historic improvement for the purpose of remedying conditions determined by that officer, department or authority to be imminently dangerous to life, health or property, nothing contained herein shall be construed as making it unlawful for any person to comply with such order. Any such officer, department or authority shall take immediate steps to notify the Historic Preservation Board of the proposed issuance of any such order or directive and may include in such order or directive any timely received requirements or recommendations of the Board.

(Ord. 651, 1994)

Sec. 18-360. - Final decision.

Decisions of the Historic Preservation Board regarding the acceptability of applications for building permits under Section 18-354 or applications for approval of work not requiring a building permit under Section 18-355 shall be considered final decisions. There shall be no appeals or variances to the City Council or Board of Adjustment.

(Ord. 651, 1994)

Sec. 18-361. - Extension of time limits.

Any time limit set forth in this Article may be extended by mutual consent of the Historic Preservation Board and the applicant, or the Board, the Planning and Zoning Commission and the applicant, whichever is applicable.

(Ord. 651, 1994)

Sec. 18-362. - Normal maintenance and repair of the structure as defined in kind.

Nothing in this Article shall be construed to prohibit the accomplishment of any work on any historic site or historic district which will neither change the exterior appearance (including color and materials) nor the exterior architectural features of improvements or structures, nor the character or appearance of the land itself and which is considered necessary as a part of normal maintenance and repair.

(Ord. 651, 1994)

Sec. 18-363. - Notification of state or national designation.

The Planning and Zoning Administrator shall promptly notify the Historic Preservation Board of any known national or state designations of landmark structures or landmark districts within the City.

(Ord. 651, 1994)

Sec. 18-364. - Violations and penalties.

Any person violating any provision of this Article shall be subject to the penalty provided by statute and Code. In case any building or structure is erected, constructed, reconstructed, altered, added to or demolished in violation of this Article, the City or any proper person may institute an appropriate action or proceeding to prevent such unlawful action. The imposition of any penalty hereunder shall not preclude the City or any proper person from instituting any proper action or proceeding to require compliance with the provisions of this Article and with administrative orders and determinations made hereunder.

(Ord. 651, 1994)

Sec. 18-365. - Adoption of the Standards for Rehabilitation and Guidelines of Rehabilitating Historic Buildings.

As a technical guide to the Board, the City does ordain that a certain document which is on file and available for inspection by the public in the office of the Planning and Zoning Administrator being marked and designated as:

"The Standards for Rehabilitation and Guidelines of Rehabilitating Historic Buildings, a section of the Secretary of the Interior's Standards for Historic Preservation Projects, revised in 1990 as part of Department of the Interior Regulations (36 CFR Part 67, Historic Preservation Certification) and

available from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328"

be hereby adopted as the code of the City relating to the rehabilitation of historic buildings of all materials, construction types, sizes and occupancy, encompassing the exterior and interior of historic buildings and also relating to landscape features and the building's site and environment, as well as attached, adjacent or related new construction.

(Ord. 651, 1994)

Sec. 18-366. - Application of Standards.

The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

(Ord. 651, 1994)

Sec. 18-367. - Severability.

If the application of any provision of this Article to any lot, building or other structure or a tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that the effect of such decision shall be limited to that lot, building or other structure or tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered. Such decision shall not affect, impair or nullify this Article as a whole or the application of any provision to any other lot, building or other structure or tract of land.

(Ord. 651, 1994)

Secs. 18-368—18-380. - Reserved.



Fort Lupton Historic Preservation Board



PROPERTY UNDER CONSIDERATION FOR LOCAL
DESIGNATION:

149 DENVER AVENUE, FORT LUPTON, CO 80621

OWNER: MARIA FLORES



Performance, Integrity, Teamwork,
Accountability and Service

City of Fort Lupton Planning and Building Department

Tom Parko, Planning Director
130 S. McKinley Avenue
Fort Lupton, Colorado 80621

(303) 857-6694 x 125
Fax (303) 857-0351
Email: tparko@fortlupton.org
<http://www.fortlupton.org>

March 14, 2008

Maria Flores
149 Denver Avenue
Fort Lupton, Colorado 80621

Dear Mrs. Flores:

Thank you for taking the time to meet with me on Monday March 10th to review the primary application for local historic designation on your property. The application has been finalized and I am preparing a report to the Fort Lupton Historic Preservation Board at this time.

My staff report and the designation application for 149 Denver Avenue will go before the HPB on April 3rd at 6:30 P.M. Please make an effort to attend this meeting. I discussed with you on March 10th the designation process. Once the HPB accepts the application it must go before the Planning and Zoning Commission. If approved by the Planning Commission it will go back before the HPB for a public hearing. If the HPB finds that the property is eligible for designation they will forward a formal recommendation of approval to the Fort Lupton City Council. The City Council has the final authority on this matter.

I will prepare a detailed schedule with dates and times before the formal process begins. Please note that according to **Municipal Code Section 18-346** you cannot apply for or be issued a building permit for alteration, construction, relocation, or demolition of the site, structure or object at 149 Denver Avenue while the property is being considered for local designation.

As always, if you have any questions please do not hesitate to contact me at the number listed above. I can also be reached by email at tparko@fortlupton.org.

Sincerely,

Tom Parko, CFM
Planning Director



Digitally signed by Tom Parko
DN: cn=Tom Parko, o=City of
Fort Lupton, ou=Planning and
Building Department,
email=tparko@fortlupton.org,
c=US
Date: 2008.03.19 13:37:06 -06'00'

**FORT LUPTON HISTORIC DESIGNATION
Primary Application**

1. Name of Property

- a. Historic Name: Seymour & Birdie Rhode House
b. Other Names: Flores House / Maria's Beauty Salon
c. Please write and attach a historical narrative of the property (Attachment 1).
d. Please include, if available, historic and current photographs of the property.

2. Location of Property

Address: 149 DENVER AVENUE
City: Fort Lupton
State: Colorado
Zip Code: 80621

3. Classification of Property

- a. Property Ownership:
() Public (☒) Private () Other _____
b. Category of Property:
(☒) Structure () Site () District () Object

4. Function or Use of Property

- a. Please write and attach a narrative of the historic and current functions of the property (Attachment 2).

5. Description of Property

- a. Please write and attach a description of the property, delineating any significant alterations to the property and, if known, indicate plans for future additions, changes or alterations to the property (Attachment 3).

6. Statement of Significance

- a. Areas of Significance:
Historical & Architectural Importance.
Please see Attachment 4.

b. Period of Significance:

Between 1902 and 1952.

c. Significant Dates:

Constructed in 1902.

d. Significant Persons:

Seymour and Birdie Rhode. The couple founded and successfully operated Fort Lupton's first bank. Birdie was the bank's first president, which was unusual for women during this time period.

7. Bibliographical References

a. Please list below any attached bibliographical references.

Colorado Cultural Resource Survey & Architectural Inventory Form.

8. Geographical Data

a. Boundary Description:

Please see Attachment B.

b. Boundary Justification:

" "

9. Property Owner(s)

a. Name(s) and Address(es):

FLORES, MARIA

149 DENVER AVENUE
FORT LUTHER, CO 80621

b. Legal Description:

FTL 15140 L1 thru 4 BLK 21 Township Sub.

Township 01N, Range 66W, 6 PM

Please sign your name and the date below.

Maria Flores
Name

03-10-08
Date

Thank you for taking the time to thoroughly fill out this primary application.

DRAFT

ATTACHMENT Nos. 1, 2, 3, 4

Colorado Cultural Resource Survey

Architectural Inventory Form

(Page 1 of 8)

Official Eligibility Determination (OAHP use only)

Date _____ Initials _____
☐ Determined Eligible- NR
☐ Determined Not Eligible- NR
☐ Determined Eligible- SR
☐ Determined Not Eligible- SR
☐ Need Data
☐ Contributes to eligible NR District
☐ Noncontributing to eligible NR District



I. Identification

1. Resource Number: **5WL5646**
2. Temporary Resource Number: **Not Applicable**
3. County: **Weld**
4. City: **Fort Lupton**
5. Historic Building Name: **Seymour & Birdie Rhode House**
6. Current Building Name: **Flores House / Maria's Beauty Salon**
7. Building Address: **149 Denver Ave.
Fort Lupton, CO 80621**
8. Owner Name & Address: **Salvadore Flores
149 Denver Ave.
Fort Lupton, CO 80621**

Resource Number: 5WL5646

Address: 149 Denver Ave.

Architectural Inventory Form
(Page 2 of 8)**II. Geographic Information**

9. P.M. 6th Township 1N Range 66W
NE 1/4 of the SE 1/4 of the SE 1/4 of the NE 1/4 of Section 6
10. UTM Reference Zone: 13 Easting: 516180 Northing: 4436590
11. USGS Quad Name: Fort Lupton, Colorado
Year: 1994 Map scale: 7.5'
12. Legal Description: Lots 1 to 4, Block 21
Addition: Twombly's Addition Year of Addition: 1902
13. Boundary Description and Justification: The boundaries of this property correspond with its clearly defined urban lot lines and legal description. These boundaries include all of the historic resources associated with this property, including the building(s) and features described below.

III. Architectural Description

14. Building Plan (footprint, shape): Irregular Plan
15. Dimensions in Feet (approximate): 34' x 54'
16. Number of Stories: 1-1/2
17. Primary External Wall Material(s) (enter no more than two): Brick, Shingle
18. Roof Configuration: (enter no more than one): Cross Gabled Roof
19. Primary External Roof Material (enter no more than one): Composition Roof
20. Special Features (enter all that apply): Porch, Dormer, Decorative Shingles, Chimney, Fence, Tower, Attached Garage
21. General Architectural Description: This corner lot contains a two-story masonry residence that faces toward the east. Centered on the property, the home rests upon what appears to be a concrete foundation with stone facing above grade. The building's exterior walls are constructed of brickwork laid in common bond coursing on the first floor, and the second story is clad in fishscale shingles. The home's front entrance, with a wood panel door and metal storm door, is found on its northeast cutaway corner. An open, three-sided porch projects from the home at this location. This porch, three steps up from the front sidewalk, consists of a masonry floor, open metal rail, and a three-sided hipped roof supported by three wood columns. Rising above the entrance and porch is

Architectural Inventory Form

(Page 3 of 8)

a short wood frame octagonal tower. This tower has walls covered with fishscale shingles, three 3-over-1 double hung sash windows with wood frames, and a bell-cast octagonal roof with asphalt shingles and a tin cap.

The building's southeast corner holds the entrance to a hair salon, reached by way of a small wood deck and handicap ramp. This entry has a wood panel door and storm door. Secondary entrances are found on the west and north elevations. The west elevation has a panel door and storm door that enter the rear enclosed porch. The northwest corner of the home has an overhead garage door (wood panel, 6 lights) providing access to a single-car attached garage.

Fenestration on the home consists primarily of 1-over-1 double hung sash windows with wood frames and surrounds. On the front of the house is a three-sided bay containing these original windows. The southeast one-story room has a band of multi-light windows along its south elevation that each holds a central casement surrounded by multiple fixed lights. One set of these same windows is found on the east elevation next to the hair salon door. The rear of the house has two pairs of 2-light sliding windows on the garage and bands of 1-over-1 windows flanking the rear entrance.

Typical of Queen Anne style homes, the roof on this residence is complex. Its central portion is pyramidal, and is surrounded by intersecting gables to the north, south and east. The entire roof is finished with asphalt shingles and boxed eaves. Dormers project from the roof to the north, south and west. The single dormers on the north and south slopes of the pyramidal roof are each wood-framed with fishscale shingles, a pair of 1-over-1 double hung sash windows, and a gabled roof. The single dormer on the west slope of the rear gabled roof is similar to the others but has a single small fixed horizontal window. A tall narrow brick chimney with a pair of horizontal brick bands near the top projects upward from the north slope of the pyramidal roof.

22. Architectural Style/Building Type: Queen Anne
23. Landscaping or Special Setting Features: Surrounding the home are grassed and landscaped yard areas, although the rear yard has been partially paved. The front yard is bisected by a concrete walk that runs diagonally from the street sidewalk at the corner to the front porch. A modern metal fence borders the south and west yard areas.

24. Associated Buildings, Features or Objects:

Old Garage - The old garage is located in the southwest corner of the property along the rear alley. This 14' x 16' wood frame building rests upon a concrete foundation and its exterior walls are finished with horizontal siding. It also has a hipped roof with asphalt shingles and a panel door and sliding wood garage door on the north elevation. The building was constructed sometime after 1936 to hold both a single auto and an adjoining shop or storage space.

Resource Number: 5WL5646

Address: 149 Denver Ave.

Architectural Inventory Form

(Page 4 of 8)

New Garage - The new garage is located in the northwest quadrant of the property along the rear alley. This 24' x 24' wood frame building rests upon a concrete foundation and has walls finished with horizontal siding. It also has a gabled roof with asphalt shingles, a two-light sliding window on the north, and an overhead garage door on the south. The building was constructed in 1992 to serve as a two-car garage.

IV. Architectural History

25. Date of Construction: Estimate: Actual: 1902
 Source of Information: Weld County Assessor, Property Profile (parcel #147106132013)
26. Architect: Unknown
 Source of Information: Not Applicable
27. Builder/Contractor: Unknown
 Source of Information: Not Applicable
28. Original Owner: Seymour & Birdie Rhode
 Source of Information: Interview with David Norcross & Nancy Penfold, Fort Lupton Museum, 26 September 2007; Cleon Roberts. *Fort Lupton, Colorado: The First Hundred and Forty Years*. Fort Lupton Museum, 1976
29. Construction History (include description and dates of major additions, alterations, or demolitions):
 The home on this property was constructed in 1902 with open porches on the front and rear, and over the next two decades remained unchanged. By 1930, it had been expanded toward the west with the construction of an enclosed porch and an attached garage. A small shed, now gone, was located off the southwest corner of the house, although this might have been the old garage now found in the southwest corner of the property. The old garage was certainly not present in its current location prior to 1936. The one-story addition to the southeast corner of the residence was constructed sometime in the years after World War II, possibly in conjunction with the 1975 remodeling of the interior for use as offices. In the past two decades, several alterations have been made to the property. First, in 1992 the detached modern garage was constructed and the surrounding yard area paved with concrete. Then in 1996 the home received attention to its siding, soffits and fascia. Finally, in 2006 the wood ramp, deck and door for the hair salon were installed, along with the wrought iron fence that encloses portions of the rear yard.
30. Original Location: Yes

Architectural Inventory Form

(Page 5 of 8)

V. Historical Associations

31. Original Use(s): Domestic / Single Dwelling
32. Intermediate Use(s): Not Applicable
33. Current Use(s): Domestic / Single Dwelling
Commerce & Trade / Specialty Store
34. Site Type(s): Single Family Residence / Hair Salon
35. Historical background: Between 1902 and the 1950s, this home was occupied by the family of Seymour and Birdie Rhode. The couple is well-known locally for founding the first bank in Fort Lupton. Established in 1900, the Fort Lupton State Bank was initially housed on the main floor of the Winbourn Hotel on the northwest corner of 4th St. and Main Ave. Seymour served as the institution's cashier and Birdie held the title of president, a remarkable position for a woman to hold in any bank, large or small, at that time. The bank was launched with total assets of \$25,000 and on its first day of business received deposits in excess of \$3,500. In addition to banking, the couple was involved in the sale of fire and life insurance policies.

With their bank thriving, Seymour and Birdie had a Queen Anne style home constructed for themselves in 1902 at 149 Denver Ave. Eight years later, they erected their own bank building on the northwest corner of 4th St. and Denver Ave. Seymour and Birdie continued to operate their bank through at least the 1940s and were involved in the Fort Lupton community into the post-WWII period. During the 1950s, the home finally passed out of family ownership. While it continued to be occupied as a residence, in 1975 the building was remodeled for office use. This work appears to have primarily involved the interior, but may also have involved construction of the one-story addition to the southeast corner of the building. In recent years, this portion of the building has been converted into a hair salon.

36. Sources of information: Fort Lupton City Directories (1933, 1942)
Colorado State Business Directories (1900-1950)
Weld County, Assessor's Records (parcel #147106132013)
City of Fort Lupton, Building Permits File
Sanborn Fire Insurance Maps (1908-1936)
Interview with David Norcross & Nancy Penfold, Fort Lupton Museum, 26 September 2007
Cleon Roberts. *Fort Lupton, Colorado: The First Hundred and Forty Years*. Fort Lupton Museum, 1976
Adam Thomas. *Crossroads in Eden: Development of Fort Lupton, 1835-2000*. Historical Context Report prepared for the City of Fort Lupton, 2003.

Resource Number: 5WL5646

Address: 149 Denver Ave.

Architectural Inventory Form

(Page 6 of 8)

VI. Significance

37. Local landmark designation: **None**

38. Applicable National Register Criteria

- A. Associated with events that have made a significant contribution to the broad pattern of our history
- X B. Associated with the lives of persons significant in our past
- X C. Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possess high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction
- D. Has yielded, or may be likely to yield, information important in history or prehistory

Qualifies under Criteria Considerations A through G (see Manual)

Does not meet any of the above National Register criteria

Applicable Fort Lupton Criteria

- A. Historical Importance 1: Has character, interest, or value as part of the development, heritage or cultural characteristics of the city, state or nation
- Historical Importance 2: Is the site of an historic event with an effect upon society
- X Historical Importance 3: Is identified with a person or group of persons who had some influence on society
- Historical Importance 4: Exemplifies the cultural, political, economic, social or historic heritage of the community
- B. Architectural Importance 1: Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style
- X Architectural Importance 2: Embodies those distinguishing characteristics of an architectural type or specimen
- Architectural Importance 3: Is the work of an architect or master builder whose individual work has influenced the development of the city

Architectural Inventory Form

(Page 7 of 8)

Architectural Importance 4: Contains the elements of architectural design, detail, materials or craftsmanship which represent a significant innovation

C. Geographic Importance 1: Because of being part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan, cultural, or architectural motif

Geographic Importance 2: Due to its unique location or singular physical characteristic, represents an established and familiar visual feature of a neighborhood, community or the city

Does not meet any of the above Fort Lupton designation criteria

39. Area(s) of significance: **Commerce / Architecture / Social History**

40. Period of significance: **1902-1957**

41. Level of significance: National No State Yes Local Yes

42. Statement of significance: This historic property is eligible for individual designation to the National Register of Historic Places on the local (and possibly state) level of significance in relation to two criteria. First, it is eligible under Criterion C for embodying the distinctive features of the Queen Anne style of architecture. Numerous elements of this building are characteristic of this style. Regarding historic significance, the property served as the home of Seymour and Birdie Rhode from 1902 into the 1950s. Together the couple founded and successfully ran Fort Lupton's first bank. In addition, Birdie's role as the bank's president was an unusual one for a woman of the time period and may be significant on a state level in the area of social history. The bank has been demolished and this home is now the only building associated with these prominent local business leaders. For these reasons, the house is individually eligible for National Register listing under Criterion B.

