



City of Fort Lupton

REGULAR MEETING AGENDA

Tuesday, December 21, 2021

7:00 PM

130 South McKinley Avenue

Zo Stieber, Mayor

Valerie Blackston, Ward 1

Chris Ceretto, Ward 2

Carlos Barron, Ward 3

David Crespín, Ward 1

Claud Hanes, Ward 2

Bruce Fitzgerald, Ward 3

You may join in person or join remotely by registering at:

<https://attendee.gotowebinar.com/register/8202213119026433036>

Pledge of Allegiance

Call to Order

Roll Call

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

Approval of Agenda

Review of Accounts Payables

- a. December 21, 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. December 7, 2021 City Council Meeting Minutes
- b. December 14, 2021 City Council Special Meeting Minutes
- c. AM 2021-213 A Resolution to Approve the Mayor's Signature for an Intergovernmental Agreement for the Highway 52 Planning and Environmental Linkages Study (PEL) and Access Control Plan (ACP)
- d. AM 2021-212 Accept the AXON Enterprises Agreement Adjustment

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 2021-210 Approving a Resolution for the Equipmentsshare.com, Inc. Fort Lupton CO Site Plan and Special Use Permit for a Heavy Equipment Rental Business and Aboveground Fuel Island

Action Memorandum

- a. AM 2021-209 Approve a Resolution for the Flats at Lupton Village PUD Sketch Plat Submitted by Baessler Development, LLC to Create a Single Family Attached Residential Subdivision With Future Commercial Area
- b. AM 2021-211 Approve a Resolution to Increase Rates at Coyote Creek Golf Course for the 2022 Season
- c. AM 2021-214 Approving the Seventeenth Interim Agreement With Payment to the Northern Integrated Supply Project (NISP) Water Activity Enterprise of \$973,450 for Phase 3A, Phase 5, Phase 6, and Phase 7 of the Project Fund out of the Water Sales Tax Fund
- d. AM 2021-215 Approve Water and Sewer Rate Increases Effective January 1, 2022

Staff Reports

Mayor/Council Reports

Future City Events

- a. Upcoming Events

Adjourn

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 21, 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, December 21, 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 Councilmembers Chris Ceretto, Bruce Fitzgerald, David Crespin, Valerie Blackston, Carlos Barron, and Claud Hanes.

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

PERSONS TO ADDRESS COUNCIL

There was no one to address the Council.

APPROVAL OF AGENDA

Staff requested the amended Resolution 2021R074 be added to the end of the Consent Agenda. This Resolution was approved on December 7, 2021 however; the Resolution was amended to appoint Lieutenant David Hempel to the Weld County E911 Advisory Committee for a two-year term and no appointment to the Weld County Communications Advisory Committee. Staff also requested AM 2021-215 Approve Water and Sewer Rate Increase Effective January 4, 2022, be moved from the Action Memorandum to item 'b' of the Public Hearing portion. It was moved by Claud Hanes and seconded by Bruce Fitzgerald to approve the requested changes and approve the Agenda as amended. Motion passed unanimously on a voice vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the December 21, 2021, payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

It was moved by Claud Hanes and seconded by Bruce Fitzgerald to approve the Agenda as presented with the following items: December 7, 2021 City Council Meeting Minutes, December 14, 2021 City Council Special Meeting Minutes, APPROVING RESOLUTION 2021R079 TO APPROVE THE MAYOR'S SIGNATURE FOR AN INTERGOVERNMENTAL AGREEMENT FOR THE HIGHWAY 52 PLANNING AND ENVIRONMENTAL LINKAGES STUDY (PEL) AND ACCESS CONTROL PLAN (ACP) (AM 2021-213), Accept the AXON Enterprises Agreement Adjustment (AM 2021-212), Amended Resolution 2021R074 A RESOLUTION

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 21, 2021**

APPOINTING LIEUTENANT DAVID HEMPEL TO THE WELD COUNTY E911 ADVISORY COMMITTEE FOR A TWO YEAR TERM. Motion passed unanimously on voice vote.

PUBLIC HEARING

AM 2021-210 Approving a Resolution for the Equipmentshare.com, Inc. Fort Lupton CO Site Plan and Special Use Permit for a Heavy Equipment Rental Business and Aboveground Fuel Island

Mayor Stieber opened the public hearing at 7:04 p.m. and asked for a presentation. City Planner, Maria Lancto, stated that EquipmentShare.com, Inc. ("Applicants") have submitted a request for a site plan to operate a heavy equipment rental company located 0.50 miles east of County Road 31 and north and adjacent to Highway 52 in Fort Lupton, Colorado ("Property"). The Property address is 15549 Highway 52.

