



City of Fort Lupton

REGULAR MEETING AGENDA

Tuesday, October 19, 2021

7:00 PM

130 South McKinley Avenue

Zo Stieber, Mayor
Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Mike Sanchez, Ward 3
David Crespin, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

You may join in person or join remotely by registering at:
<https://attendee.gotowebinar.com/register/8202213119026433036>

Pledge of Allegiance

Call to Order

Roll Call

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

Proclamation

- a. Salud Family Health Center

Approval of Agenda

Review of Accounts Payables

- a. October 19, 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. October 5, 2021 City Council Meeting Minutes
- b. AM 2021-166 A Resolution of the City of Fort Lupton to Allow the Planning Director to Schedule a Planning Commission Meeting for a Date That is not the Second or Fourth Thursday of the Month if the Regular Planning Commission Meeting Falls on a National and/or State Holiday
- c. AM 2021-167 Approve Ratification of Finance Director's Signature on Purchase Order for Purchase of 2021 HV513 SFA (HV513) International Dump Truck for Public Works Streets From McCandless Truck Center LLC for not to Exceed \$250,000.00 From the Public Works Streets General Fund

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

- a. AM 2021-161 Adopt an Ordinance Rezoning Land Legally Described in Exhibit A to the Proposed Ordinance, and Known as the Pearson Park Change of Zone, to the 'P' Parks & Open Space Zone District
- b. AM 2021-162 Adopt an Ordinance Rezoning Land Legally Described in Exhibit A to the Proposed Ordinance, and Known as the WWTP Change of Zone, to the 'A' Agricultural Zone District
- c. AM 2021-163 Approving a Resolution for the Inouye Gravel Mine Amended Special Use Permit to Include the WWTP Site Within Existing Sand and Gravel Operations
- d. AM 2021-164 Approve a Resolution Accepting the Lupton Village Townhomes Lot 2 Block 7 Preliminary Plat

Action Memorandum

- a. AM 2021-165 Approve a Resolution Accepting the Final Plat of the Lupton Village PUD Third Filing
- b. AM 2021-168 Approving Resolution 2021Rxxx Establishing the Fee Schedule Collected by the Municipal Court
- c. AM 2021-169 Approve Continuation of Intergovernmental Agreement with CDOT for State Highway Maintenance
- d. AM 2021-170 Authorize the Mayor to Execute an Agreement to Lease 100 Acre Feet Equivalet Colorado Big Thompson Water Units to Platte River Power Authority

Staff Reports

Mayor/Council Reports

Future City Events

- a. October 19, 2021 Upcoming Events

Adjourn

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

The City Council of the City of Fort Lupton met in a regular session at the City Complex, 130 South McKinley Avenue, the regular meeting place of the City Council, on Tuesday, October 19, 2021. Due to the COVID-19 virus, the meeting was held with remote access provided through GoToWebinar. Mayor Zo Stieber called the meeting to order at 7:00 p.m. and invited everyone to join her in the Pledge of Allegiance.

ROLL CALL

Mari Peña, City Clerk, called the roll. Those present were Mayor Zo Stieber and Councilmembers Chris Ceretto, Tommy Holton, and Bruce Fitzgerald. Councilmembers Shannon Rhoda and David Crespino participated remotely through GoToWebinar.

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

PERSONS TO ADDRESS COUNCIL

Police chief, John Fryar, spoke regarding Police Officer, Brittany English's experience through the training period and presented her with a new badge to signify her transition.

PROCLAMATION

Mayor Zo Stieber read and signed the Salud Family Health Centers Proclamation, making October 24-30, 2021 as Salud Family Health Centers week in the City of Fort Lupton.

APPROVAL OF AGENDA

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

REVIEW OF ACCOUNTS PAYABLES

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

CONSENT AGENDA

It was moved by Bruce Fitzgerald and seconded by Tommy Holton to approve the Agenda as presented with the following items: October 5, 2021 City Council Meeting Minutes, Approving Resolution 2021R059 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON TO ALLOW THE PLANNING DIRECTOR TO SCHEDULE A PLANNING COMMISSION MEETING FOR A DATE THAT IS NOT THE SECOND OR FOURTH THURSDAY OF THE MONTH IF A REGULAR PLANNING COMMISSION MEETING FALLS ON A NATIONAL AND/OR STATE HOLIDAY, Ratification of Finance Director's Signature on Purchase Order for

**RECORD OF PROCEEDINGS
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Purchase of 2021 HV513 SFA (HV513) International Dump Truck for Public Works Streets From McCandless Truck Center LLC for not to Exceed \$250,000.00 From the Public Works Streets General Fund. Motion passed unanimously on roll call vote.

PUBLIC HEARING

AM 2021-161 Adopt an Ordinance Rezoning Land Legally Described in Exhibit A to the Proposed Ordinance, and Known as the Pearson Park Change of Zone, to the 'P' Parks & Open Space Zone District

Mayor Stieber opened the public hearing at 7:12 p.m. Alyssa Knutson, the City Planner, provided a presentation on the Pearson Park Change of Zone. This change of zone complies with zoning and the comprehensive plan. All public notification requirements have been met. Staff recommends the approval of this change of zone.