In light of the criteria for local designation, the property appears to be eligible for individual listing in Fort Lupton because of its association with prominent banking couple Seymour and Birdie Rhode (Criterion A-3). In addition, the home is likely to be locally eligible for its excellent embodiment of characteristics of the Queen Anne style of architecture (Criterion B-2).

43. Assessment of historic physical integrity related to significance: While this home and its grounds have experienced some changes since the residence was constructed in 1902, its Queen Anne detailing and overall integrity remain largely intact. Many of the changes have taken place behind the house, involving early additions to the rear of the home and the construction of two garages in the rear yard. The relatively small addition to the front southeast corner is one-story in height, compatible in design and materials, and does not diminish from the overall

Resource Number: 5WL5646

Address: 149 Denver Ave.

Architectural Inventory Form
(Page 8 of 8)

historic character of the home. None of these changes have significantly diminished its architectural significance as what appears to be the most important example of the Queen Anne style in Fort Lupton. This property clearly retains and exhibits an adequate degree of architectural integrity to be considered architecturally significant in relation to National Register standards. In addition, its good integrity makes it eligible for local designation, as discussed above.

VII. National Register Eligibility Assessment44. National Register eligibility field assessment: **Eligible**45. Is there National Register district potential? **Yes**

Discuss: This property is associated with what appears to be an adequate concentration of historically intact properties in downtown Fort Lupton that share a common historic context. Historic district potential is found to include the properties fronting onto Denver Ave. and Main Ave., and those located between 1st St. and 9th St. The property at 149 Denver Ave. is likely to be considered contributing to any future historic district in this area.

If there is National Register district potential, is this building contributing: **Yes**46. If located in an existing National Register district, is it contributing: **Not Applicable****VIII. Recording Information**47. Photograph numbers: **149 Denver Ave.**Negatives filed at: **Tatanka Historical Associates, Inc.**48. Report title: **Intensive-Level Survey of Historic Buildings
Downtown Fort Lupton, Colorado**49. Date(s): **30 October 2007**50. Recorder(s): **Ron Sladek, President**51. Organization: **Tatanka Historical Associates, Inc.**52. Address: **P.O. Box 1909, Fort Collins, CO 80522**53. Phone number(s): **970 / 221-1095**

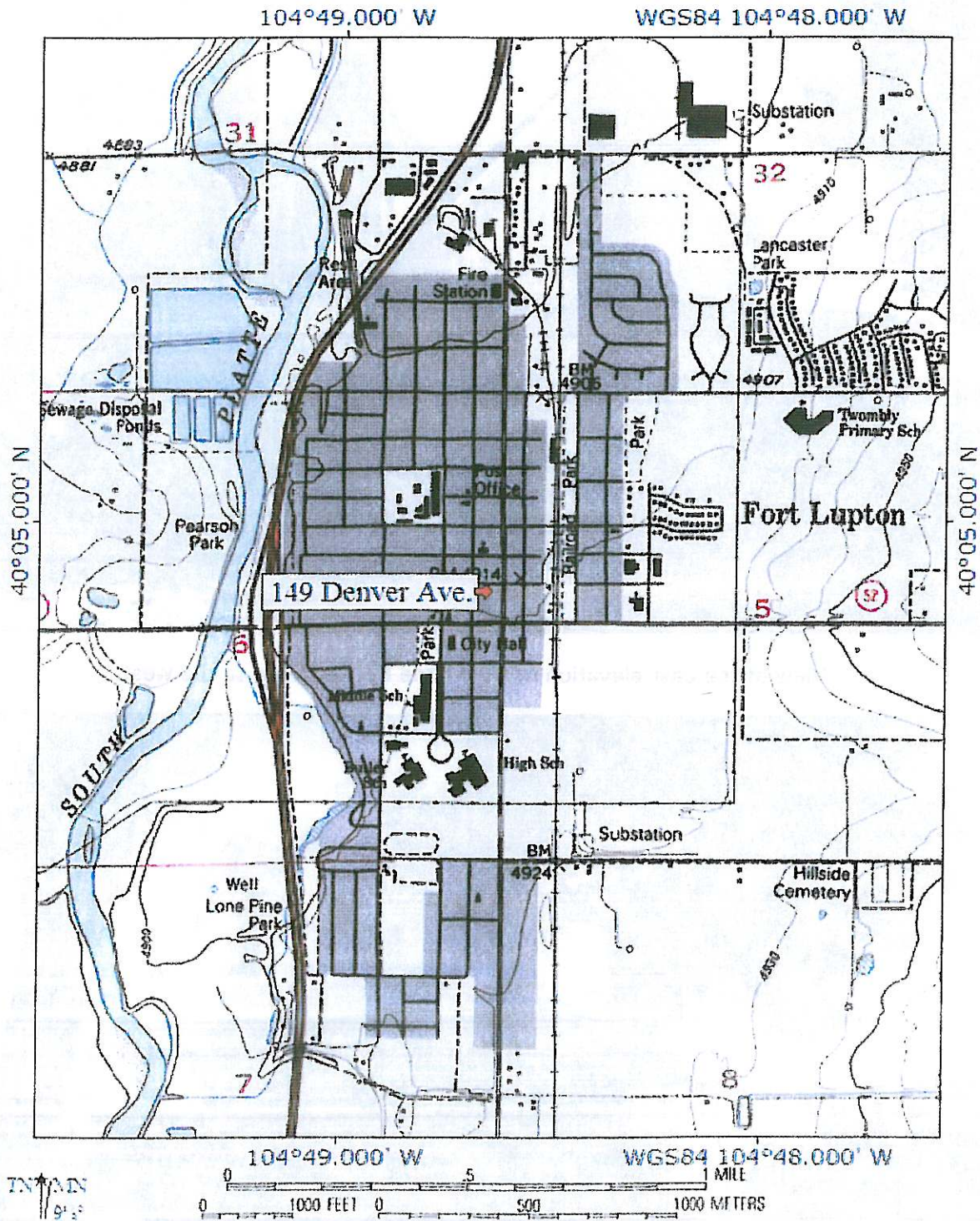
NOTE: Please attach a sketch map, a photocopy of the USGS quadrangle map indicating resource location, and photographs.

DRAFT

Resource Number: 5WL5646

Address: 149 Denver Ave.

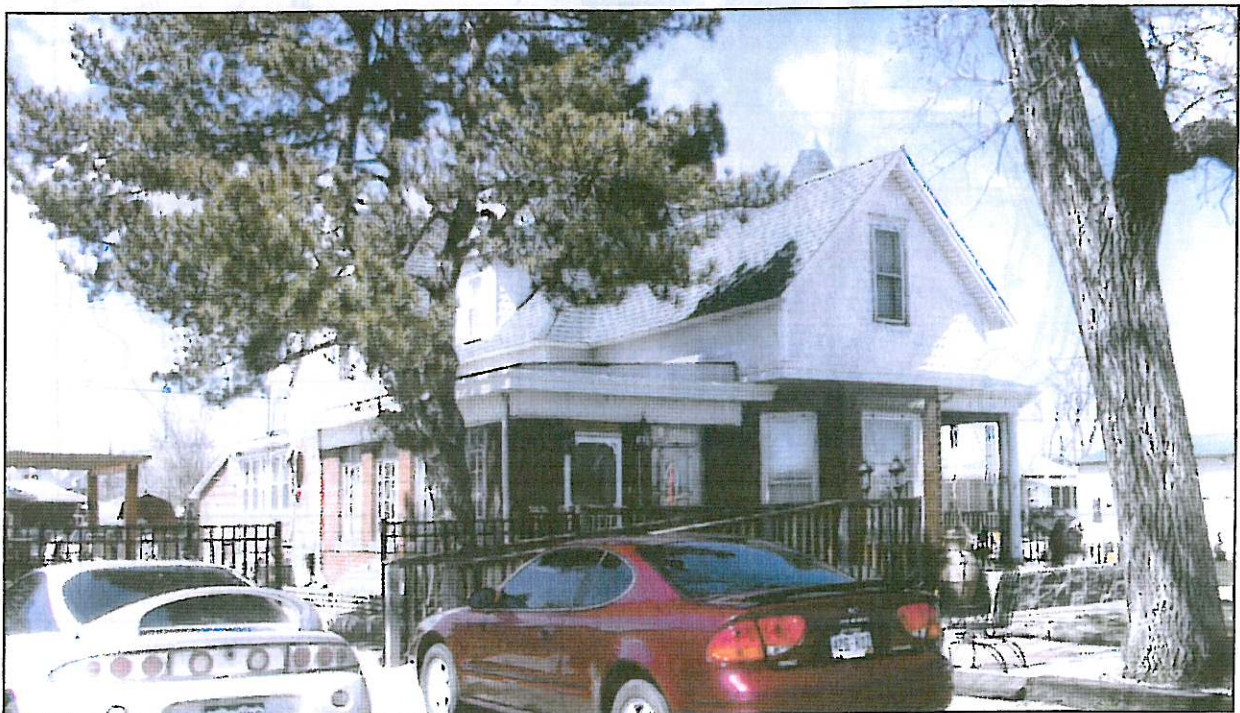
USGS 7.5' Topographic Map
Fort Lupton, 1994



Additional Photographs



View of the east elevation of the Rhode House. View to the west.



View of the south and east elevations. View to the northwest.

Additional Photographs



View of the north and west elevations. View to the southeast.



View of the southwest corner of the house and the new garage. View to the east.

Additional Photographs



View of the old garage along the rear alley. View to the southeast



View of the new garage along the rear alley. View to the southeast.

1419 DENVER AVENUE



Attachment No. 5

March 1, 2021

NOTICE OF APPLICATION FOR RESCISSION OF 149 DENVER AVENUE (AKA SEYMOUR & BIRDIE RHODE HOUSE) AS A LOCAL HISTORIC SITE DESIGNATION PURSUANT TO SECTION 18-344(4) OF THE FORT LUPTON MUNICIPAL CODE

Fort Lupton Planning Commissioners:

Notice is hereby given that the City of Fort Lupton Historic Preservation Board shall hold a public hearing concerning an application for rescission of 149 Denver Avenue (aka Seymour & Birdie Rhode House) as a local historic property and rescission of its listing on the local historic designation registrar. Notice is pursuant to Section 18-344(4) of the Fort Lupton Municipal Code ("Code").

The public hearing is to be held before the Historic Preservation Board on April 1, 2021 at 6:15 PM or as soon as possible thereafter. The public hearing shall be held at the Fort Lupton City Hall, 130 S. McKinley Avenue in Fort Lupton, Colorado. In the event that there are City Hall closures due to COVID-19 at the time of the hearings, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda as posted on the City's website, www.fortluptonco.gov

Pursuant to Section 18-345 of the Code, the Planning Commission shall review the proposed application for rescission at a public meeting on Thursday, March 11, 2021 at 6:00 PM. At said meeting, the Planning Commission may recommend approval, rejection or modification of the proposed designation and its recommendation shall contain a statement of the basis for the recommendation. The recommendation shall be delivered to the Historic Preservation Board in written form at or prior to the hearing.

Sincerely,



Alyssa Knutson, AICP

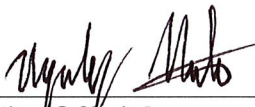
Planner II

City of Fort Lupton

CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 1st day of March 2021, a true and correct copy of the foregoing Notice of Public Hearings for the Seymour and Birdie Rhode House Rescission of Historic Designation was sent via certified mail, return-receipt requested to the following addresses:

Salvador Flores
149 Denver Ave
Fort Lupton, CO 80621



City Official

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Fort Lupton, CO 80621

OFFICIAL USE

Certified Mail Fee	\$3.60
Extra Services & Fees (check box, add fees if appropriate)	
☒ Return Receipt (hardcopy)	\$2.95
☐ Return Receipt (electronic)	\$0.00
☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$7.00

Sent To: Salvador Flores
Street and Apt. No., or PO Box No. 149 Denver Ave
City, State, ZIP+4® Fort Lupton, CO 80621

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 1640 0000 5253 4962

80027 0392 C25

03/01/2021

**CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Fort Lupton Historic Preservation Board shall hold a public hearing concerning an application for rescission of 149 Denver Avenue (aka Seymour & Birdie Rhode House) as a local historic property and rescission of its listing on the local historic designation registrar. Notice is pursuant to Section 18-344(3) of the Fort Lupton Municipal Code.

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ALL INTERESTED PERSONS MAY ATTEND

LEGAL DESCRIPTION

LOTS 1, 2, 3 AND 4, BLOCK 21, TWOMBLY'S SUBDIVISION, TOWN OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO.

**CIUDAD DE FORT LUPTON
AVISO DE AUDIENCIA PÚBLICA**

Por la presente se da aviso que la Junta de Preservación Histórica de la Ciudad de Fort Lupton tendrá una audiencia pública sobre una solicitud de rescisión de 149 Denver Avenue (aka Seymour & Birdie Rhode House) como propiedad histórica local y la rescisión de su inclusión en el registro de designación histórica local. Este aviso es conforme a la Sección 18-344 (3) del Código Municipal de Fort Lupton.

La audiencia pública se llevará a cabo ante la Junta de Preservación Histórica el 1 de abril de 2021 a las 6:15 p.m. o tan pronto como sea posible a partir de entonces. La audiencia pública se llevará a cabo en el Ayuntamiento de Fort Lupton, 130 S. McKinley Avenue en Fort Lupton, Colorado. En dado caso de que existan cierres del Ayuntamiento por COVID-19 en el momento de las audiencias, las audiencias públicas se realizarán de forma remota, accesible al público por teléfono e internet. La información sobre cómo asistir a las audiencias se proporcionará en la agenda publicada en el sitio web de la Ciudad, www.fortluptonco.gov

TODAS LAS PERSONAS INTERESADAS PUEDEN ASISTIR

DESCRIPCIÓN LEGAL

LOTS 1, 2, 3 AND 4, BLOCK 21, TWOMBLY'S SUBDIVISION, TOWN OF FORT
LUPTON, COUNTY OF WELD, STATE OF COLORADO.

**CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Fort Lupton is in receipt of an application submitted by Salvadore Flores for a rescission of a local historic designation pursuant to Section 18-344(4) of the Fort Lupton Municipal Code for a property located 149 Denver Avenue in the C-1 General Commercial Zone District, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

A public hearing will be held before the Historic Preservation Board on Thursday, April 1, 2021, at 6:15 P.M., or as soon as possible thereafter.

The public hearing shall be held in the City Hall, 130 South McKinley Avenue, Fort Lupton, Colorado, or at such other time or place in the event this hearing is adjourned. In the event that City Hall is closed to the public at the time of the hearings due to COVID-19, the public hearing will be held remotely, accessibly to the public by phone and internet. Information on how to attend the hearing will be provided in the agenda as posted on the City's website, www.fortluptonco.gov. Further information is available through the Planning & Building Department at (303) 857-6694.

LEGAL DESCRIPTION

LOTS 1, 2, 3 AND 4, BLOCK 21, TWOMBLY'S SUBDIVISION, TOWN OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO.

Legal Ad No.: FLP222260

First Publication: March 17, 2021

Last Publication: March 17, 2021

Published In: Fort Lupton Press

Sign Posting Affidavit

Seymour & Birdie Rhode House Rescission of Historic Designation
Project No. LUP2021-0008/ Plan No. HIS2021-0001



2ND ST.



DENVER AVE.

I, Magaly Morales Tejada hereby acknowledge that I witnessed that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 17 day of March, 2021.

Magaly Morales Tejada

Signature of City Official

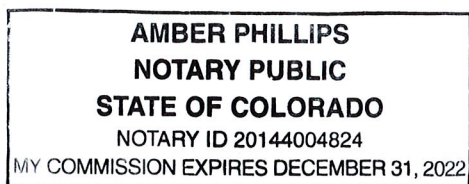
The foregoing instrument was acknowledged before me by Magaly Morales Tejada this 30 day of March, 2021. Witness my hand and seal.

My commission expires 12-31-22

Amber Phillips

Notary Public

(SEAL)



— CITY OF —
Fort Lupton
EST. 1836

David Crespin, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AWARD CONTRACT TO COLORADO PAVING INC. FOR NOT TO EXCEED \$2,172,394.50 FOR COLLEGE AVENUE AND 9TH STREET REPAVING PROJECT FROM STREET SALES TAX FUND

- Approve Contract Agreement with Colorado Paving Inc. for College Avenue and 9th Street Repaving Project for not to exceed \$2,172,394.50 from Street Sales Tax Fund and Storm Drainage Fund.*

- Date _____

IX. Detail of Issue/Request:

Bid documents were advertised from April 2, 2021 with bid opening on April 30, 2021. Five bids were received with Colorado Paving Inc. providing the lowest responsible bid as shown in the attached Bid Tabulation.

Colorado Paving Inc. is a highly respected contractor in Front Range communities with several local municipalities' projects in the area. The City contracted with them this past year for the 2019 Streets projects that included Broadway Ave, 7th St and Greenwood Crt street rehabilitation as well as the Kahil repaving Project this year. City staff has a very high opinion of this contractor, and they have done an excellent job with the construction work.

\$1,020,000 is budgeted for the project in 2021.

\$420,000 is budgeted for storm projects at 9th/Hoover and Harrison in 2021.

\$50,000 is budgeted for valve replacements

\$75,000 is budgeted for water line replacements.

\$182,552.50 is Cottonwood Green's share of 9th St improvements.

\$ 96,723.83 will be Cottonwood Townhomes share of 9th St improvements.

The original paving budget was based on reconstructing the pavement section only. The project was expanded to include curb and gutter, full roadway section and sidewalks. The project includes \$313,550.00 in storm drainage work to improve the drainage.

