

City of Fort Lupton

REGULAR MEETING AGENDA

Tuesday, February 1, 2022

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://global.gotomeeting.com/join/851983253>

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

Executive Session "To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402 (4)(e)." golf course

Approval of Agenda

Review of Accounts Payables

a. February 1, 2022 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. January 18, 2022 City Council Meeting Minutes

b. AM 2022-021 Approving Resolution 2022Rxxx Ratifying the Mayor's Appointment of the Attached List of Candidates (Exhibit "A") to the Corresponding Advisory/Governing Committees for a Term Beginning February 1, 2022 and Ending December 31, 2023

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. Memo to Request Continuance of the Sagebrush Apartments Site Plan Public Hearing February 15, 2022

b. Memo to Withdraw the SB Weakland Investments Amended Site Plan

- c. AM 2022-022 Approve a Resolution Accepting the Coyote Creek PUD Filing No. 4 Preliminary Plat

Action Memorandum

- a. AM 2022-023 Approve a Resolution Accepting the Coyote Creek PUD Filing No. 4 Final Plat
- b. AM 2022-024 Approving the Purchase of a Mower for the Parks Department in the Amount of \$20,976.45 Allocated From the General Fund Parks Budget
- c. AM 2022-025 Approving the Purchase of Microsoft Office 2021 Licenses for an Amount not to Exceed \$40,328.00 Allocated from the Information Technology Budget
- d. AM 2022-026 Approval of a Resolution for the Acceptance of Subdivision Improvements Agreement with Lupton Village Land Developers, LLC, for the Lupton Village Townhomes - Filing No. 3
- e. AM 2022-027 Approval of a Resolution for the Acceptance of Subdivision Improvements Agreement with Coronado West, LLC, for the Murata Farms - Filing No. 1
- f. AM 2022-028 Approve Public Works Wastewater Disposal Agreement With Black Diamond Pumping for Disposal of Domestic Wastewater to the City Sanitary Sewer System
- g. AM 2022-029 Approving an Ordinance Amending Fort Lupton Municipal Code, Chapter 2 Article II, Mayor and City Council, Section 2-26 (a) Regular Meetings of City Council and Enterprise Boards
- h. AM 2022-030 An Ordinance by the Fort Lupton City Council Acting as the Utility Enterprise Board, Amending Section 13-26 Sewer Rate Schedules, Section 13-136 Water Rate Schedules, Section 13-145 Water Leaks of Chapter 13 Municipal Utilities, of the Fort Lupton Municipal Code
- i. AM 2022-031 Authorize Appointment of DA Davidson & Co as an Agent and Tender Facilitator for the City of Fort Lupton Effective February 1, 2022, for the Golf Enterprise Fund

Information Memorandum

- a. IM 2022-001 Execution of Design Agreement with DHM Design for Master Plan of Splash Pad

- b. IM 2022-002 Affidavit for Surrender of State Liquor License for SBM Travel Stop
Colorado LLC DBA TJ's Express at 804 Denver Avenue

Staff Reports

Mayor/Council Reports

Future City Events

- a. Upcoming Events

Adjourn

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
February 1, 2022**

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, February 1, 2022. Due to the COVID-19 virus, the meeting was held with remote access provided through GoToMeeting. 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, Carlos Barron and Claud Hanes. It was visually noted that Councilmember Valerie Blackston was present at 7:01 p.m.

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.

Mayor Stieber read the general advisement for connected meetings.

EXECUTIVE SESSION

It was moved by Carlos Barron and seconded by Bruce Fitzgerald to move into Executive Session on Tuesday, February 1, 2022. "To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402 (4)(e)." golf course. Motion passed on roll call vote.

The following went into executive session at 7:03 p.m.: Mayor Zo Stieber, Councilmembers, Chris Ceretto, Valerie Blackston, Claud Hanes, Carlos Barron, Bruce Fitzgerald, City Administrator Chris Ceretto, Finance Director Leann Perino, City Attorney Andy Ausmus, and Bond Counsel Dee Wiser.