The proposed operations will include renting, delivering and servicing of rental equipment. There are three phases of development planned. Phase One includes occupation of the existing buildings and addition of an aboveground fuel island and wash bay. Phase Two will include upgrades to some of the site surface treatments. Phase Three will include the addition of an equipment storage building and interior work on one of the existing buildings.

The aboveground fuel island proposed in Phase One requires a special use permit in all zone districts. Therefore, the Applicants have concurrently submitted an application for a special use permit.

The City Planner stated that the transfer of the wells not required but it is subject to at a later date. The transfer of the wells is indicated in the annexation agreement however at this time the City isn't interested in the wells.

Mayor Stieber asked if anyone from the public would like to speak for or against the proposal. Hearing none, Mayor Stieber closed the public hearing at 7:07 p.m.

It was moved by Chris Ceretto and seconded by Carlos Barron to approve 2021R080 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE EQUIPMENTSHARE.COM INC. FORT LUPTON CO SITE PLAN FOR HEAVY EQUIPMENT RENTAL BUSINESS AND SPECIAL USE PERMIT FOR AN ABOVEGROUND FUEL ISLAND ON A PROPERTY AT 15549 HIGHWAY 52. Motion carried unanimously on roll call vote.

AM 2021-215 Approve Water and Sewer Rate Increases Effective January 4, 2022.

Mayor Stieber opened the public hearing at 7:08 Perino, Finance Director, stated that this is the first of two required public hearings for increasing rates and all public notifications have been met. The current utility rate plan and the 2022 proposed rate plan are as follows:

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 21, 2021**

Utility Rates			
	Current Rate Plan	Proposed Increase	Net Change
Water			
Monthly Base Charge			
Base Fee	\$ 28.85	\$ 34.65	\$5.80
Assessment	\$ 2.90	-	(2.90)
Capital Projects	\$ 2.90	-	(2.90)
Total Base Charges	\$ 34.65	\$ 34.65	No Change
Per 1,000 gallon			
<12,000	\$ 4.98	\$ 4.98	No change
>12,000<20,000	\$ 5.81	\$ 7.12	\$ 1.31
>20,000	\$ 7.82	\$ 9.58	\$ 1.76
Non-Potable Water			
<12,000	\$ 1.00	\$ 1.00	No change
>12,000<20,000	\$ 1.25	\$ 1.25	No change
>20,000	\$ 1.50	\$ 1.50	No change
Bulk Water Rate	\$10.00	\$12.00	\$2.00
Sewer			
Monthly Base Charge	\$ 16.60	\$ 16.60	No change
Per 1,000 gallon	\$ 5.79	\$ 5.79	No change
Sewer Non-metered	\$ 38.75	\$ 38.75	No change

The base fees will be combined into one base fee for clarity on the utility bills.

There being no public, Mayor Stieber closed the public hearing at 7:10 p.m.

ACTION MEMORANDUM

**AM 2021-209 Approve a Resolution for the Flats at Lupton Village PUD Sketch Plat
Submitted by Baessler Development, LLC to Create a Single Family Attached
Residential Subdivision With Future Commercial Area**

The Applicant, Baessler Development, LLC, has submitted a request for a sketch plat on a property that is approximately 12.17 acres. The property is located at the northeast corner of the intersection of S. Denver Avenue and County Road 12. The proposal is for a single family attached residential subdivision with approximately 125 town home units. A commercial area will be reserved in the southern portion of the site. The zoning is currently C-1 General Commercial, and a change of zone will be considered at the preliminary plat phase.

A change of zone and comprehensive plan amendment will be considered as part of the application for the preliminary plat. Staff does see single family attached housing as a viable transition

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 21, 2021**

between Lupton Village to the east and the school to the west.

This sketch PUD plat is meant to be conceptual and full details and engineering will be developed during the next phase, which is the preliminary and final PUD plat phase. More information on the intent of the sketch phase is detailed in the Legal/Political Considerations under Section X below.

The Council discussed future plans for County Road 12 from Denver Avenue East to the railroad track and the stop sign reflectivity. Public Works Director, Roy Vestal, explained the current status and the future of County Road 12.

Zach Cesar, representative of the project, provided a presentation including the location of the project. The project will consist of 125 townhomes lots as 5-plex units. The property will be part of the Lupton Village Metro District. A commercial lot will be on the south end of the property, adjacent to South Denver Avenue and Kahil Street (County Road 12). The applicant is currently working with staff to finalize the type of look of South Denver Avenue. Mr. Cesar also provided architectural drawings of the townhomes.

Mayor Stieber explained that everyone drives dulleys and the garages should be big enough to accommodate them.