Total Funds available = \$2,199,461.33

Project cost deleting the sidewalk section along the 9th Street would result in \$475,875.00 savings. Total project costs without sidewalk, without College Ave curb and gutter and reducing paving on College to 2 lanes is \$2,172,394.50

Anticipated project start this June with completion in 225 Calendar Days.

X. Legal/Political Considerations:

"Not Applicable"

XI. Alternatives/Options:

- *Approve Contract Agreement with Colorado Paving, Inc.*
- *Award portion of project items to fit budget*
- *Do not approve the Contract*
- *Rebid project*

XII. Financial Considerations:

The Storm Drain Fund has \$190,000 budgeted in 2021 for the 9th/Hoover project and \$230,000 for the Harrison St Project that can cover the \$313,500 needed for storm drain work.

The Street Sales Tax Fund has \$610,000 for paving 9th Street and \$410,000 for paving College Avenue. Harrison St was budgeted for \$580,000.

XIII. Staff Recommendation:

Staff recommends approving contract with Colorado Paving Inc. for not to exceed \$2,172,394.50 for the College Av / 9th St Repaving Project. Project elements remove sidewalk, College Av curb and gutter and paving 2 lanes of College Ave.



City of Fort Lupton, Colorado

Public Works Department

Public Works Agreement

This **Public Works Agreement**, hereinafter "Agreement," is entered into by and between the City of Fort Lupton, Colorado, hereinafter "City," and **Colorado Paving Inc.**, hereinafter "Contractor."

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

1. **Scope of Work**

The Contractor shall furnish all tools, equipment, machinery, supplies, superintendence, insurance, transportation, labor and other construction accessories, services and facilities specified or required to be incorporated into and for a permanent part of the completed Work. The Contractor shall provide and perform all necessary labor in a first class and workmanlike manner in accordance with the conditions and prices stated in the Bid Proposal and the requirements, stipulations, provisions and conditions of the Contract Documents. The Contractor shall perform, execute, construct, and complete all things mentioned to be done by the Contractor and all work included in this Scope of Work and the Bid Documents set forth and incorporated hereinbelow.

2. **Contract Documents**

The executed Contract Documents comprise the following:

- A. The Executed Agreement;
- B. Addenda (if any);
- C. Advertisement for Bids;
- D. Invitation for Bids;
- E. Instructions to Bidders;
- F. Proposed Subcontractors;
- G. Non-Collusion Affidavit;
- H. Bid, Performance, and Payment Bonds;
- I. Proposal;
- J. Bid Form;
- K. Conditions of Contract;
- L. Special Conditions of Contract;
- M. City of Fort Lupton, Colorado *Standards and Specifications for the Construction of Public Improvements*, latest edition;

- N. The Colorado Department of Transportation *2017 Standard Specifications for Road and Bridge Construction*;
- O. Certificates of Insurance; and
- P. Plans (Drawings).

This Agreement, together with the other Documents enumerated above, which said other Documents are as fully a part of the Agreement as if hereto attached or herein repeated, form the Contract between the parties hereto. In the event that any provisions in any component part of this Agreement conflicts with any provision of any other component part, the conflict shall be resolved by the Engineer whose decision shall be final.

3. **Time for Completion**

The Contractor agrees to commence work upon execution of this Agreement and to substantially complete all work no later 225 calendar days.

4. **Contract Appropriations / No Change Orders**

The City states that the amount of money appropriated for this Agreement is equal to or in excess of the Contract Sum. No Change Order to this Agreement requiring additional compensable Work to be performed, which Work causes the aggregate amount payable under this Agreement to exceed the Amount appropriated for the Original Contract will be issued by the City unless the City notifies the Contractor, in writing, that lawful appropriations to cover the costs of the Additional Work have been made.

5. **Contract Amount**

The City will pay to the Contractor for the performance and completion of the Work encompassed by this Agreement, and the Contractor shall accept as full compensation therefore the Amount of **Two Million, One Hundred Seventy-Two Thousand, Three Hundred Ninety-Four and 50/100, \$ 2,172,394.50**, subject to the City's confirmation of the completion of the Scope of Work in accordance with the Contract Documents attached hereto. The said Amount to be paid upon the City's inspection and acceptance of the Work, at the City's sole discretion, including the Contractor's completion of any punch-list items as determined by the City and the execution of any releases by the Contractor deemed necessary by the City.

6. **Contractor Payments**

The Contractor shall, at no more than or less than monthly intervals on a Date to be agreed by the City and the Contractor, submit Application for Payment requests to the City.

- A. The Application for Payment shall clearly identify and provide such detail for which the Engineer and the Contractor shall agree to describe the Work completed by the Contractor up to the Date of the Application for Payment.
- B. The City will deduct and retain an amount equal to ten percent (10%) of the Application for Payment's Amount. The retained amounts shall be paid upon Final Acceptance of the work.
- C. The City will endeavor to effect the Progress Payments to the Contractor no later than thirty (30) calendar days after the Date the Application for Payment is received by the City.

- D. The Contractor shall charge Past Due Accounts an interest rate of two percent (2%) per month on any unpaid balance.

7. Warranty

All warranties for Work performed by the Contractor, repairs to be made or service calls required to be attended to by the Contractor shall be two (2) years. The Contractor shall notify the City when the Scope of Work is Completed and the City will confirm Completion of the Work, at the City's sole discretion. Once the Scope of Work is confirmed by the City as being completed, the Notice of Commencement of Warranty attached hereto and incorporated herein will be tendered by the City. The Warranty Period shall only commence upon the execution and tendering of the Notice of Commencement of Warranty to the Contractor by the City and said Warranty shall continue for the Warranty Period.

8. Amendment / No Assignment

No modification or amendment of this Agreement shall be valid unless in writing and signed by all parties to this Agreement.

9. Complete Agreement

This Agreement, and the documents attached hereto, 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.

10. Severability

In the event that 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.

11. Governing Law

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

12. OSHA Requirements

The Contractor agrees that it alone bears the responsibility for providing a safe and healthy work environment and shall provide employees with adequate orientation and training to safely perform the Scope of Work set forth in this Agreement. The Contractor 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. The Contractor acknowledges and agrees that with respect to the Scope of Work under this contract, it shall comply with all obligations and assume all responsibilities imposed upon the "Controlling Contractor" as such term is defined and construed under all of OSHA's rules and regulations.

13. No Waiver of Governmental Immunity

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 C.R.S. § 24-10-101 et seq., *Colorado Governmental Immunity Act*, 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.

14. Independent Contractor

The Contractor is a separate, legal entity from the City and the parties making this Agreement accordingly with the understanding that the Contractor at all times is acting as an independent contractor and not an employee or agent of the City. All persons retained by the Contractor to perform services pursuant to this Agreement shall be employees or independent contractors of the Contractor and are not employees, contractors or agents of the City. The Contractor does not have the authority to bind the City by contract or otherwise.

15. Indemnification by Contractor

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

16. 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.

17. Approval Required

This Agreement is subject to the final approval of the Fort Lupton, Colorado, City Council and signature by the Mayor of Fort Lupton.

EXECUTED THIS _____ DAY OF _____, 2021

CITY OF FORT LUPTON, COLORADO

By: **Zo Stieber**

Title: **Mayor**

COLORADO PAVING, INC.

By: _____

Title: _____



Public Works

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortluptonco.gov

Colorado Paving Inc
15210 Edna Drive
Brighton, CO 80603

Date: **May 19, 2021**

Attention: Jesus J. Sanchez

**Subject: City of Fort Lupton, Colorado
The College Ave/9th St Repaving Project**

Notice of Award

The City of Fort Lupton, Colorado, has considered the Proposal submitted by you for the above described work in response to the Invitation for Bids dated **April 2, 2021**, and the Instructions to Bidders.

You are hereby notified that your Proposal has been accepted for the work in the amount or amounts shown on your Proposal.

You are required by the Instructions to Bidders to execute the Public Works Agreement and furnish the Performance Bond, the Payment Bond, Insurance Certificates, and other required documentation no later than ten (10) calendar days from the date of this notice.

If you fail to execute the said Public Works Agreement and to furnish the said Bonds no later than seven (7) calendar days from the date of this Notice of Award, the City of Fort Lupton, Colorado, will be entitled to consider all your rights arising out of the City of Fort Lupton, Colorado's acceptance of your Proposal as abandoned and as a forfeiture of your Proposal security as liquidated damages, but not as a penalty, for the delay and extra work caused thereby and also to compensate the City of Fort Lupton, Colorado, for the difference between your Proposal and the next lowest Bid. The City of Fort Lupton, Colorado, will be entitled to such other rights as may be granted by Colorado law.

You are required to return an acknowledged copy of this Notice of Award to the City of Fort Lupton, Colorado.

The insurance certificates required for this project shall be sent to City of Fort Lupton, Attention: Claud Hanes, 130 South McKinley Avenue, Fort Lupton, Colorado 80621.

CITY OF FORT LUPTON, COLORADO

By: Zo Stieber

Title: Mayor

Address: 130 South McKinley Avenue
Fort Lupton, Colorado 80621

Telephone: (303) 857-6694

Acceptance of Notice of Award

Receipt of the above Notice to Proceed is hereby acknowledged:

this the _____ day of _____, 2021.

COLORADO PAVING INC

By: _____

Title: _____

Telephone: _____

City of Fort Lupton, Colorado Public Works Department College Avenue and 9th Street Repaving Project Project Budget			
Total Project Cost(s)			
Contractor:			
Payment Item No.	Specification Reference	Description of Work	Amount in Numbers
Project Total			\$2,172,394.50
Schedule 1			\$873,024.00
Schedule 2			\$425,040.75
Schedule 3			\$694,329.75
Contingency			\$180,000.00

Cottonwood Greens Share Sch 1

\$ 182,552.50

Cottonwood Greens TH Share Sch 3

\$ 96,723.83 1000 feet frontage 9th

Sch 1 -3 no sidewalk
no C&G College
1/2 road pavement

200-3100 Street Sales Tax Fund

9th Street \$ 610,000.00

College Av \$ 410,000.00

Harrison Av \$ 580,000.00

450-3200 Storm Drainage Enterp

9th / Hoover \$ 190,000.00

Harrison St \$ 230,000.00

400-5010 Water Line Repairs

Valve Replace \$ 50,000.00

Water Line R \$ 75,000.00

\$ 2,199,461.33

Drainage \$ 254,685.00

Sch 1 \$ 251,685.00

Sch 2 \$ 1,500.00

Sch 3 \$ 1,500.00

Water Utilities \$ 65,500.00

Fire Hydrants w/valves \$ 14,000.00

water line extensions \$ 51,500.00

City of Fort Lupton, Colorado
Public Works Department
College Avenue and 9th Street Repaving Project
Contract Award

Contractor:						Colorado Paving, Inc.		
TOTAL						\$ 2,172,394.50		
Schedule 1 - 9th St - STA: 8+10.00-26+94.17						\$ 873,024.00		
Schedule 2 - College Ave - STA: Start - 17+48.93						\$ 425,040.75		
Schedule 3 - 9th St - STA: 27+92.56-49+07.99						\$ 694,329.75		
CONTINGENCY ~9%						\$ 180,000.00		
Schedule 1 - 9th St - STA: 8+10.00-26+94.17								
Payment Item No.	Specification Reference	Description of Work	Payment Unit	Length (Feet)	Width (Feet)	Quantity	Rate in Numbers	Amount in Numbers
Sch 1 Total								\$873,024.00
Division 100 - General Provisions								
1	TS 16-101	Mobilization	LS			1	\$1,000.00	\$1,000.00
2	TS 16-102	Traffic Control	LS			1	\$2,500.00	\$2,500.00
3	TS 16-103	Construction Surveying/Staking	LS			1	\$8,400.00	\$8,400.00
4	TS 16-104	Material Testing/QC	LS			1	\$6,000.00	\$6,000.00
5	TS 16-105	Vacuum Truck/Potholing	LS			1	\$1,500.00	\$1,500.00
Subtotal, Division 100								\$19,400.00
Division 200 - Demolition, Earthwork, Erosion Control, And Seeding								
6	TS 16-201	Mill Existing Asphalt (Full-Depth) 9th St: Sta. 8+10.00 - Sta. 26+94.17	SY			6,300.00	\$3.20	\$20,160.00
11	TS 16-201	Remove 6'H Chain Link Fence 9th St: Between Sta. 15+90 to Sta 7+90, RT 9th St: Between Sta. 27+10 to Sta. 19+00, RT	LF	789.00 872.00		1,675.00	\$1.50	\$2,512.50
12	TS 16-201	Remove Barbed Wire Fence 9th St: Between Sta. 9+50 to Sta. 7+90, RT 9th St: Between Sta. 26+90 to Sta 8+80, LT	LF	162.00 1,777.00		1,950.00	\$1.25	\$2,437.50
14	TS 16-201	Remove Existing Storm Manhole 9th St: Sta. 10+10, RT	EA			1	\$1,500.00	\$1,500.00
17	TS 16-201	Remove Existing Fire Hydrant 9th St: Sta. 15+00 LT 9th St: Sta. 27+60, RT	EA	1.00 1.00		2.00	\$1,500.00	\$3,000.00
18	TS 16-201	Remove Existing Steel Bollards 9th St: Sta. 15+00 LT	EA	2.00		2.00	\$500.00	\$1,000.00
20	TS 16-201	Remove Existing Stop Signs College Ave Intersection	EA	2.00		2.00	\$150.00	\$300.00
22	TS 16-202	Unclassified Excavation (Over Ex) of Existing Road 1 ft. Soil Stabilization (fly ash)(lime)(cement) 9th Street: Sta. 8+10.00 - 26+94.17	SY			12,500.00	\$9.25	\$115,625.00
23	TS 16-202	Subgrade Preparation 9th Street: Sta. 8+10.00 - 26+94.17	SY			12,500.0	\$1.85	\$23,125.00
24	TS 16-202	Sub-Excavation (CUT) 9th Street: Sta. 8+10.00 - 26+94.17	CY			3,600.0	\$8.00	\$28,800.00
25	TS 16-202	Embankment (FILL) 9th Street: Sta. 8+10.00 - 26+94.17	CY			925.0	\$8.00	\$7,400.00
26	TS 16-202	Select Borrow Fill 9th Street: Sta. 8+10.00 - 26+94.17	CY			0.0	\$8.00	\$0.00
31	TS 16-205	Topsoil Placement, 4"	SY			3,600.00	\$4.84	\$17,424.00
32	TS 16-206	Permanent Seeding	SY			3,600.00	\$0.50	\$1,800.00
34	TS 16-208	Concrete Washout Area 9th Street: Sta. 27+00, LT	EA	1		1	\$200.00	\$200.00
36	TS 16-208	Outlet Protection; D50=9" Rock Riprap 9th Street: Sta. 8+00, LT 9th Street: Sta. 8+00, RT	CY	10 10		20	\$125.00	\$2,500.00
Subtotal, Division 200								\$227,784.00
Division 300 - Aggregate Base Courses								
37	TS 16-301	Furnish and Place Aggregate Base Course, Class 6 8" Depth	SY			12,500	\$7.48	\$93,500.00
Subtotal, Division 300								\$93,500.00

Schedule 1 - 9th St - STA: 8+10.00-26+94.17								
Payment Item No.	Specification Reference	Description of Work	Payment Unit	Length (Feet)	Width (Feet)	Quantity	Rate in Numbers	Amount in Numbers
Division 400 - Pavements								
38	TS 16-401	HMA Grade SX - Pavement Area: 1.5"	TON			800	\$78.00	\$62,400.00
39	TS 16-401	HMA Grade S - Pavement Area: 2.5"	TON			1,325	\$71.00	\$94,075.00
40	TS 16-412	30" Concrete Curb and Gutter	LF			3,850	\$21.00	\$80,850.00
		9th Street						
		Sta. 26+94.17 to 8+10.00, RT		1884.17				
		Sta. 26+94.17 to 7+77.04, LT		1917.13				
45	TS 16-412	Concrete Sidewalk - 10' W	SF			38,500.0	\$5.00	
		9th Street:						
		Sta. 26+94.17 to 7+77.04, LT		1917.13	10	19171.3		
		Sta. 26+94.17 to 8+10, RT		1884.17	10	18841.7		
50	TS 16-412	Concrete Pavement Curb Ramps (Type R20)	EA			2.0	\$3,500.00	\$7,000.00
		9th Street:						
		Sta. 8+23.8, LT				1		
		Sta. 8+26, RT				1		
Subtotal, Division 400								\$244,325.00
Division 500 - Pipes								
51	TS 16-503	6" Dia. PVC (new fire hydrant laterals)	LF			35.00	\$70.00	\$2,450.00
		9th Street:						
		WL1-P1		17.35				
		College Ave:						
		WL2-P1		13.9				
53	TS 16-503	Connect to Existing 21" Dia. WM @ Water Valve	EA			1	\$4,000.00	\$4,000.00
		9th Street - Sta. 14+95, LT (WL1-POC1)		1				
56	TS 16-503	Connect to Existing 14" Dia. WM w/ 14"x6" Tee w/TB	EA			1	\$12,000.00	\$12,000.00
		College Ave - Sta. 1+74 (WL2-POC1)		1				
57	TS 16-503	Fire Hydrant w/ 6" Gate Valve	EA			2	\$7,000.00	\$14,000.00
		9th Street - Sta. 14+95, LT		1				
		College Ave - Sta. 1+74, RT		1				
58	TS 16-505	Storm Manhole Type B (Sta. 40+90, LT)	EA			1	\$5,800.00	\$5,800.00
59	TS 16-505	4' Dia. Storm Manhole	EA			5	\$4,000.00	\$20,000.00
		College Ave:						
		MH5		1				
		MH4		1				
		MH3		1				
		9th Street:						
		MH1		1				
		MH2		1				
60	TS 16-505	10' Type R Inlet	EA			4	\$6,000.00	\$24,000.00
		9th Street:						
		INL 1		1				
		INL 2		1				
		Note: No INL 3 or INL 4						
		College Ave:						
		INL 5		1				
		INL 6		1				
61	TS 16-505	18" Dia. RCP CLIII Storm Sewer Pipe	LF			1,265.0	\$63.00	\$79,695.00
		College Ave:						
		P9		400				
		P8		400				
		P7		406.9				
		P6		52.35				
62	TS 16-505	24" Dia. RCP CLIII Storm Sewer Pipe	LF			1,110.0	\$74.00	\$82,140.00
		9th Street:						
		P2		52.33				
		P3		591.68				
		P4		400				
		P5		44.26				
		9th Street:						
		P11		4.93				
		P12		6.04				
63	TS 16-505	30" Dia. RCP CLIII Storm Sewer Pipe	LF			350.0	\$103.00	\$36,050.00
		P1		38.38				
		P10		293.94				
Subtotal, Division 500								\$280,135.00