The Executive Session ended and the regular meeting reconvened at 7:29 p.m.

APPROVAL OF AGENDA

Staff requested the addition of two items to the end of the Consent Agenda: Second Reading of Ordinance 2022-1135 and Second Reading of Ordinance 2022-1136.

It was moved by Bruce Fitzgerald and seconded by Valerie Blackston to approve the agenda as

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amended with the addition of the Second Reading of two Ordinances to the Consent Agenda. Motion passed unanimously on roll call vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the February 1, 2022, payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

It was moved by Valerie Blackston and seconded by Bruce Fitzgerald to approve the Consent Agenda as presented with the following items:

- January 18, 2022 City Council Meeting Minutes
- Approving Resolution 2022R013 Ratifying the Mayor's Appointment of the Attached List of Candidates (Exhibit "A") to the Corresponding Advisory/Governing Committees for a Term Beginning February 1, 2022 and Ending December 31, 2023 (AM 2022-021)
- Second Reading of Ordinance 2022-1135, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO, TO AMEND CHAPTER 18, ARTICLE I, SECTION 18-7 BUILDING PERMIT FEES IN THE CITY OF FORT LUPTON MUNICIPAL CODES
- Second Reading of Ordinance 2022-1136, AN ORDINANCE AMENDING CHAPTER 18, ARTICLE XI, INTERNATIONAL RESIDENTIAL CODE, SECTION 18-221 ADOPTION, OF THE CITY OF FORT LUPTON MUNICIPAL CODES, ADDING APPENDIX CHAPTER F REGARDING RADON TO BE CONSISTENT WITH THE INTERNATIONAL BUILDING CODE.

Motion passed unanimously on roll call vote.

PUBLIC HEARINGS

**Memo to Request Continuance of the Sagebrush Apartments Site Plan Public Hearing
February 15, 2022**

Staff is requesting a continuance of the public hearing for the Sagebrush Apartments Site Plan to February 15, 2022. This request is to allow time to properly notice the change of zone and comprehensive plan amendment associated with this project that need to be reviewed by City Council prior to review of the site plan application. The Planning Commission public hearing was continued to February 10, 2022.

It was moved by Claud Hanes and seconded by Bruce Fitzgerald to approve the continuance of the Sagebrush Apartments Site Plan Public Hearing to February 15, 2022. Motion passed unanimously on roll call vote.

Memo to Withdrawal the SB Weakland Investments Amended Site Plan

Staff is requesting a cancellation of the scheduled public hearing for the SB Weakland

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Investments Amended Site Plan. The applicants have formally withdrawn their applications. A copy of the withdrawal letter was provided.

There was no discussion or further action by the City Council.

AM 2022-022 Approve a Resolution Accepting the Coyote Creek PUD Filing No. 4 Preliminary Plat

Mayor Stieber opened the public hearing at 7:35 p.m. and asked for a description of the proposal.

The City Planner, Maria Lancto, stated the applicants, Rowley Downs Land Company and JR Engineering, have applied for approval of a Preliminary Plat, known as the Coyote Creek PUD Filing No. 4 Preliminary Plat. A public hearing for this application was held on January 13, 2022, and Planning Commission recommended approval to City Council of the Preliminary Plat. The site that is the subject of the Preliminary Plat is located approximately 200 feet (0.04 miles) east of Beth Avenue and approximately 45 feet (0.01 miles) north of 4th street (the Property). The proposed Preliminary Plat is for a single-family detached residential subdivision that will include 59 lots and open space. The subdivision is 13.21 acres, more or less.

The property is currently zoned PUD, with details of the PUD on the Coyote Creek Development Plan from 1996. Pursuant to the Municipal Code, prior to a preliminary plat for a proposed subdivision, a sketch plat must be approved by City Council. The above-mentioned Coyote Creek Development Plan serves as the Master Plan and Sketch Plan for this property.