Mayor Stieber asked if anyone from the public wished to speak for or against the proposal. Hearing none, Mayor Stieber closed the public hearing at 7:15 p.m.

It was moved by Tommy Holton and seconded by Bruce Fitzgerald to adopt Ordinance 2021-1131 INITIALLY ZONING LAND KNOWN AS THE PEARSON PARK CHANGE OF ZONE, LEGALLY DESCRIBED IN EXHIBIT A, TO THE 'P' PARKS & OPEN SPACE ZONE DISTRICT. Motion passed unanimously on roll call vote.

AM 2021-162 Adopt an Ordinance Rezoning Land Legally Described in Exhibit A to the Proposed Ordinance, and Known as the WWTP Change of Zone, to the 'A' Agricultural Zone District

Mayor Stieber opened the public hearing at 7:16 p.m. Alyssa Knutson, the City Planner, provided a presentation on the WWTP Change of Zone. This change of zone complies with zoning and the comprehensive plan. All public notification requirements have been met.

Mayor Stieber asked if anyone from the public wished to speak for or against the proposal. Hearing none, Mayor Stieber closed the public hearing at 7:18 p.m.

It was moved by Bruce Fitzgerald and seconded by Chris Ceretto to adopt Ordinance 2021-1132 INITIALLY ZONING LAND KNOWN AS THE WWTP CHANGE OF ZONE, LEGALLY DESCRIBED IN EXHIBIT A, TO THE 'A' AGRICULTURAL ZONE DISTRICT. Motion passed unanimously on roll call vote.

AM 2021-163 Approving a Resolution for the Inouye Gravel Mine Amended Special Use Permit to Include the WWTP Site Within Existing Sand and Gravel Operations

Mayor Stieber opened the public hearing at 7:21 p.m. Alyssa Knutson, the City Planner, introduced the Inouye Gravel Mine Amended Special Use Permit. Andy Rodriguez, representing Bestway, provided a presentation on the Inouye Gravel Mine Amended Special Use Permit.

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Mayor Stieber asked if the Inouye houses and buildings have been demolished. Mr. Rodriguez stated that they were not.

Council asked questions regarding truck impact, intended truck routes, and road impact fees. Mr. Rodriguez stated that the truck impact will be internal and the truck routes will be east to Highway 85 then north or south depending on the market. Roy Vestal, Public Works Director, stated that road impact fees have already been established on County Road 14 ½.

Mayor Stieber asked if anyone from the public wished to speak for or against the proposal. Hearing none, Mayor Stieber closed the public hearing at 7:33 p.m.

It was moved by Tommy Holton and seconded by Chris Ceretto to approve Resolution 2021R056 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE INOUE GRAVEL MINE AMENDED SPECIAL USE PERMIT TO INCLUDE THE WWTP SITE WITHIN THE SAND AND GRAVEL OPERATIONS. Motion passed unanimously on roll call vote.

AM 2021-164 Approve a Resolution Accepting the Lupton Village Townhomes Lot 2 Block 7 Preliminary Plat

Mayor Stieber opened the public hearing at 7:35 p.m. Maria Lancto, the City Planner, introduced the application of the Lupton Village Townhomes Lot 2 Block 7 Preliminary Plat. Zach Cesar and Andy Gerk, representing Baessler, provided a presentation on the Lupton Village Townhomes Lot 2 Block 7 Preliminary Plat.

Council asked questions regarding landscaping, garage placement, pricing, and the number of bedrooms.

Mr. Cesar stated that there will be a dog park area, garages will be at the rear of the buildings, pricing will be around market value, and bedrooms will vary between two or three.

Mayor Stieber asked if anyone from the public wished to speak for or against the proposal. Hearing none, Mayor Stieber closed the public hearing at 7:43 p.m.

It was moved by Tommy Holton and seconded by Bruce Fitzgerald to approve Resolution 2021R057 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE LUPTON VILLAGE TOWNHOMES LOT 2 BLOCK 7 PRELIMINARY PLAT FOR A SINGLE-FAMILY ATTACHED RESIDENTIAL SUBDIVISION. Motion passed with 5 'yes' votes and 1 'no' vote by Shannon Rhoda.

ACTION MEMORANDUM

AM 2021-165 Approve a Resolution Accepting the Final Plat of the Lupton Village PUD Third Filing

The applicant, Baessler Development, LLC, has applied for approval of a Final Plat, known as the

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Lupton Village PUD Third Filing. The proposed Final Plat is for a single-family attached residential subdivision to include 61 townhomes. The Property that is the subject of the Final Plat is located approximately at the northwest corner of S. Rollie Avenue and County Road 12 (the Property).