\$32,450.00 Utility

\$251,685.00 Storm

Schedule 1 - 9th St - STA: 8+10.00-26+94.17								
Payment Item No.	Specification Reference	Description of Work	Payment Unit	Length (Feet)	Width (Feet)	Quantity	Rate in Numbers	Amount in Numbers
Division 600 - Miscellaneous								
66	TS 16-605	Centerline (Double Yellow - 4" Wide Solid Line)	LF			1,900	\$2.00	\$3,800.00
		9th Street: Sta. 18+38.32 - Sta. 8+10.00		1028.32				
		9th Street: Sta. 26+94.17 - Sta. 19+24.33		779.84				
		9th Street: Sta. 28+31.96 - Sta. 27+80.56		51.4				
67	TS 16-605	White - 4" Solid Line	LF			1,500	\$0.70	\$1,050.00
		9th Street: Sta. 12+52.32 - Sta. 8+10.00, LT		442.32				
		9th Street: Sta. 12+52.32 - Sta. 8+10.00, RT		442.32				
		9th Street: Sta. 15+45.32 - Sta. 12+52.32, LT		293				
		9th Street: Sta. 15+45.32 - Sta. 12+52.32, RT		293				
68	TS 16-605	White - 4" Solid Broken Line	LF			2,200	\$0.90	\$1,980.00
		9th Street: Sta. 18+38.32 - Sta. 15+45.32, LT		293				
		9th Street: Sta. 18+38.32 - Sta. 15+45.32, RT		293				
		9th Street: Sta. 27+06.27 - Sta. 19+24.33, LT		781.94				
		9th Street: Sta. 27+06.27 - Sta. 19+24.33, RT		781.94				
69	TS 16-605	Furnish and Install New Sign and Post	EA			3	\$350.00	\$1,050.00
		9th St: Sta 12+52, RT (R3-8L Left Turn & Straight Arrow)		1				
		9th Street: Sta. 16+70, LT ("Lane Ends Merge Left")		1				
		9th Street: Sta. 25+69, RT (W3-1 Stop Ahead)		1				
Subtotal, Division 600								\$7,880.00

City of Fort Lupton, Colorado Public Works Department College Avenue and 9th Street Repaving Project Bid Form								
Schedule 2 - College Ave - STA: Start - 17+48.93								
Contractor:							Colorado Paving, Inc.	
Payment Item No.	Specification Reference	Description of Work	Payment Unit	Length (Feet)	Width (Feet)	Quantity	Rate in Numbers	Amount in Numbers
Sch 2 Total								\$425,040.75
Division 100 - General Provisions								
1	TS 16-101	Mobilization	LS			1	\$1,000.00	\$1,000.00
2	TS 16-102	Traffic Control	LS			1	\$2,500.00	\$2,500.00
3	TS 16-103	Construction Surveying/Staking	LS			1	\$5,250.00	\$5,250.00
4	TS 16-104	Material Testing/QC	LS			1	\$4,000.00	\$4,000.00
5	TS 16-105	Vacuum Truck/Potholing	LS			1	\$2,000.00	\$2,000.00
Subtotal, Division 100								\$14,750.00
Division 200 - Demolition, Earthwork, Erosion Control, And Seeding								
6	TS 16-201	Mill Existing Asphalt (Full-Depth)	SY			475.00	\$3.20	\$1,520.00
		9th St: Sta. 26+94.17 - Sta. 28+31.96						
7	TS 16-201	Asphalt Pavement Removal	SF			100	\$2.00	\$200.00
		College Ave: Sta. 17+40, C.L.						
16	TS 16-201	Remove Existing 18" Dia. CMP Culvert	LF			100.00	\$15.00	\$1,500.00
		College Ave: Between Sta. 9+25 to Sta. 8+90, CL		30.00				
		College Ave: Between Sta. 9+90 to Sta. 9+55, CL		41.00				
		College Ave: Between Sta. 10+75 to Sta. 10+55, CL		16.00				
17	TS 16-201	Remove Existing Fire Hydrant	EA			1.00	\$1,500.00	\$1,500.00
		College Ave: Sta. 12+35, RT		1.00				
22	TS 16-202	Unclassified Excavation (Over Ex) of Existing Road	SY			12,050.00	\$9.25	\$111,462.50
		1 ft. Soil Stabilization (fly ash)(lime)(cement)						
		College Ave: Start - 17+48.93						
23	TS 16-202	Subgrade Preparation	SY			6,025.00	\$1.85	\$11,146.25
		College Ave: Sta.17+48.93-Start						
24	TS 16-202	Sub-Excavation (CUT)	CY			192.5	\$8.00	\$1,540.00
		College Ave: Sta.17+48.93-Start						
25	TS 16-202	Embankment (FILL)	CY			2,550.0	\$8.00	\$20,400.00
		College Ave: Sta.17+48.93-Start						
26	TS 16-202	Select Borrow Fill	CY			2,175.0	\$8.00	\$17,400.00
		College Ave: Sta.17+48.93-Start						
27	TS 16-204	Remove and Relocate Existing Sign	EA			1	\$300.00	\$300.00
		College Ave: Sta. 1+49, LT (R1-1 Stop)		1				
28	TS 16-204	Adj Water Meter Pit (Sta 12+00, Rt)	EA			1	\$300.00	\$300.00
29	TS 16-204	Adj Water Valves	EA			3.00	\$200.00	\$600.00
		Sta. 11+10, CL		1.00				
		Sta. 11+10, LT		1.00				
		Sta 14+85, CL		1.00				
31	TS 16-205	Topsoil Placement, 4"	SY			2,600.00	\$4.84	
		College Ave						
32	TS 16-206	Permanent Seeding	SY			2,600.00	\$0.50	
		College Ave						
34	TS 16-208	Concrete Washout Area	EA			1	\$200.00	\$200.00
		College Ave: Sta. 9+75, LT		1				
35	TS 16-208	Inlet Protection	EA			2	\$150.00	\$300.00
		College Ave: Sta. 11+55, RT (INL #5)		1				
		College Ave: Sta. 11+55, LT (INL #6)		1				
Subtotal, Division 200								\$168,368.75
Division 300 - Bases								
37	TS 16-301	Aggregate Base Course Area: (8" Depth)	SY			6,025.0	\$7.48	\$45,067.00
		College Ave: Sta. 17+48.93 to Start; Full-Width (plus 9th st intersection)						
Subtotal, Division 300								\$45,067.00
Division 400 - Pavements								
38	TS 16-401	HMA Grade SX - Pavement Area: 1.5"	TON			775	\$78.00	\$60,450.00
39	TS 16-401	HMA Grade S - Pavement Area: 2.5"	TON			1,250	\$71.00	\$88,750.00
40	TS 16-412	30" Concrete Curb and Gutter	LF			3,450	\$21.00	
		College Ave						
		Sta. 1+72.82 to 1+49.34, LT		35.64				
		Sta. 1+72.82 to 1+49.34, RT		35.64				
		Sta. 16+65.12 to 1+72.82, LT		1492.3				
		Sta. 17+48.93 to 16+65.12, LT		83.81				
		Sta 17+48.93 to 1+72.82, RT		1576.11				
		9th St						
		Rets @ College Ave, RT		79				
		Sta. 26+94.17 to 27+92.56, LT		98.39				

Schedule 2 - College Ave - STA: Start - 17+48.93								
Contractor:							Colorado Paving, Inc.	
Payment Item No.	Specification Reference	Description of Work	Payment Unit	Length (Feet)	Width (Feet)	Quantity	Rate in Numbers	Amount in Numbers
42	TS 16-412	Concrete Curb Ramp - 24'R-10'W	EA			2	\$3,750.00	\$7,500.00
		@ College Ave Intersection (=2@103.44 sf)		2				
43	TS 16-412	Concrete Curb Ramp - 20'R-10'W	EA			1	\$3,500.00	
		@ Coyote Creek Drive return (=139.49 sf)		1				
45	TS 16-412	Concrete Sidewalk - 10' W	SF			24,250.0	\$5.00	
		College Ave:						
		Sta. 1+72.82 to 1+49.34, LT		35.64	10	356.4		
		Sta. 1+72.82 to 1+49.34, RT		35.64	10	356.4		
		Sta. 17+40.08 to 1+72.82, LT		1590.74	10	15907.4		
		Sta. 17+49.38 to 9+18.39, RT (minus Drwy @ Sta. 14+09, RT)		644.66	10	6446.6		
		@ Coyote Creek Dr ret, RT		9.35	10	93.5		
		9th St:						
		Sta. 26+94.17 to 27+92.56, LT		98.39	10	983.9		
46	TS 16-412	Type R13 Driveway (8" Thick)	EA			3.0	\$4,500.00	
		College Ave:						
		Sta. 6+75.87, LT			1			
		Sta. 9+21.75, RT			1			
		Sta. 14+08.92, RT			1			
48	TS 16-412	Concrete Modular Walls	SF			100	\$27.00	\$2,700.00
		College Ave:						
		Sta. 11+10, LT		16	2	32		
		Sta. 14+30, LT		27	2	54		
Subtotal, Division 400								\$159,400.00
Division 500 - Pipes								
51	TS 16-503	6" Dia. PVC (new fire hydrant laterals)	LF			15	\$70.00	\$1,050.00
		College Ave:						
		WL2-P1		13.9				
56	TS 16-503	Connect to Existing 14" Dia. WM w/ 14"x6" Tee w/TB	EA			1	\$17,500.00	\$17,500.00
		College Ave - Sta. 1+74 (WL2-POC1)		1				
57	TS 16-503	Fire Hydrant w/ 6" Gate Valve	EA			1	\$7,000.00	\$7,000.00
		College Ave - Sta. 1+74, RT		1				
Subtotal, Division 500								\$25,550.00
Division 600 - Miscellaneous								
64	TS 16-605	24" Stop Bar	LF			75	\$7.00	\$525.00
		9th Street - Sta. 27+06.27		22				
		9th Street - Sta. 27+80.56		22				
		College Ave - Sta. 1+37.18		22				
65	TS 16-605	Crosswalk Lines	EA			10	\$250.00	\$2,500.00
		@ College Ave (1.5' x 9')		9				
66	TS 16-605	Centerline (Double Yellow - 4" Wide Solid Line)	LF			3,200	\$1.30	\$4,160.00
		College Ave: Sta. 17+48.93 - Sta. 1+37.18		3187.86				
68	TS 16-605	White - 4" Solid Broken Line	LF			3,300	\$0.90	\$2,970.00
		College Ave: Sta. 17+48.93 - Sta. 1+37.18 LT		1647.39				
		College Ave: Sta. 17+48.93 - Sta. 1+37.18 RT		1647.39				
69	TS 16-605	Furnish and Install New Sign and Post	EA			5	\$350.00	\$1,750.00
		College Ave: Sta. 2+74, LT (W3-1 Stop Ahead)		1				
		College Ave: Sta. 2+74, RT (R2-1 Speed Limit 40)		1				
		College Ave: Sta. 16+65, LT (R2-1 Speed Limit 40)		1				
		9th Street: Sta. 26+94, LT (R1-1 Stop)		1				
		9th Street: Sta. 27+92, LT (R1-1 Stop)		1				
Subtotal, Division 600								\$11,905.00

Utility

City of Fort Lupton, Colorado Public Works Department College Avenue and 9th Street Repaving Project Bid Form Schedule 3 - 9th St - STA: 27+92.56-49+07.99								
Contractor:								Colorado Paving, Inc.
Payment Item No.	Specification Reference	Description of Work	Payment Unit	Length (Feet)	Width (Feet)	Quantity	Rate	Amount in Numbers
Sch 3 Total								\$694,329.75
Division 100 - General Provisions								
1	TS 16-101	Mobilization	LS			1	\$1,000.00	\$1,000.00
2	TS 16-102	Traffic Control	LS			1	\$2,500.00	\$2,500.00
3	TS 16-103	Construction Surveying/Staking	LS			1	\$5,000.00	\$5,000.00
4	TS 16-104	Material Testing/QC	LS			1	\$4,000.00	\$4,000.00
5	TS 16-105	Vacuum Truck/Potholing	LS			1	\$2,500.00	\$2,500.00
Subtotal, Division 100								\$15,000.00
Division 200 - Demolition, Earthwork, Erosion Control, And Seeding								
6	TS 16-201	Mill Existing Asphalt (Full-Depth)	SY			6,200.00	\$3.20	\$19,840.00
		9th St: Sta. 49+07.99-Sta. 28+31.96						
8	TS 16-201	Existing (Concrete) Driveway Removal	SF			1325	\$2.00	\$2,650.00
		9th St: Sta. 42+80, RT						
12	TS 16-201	Remove Barbed Wire Fence	LF			875.00	\$1.25	\$1,093.75
		9th St: Between Sta. 34+55 to Sta. 28+60, LT		600.00				
		9th ST: Between Sta. 38+12.50 to Sta. 34+75, LT		262.00				
13	TS 16-201	Remove Existing Steel Frame Chain Link Fencing	LF			500	\$1.50	\$750.00
		9th St: Sta. 28+05.00 RT - Sta. 32+99.00 RT		494.00				
15	TS 16-201	Remove Existing Storm Inlet	EA			1.00	\$1,500.00	\$1,500.00
		Sta. 40+90 LT		1.00				
17	TS 16-201	Remove Existing Fire Hydrant	EA			1.00	\$1,500.00	\$1,500.00
		9th St: Sta. 38+80, LT		1.00				
19	TS 16-201	Remove Existing Water Valves	EA			3.00	\$1,500.00	\$4,500.00
		Sta. 38+50 LT		3.00				
20	TS 16-201	Remove Existing Sign Post	EA			1.00	\$150.00	\$150.00
		Sta. 42+20 LT		1.00				
21	TS 16-201	Remove Existing Tree	EA			2.00	\$800.00	\$1,600.00
		Sta. 39+10 LT		2.00				
22	TS 16-202	Unclassified Excavation (Over Ex) of Existing Road	SY			14,000.00	\$9.25	\$129,500.00
		1 ft. Soil Stabilization (fly ash)(lime)(cement)						
		9th Street: Sta. 28+31.96 - 49+07.99						
23	TS 16-202	Subgrade Preparation	SY			14,000.00	\$1.85	\$25,900.00
		9th Street: Sta. 49+07.99-Sta. 28+31.96						
24	TS 16-202	Sub-Excavation (CUT)	CY			1,250.0	\$8.00	\$10,000.00
		9th Street: Sta. 49+07.99-Sta. 28+31.96						
25	TS 16-202	Embankment (FILL)	CY			1,000.0	\$8.00	\$8,000.00
		9th Street: Sta. 49+07.99-Sta. 28+31.96						
26	TS 16-202	Select Borrow Fill	CY			0.0	\$8.00	\$0.00
		9th Street: Sta. 49+07.99-Sta. 28+31.96						
27	TS 16-204	Remove and Relocate Existing Sign	EA			5.00	\$300.00	\$1,500.00
		Sta. 28+60 LT		1.00				
		"Electric"; Sta. 28+60 LT		1.00				
		Fire Station Sign; Sta. 43+00, RT		1.00				
		"Speed Limit 40 mph"; Sta. 30+80, RT		1.00				
		9th Street: Sta. 30+72, RT (Speed Limit 40)		1.00				
30	TS 16-204	Adjust Sanitary Manhole	EA			3.00	\$200.00	\$600.00
		Sta. 40+00, RT		2.00				
		Sta. 48+65, RT		1.00				
31	TS 16-205	Topsoil Placement, 4"	SY			4,400.00	\$4.84	\$21,296.00
		9th Street						
32	TS 16-206	Permanent Seeding	SY			4,400.00	\$0.50	\$2,200.00
		9th Street						
35	TS 16-208	Inlet Protection						
		9th Street: Sta. 37+75, LT (INL #2)	EA	1		2	\$150.00	\$300.00
		9th Street: Sta. 37+75, RT (INL #1)		1				
Subtotal, Division 200								\$232,879.75
Division 300 - Bases								
37	TS 16-301	Aggregate Base Course Area: (8" Depth)	SY			14,000.0	\$7.48	\$104,720.00
		9th Street:						
		Sta. 49+07.99 to 28+31.96; Full Width						
Subtotal, Division 300								\$104,720.00