Valerie Blackston asked that the City look into making a 4-way stop at Kahil Street and South Denver Avenue due to the additional traffic that will be generated.

It was moved by Carlos Barron and seconded by David Crespín to approve Resolution 2021R081A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE FLATS AT LUPTON VILLAGE PUD SKETCH PLAT SUBMITTED BY BAESSLER DEVELOPMENT, LLC TO CREATE A SINGLE FAMILY ATTACHED RESIDENTIAL SUBDIVISION WITH FUTURE COMMERCIAL AREA. Motion passed unanimously on roll call vote.

AM 2021-211 Approve a Resolution to Increase Rates at Coyote Creek Golf Course for the 2022 Season

The Coyote Creek Golf Course has not increased rates since 2019. The increase is necessary to offset the raising costs for all departments within Coyote Creek Golf Course. The requested increases vary depending on the green fee type by \$2.00-\$4.00.

There are two areas that need to be highlighted in the requested increases. Moving the Twilight time during the peak season to 3:00 PM. Previously twilight (a reduced fee for later in the day) began at 2:00 PM. The pandemic has resulted in an increase in play at Coyote Creek. That increase made it unnecessary to reduce fees to drive more play. The additional hour of full rates will drive revenue exponentially. Due to the move to 3:00 PM twilight, the late twilight fee an even deeper discount later in the day has been removed. Golfers can still pay to play 9-holes all day, every day.

The other change is to the Weekend and Holiday rates. These rates are our prime time fees (highest selling). The Point of Sale allows the golf course to use a dynamic pricing tool to

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 21, 2021**

charge the fees based on demand. The higher demand there is for a tee time, the more money can be charged for that tee time. The system will increase and/or decrease the rate depending on the demand for that particular tee time. This will allow the course to maximize revenue on the busier days. Staff has recommended a range for the fees on Saturday, Sunday and Holidays.

It was moved by Valerie Blackston and seconded by Bruce Fitzgerald to approve Resolution 2021R082 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING AN INCREASE TO THE GREEN FEES AT COYOTE CREEK GOLF COURSE Motion passed unanimously on roll call vote.

AM 2021-214 Approving the Eighteenth Interim Agreement With Payment to the Northern Integrated Supply Project (NISP) Water Activity Enterprise of \$973,450 for Phase 3A, Phase 5, Phase 6, and Phase 7 of the Project Fund out of the Water Sales Tax Fund

Phase 3A consist of continuing work with federal agencies to obtain permitting, compliance with National Environmental Policy Act and all necessary field work and modeling.

Phase 5 consists of the geotechnical investigation and embankment design and highway 2087 relocation design.

Phase 6 is the conveyance delivery refinement, South Platte Water Conservation Project negotiations, land easement purchases, and time sensitive mitigations activities.

Phase 7 is the development of allotment contracts, financial planning, legal defense South Platte Water Conservation Project negotiations and mitigation planning.

NCWCD is increasing the spending on the NISP project \$8,400,000 in 2022. The majority of the expenditure increase will be in Glade design and design support, delivery refinement, environmental mitigation and NCWCD indirect costs.

Fort Lupton's pro-rata share (2,050-acre feet) of the 2022 cost is estimated to be \$973,750 the payment is requested by January 15, 2022.

It was moved by Claud Hanes and seconded by Carlos Barron to approve the Eighteenth Interim Agreement With Payment to the Northern Integrated Supply Project (NISP) Water Activity Enterprise of \$973,450 for Phase 3A, Phase 5, Phase 6, and Phase 7 of the Project Fund out of the Water Sales Tax Fund. Motion passed unanimously on roll call vote.

STAFF

There were no reports from staff.

MAYOR/COUNCIL REPORTS

There were no reports from the Mayor or Council.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 21, 2021**

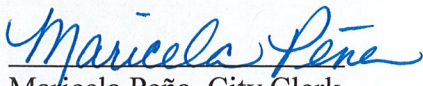
FUTURE CITY EVENTS

December 24, 2021	City Hall Closed in Observance of the Christmas Holiday
December 28, 2021	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
December 31, 2021	City Hall Closed in Observance of New Year's Day
January 4, 2021	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
January 11, 2021	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
January 17, 2021	City Hall Closed in Observance of Martin Luther King Jr. Day
January 18, 2021	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.

ADJOURNMENT

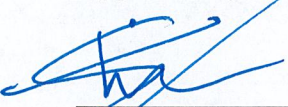
The meeting adjourned at 7:31 p.m.

Submitted by,


Maricela Peña, City Clerk



Approved by City Council


Zo Stieber, Mayor