The applicant submitted a concurrent request for the Lupton Village Townhomes Lot 2 Block 7 Preliminary Plat for this property that was reviewed by City Council at a separate public hearing. The PUD Plan was approved by City Council on January 5, 2021.

It was moved by Bruce Fitzgerald and seconded by Tommy Holton to approve Resolution 2021R058 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE FINAL PLAT OF THE LUPTON VILLAGE PUD THIRD FILING FOR A SINGLE-FAMILY ATTACHED RESIDENTIAL SUBDIVISION. Motion passed with 5 'yes' votes and 1 'no' vote by Shannon Rhoda.

AM 2021-168 Approving Resolution 2021Rxxx Establishing the Fee Schedule Collected by the Municipal Court

Establish a Resolution to set the fees collected by the Fort Lupton Municipal Court in accordance to Section 2-155 of the Fort Lupton Municipal Code.

Fort Lupton Municipal Code, Section 2-155, authorizes the Fort Lupton Municipal Court to collect fees from each Defendant that is found guilty, pleads guilty or pleads no contendere (no contest).

At the beginning of 2011, Council reviewed the fees and set them as follows:

Victim's Compensation Fund	\$5.00 per Defendant
Police Equipment & Training	\$10.00 per Defendant
Court Programs & Enhancements	\$5.00 per Defendant

In 2015, Municipal Code, Section 2-155, was revised to remove the fee amounts listed in the Ordinance and set them by Resolution. This Resolution establishes the fees as approved by City Council in 2011.

It was moved by Tommy Holton and seconded by Chris Ceretto to approve Resolution 2021R060 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE FEES CHARGED BY THE MUNICIPAL COURT. Motion passed unanimously on roll call vote.

AM 2021-169 Approve Continuation of Intergovernmental Agreement with CDOT for State Highway Maintenance

Approve continuation of current terms of Intergovernmental Agreement with CDOT for maintenance services on Hwy 52 and US 85B.

AM 2021-146 approved on September 7, 2021 approved ratifying the Mayor's signature on the

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IGA with CDOT for maintenance services on Highway 52 and Denver Avenue with the intent that the area of responsibility would be changed to the current City limits (CR 21 to CR 35). Further conversations with CDOT staff have concluded that CDOT does not intend to extend the City's responsibility to existing City limits, rather wants to leave the current extents (Pearson Park to CR 31) for the agreement.

The annual payment by the state to the city will remain \$9,439.50 (\$725.00 / lane mile).

Executing the agreement is not required. The City is responsible for back of curb maintenance (mowing) if the agreement is not executed.

City public works is capable of performing these maintenance activities and has done so in the past. The contract agreement period is for 4.75-years.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to approve Resolution 2021R061A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF FORT LUPTON AND THE COLORADO DEPARTMENT OF TRANSPORTATION. Motion carries with 4 'yes' votes and 2 'no' votes by Mayor Stieber and Shannon Rhoda.

AM 2021-170 Authorize the Mayor to Execute an Agreement to Lease 100 Acre Feet Equivalent Colorado Big Thompson Water Units to Platte River Power Authority

PRPA is in need of the C-BT water to collateralize their Windy Gap water use in case the Windy Gap water does not yield in 2022. The Parties anticipate that with an initial assumption of a 50% quota, it would require a minimum of 200 C-BT units to yield 100 acre feet in Water Year 2022. Once Northern sets the 2022 C-BT quota (in April 2022) a true up would occur to the 100 acre feet and excess C-BT units would be transferred back. The City does have the additional C-BT at this point to lease out. PRPA will pay \$100 per acre foot for an amount totaling \$10,000.

It was moved by Tommy Holton and seconded by Bruce Fitzgerald to authorize the Mayor to Execute an Agreement to Lease 100 Acre Feet Equivalent Colorado Big Thompson Water Units to Platte River Power Authority. The motion passed unanimously on a voice vote.

STAFF

Jeanette Andersen, Court Administrator, discussed the additional purchase to the court software that will allow defendants to online search court dockets and the increase in court credit card processing fees.

Alyssa Knutson, Planner, updated the Council on the Development Code and announced that there will be an open house Wednesday, October 20, 2021 at City Hall at 6:00 p.m. for the Downtown Zone District proposal.

Leann Perino, Finance Director, informed Council that the department hired a Utility Billing Clerk.

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MAYOR/COUNCIL REPORTS

There were no reports from the Mayor or Council.

FUTURE CITY EVENTS

October 1-31, 2021	Scarecrow Contest
October 26, 2021	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
October 30, 2021	Pumpkin Fest & Haunted Hay Ride
October 31, 2021	Trick or Treat Street, Downtown Fort Lupton, 4-6:00 p.m.
November 2, 2021	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
November 9, 2021	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
November 16, 2021	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
November 5-19, 2021	Art Show at the Library

ADJOURNMENT

The meeting adjourned at 8:05 p.m.

Submitted by,



Maricela Peña, City Clerk

Approved by City Council



Zo Stieber, Mayor