Schedule 3 - 9th St - STA: 27+92.56-49+07.99								
Contractor:								Colorado Paving, Inc.
Payment Item No.	Specification Reference	Description of Work	Payment Unit	Length (Feet)	Width (Feet)	Quantity	Rate	Amount in Numbers
Division 400 - Pavements								
38	TS 16-401	HMA Grade SX - Pavement Area: 1.5"	TON			875	\$78.00	\$68,250.00
39	TS 16-401	HMA Grade S - Pavement Area: 2.5"	TON			1,450	\$71.00	\$102,950.00
40	TS 16-412	30" Concrete Curb and Gutter	LF			4,275	\$21.00	\$89,775.00
		9th Street						
		Sta. 49+07.99 to 27+92.56, LT		2116.35				
		Sta. 49+07.99 to 27+92.56, RT		2116.35				
45	TS 16-412	Concrete Sidewalk - 10' W	SF			24,000.0	\$5.00	
		9th Street:						
		37+92.13 to 49+07.99 (minus 8" thick road access) LT		1083.04	10	10830.4		
		28+31.96 to 40+30.78 RT		1198.82	10	11988.2		
		Transition from 10'W to 8'W: Sta. 48+50.80 to 49+07.99 LT		58.51	Var: 10 to 8	526.59		
		Transition from 10'W to 6'W: Sta. 40+75.73 to 40+30.78 RT		45.77	Var: 10 to 6	366.16		
46	TS 16-412	Type R13 Driveway (8" Thick)	EA			1.0	\$4,000.00	\$4,000.00
		College Ave: STA: 47+04.69 LT				1		
47	TS 16-412	Concrete Cross Pan - 4'W	LF			85	\$50.00	\$4,250.00
		9th Street:						
		Sta. 42+77, RT		73.93				
49	TS 16-412	Concrete Driveway (2-lane, Radial Entrance, 8" Thick)	SF			750.0	\$10.00	\$7,500.00
				20.6	34.6	712.76		
Subtotal, Division 400								\$276,725.00
Division 500 - Pipes								
51	TS 16-503	6" Dia. PVC (new fire hydrant laterals)	LF			30	\$70.00	\$2,100.00
		9th Street:						
		WL3-P1		24.46				
52	TS 16-503	16" Dia. PVC (W/16" CAP and TB)	LF			15	\$515.00	\$7,725.00
		9th Street:						
		WL4-P1		12.51				
54	TS 16-503	Connect to Existing 16" Dia. WM w/ 16"x6" Tee w/TB	EA			1	\$19,500.00	\$19,500.00
		9th Street - Sta. 37+85, LT (WL3-POC1)		1				
55	TS 16-503	Connect to Existing 16" Dia. WM w/ 16" Tee w/TB	EA			1	\$8,900.00	\$8,900.00
		9th Street - Sta. 38+35, LT (WL4-POC1)		1				
57	TS 16-503	Fire Hydrant w/ 6" Gate Valve	EA			2	\$7,000.00	\$14,000.00
		9th Street - Sta. 37+85, LT		1				
		9th Street - Sta. 38+35, LT		1				
Subtotal, Division 500								\$52,225.00
Division 600 - Miscellaneous								
66	TS 16-605	Centerline (Double Yellow - 4" Wide Solid Line)	LF			4,150	\$2.00	\$8,300.00
		9th Street: Sta. 48+65.82 - Sta.27+92.56		4,119				
68	TS 16-605	White - 4" Solid Broken Line	LF			4,200	\$0.90	\$3,780.00
		9th Street: Sta. 48+65.82 - Sta.28+31.96, LT		2085.26				
		9th Street: Sta. 48+65.82 - Sta.28+31.96, RT		2085.26				
69	TS 16-605	Furnish and Install New Sign and Post	EA			2	\$350.00	\$700.00
		9th Street: Sta. 29+17, LT (W3-1 Stop Ahead)		1				
		9th Street: Sta. 41+82, LT (R2-1 Speed Limit 40)		1				
Subtotal, Division 600								\$12,780.00

City of Fort Lupton, Colorado
Public Works Department
College Avenue and 9th Street Repaving Project
BID TABULATION

Contractor:				4/30/2021				Engineer's Estimate		Colorado Paving, Inc.		Asphalt Specialties Company, Inc.		Defalco Construction Co.		Brannan Sand and Gravel, LLC		Mountain Constructors, Inc.		
TOTAL								\$ 5,114,633.35		\$ 2,821,055.25		\$ 3,453,888.50		\$ 3,556,367.14		\$ 3,799,345.27		\$ 4,650,199.59		
Schedule 1 - 9th St - STA: 8+10.00-26+94.17								\$ 1,821,878.26		\$ 1,065,524.00		\$ 1,262,365.25		\$ 1,338,215.84		\$ 1,512,294.62		\$ 1,652,748.11		
Schedule 2 - College Ave - STA: Start - 17+48.93								\$ 1,329,727.98		\$ 707,378.00		\$ 910,664.00		\$ 900,093.56		\$ 935,257.01		\$ 1,214,544.24		
Schedule 3 - 9th St - STA: 27+92.56-49+07.99								\$ 1,501,473.35		\$ 814,329.75		\$ 966,069.75		\$ 1,005,768.98		\$ 1,039,125.15		\$ 1,329,413.92		
Schedule 4 - 9th St - STA: 1+16.12 - 7+47.26								\$ 461,553.76		\$ 233,823.50		\$ 314,789.50		\$ 312,288.76		\$ 312,668.49		\$ 453,493.32		
Schedule 1 - 9th St - STA: 8+10.00-26+94.17																				
Payment Item No.	Specification Reference	Description of Work			Payment Unit	Length (Feet)	Width (Feet)	Quantity	Rate in Numbers	Amount in Numbers		Rate in Numbers	Amount in Numbers		Rate in Numbers	Amount in Numbers		Rate in Numbers	Amount in Numbers	
Sch 1 Total										\$1,821,878.26			\$1,262,365.25			\$1,338,215.84			\$1,512,294.62	
Division 100 - General Provisions																				
1	TS 16-101	Mobilization			LS			1	\$144,053.18	\$144,053.18		\$1,000.00	\$1,000.00		\$96,000.00	\$96,000.00		\$38,119.62	\$38,119.62	
2	TS 16-102	Traffic Control			LS			1	\$14,538.73	\$14,538.73		\$2,500.00	\$2,500.00		\$16,500.00	\$16,500.00		\$36,353.61	\$36,353.61	
3	TS 16-103	Construction Surveying/Staking			LS			1	\$7,269.36	\$7,269.36		\$8,400.00	\$8,400.00		\$30,000.00	\$30,000.00		\$25,308.00	\$25,308.00	
4	TS 16-104	Material Testing/QC			LS			1	\$7,269.36	\$7,269.36		\$6,000.00	\$6,000.00		\$15,500.00	\$15,500.00		\$18,860.01	\$18,860.01	
5	TS 16-105	Vacuum Truck/Potholing			LS			1	\$1,453.87	\$1,453.87		\$1,500.00	\$1,500.00		\$6,500.00	\$6,500.00		\$7,770.00	\$7,770.00	
Subtotal, Division 100										\$174,584.51			\$19,400.00			\$164,500.00			\$126,411.24	
Division 200 - Demolition, Earthwork, Erosion Control, And Seeding																				
6	TS 16-201	Mill Existing Asphalt (Full-Depth)			SY			6,300.00	\$3.50	\$22,050.00		\$3.20	\$20,160.00		\$3.60	\$22,680.00		\$3.61	\$22,743.00	
		9th St: Sta. 8+10.00 - Sta. 26+94.17																		
11	TS 16-201	Remove 6'H Chain Link Fence			LF			1,675.00	\$1.75	\$2,931.25		\$1.50	\$2,512.50		\$1.35	\$2,261.25		\$2.55	\$4,271.25	
		9th St: Between Sta. 15+90 to Sta 7+90, RT				789.00														
		9th St: Between Sta. 27+10 to Sta. 19+00, RT				872.00														
12	TS 16-201	Remove Barbed Wire Fence			LF			1,950.00	\$1.75	\$3,412.50		\$1.25	\$2,437.50		\$0.90	\$1,755.00		\$2.19	\$4,270.50	
		9th St: Between Sta. 9+50 to Sta. 7+90, RT				162.00														
		9th St: Between Sta. 26+90 to Sta 8+80, LT				1,777.00														
14	TS 16-201	Remove Existing Storm Manhole			EA			1	\$1,250.00	\$1,250.00		\$1,500.00	\$1,500.00		\$895.00	\$895.00		\$1,562.44	\$1,562.44	
		9th St: Sta. 10+10, RT																		
17	TS 16-201	Remove Existing Fire Hydrant			EA			2.00	\$1,000.00	\$2,000.00		\$1,500.00	\$3,000.00		\$1,005.00	\$2,010.00		\$903.76	\$1,807.52	
		9th St: Sta. 15+00 LT				1.00														
		9th St: Sta. 27+60, RT				1.00														
18	TS 16-201	Remove Existing Steel Bollards			EA			2.00	\$100.00	\$200.00		\$500.00	\$1,000.00		\$430.00	\$860.00		\$154.46	\$308.92	
		9th St: Sta. 15+00 LT				2.00														
20	TS 16-201	Remove Existing Stop Signs			EA			2.00	\$100.00	\$200.00		\$150.00	\$300.00		\$115.00	\$230.00		\$90.63	\$181.26	
		College Ave Intersection				2.00														
22	TS 16-202	Unclassified Excavation (Over Ex) of Existing Road			SY			12,500.00	\$15.00	\$187,500.00		\$9.25	\$115,625.00		\$9.80	\$122,500.00		\$10.08	\$126,000.00	
		1 ft. Soil Stabilization (fly ash)(lime)(cement)																		
		9th Street: Sta. 8+10.00 - 26+94.17																		
23	TS 16-202	Subgrade Preparation			SY			12,500.0	\$3.00	\$37,500.00		\$1.85	\$23,125.00		\$2.20	\$27,500.00		\$2.31	\$28,875.00	
		9th Street: Sta. 8+10.00 - 26+94.17																		
24	TS 16-202	Sub-Excavation (CUT)			CY			3,600.0	\$3.00	\$10,800.00		\$8.00	\$28,800.00		\$6.90	\$24,840.00		\$4.31	\$15,516.00	
		9th Street: Sta. 8+10.00 - 26+94.17																		
25	TS 16-202	Embankment (FILL)			CY			925.0	\$3.00	\$2,775.00		\$8.00	\$7,400.00		\$12.00	\$11,100.00		\$3.92	\$3,626.00	
		9th Street: Sta. 8+10.00 - 26+94.17																		
26	TS 16-202	Select Borrow Fill			CY			0.0	\$15.00	\$0.00		\$8.00	\$0.00			\$0.00		\$18.84	\$0.00	
		9th Street: Sta. 8+10.00 - 26+94.17																		
31	TS 16-205	Topsoil Placement, 4"			SY			3,600.00	\$4.00	\$14,400.00		\$4.84	\$17,424.00		\$7.50	\$27,000.00		\$3.47	\$12,492.00	
32	TS 16-206	Permanent Seeding			SY			3,600.00	\$1.50	\$5,400.00		\$0.50	\$1,800.00		\$0.75	\$2,700.00		\$0.83	\$2,988.00	

Schedule 1 - 9th St - STA: 8+10.00-26+94.17																		
Payment Item No.	Specification Reference	Description of Work	Payment Unit	Length (Feet)	Width (Feet)	Quantity	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers
34	TS 16-208	Concrete Washout Area	EA			1	\$1,500.00	\$1,500.00	\$200.00	\$200.00	\$2,100.00	\$2,100.00	\$867.13	\$867.13	\$2,058.45	\$2,058.45	\$11,625.00	\$11,625.00
		9th Street: Sta. 27+00, LT		1														
36	TS 16-208	Outlet Protection; D50=9" Rock Riprap	CY			20	\$250.00	\$5,000.00	\$125.00	\$2,500.00	\$195.00	\$3,900.00	\$71.50	\$1,430.00	\$140.53	\$2,810.60	\$137.50	\$2,750.00
		9th Street: Sta. 8+00, LT		10														
		9th Street: Sta. 8+00, RT		10														
Subtotal, Division 200								\$296,918.75		\$227,784.00		\$252,331.25		\$226,939.02		\$349,067.57		\$547,458.00
Division 300 - Aggregate Base Courses																		
37	TS 16-301	Furnish and Place Aggregate Base Course, Class 6 8" Depth	SY			12,500	\$25.00	\$312,500.00	\$7.48	\$93,500.00	\$9.00	\$112,500.00	\$12.69	\$158,625.00	\$7.20	\$90,000.00	\$10.95	\$136,875.00
Subtotal, Division 300								\$312,500.00		\$93,500.00		\$112,500.00		\$158,625.00		\$90,000.00		\$136,875.00
Division 400 - Pavements																		
38	TS 16-401	HMA Grade SX - Pavement Area: 1.5"	TON			800	\$85.00	\$68,000.00	\$78.00	\$62,400.00	\$74.00	\$59,200.00	\$77.15	\$61,720.00	\$65.02	\$52,016.00	\$90.06	\$72,048.00
39	TS 16-401	HMA Grade S - Pavement Area: 2.5"	TON			1,325	\$85.00	\$112,625.00	\$71.00	\$94,075.00	\$62.00	\$82,150.00	\$65.49	\$86,774.25	\$59.11	\$78,320.75	\$80.73	\$106,967.25
40	TS 16-412	30" Concrete Curb and Gutter	LF			3,850	\$30.00	\$115,500.00	\$21.00	\$80,850.00	\$20.75	\$79,887.50	\$21.60	\$83,160.00	\$19.28	\$74,228.00	\$23.58	\$90,783.00
		9th Street																
		Sta. 26+94.17 to 8+10.00, RT		1884.17														
		Sta. 26+94.17 to 7+77.04, LT		1917.13														
45	TS 16-412	Concrete Sidewalk - 10' W	SF			38,500.0	\$10.00	\$385,000.00	\$5.00	\$192,500.00	\$5.40	\$207,900.00	\$6.03	\$232,155.00	\$5.78	\$222,530.00	\$5.34	\$205,590.00
		9th Street:																
		Sta. 26+94.17 to 7+77.04, LT		1917.13	10	19171.3												
		Sta. 26+94.17 to 8+10, RT		1884.17	10	18841.7												
50	TS 16-412	Concrete Pavement Curb Ramps (Type R20)	EA			2.0	\$2,000.00	\$4,000.00	\$3,500.00	\$7,000.00	\$1,750.00	\$3,500.00	\$2,869.18	\$5,738.36	\$1,869.34	\$3,738.68	\$2,950.00	\$5,900.00
		9th Street:																
		Sta. 8+23.8, LT				1												
		Sta. 8+26, RT				1												
Subtotal, Division 400								\$685,125.00		\$436,825.00		\$432,637.50		\$469,547.61		\$430,833.43		\$481,288.25
Division 500 - Pipes																		
51	TS 16-503	6" Dia. PVC (new fire hydrant laterals)	LF			35.00	\$30.00	\$1,050.00	\$70.00	\$2,450.00	\$40.00	\$1,400.00	\$48.65	\$1,702.75	\$183.59	\$6,425.65	\$128.23	\$4,488.05
		9th Street:																
		WL1-P1		17.35														
		College Ave:																
		WL2-P1		13.9														
53	TS 16-503	Connect to Existing 21" Dia. WM @ Water Valve	EA			1	\$3,000.00	\$3,000.00	\$4,000.00	\$4,000.00	\$8,965.00	\$8,965.00	\$4,787.93	\$4,787.93	\$5,711.77	\$5,711.77	\$17,031.25	\$17,031.25
		9th Street - Sta. 14+95, LT (WL1-POC1)		1														
56	TS 16-503	Connect to Existing 14" Dia. WM w/ 14"x6" Tee w/TB	EA			1	\$2,500.00	\$2,500.00	\$12,000.00	\$12,000.00	\$8,235.00	\$8,235.00	\$6,757.48	\$6,757.48	\$7,468.36	\$7,468.36	\$18,939.88	\$18,939.88
		College Ave - Sta. 1+74 (WL2-POC1)		1														
57	TS 16-503	Fire Hydrant w/ 6" Gate Valve	EA			2	\$8,800.00	\$17,600.00	\$7,000.00	\$14,000.00	\$7,335.00	\$14,670.00	\$7,569.85	\$15,139.70	\$10,335.58	\$20,671.16	\$3,938.44	\$7,876.88
		9th Street - Sta. 14+95, LT		1														
		College Ave - Sta. 1+74, RT		1														
58	TS 16-505	Storm Manhole Type B (Sta. 40+90, LT)	EA			1	\$8,500.00	\$8,500.00	\$5,800.00	\$5,800.00	\$2,750.00	\$2,750.00	\$12,142.85	\$12,142.85	\$14,449.41	\$14,449.41	\$11,493.75	\$11,493.75
59	TS 16-505	4' Dia. Storm Manhole	EA			5	\$6,000.00	\$30,000.00	\$4,000.00	\$20,000.00	\$2,300.00	\$11,500.00	\$3,626.37	\$18,131.85	\$5,315.12	\$26,575.60	\$4,342.81	\$21,714.05
		College Ave:																
		MH5		1														
		MH4		1														
		MH3		1														
		9th Street:																
		MH1		1														
		MH2		1														
60	TS 16-505	10' Type R Inlet	EA			4	\$7,500.00	\$30,000.00	\$6,000.00	\$24,000.00	\$6,500.00	\$26,000.00	\$6,284.82	\$25,139.28	\$11,276.21	\$45,104.84	\$10,733.50	\$42,934.00
		9th Street:																
		INL 1		1														
		INL 2		1														
		Note: No INL 3 or INL 4																
		College Ave:																
		INL 5		1														
		INL 6		1														
61	TS 16-505	18" Dia. RCP CLIII Storm Sewer Pipe	LF			1,265.0	\$70.00	\$88,550.00	\$63.00	\$79,695.00	\$65.00	\$82,225.00	\$78.48	\$99,277.20	\$97.46	\$123,286.90	\$61.99	\$78,417.35
		College Ave:																
		P9		400														
		P8		400														

Schedule 1 - 9th St - STA: 8+10.00-26+94.17																		
Payment Item No.	Specification Reference	Description of Work	Payment Unit	Length (Feet)	Width (Feet)	Quantity	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers
		P7		406.9														
		P6		52.35														
62	TS 16-505	24" Dia. RCP CLIII Storm Sewer Pipe	LF			1,110.0	\$100.00	\$111,000.00	\$74.00	\$82,140.00	\$90.00	\$99,900.00	\$108.64	\$120,590.40	\$138.26	\$153,468.60	\$84.94	\$94,283.40
		9th Street:																
		P2		52.33														
		P3		591.68														
		P4		400														
		P5		44.26														
		9th Street:																
		P11		4.93														
		P12		6.04														
63	TS 16-505	30" Dia. RCP CLIII Storm Sewer Pipe	LF			350.0	\$130.00	\$45,500.00	\$103.00	\$36,050.00	\$116.50	\$40,775.00	\$137.56	\$48,146.00	\$171.13	\$59,895.50	\$123.02	\$43,057.00
		P1		38.38														
		P10		293.94														
Subtotal, Division 500								\$337,700.00		\$280,135.00		\$296,420.00		\$351,815.44		\$463,057.79		\$340,235.61
Division 600 - Miscellaneous																		
66	TS 16-605	Centerline (Double Yellow - 4" Wide Solid Line)	LF			1,900	\$2.50	\$4,750.00	\$2.00	\$3,800.00	\$1.10	\$2,090.00	\$1.11	\$2,109.00	\$1.13	\$2,147.00	\$1.25	\$2,375.00
		9th Street: Sta. 18+38.32 - Sta. 8+10.00		1028.32														
		9th Street: Sta. 26+94.17 - Sta.19+24.33		779.84														
		9th Street: Sta. 28+31.96 - Sta.27+80.56		51.4														
67	TS 16-605	White - 4" Solid Line	LF			1,500	\$2.50	\$3,750.00	\$0.70	\$1,050.00	\$0.55	\$825.00	\$0.55	\$825.00	\$0.57	\$855.00	\$0.63	\$945.00
		9th Street: Sta. 12+52.32 - Sta. 8+10.00, LT		442.32														
		9th Street: Sta. 12+52.32 - Sta. 8+10.00, RT		442.32														
		9th Street: Sta. 15+45.32 - Sta.12+52.32, LT		293														
		9th Street: Sta. 15+45.32 - Sta.12+52.32, RT		293														
68	TS 16-605	White - 4" Solid Broken Line	LF			2,200	\$2.50	\$5,500.00	\$0.90	\$1,980.00	\$0.22	\$484.00	\$0.22	\$484.00	\$0.23	\$506.00	\$0.25	\$550.00
		9th Street: Sta. 18+38.32 - Sta.15+45.32, LT		293														
		9th Street: Sta. 18+38.32 - Sta.15+45.32, RT		293														
		9th Street: Sta. 27+06.27 - Sta.19+24.33, LT		781.94														
		9th Street: Sta. 27+06.27 - Sta.19+24.33, RT		781.94														
69	TS 16-605	Furnish and Install New Sign and Post	EA			3	\$350.00	\$1,050.00	\$350.00	\$1,050.00	\$192.50	\$577.50	\$486.51	\$1,459.53	\$292.09	\$876.27	\$375.00	\$1,125.00
		9th St: Sta 12+52, RT (R3-BL Left Turn & Straight Arrow)		1														
		9th Street: Sta. 16+70, LT ("Lane Ends Merge Left")		1														
		9th Street: Sta. 25+69, RT (W3-1 Stop Ahead)		1														
Subtotal, Division 600								\$15,050.00		\$7,880.00		\$3,976.50		\$4,877.53		\$4,384.27		\$4,995.00

City of Fort Lupton, Colorado Public Works Department College Avenue and 9th Street Repaving Project Bid Form																		
Schedule 2 - College Ave - STA: Start - 17+48.93																		
Contractor:						Engineer's Estimate			Colorado Paving, Inc.		Asphalt Specialties Company, Inc.		Defalco Construction Co.		Brannan Sand and Gravel, LLC		Mountain Constructors, Inc.	
Payment Item No.	Specification Reference	Description of Work	Payment Unit	Length (Feet)	Width (Feet)	Quantity	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers
Sch 2 Total								\$1,329,727.98		\$707,378.00		\$910,664.00		\$900,093.56		\$935,257.01		\$1,214,544.24
Division 100 - General Provisions																		
1	TS 16-101	Mobilization	LS			1	\$119,532.12	\$119,532.12	\$1,000.00	\$1,000.00	\$80,000.00	\$80,000.00	\$27,801.84	\$27,801.84	\$44,024.44	\$44,024.44	\$48,606.25	\$48,606.25
2	TS 16-102	Traffic Control	LS			1	\$14,337.32	\$14,337.32	\$2,500.00	\$2,500.00	\$18,000.00	\$18,000.00	\$36,353.61	\$36,353.61	\$53,859.45	\$53,859.45	\$18,125.00	\$18,125.00
3	TS 16-103	Construction Surveying/Staking	LS			1	\$7,168.66	\$7,168.66	\$5,250.00	\$5,250.00	\$24,650.00	\$24,650.00	\$18,648.00	\$18,648.00	\$11,786.18	\$11,786.18	\$32,875.00	\$32,875.00
4	TS 16-104	Material Testing/QC	LS			1	\$7,168.66	\$7,168.66	\$4,000.00	\$4,000.00	\$14,300.00	\$14,300.00	\$16,345.86	\$16,345.86	\$15,786.69	\$15,786.69	\$19,412.50	\$19,412.50
5	TS 16-105	Vacuum Truck/Potholing	LS			1	\$1,433.73	\$1,433.73	\$2,000.00	\$2,000.00	\$6,500.00	\$6,500.00	\$7,770.00	\$7,770.00	\$19,832.52	\$19,832.52	\$16,875.00	\$16,875.00
Subtotal, Division 100								\$149,640.48		\$14,750.00		\$143,450.00		\$106,919.31		\$145,289.28		\$135,893.75
Division 200 - Demolition, Earthwork, Erosion Control, And Seeding																		
6	TS 16-201	Mill Existing Asphalt (Full-Depth)	SY			475.00	\$3.50	\$1,662.50	\$3.20	\$1,520.00	\$4.40	\$2,090.00	\$3.61	\$1,714.75	\$7.12	\$3,382.00	\$6.38	\$3,030.50
		9th St: Sta. 26+94.17 - Sta. 28+31.96																
7	TS 16-201	Asphalt Pavement Removal	SF			100	\$6.25	\$625.00	\$2.00	\$200.00	\$5.00	\$500.00	\$5.23	\$523.00	\$7.19	\$719.00	\$5.13	\$513.00
		College Ave: Sta. 17+40, C.L																
16	TS 16-201	Remove Existing 18"Dia. CMP Culvert	LF			100.00	\$50.00	\$5,000.00	\$15.00	\$1,500.00	\$20.00	\$2,000.00	\$23.17	\$2,317.00	\$83.86	\$8,386.00	\$18.00	\$1,800.00
		College Ave: Between Sta. 9+25 to Sta. 8+90, CL		30.00														
		College Ave: Between Sta. 9+90 to Sta 9+55, CL		41.00														
		College Ave: Between Sta. 10+75 to Sta. 10+55, CL		16.00														
17	TS 16-201	Remove Existing Fire Hydrant	EA			1.00	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00	\$1,005.00	\$1,005.00	\$750.58	\$750.58	\$3,728.51	\$3,728.51	\$1,475.00	\$1,475.00
		College Ave: Sta. 12+35, RT		1.00														
22	TS 16-202	Unclassified Excavation (Over Ex) of Existing Road	SY			12,050.00	\$15.00	\$180,750.00	\$9.25	\$111,462.50	\$9.80	\$118,090.00	\$10.20	\$122,910.00	\$17.29	\$208,344.50	\$28.94	\$348,727.00
		1 ft. Soil Stabilization (fly ash)(lime)(cement)																
		College Ave: Start - 17+48.93																
23	TS 16-202	Subgrade Preparation	SY			12,050.00	\$3.00	\$36,150.00	\$1.85	\$22,292.50	\$2.20	\$26,510.00	\$2.25	\$27,112.50	\$2.01	\$24,220.50	\$2.25	\$27,112.50
		College Ave: Sta.17+48.93-Start																
24	TS 16-202	Sub-Excavation (CUT)	CY			385.0	\$3.00	\$1,155.00	\$8.00	\$3,080.00	\$16.80	\$6,468.00	\$4.19	\$1,613.15	\$5.25	\$2,021.25	\$19.44	\$7,484.40
		College Ave: Sta.17+48.93-Start																
25	TS 16-202	Embankment (FILL)	CY			2,550.0	\$3.00	\$7,650.00	\$8.00	\$20,400.00	\$8.00	\$20,400.00	\$3.15	\$8,032.50	\$5.05	\$12,877.50	\$10.81	\$27,565.50
		College Ave: Sta.17+48.93-Start																
26	TS 16-202	Select Borrow Fill	CY			2,175.0	\$15.00	\$32,625.00	\$8.00	\$17,400.00	\$28.00	\$60,900.00	\$18.26	\$39,715.50	\$10.30	\$22,402.50	\$29.64	\$64,467.00
		College Ave: Sta.17+48.93-Start																
27	TS 16-204	Remove and Relocate Existing Sign	EA			1	\$150.00	\$150.00	\$300.00	\$300.00	\$170.00	\$170.00	\$782.88	\$782.88	\$292.09	\$292.09	\$193.75	\$193.75
		College Ave: Sta. 1+49, LT (R1-1 Stop)		1														
28	TS 16-204	Adj Water Meter Pit (Sta 12+00, Rt)	EA			1	\$500.00	\$500.00	\$300.00	\$300.00	\$245.00	\$245.00	\$282.11	\$282.11	\$4,272.49	\$4,272.49	\$825.00	\$825.00
29	TS 16-204	Adj Water Valves	EA			3.00	\$500.00	\$1,500.00	\$200.00	\$600.00	\$300.00	\$900.00	\$141.05	\$423.15	\$550.20	\$1,650.60	\$487.50	\$1,462.50
		Sta. 11+10, CL		1.00														
		Sta. 11+10, LT		1.00														
		Sta 14+85, CL		1.00														
31	TS 16-205	Topsoil Placement, 4"	SY			2,600.00	\$4.00	\$10,400.00	\$4.84	\$12,584.00	\$9.00	\$23,400.00	\$3.77	\$9,802.00	\$7.41	\$19,266.00	\$2.78	\$7,228.00
		College Ave																
32	TS 16-206	Permanent Seeding	SY			2,600.00	\$1.50	\$3,900.00	\$0.50	\$1,300.00	\$0.75	\$1,950.00	\$0.83	\$2,158.00	\$1.53	\$3,978.00	\$1.12	\$2,912.00
		College Ave																
34	TS 16-208	Concrete Washout Area	EA			1	\$1,500.00	\$1,500.00	\$200.00	\$200.00	\$2,100.00	\$2,100.00	\$1,366.41	\$1,366.41	\$2,058.45	\$2,058.45	\$4,375.00	\$4,375.00
		College Ave: Sta. 9+75, LT		1														
35	TS 16-208	Inlet Protection	EA			2	\$400.00	\$800.00	\$150.00	\$300.00	\$350.00	\$700.00	\$570.10	\$1,140.20	\$195.68	\$391.36	\$212.50	\$425.00
		College Ave: Sta. 11+55, RT (INL #5)		1														
		College Ave: Sta. 11+55, LT (INL #6)		1														
Subtotal, Division 200								\$285,367.50		\$194,939.00		\$267,428.00		\$220,643.73		\$317,990.75		\$499,596.15

Schedule 2 - College Ave - STA: Start - 17+48.93																				
Contractor:						Engineer's Estimate			Colorado Paving, Inc.		Asphalt Specialties Company, Inc.		Defalco Construction Co.		Brannan Sand and Gravel, LLC		Mountain Constructors, Inc.			
Payment Item No.	Specification Reference	Description of Work	Payment Unit	Length (Feet)	Width (Feet)	Quantity	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers		
Division 300 - Bases																				
37	TS 16-301	Aggregate Base Course Area: (8" Depth)	SY			12,050.0	\$25.00	\$301,250.00	\$7.48	\$90,134.00	\$9.00	\$108,450.00	\$12.63	\$152,191.50	\$7.20	\$86,760.00	\$10.95	\$131,947.50		
		College Ave: Sta. 17+48.93 to Start; Full-Width (plus 9th st intersection)																		
Subtotal, Division 300								\$301,250.00		\$90,134.00		\$108,450.00		\$152,191.50		\$86,760.00		\$131,947.50		
Division 400 - Pavements																				
38	TS 16-401	HMA Grade SX - Pavement Area: 1.5"	TON			775	\$85.00	\$65,875.00	\$78.00	\$60,450.00	\$74.00	\$57,350.00	\$77.15	\$59,791.25	\$65.03	\$50,398.25	\$90.06	\$69,796.50		
39	TS 16-401	HMA Grade S - Pavement Area: 2.5"	TON			1,250	\$85.00	\$106,250.00	\$71.00	\$88,750.00	\$62.00	\$77,500.00	\$65.49	\$81,862.50	\$58.42	\$73,025.00	\$80.73	\$100,912.50		
40	TS 16-412	30" Concrete Curb and Gutter	LF			3,450	\$30.00	\$103,500.00	\$21.00	\$72,450.00	\$21.50	\$74,175.00	\$21.60	\$74,520.00	\$19.28	\$66,516.00	\$23.58	\$81,351.00		
		College Ave																		
		Sta. 1+72.82 to 1+49.34, LT		35.64																
		Sta. 1+72.82 to 1+49.34, RT		35.64																
		Sta. 16+65.12 to 1+72.82, LT		1492.3																
		Sta. 17+48.93 to 16+65.12, LT		83.81																
		Sta 17+48.93 to 1+72.82, RT		1576.11																
		9th St																		
		Rets @ College Ave, RT		79																
		Sta. 26+94.17 to 27+92.56, LT		98.39																
42	TS 16-412	Concrete Curb Ramp - 24'R-10'W	EA			2	\$2,500.00	\$5,000.00	\$3,750.00	\$7,500.00	\$2,645.00	\$5,290.00	\$3,766.67	\$7,533.34	\$2,804.01	\$5,608.02	\$4,109.38	\$8,218.76		
		@ College Ave intersection (=2@103.44 sf)		2																
43	TS 16-412	Concrete Curb Ramp - 20'R-10'W	EA			1	\$2,100.00	\$2,100.00	\$3,500.00	\$3,500.00	\$2,300.00	\$2,300.00	\$3,679.76	\$3,679.76	\$2,453.52	\$2,453.52	\$3,537.50	\$3,537.50		
		@ Coyote Creek Drive return (=139.49 sf)		1																
45	TS 16-412	Concrete Sidewalk - 10' W	SF			24,250.0	\$10.00	\$242,500.00	\$5.00	\$121,250.00	\$5.75	\$139,437.50	\$6.25	\$151,562.50	\$5.78	\$140,165.00	\$5.34	\$129,495.00		
		College Ave:																		
		Sta. 1+72.82 to 1+49.34, LT		35.64	10	356.4														
		Sta.1+72.82 to 1+49.34, RT		35.64	10	356.4														
		Sta. 17+40.08 to 1+72.82, LT		1590.74	10	15907.4														
		Sta.17+49.38 to 9+18.39, RT (minus Drwy @ Sta.14+09, RT)		644.66	10	6446.6														
		@ Coyote Creek Dr ret, RT		9.35	10	93.5														
		9th St:																		
		Sta. 26+94.17 to 27+92.56, LT		98.39	10	983.9														
46	TS 16-412	Type R13 Driveway (8" Thick)	EA			3.0	\$8,540.00	\$25,620.00	\$4,500.00	\$13,500.00	\$1,600.00	\$4,800.00	\$2,637.14	\$7,911.42	\$1,752.51	\$5,257.53	\$4,666.67	\$14,000.01		
		College Ave:																		
		Sta. 6+75.87, LT			1															
		Sta. 9+21.75, RT			1															
		Sta. 14+08.92, RT			1															
48	TS 16-412	Concrete Modular Walls	SF			100	\$75.00	\$7,500.00	\$27.00	\$2,700.00	\$60.00	\$6,000.00	\$53.78	\$5,378.00	\$116.83	\$11,683.00	\$62.50	\$6,250.00		
		College Ave:																		
		Sta. 11+10, LT		16	2	32														
		Sta. 14+30, LT		27	2	54														
Subtotal, Division 400								\$558,345.00		\$370,100.00		\$366,852.50		\$392,238.77		\$355,106.32		\$413,561.27		
Division 500 - Pipes																				
51	TS 16-503	6" Dia. PVC (new fire hydrant laterals)	LF			15	\$30.00	\$450.00	\$70.00	\$1,050.00	\$38.00	\$570.00	\$216.82	\$3,252.30	\$190.39	\$2,855.85	\$128.23	\$1,923.45		
		College Ave:																		
		WL2-P1		13.9																
56	TS 16-503	Connect to Existing 14" Dia. WM w/ 14"x6" Tee w/TB	EA			1	\$2,500.00	\$2,500.00	\$17,500.00	\$17,500.00	\$8,235.00	\$8,235.00	\$7,086.27	\$7,086.27	\$7,468.36	\$7,468.36	\$18,939.88	\$18,939.88		
		College Ave - Sta. 1+74 (WL2-POC1)		1																
57	TS 16-503	Fire Hydrant w/ 6" Gate Valve	EA			1	\$8,800.00	\$8,800.00	\$7,000.00	\$7,000.00	\$7,335.00	\$7,335.00	\$7,887.63	\$7,887.63	\$10,720.90	\$10,720.90	\$3,938.44	\$3,938.44		
		College Ave - Sta. 1+74, RT		1																
Subtotal, Division 500								\$11,750.00		\$25,550.00		\$16,140.00		\$18,226.20		\$21,045.11		\$24,801.77		
Division 600 - Miscellaneous																				
64	TS 16-605	24" Stop Bar	LF			75	\$45.00	\$3,375.00	\$7.00	\$525.00	\$22.00	\$1,650.00	\$22.20	\$1,665.00	\$22.67	\$1,700.25	\$25.00	\$1,875.00		
		9th Street - Sta. 27+06.27		22																
		9th Street - Sta. 27+80.56		22																
		College Ave - Sta. 1+37.18		22																
65	TS 16-605	Crosswalk Lines	EA			10	\$200.00	\$2,000.00	\$250.00	\$2,500.00	\$148.50	\$1,485.00	\$149.85	\$1,498.50	\$152.99	\$1,529.90	\$16.88	\$168.80		

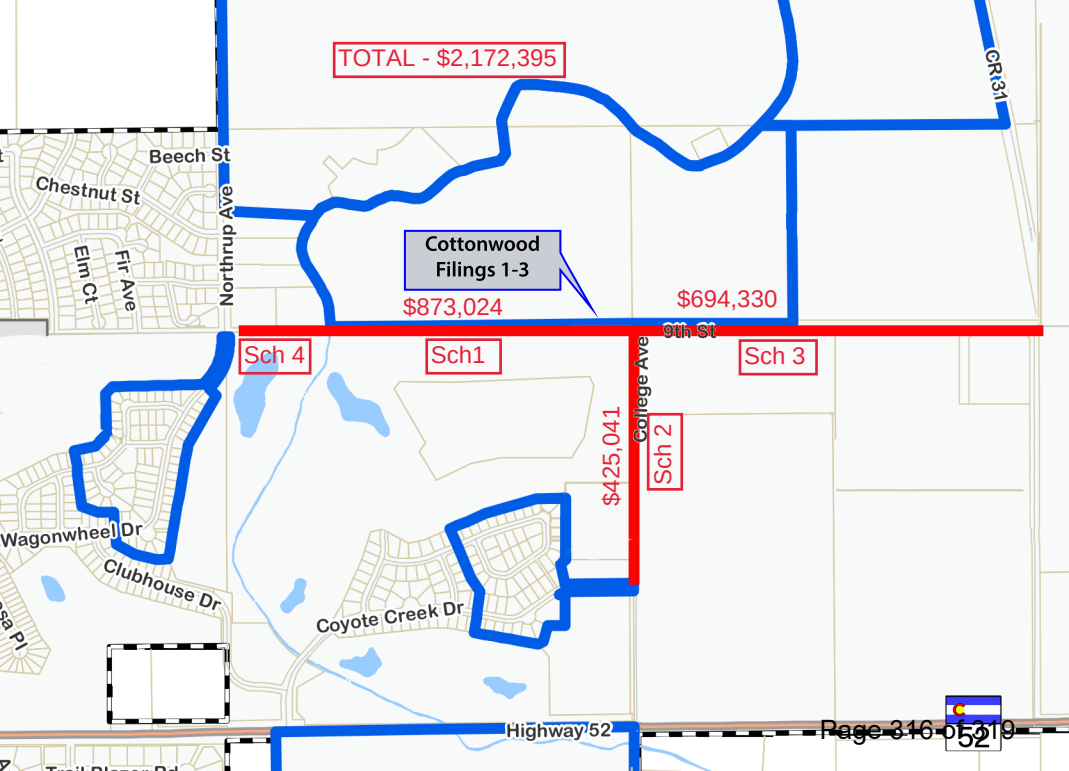
Schedule 2 - College Ave - STA: Start - 17+48.93																		
Contractor:						Engineer's Estimate			Colorado Paving, Inc.		Asphalt Specialties Company, Inc.		Defalco Construction Co.		Brannan Sand and Gravel, LLC		Mountain Constructors, Inc.	
Payment Item No.	Specification Reference	Description of Work	Payment Unit	Length (Feet)	Width (Feet)	Quantity	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers
		@ College Ave (1.5' x 9')		9														
66	TS 16-605	Centerline (Double Yellow - 4" Wide Solid Line)	LF			3,200	\$2.50	\$8,000.00	\$1.30	\$4,160.00	\$1.10	\$3,520.00	\$1.11	\$3,552.00	\$1.13	\$3,616.00	\$1.25	\$4,000.00
		College Ave: Sta. 17+48.93 - Sta. 1+37.18		3187.86														
68	TS 16-605	White - 4" Solid Broken Line	LF			3,300	\$2.50	\$8,250.00	\$0.90	\$2,970.00	\$0.22	\$726.00	\$0.22	\$726.00	\$0.23	\$759.00	\$0.25	\$825.00
		College Ave: Sta. 17+48.93 - Sta.1+37.18 LT		1647.39														
		College Ave: Sta. 17+48.93 - Sta.1+37.18 RT		1647.39														
69	TS 16-605	Furnish and Install New Sign and Post	EA			5	\$350.00	\$1,750.00	\$350.00	\$1,750.00	\$192.50	\$962.50	\$486.51	\$2,432.55	\$292.08	\$1,460.40	\$375.00	\$1,875.00
		College Ave: Sta. 2+74, LT (W3-1 Stop Ahead)		1														
		College Ave: Sta. 2+74, RT (R2-1 Speed Limit 40)		1														
		College Ave: Sta. 16+65, LT (R2-1 Speed Limit 40)		1														
		9th Street: Sta. 26+94, LT (R1-1 Stop)		1														
		9th Street: Sta. 27+92, LT (R1-1 Stop)		1														
Subtotal, Division 600								\$23,375.00		\$11,905.00		\$8,343.50		\$9,874.05		\$9,065.55		\$8,743.80

City of Fort Lupton, Colorado Public Works Department College Avenue and 9th Street Repaving Project Bid Form																		
Schedule 3 - 9th St - STA: 27+92.56-49+07.99																		
Contractor:						Engineer's Estimate			Colorado Paving, Inc.		Asphalt Specialties Company, Inc.		Defalco Construction Co.		Brannan Sand and Gravel, LLC		Mountain Constructors, Inc.	
Payment Item No.	Specification Reference	Description of Work	Payment Unit	Length (Feet)	Width (Feet)	Quantity	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers
Sch 3 Total								\$1,501,473.35		\$814,329.75		\$966,069.75		\$1,005,768.98		\$1,039,125.15		\$1,329,413.92
Division 100 - General Provisions																		
1	TS 16-101	Mobilization	LS			1	\$149,109.36	\$149,109.36	\$1,000.00	\$1,000.00	\$70,000.00	\$70,000.00	\$27,280.14	\$27,280.14	\$21,248.17	\$21,248.17	\$51,778.75	\$51,778.75
2	TS 16-102	Traffic Control	LS			1	\$18,317.97	\$18,317.97	\$2,500.00	\$2,500.00	\$18,000.00	\$18,000.00	\$38,331.63	\$38,331.63	\$44,709.42	\$44,709.42	\$18,125.00	\$18,125.00
3	TS 16-103	Construction Surveying/Staking	LS			1	\$9,158.99	\$9,158.99	\$5,000.00	\$5,000.00	\$23,000.00	\$23,000.00	\$29,304.00	\$29,304.00	\$6,568.53	\$6,568.53	\$32,785.00	\$32,785.00
4	TS 16-104	Material Testing/QC	LS			1	\$9,158.99	\$9,158.99	\$4,000.00	\$4,000.00	\$15,500.00	\$15,500.00	\$17,116.20	\$17,116.20	\$16,391.86	\$16,391.86	\$20,080.00	\$20,080.00
5	TS 16-105	Vacuum Truck/Potholing	LS			1	\$1,831.80	\$1,831.80	\$2,500.00	\$2,500.00	\$6,500.00	\$6,500.00	\$9,301.80	\$9,301.80	\$19,832.52	\$19,832.52	\$16,875.00	\$16,875.00
Subtotal, Division 100								\$187,577.10		\$15,000.00		\$133,000.00		\$121,333.77		\$108,750.50		\$139,643.75
Division 200 - Demolition, Earthwork, Erosion Control, And Seeding																		
6	TS 16-201	Mill Existing Asphalt (Full-Depth)	SY			6,200.00	\$3.50	\$21,700.00	\$3.20	\$19,840.00	\$3.60	\$22,320.00	\$3.61	\$22,382.00	\$3.31	\$20,522.00	\$6.38	\$39,556.00
		9th St: Sta. 49+07.99-Sta. 28+31.96																
8	TS 16-201	Existing (Concrete) Driveway Removal	SF			1325	\$2.00	\$2,650.00	\$2.00	\$2,650.00	\$1.50	\$1,987.50	\$2.05	\$2,716.25	\$17.53	\$23,227.25	\$1.55	\$2,053.75
		9th St: Sta. 42+80, RT																
12	TS 16-201	Remove Barbed Wire Fence	LF			875.00	\$1.75	\$1,531.25	\$1.25	\$1,093.75	\$0.90	\$787.50	\$3.43	\$3,001.25	\$2.72	\$2,380.00	\$0.94	\$822.50
		9th St: Between Sta. 34+55 to Sta. 28+60, LT		600.00														
		9th ST: Between Sta. 38+12.50 to Sta. 34+75, LT		262.00														
13	TS 16-201	Remove Existing Steel Frame Chain Link Fencing	LF			500	\$3.50	\$1,750.00	\$1.50	\$750.00	\$9.00	\$4,500.00	\$3.00	\$1,500.00	\$8.33	\$4,165.00	\$1.64	\$820.00
		9th St: Sta. 28+05.00 RT - Sta. 32+99.00 RT		494.00														
15	TS 16-201	Remove Existing Storm Inlet	EA			1.00	\$250.00	\$250.00	\$1,500.00	\$1,500.00	\$985.00	\$985.00	\$569.32	\$569.32	\$3,252.53	\$3,252.53	\$837.50	\$837.50
		Sta. 40+90 LT		1.00														
17	TS 16-201	Remove Existing Fire Hydrant	EA			1.00	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00	\$1,005.00	\$1,005.00	\$750.58	\$750.58	\$2,821.89	\$2,821.89	\$1,475.00	\$1,475.00
		9th St: Sta. 38+80, LT		1.00														
19	TS 16-201	Remove Existing Water Valves	EA			3.00	\$300.00	\$900.00	\$1,500.00	\$4,500.00	\$500.00	\$1,500.00	\$375.29	\$1,125.87	\$352.45	\$1,057.35	\$1,106.25	\$3,318.75
		Sta. 38+50 LT		3.00														
20	TS 16-201	Remove Existing Sign Post	EA			1.00	\$50.00	\$50.00	\$150.00	\$150.00	\$82.00	\$82.00	\$100.84	\$100.84	\$175.25	\$175.25	\$50.00	\$50.00
		Sta. 42+20 LT		1.00														
21	TS 16-201	Remove Existing Tree	EA			2.00	\$150.00	\$300.00	\$800.00	\$1,600.00	\$625.00	\$1,250.00	\$2,277.28	\$4,554.56	\$2,833.22	\$5,666.44	\$778.13	\$1,556.26
		Sta. 39+10 LT		2.00														
22	TS 16-202	Unclassified Excavation (Over Ex) of Existing Road	SY			14,000.00	\$15.00	\$210,000.00	\$9.25	\$129,500.00	\$9.80	\$137,200.00	\$10.14	\$141,960.00	\$17.29	\$242,060.00	\$28.94	\$405,160.00
		1 ft. Soil Stabilization (fly ash)(lime)(cement)																
		9th Street: Sta. 28+31.96 - 49+07.99																
23	TS 16-202	Subgrade Preparation	SY			14,000.00	\$3.00	\$42,000.00	\$1.85	\$25,900.00	\$2.20	\$30,800.00	\$2.32	\$32,480.00	\$2.01	\$28,140.00	\$2.25	\$31,500.00
		9th Street: Sta. 49+07.99-Sta. 28+31.96																
24	TS 16-202	Sub-Excavation (CUT)	CY			1,250.0	\$3.00	\$3,750.00	\$8.00	\$10,000.00	\$9.00	\$11,250.00	\$4.13	\$5,162.50	\$1.05	\$1,312.50	\$19.44	\$24,300.00
		9th Street: Sta. 49+07.99-Sta. 28+31.96																
25	TS 16-202	Embankment (FILL)	CY			1,000.0	\$3.00	\$3,000.00	\$8.00	\$8,000.00	\$12.00	\$12,000.00	\$3.22	\$3,220.00	\$6.10	\$6,100.00	\$10.81	\$10,810.00
		9th Street: Sta. 49+07.99-Sta. 28+31.96																
26	TS 16-202	Select Borrow Fill	CY			0.0	\$15.00	\$0.00	\$8.00	\$0.00		\$0.00	\$18.84	\$0.00	\$13.92	\$0.00		\$0.00
		9th Street: Sta. 49+07.99-Sta. 28+31.96																
27	TS 16-204	Remove and Relocate Existing Sign	EA			5.00	\$350.00	\$1,750.00	\$300.00	\$1,500.00	\$165.00	\$825.00	\$549.05	\$2,745.25	\$292.08	\$1,460.40	\$193.75	\$968.75
		Sta. 28+60 LT		1.00														
		"Electric"; Sta. 28+60 LT		1.00														
		Fire Station Sign; Sta. 43+00, RT		1.00														
		"Speed Limit 40 mph"; Sta. 30+80, RT		1.00														
		9th Street: Sta. 30+72, RT (Speed Limit 40)		1.00														
30	TS 16-204	Adjust Sanitary Manhole	EA			3.00	\$1,500.00	\$4,500.00	\$200.00	\$600.00	\$620.00	\$1,860.00	\$625.26	\$1,875.78	\$648.90	\$1,946.70	\$925.00	\$2,775.00
		Sta. 40+00, RT		2.00														
		Sta. 48+65, RT		1.00														
31	TS 16-205	Topsoil Placement, 4"	SY			4,400.00	\$4.00	\$17,600.00	\$4.84	\$21,296.00	\$9.00	\$39,600.00	\$3.46	\$15,224.00	\$7.41	\$32,604.00	\$2.78	\$12,232.00
		9th Street																
32	TS 16-206	Permanent Seeding	SY			4,400.00	\$1.50	\$6,600.00	\$0.50	\$2,200.00	\$1.15	\$5,060.00	\$0.83	\$3,652.00	\$1.45	\$6,380.00	\$1.12	\$4,928.00
		9th Street																
35	TS 16-208	Inlet Protection																
		9th Street: Sta. 37+75, LT (INL #2)	EA	1		2	\$400.00	\$800.00	\$150.00	\$300.00	\$165.00	\$330.00	\$570.10	\$1,140.20	\$195.68	\$391.36	\$212.50	\$425.00
		9th Street: Sta. 37+75, RT (INL #1)		1														
Subtotal, Division 200								\$320,131.25		\$232,879.75		\$273,342.00		\$244,160.40		\$383,662.67		\$543,588.51

Schedule 3 - 9th St - STA: 27+92.56-49+07.99																		
Contractor:						Engineer's Estimate			Colorado Paving, Inc.		Asphalt Specialties Company, Inc.		Defalco Construction Co.		Brannan Sand and Gravel, LLC		Mountain Constructors, Inc.	
Payment Item No.	Specification Reference	Description of Work	Payment Unit	Length (Feet)	Width (Feet)	Quantity	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers
Division 300 - Bases																		
37	TS 16-301	Aggregate Base Course Area: (8" Depth)	SY			14,000.0	\$25.00	\$350,000.00	\$7.48	\$104,720.00	\$9.00	\$126,000.00	\$12.60	\$176,400.00	\$7.20	\$100,800.00	\$10.95	\$153,300.00
		9th Street:																
		Sta. 49+07.99 to 28+31.96; Full Width																
Subtotal, Division 300								\$350,000.00		\$104,720.00		\$126,000.00		\$176,400.00		\$100,800.00		\$153,300.00
Division 400 - Pavements																		
38	TS 16-401	HMA Grade SX - Pavement Area: 1.5"	TON			875	\$85.00	\$74,375.00	\$78.00	\$68,250.00	\$74.00	\$64,750.00	\$77.15	\$67,506.25	\$65.03	\$56,901.25	\$90.06	\$78,802.50
39	TS 16-401	HMA Grade S - Pavement Area: 2.5"	TON			1,450	\$85.00	\$123,250.00	\$71.00	\$102,950.00	\$62.00	\$89,900.00	\$65.49	\$94,960.50	\$58.42	\$84,709.00	\$80.73	\$117,058.50
40	TS 16-412	30" Concrete Curb and Gutter	LF			4,275	\$30.00	\$128,250.00	\$21.00	\$89,775.00	\$20.75	\$88,706.25	\$21.70	\$92,767.50	\$19.28	\$82,422.00	\$23.58	\$100,804.50
		9th Street																
		Sta. 49+07.99 to 27+92.56, LT		2116.35														
		Sta. 49+07.99 to 27+92.56, RT		2116.35														
45	TS 16-412	Concrete Sidewalk - 10' W	SF			24,000.0	\$10.00	\$240,000.00	\$5.00	\$120,000.00	\$5.70	\$136,800.00	\$6.25	\$150,000.00	\$5.78	\$138,720.00	\$5.34	\$128,160.00
		9th Street:																
		37+92.13 to 49+07.99 (minus 8" thick road access) LT		1083.04	10	10830.4												
		28+31.96 to 40+30.78 RT		1198.82	10	11988.2												
		Transition from 10'W to 8'W: Sta. 48+50.80 to 49+07.99 LT		58.51	Var: 10 to 8	526.59												
		Transition from 10'W to 6'W: Sta. 40+75.73 to 40+30.78 RT		45.77	Var: 10 to 6	366.16												
46	TS 16-412	Type R13 Driveway (8" Thick)	EA			1.0	\$8,540.00	\$8,540.00	\$4,000.00	\$4,000.00	\$3,800.00	\$3,800.00	\$2,887.33	\$2,887.33	\$4,089.18	\$4,089.18	\$4,667.67	\$4,667.67
		College Ave: STA: 47+04.69 LT				1												
47	TS 16-412	Concrete Cross Pan - 4'W	LF			85	\$50.00	\$4,250.00	\$50.00	\$4,250.00	\$42.50	\$3,612.50	\$36.58	\$3,109.30	\$46.73	\$3,972.05	\$40.00	\$3,400.00
		9th Street:																
		Sta. 42+77, RT		73.93														
49	TS 16-412	Concrete Driveway (2-lane, Radial Entrance, 8" Thick)	SF			750.0	\$25.00	\$18,750.00	\$10.00	\$7,500.00	\$11.50	\$8,625.00	\$10.55	\$7,912.50	\$12.27	\$9,202.50	\$13.60	\$10,200.00
				20.6	34.6	712.76												
Subtotal, Division 400								\$597,415.00		\$396,725.00		\$396,193.75		\$419,143.38		\$380,015.98		\$443,093.17
Division 500 - Pipes																		
51	TS 16-503	6" Dia. PVC (new fire hydrant laterals)	LF			30	\$30.00	\$900.00	\$70.00	\$2,100.00	\$38.00	\$1,140.00	\$69.21	\$2,076.30	\$113.33	\$3,399.90	\$128.23	\$3,846.90
		9th Street:																
		WL3-P1		24.46														
52	TS 16-503	16" Dia. PVC (W/16" CAP and TB)	LF			15	\$65.00	\$975.00	\$515.00	\$7,725.00	\$195.00	\$2,925.00	\$275.62	\$4,134.30	\$1,053.96	\$15,809.40	\$255.98	\$3,839.70
		9th Street:																
		WL4-P1		12.51														
54	TS 16-503	Connect to Existing 16" Dia. WM w/ 16"x6" Tee w/TB	EA			1	\$2,800.00	\$2,800.00	\$19,500.00	\$19,500.00	\$6,850.00	\$6,850.00	\$8,454.91	\$8,454.91	\$9,836.93	\$9,836.93	\$13,521.88	\$13,521.88
		9th Street - Sta. 37+85, LT (WL3-POC1)		1														
55	TS 16-503	Connect to Existing 16" Dia. WM w/ 16" Tee w/TB	EA			1	\$2,500.00	\$2,500.00	\$8,900.00	\$8,900.00	\$6,045.00	\$6,045.00	\$9,278.42	\$9,278.42	\$10,845.55	\$10,845.55	\$13,715.63	\$13,715.63
		9th Street - Sta. 38+35, LT (WL4-POC1)		1														
57	TS 16-503	Fire Hydrant w/ 6" Gate Valve	EA			2	\$8,800.00	\$17,600.00	\$7,000.00	\$14,000.00	\$7,350.00	\$14,700.00	\$7,141.99	\$14,283.98	\$9,882.27	\$19,764.54	\$3,938.44	\$7,876.88
		9th Street - Sta. 37+85, LT		1														
		9th Street - Sta. 38+35, LT		1														
Subtotal, Division 500								\$24,775.00		\$52,225.00		\$31,660.00		\$38,227.91		\$59,656.32		\$42,800.99
Division 600 - Miscellaneous																		
66	TS 16-605	Centerline (Double Yellow - 4" Wide Solid Line)	LF			4,150	\$2.50	\$10,375.00	\$2.00	\$8,300.00	\$1.10	\$4,565.00	\$1.11	\$4,606.50	\$1.13	\$4,689.50	\$1.25	\$5,187.50
		9th Street: Sta. 48+65.82 - Sta.27+92.56		4,119														
68	TS 16-605	White - 4" Solid Broken Line	LF			4,200	\$2.50	\$10,500.00	\$0.90	\$3,780.00	\$0.22	\$924.00	\$0.22	\$924.00	\$0.23	\$966.00	\$0.25	\$1,050.00
		9th Street: Sta. 48+65.82 - Sta.28+31.96, LT		2085.26														
		9th Street: Sta. 48+65.82 - Sta.28+31.96, RT		2085.26														
69	TS 16-605	Furnish and Install New Sign and Post	EA			2	\$350.00	\$700.00	\$350.00	\$700.00	\$192.50	\$385.00	\$486.51	\$973.02	\$292.09	\$584.18	\$375.00	\$750.00
		9th Street: Sta. 29+17, LT (W3-1 Stop Ahead)		1														
		9th Street: Sta. 41+82, LT (R2-1 Speed Limit 40)		1														
Subtotal, Division 600								\$21,575.00		\$12,780.00		\$5,874.00		\$6,503.52		\$6,239.68		\$6,987.50

City of Fort Lupton, Colorado Public Works Department College Avenue and 9th Street Repaving Project Bid Form																		
Schedule 4 - 9th St - STA: 1+16.12 - 7+47.26																		
Contractor:						Engineer's Estimate			Colorado Paving, Inc.		Asphalt Specialties Company, Inc.		Defalco Construction Co.		Brannan Sand and Gravel, LLC		Mountain Constructors, Inc.	
Payment Item No.	Specification Reference	Description of Work	Payment Unit	Length (Feet)	Width (Feet)	Quantity	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers
Sch 4 Total								\$461,553.76		\$233,823.50		\$314,789.50		\$312,288.76		\$312,668.49		\$453,493.32
Division 100 - General Provisions																		
1	TS 16-101	Mobilization	LS			1	\$41,620.55	\$41,620.55	\$1,000.00	\$1,000.00	\$39,000.00	\$39,000.00	\$23,114.86	\$23,114.86	\$16,987.01	\$16,987.01	\$50,278.75	\$50,278.75
2	TS 16-102	Traffic Control	LS			1	\$2,806.29	\$2,806.29	\$1,500.00	\$1,500.00	\$11,000.00	\$11,000.00	\$24,666.98	\$24,666.98	\$34,709.00	\$34,709.00	\$18,125.00	\$18,125.00
3	TS 16-103	Construction Surveying/Staking	LS			1	\$1,403.15	\$1,403.15	\$2,500.00	\$2,500.00	\$13,000.00	\$13,000.00	\$7,992.00	\$7,992.00	\$3,399.86	\$3,399.86	\$32,875.00	\$32,875.00
4	TS 16-104	Material Testing/QC	LS			1	\$1,403.15	\$1,403.15	\$3,000.00	\$3,000.00	\$9,600.00	\$9,600.00	\$8,321.67	\$8,321.67	\$8,104.14	\$8,104.14	\$10,946.25	\$10,946.25
5	TS 16-105	Vacuum Truck/Potholing	LS			1	\$280.63	\$280.63	\$1,500.00	\$1,500.00	\$4,300.00	\$4,300.00	\$9,301.80	\$9,301.80	\$11,899.51	\$11,899.51	\$16,875.00	\$16,875.00
Subtotal, Division 100								\$47,513.76		\$9,500.00		\$76,900.00		\$73,397.31		\$75,099.52		\$129,100.00
Division 200 - Demolition, Earthwork, Erosion Control, And Seeding																		
6	TS 16-201	Mill Existing Asphalt (Full-Depth)	SY			2,000.00	\$3.50	\$7,000.00	\$3.20	\$6,400.00	\$3.60	\$7,200.00	\$3.61	\$7,220.00	\$2.86	\$5,720.00	\$6.38	\$12,760.00
		9th St: Sta. 1+16.12 - Sta. 7+47.26																
9	TS 16-201	Concrete Curb Ramp Removal	EA			1	\$250.00	\$250.00	\$500.00	\$500.00	\$570.00	\$570.00	\$426.35	\$426.35	\$17.52	\$17.52	\$512.50	\$512.50
		9th St: Sta. 1+25, LT	#NAME?															
10	TS 16-201	Existing Concrete Ditch : Fill and Abandon	LF			185.00	\$2.00	\$370.00	\$10.00	\$1,850.00	\$3.00	\$555.00	\$8.61	\$1,592.85	\$22.22	\$4,110.70	\$9.19	\$1,700.15
		9th St: Sta. 1+40 to 3+25 LT																
11	TS 16-201	Remove 6'H Chain Link Fence	LF			640.00	\$1.75	\$1,120.00	\$1.50	\$960.00	\$1.30	\$832.00	\$2.80	\$1,792.00	\$5.43	\$3,475.20	\$1.93	\$1,235.20
		9th St: Between Sta. 1+16 to 7+47.26, RT																
20	TS 16-201	Remove Existing Stop Signs	EA			1.00	\$100.00	\$100.00	\$150.00	\$150.00	\$115.00	\$115.00	\$282.11	\$282.11	\$175.25	\$175.25	\$37.50	\$37.50
		Sta. 1+40 LT																
22	TS 16-202	Unclassified Excavation (Over Ex) of Existing Road	SY			3,250.00	\$15.00	\$48,750.00	\$9.25	\$30,062.50	\$9.80	\$31,850.00	\$10.09	\$32,792.50	\$17.29	\$56,192.50	\$28.94	\$94,055.00
		1 ft. Soil Stabilization (fly ash)(lime)(cement)																
		9th Street: Sta. 1+16.12 - Sta. 7+47.26																
23	TS 16-202	Subgrade Preparation	SY			3,250.0	\$3.00	\$9,750.00	\$8.00	\$26,000.00	\$2.20	\$7,150.00	\$2.22	\$7,215.00	\$2.01	\$6,532.50	\$2.25	\$7,312.50
		9th Street: Sta. 1+16.12 to 7+47.26																
24	TS 16-202	Sub-Excavation (CUT)	CY			50.0	\$3.00	\$150.00	\$8.00	\$400.00	\$9.00	\$450.00	\$3.06	\$153.00	\$3.51	\$175.50	\$19.44	\$972.00
		9th Street: Sta. 1+16.12 to 7+47.26																
25	TS 16-202	Embankment (FILL)	CY			850.0	\$3.00	\$2,550.00	\$8.00	\$6,800.00	\$18.00	\$15,300.00	\$4.27	\$3,629.50	\$6.10	\$5,185.00	\$10.81	\$9,188.50
		9th Street: Sta. 1+16.12 to 7+47.26																
26	TS 16-202	Select Borrow Fill	CY			1,000.0	\$15.00	\$15,000.00	\$8.00	\$8,000.00	\$21.00	\$21,000.00	\$18.84	\$18,840.00	\$13.92	\$13,920.00	\$29.64	\$29,640.00
		9th Street: Sta. 1+16.12 to 7+47.26																
27	TS 16-204	Remove and Relocate Existing Sign	EA			1	\$150.00	\$150.00	\$300.00	\$300.00	\$160.00	\$160.00	\$362.53	\$362.53	\$233.67	\$233.67	\$193.75	\$193.75
		9th Street: Sta. 1+33, LT (R1-1 Stop)		1														
31	TS 16-205	Topsoil Placement, 4"	SY			1,400.00	\$4.00	\$5,600.00	\$4.84	\$6,776.00	\$9.00	\$12,600.00	\$3.87	\$5,418.00	\$7.41	\$10,374.00	\$2.78	\$3,892.00
		9th Street																
32	TS 16-206	Permanent Seeding	SY			1,400.00	\$1.50	\$2,100.00	\$0.50	\$700.00	\$1.20	\$1,680.00	\$0.83	\$1,162.00	\$1.76	\$2,464.00	\$1.12	\$1,568.00
		9th Street																
33	TS 16-208	Sediment Control Logs	LF			250	\$4.00	\$1,000.00	\$10.00	\$2,500.00	\$4.35	\$1,087.50	\$6.38	\$1,595.00	\$4.78	\$1,195.00	\$5.75	\$1,437.50
		9th Street: Sta. 7+47.26, LT		112														
		9th Street: Sta. 7+47.26, RT		123														
Subtotal, Division 200								\$93,890.00		\$91,398.50		\$100,549.50		\$82,480.84		\$109,770.84		\$164,504.60
Division 300 - Aggregates																		
37	TS 16-301	Furnish and Place Aggregate Base Course, Class 6 8" Depth	SY			3,250.0	\$25.00	\$81,250.00	\$7.48	\$24,310.00	\$9.00	\$29,250.00	\$12.50	\$40,625.00	\$7.20	\$23,400.00	\$10.95	\$35,587.50

Schedule 4 - 9th St - STA: 1+16.12 - 7+47.26																		
Contractor:						Engineer's Estimate			Colorado Paving, Inc.		Asphalt Specialties Company, Inc.		Defalco Construction Co.		Brannan Sand and Gravel, LLC		Mountain Constructors, Inc.	
Payment Item No.	Specification Reference	Description of Work	Payment Unit	Length (Feet)	Width (Feet)	Quantity	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers	Rate in Numbers	Amount in Numbers
Subtotal, Division 300								\$81,250.00		\$24,310.00		\$29,250.00		\$40,625.00		\$23,400.00		\$35,587.50
Division 400 - Pavements																		
38	TS 16-401	HMA Grade SX - Pavement Area: (Use 145#/CF) 9th Street: Sta. 1+16.12 to 7+47.26; Full-Width	TON			180	\$85.00	\$15,300.00	\$78.00	\$14,040.00	\$74.00	\$13,320.00	\$77.15	\$13,887.00	\$65.02	\$11,703.60	\$90.06	\$16,210.80
39	TS 16-401	HMA Grade S - Pavement Area: (Use 145#/CF) 9th Street: Sta. 1+16.12 to 7+47.26; Full-Width	TON			300	\$85.00	\$25,500.00	\$71.00	\$21,300.00	\$62.00	\$18,600.00	\$65.49	\$19,647.00	\$58.43	\$17,529.00	\$80.73	\$24,219.00
40	TS 16-412	30" Concrete Curb and Gutter 9th Street	LF			975	\$30.00	\$29,250.00	\$21.00	\$20,475.00	\$21.00	\$20,475.00	\$22.02	\$21,469.50	\$19.28	\$18,798.00	\$23.58	\$22,990.50
		Ret @ Northrup Ave, LT		23.4														
		Sta 4+27.66 to 1+33.06, LT		294.6														
		Sta 7+60.00 to 1+37.75, RT		622.25														
41	TS 16-412	Concrete Curb Ramp - 15'R-8'W @ Northrup return (=105.24 sf)	EA			1	\$1,800.00	\$1,800.00	\$3,500.00	\$3,500.00	\$2,050.00	\$2,050.00	\$3,485.51	\$3,485.51	\$2,219.85	\$2,219.85	\$4,550.00	\$4,550.00
				1														
44	TS 16-412	Concrete Sidewalk - 8' W 9th Street:	SF			2,425	\$40.00	\$97,000.00	\$5.00	\$12,125.00	\$6.60	\$16,005.00	\$6.40	\$15,520.00	\$6.60	\$16,005.00	\$7.19	\$17,435.75
		Sta. 4+27.66 to 1+33.06, LT (minus Drwy @ Sta. 3+93)		297.21	8	2377.68												
45	TS 16-412	Concrete Sidewalk - 10' W 9th Street:	SF			6,000.0	\$10.00	\$60,000.00	\$5.00	\$30,000.00	\$5.75	\$34,500.00	\$6.25	\$37,500.00	\$5.78	\$34,680.00	\$5.34	\$32,040.00
		Sta. 7+32.40 to 1+37.75, RT		594.65	10	5946.5												
46	TS 16-412	Type R13 Driveway (6" Thick) 9th St	EA			1.0	\$6,600.00	\$6,600.00	\$5,000.00	\$5,000.00	\$1,490.00	\$1,490.00	\$2,027.08	\$2,027.08	\$1,577.25	\$1,577.25	\$4,667.67	\$4,667.67
		Sta. 3+93, LT				1												
Subtotal, Division 400								\$235,450.00		\$106,440.00		\$106,440.00		\$113,536.09		\$102,512.70		\$122,113.72
Division 600 - Miscellaneous																		
64	TS 16-605	24" Stop Bar 9th Street - Sta. 1+37.75	LF			25	\$45.00	\$1,125.00	\$7.00	\$175.00	\$22.00	\$550.00	\$22.20	\$555.00	\$22.67	\$566.75	\$25.00	\$625.00
66	TS 16-605	Centerline (Double Yellow - 4" Wide Solid Line) 9th Street: Sta.1+37.75 to 7+47.26	LF			650	\$2.50	\$1,625.00	\$2.00	\$1,300.00	\$1.10	\$715.00	\$1.11	\$721.50	\$1.13	\$734.50	\$1.25	\$812.50
69	TS 16-605	Furnish and Install New Sign and Post 9th Street: Sta. 2+38, RT (R2-1 Speed Limit 40) 9th Street: Sta. 2+58, LT (W3-1 Stop Ahead)	EA			2	\$350.00	\$700.00	\$350.00	\$700.00	\$192.50	\$385.00	\$486.51	\$973.02	\$292.09	\$584.18	\$375.00	\$750.00
				1														
				1														
Subtotal, Division 600								\$3,450.00		\$2,175.00		\$1,650.00		\$2,249.52		\$1,885.43		\$2,187.50



TOTAL - \$2,172,395

Cottonwood
Filings 1-3

\$873,024

\$694,330

Sch 4

Sch 1

Sch 3

Sch 2

\$425,041



FORT LUPTON POLICE DEPARTMENT
MONTHLY REPORT OF STATISTICS AND EVENTS
 April 2021

YEAR TO DATE STATISTICS

Category	2021	2020	2019	2018	2017
Calls For Service	4657	3131	3738	4187	3582
Cases	418	413	456	464	481
E-Ticket	749	438	660	534	425
Arrests	74	113	139	175	148
Summons (Report cases closed by)	136	98	138	110	131
Total Enforcement Actions	959	649	937	819	704
DUI	35	29	28	60	46

MONTHLY STATISTICS

Calls Resulting in Reports

Abandoned Vehicle	1	Sex Crimes	1
Animal Complaints	1	Sex Offender Registrations	5
Assault	1	Theft	4
Assist Other Agency	4	Traffic Accidents	10
Auto Prowl	2	Traffic Offenses	5
Burglary	2	Trespass	1
Child abuse	1	Unattended Death	1
Criminal Mischief	1	Warrant Arrest	6
Detox/Mental Health Holds	1		
Disorderly Conduct	2		
Domestic Violence	2		
Drug Cases	4		
DUI & DUI/Drug Cases	11		
Found/Lost Property	6		
Identity Theft	2	E-Citations	193
Information	13		
Motor Vehicle Theft	4		
Ordinance Violation	1		
Protection order violation	2		
Total Reports	93	Total Calls for Service	1274
Cases Closed By Arrest	17	Cases Closed By Summons	33
Calls by Sector			
Northeast – 23	Southeast – 8	OOT - 2	
Northwest – 16	Southwest – 27	Hwy 85 & 52 - 17	



MONTHLY SNAPSHOT

April Events and Training

1. April's Monthly training included officer self-defense training focused on ground fighting and first aid training focused on emergency treatment of traumatic injuries highlighting the use of a tourniquet.
2. Officer Brittany English successfully completed her FTO Program and is working independently.
3. We welcomed Code Enforcement Officer Darryl Leon.
4. Officer Devich attended Field Training Officer training, Lt Hempel and Master Officer Grossman attended the Glock Armorer's course, Officers Gallegos and Goddard attended emergency driving instructor's training, and Lt Hempel and Sgt Sagner attended Managing Peer Support Programs training. This was the second half of our Peer Support Program development where Sgt Whyard, Officer Walker and Investigator attended the "starting a peer support program" training.



Monthly Training Statistics		
In-Service Hours	Continuing Ed Hours	Total Hours
280	102	382

5. How is the Police Fleet used? **UPDATED**

1001 – Chev Pick Up	Animal Control-Ford	2001 – Ford Explorer	Turney
1201 – Chev Yukon	Investigations-Palissa	2002 – Ford Explorer	Devich, English
1303 – Chev Yukon/Silver	SRO - Miraglia	2003 – Ford Explorer	Grossman
1304 – Chev Yukon	Investigations-Pelton	2004 – Ford Explorer	Walker
1404 – Chev Yukon	Lt. Hempel	2005 – Chev Yukon	Whyard, Toves
1501 – Ford Explorer	Code - Leon	2006 – Chev Yukon	Carnes, Sagner
1601 – Chev Yukon	Chief Fryar	2007 – Chev Yukon	Geerdes, Hackett
1701 – Chev Yukon	SRO Gallegos	2008 – Chev Yukon	Hart, Goddard
		2009 – Chev Yukon	Vasquez/Valdez
		2010 – Chev Yukon	Buttry/Vacancy
Vasquez, Buttry, Valdez, Vacancy are not yet assigned. Asay and second Investigations, not yet assigned.			

6. Staffing (Vacancies)

Records Technician	1	Active for 4 months
Police Officer	1	Active for 5 months



Upcoming Events

May 25, 2021	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
May 31, 2021	Memorial Day Service, 13750 County Rd. 12, 9:25 a.m.
June 1, 2021	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
June 8, 2021	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
June 15, 2021	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
August 20, 2021	Jacobs Golf Tournament, Coyote Creek Golf Course