Ken Merritt with JR Planners Engineers representing the applicant provided a presentation on the project. Within the presentation were a site vicinity and context map, development plan for Coyote Creek Filing 4 and its history . The streets within the development provided access to 4th Street with secondary access from Twombly Road. The center of the development provided for a park for the subdivision.

Councilmember Hanes asked if the conditions noted from the Planning Commission had been met. Mr. Merritt stated that he has recently come in to contact with the school district directors and they have discussed three (3) key points. One being the discussion of the school fence on the north/south boundaries. The development would like to remove the chain-link fence and provide a residential fence. The second being the pedestrian access on the north lots, which is currently under review by both the development and the school district. The third item is the need for a temporary grading easement on the school property to blend the site. The subdivisions sits lower and wouldn't be draining into the school property however it does need to blend in. Mr. Merritt indicated that discussion would continue between the development and the school district.

Mr. Merritt indicated that the street names have been changed.

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Mayor Stieber asked if the property will be within a Homeowner's Association ("HOA") and who will maintain the park? Mr. Merritt indicated that the site will be maintained by the 2nd HOA and includes maintenance of the park by the HOA.

Mayor Stieber asked if the park will be lighted at night? Mr. Merritt indicated that night lights provide for night time use and doesn't want to over light. The more light does provide for safety, however it creates a difficulty in use of the park at night, which may not be desirable.

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 7:49 p.m.

It was moved by Carlos Barron and seconded by Bruce Fitzgerald to approve Resolution 2022R014, A RESOLUTION APPROVING THE COYOTE CREEK PUD FILING NO. 4 PRELIMINARY PLAT FOR A SINGLE-FAMILY DETACHED RESIDENTIAL SUBDIVISION. Motion passed unanimously on roll call vote.

ACTION MEMORANDUM

AM 2022-023 Approve a Resolution Accepting the Coyote Creek PUD Filing No. 4 Final Plat

The applicants, Rowley Downs Land Company and JR Engineering, have applied for approval of a Final Plat, known as the Coyote Creek PUD Filing No. 4 Final Plat. The proposed Final Plat is for a single-family detached residential subdivision to include 59 lots. The Property that is the subject of the Final Plat is located approximately 200 feet (0.04 miles) east of Beth Avenue and approximately 45 feet (0.01 miles) north of 4th street (the Property).

The applicant submitted a concurrent request for the Coyote Creek PUD Filing No. 4 Preliminary Plat for this property that was reviewed by City Council at a separate public hearing. The property is currently zoned PUD, with details of the PUD on the Coyote Creek Development Plan from 1996.

It was moved by Chris Ceretto and seconded by Claud Hanes to approve Resolution 2022R015, A RESOLUTION APPROVING THE COYOTE CREEK PUD FILING NO. 4 FINAL PLAT FOR A SINGLE-FAMILY DETACHED RESIDENTIAL SUBDIVISION. Motion passed unanimously on roll call vote.

AM 2022-024 Approving the Purchase of a Mower for the Parks Department in the Amount of \$20,976.45 Allocated From the General Fund Parks Budget

The zero turn mower that the Parks Department is requesting to purchase will be a great addition to the fleet. It will come with a bagging system and will have a 48" cut. This

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mower is a smaller machine and will be able to maneuver very well in the smaller parks and City Hall. With the ability to bag grass clippings and dump directly into the dump truck, it will also allow for a cleaner look and more efficient way of mowing. The city has put this mower out for bid and the following vendors have provided prices: The Wrench Outdoor Power LLC- \$ 22,808.12, MAC Equipment INC- \$ 20,821.00, and G&G Equipment- \$ 20,976.45.

It was moved by Carlos Barron and seconded by Bruce Fitzgerald to approve the purchase of a mower for the Parks Department in the Amount of \$20,976.45 Allocated from the General Fund Parks Budget. Motion passed unanimously on roll call vote.

AM 2022-025 Approving the Purchase of Microsoft Office 2021 Licenses for an Amount not to Exceed \$40,328.00 Allocated from the Information Technology Budget

IT Department is requesting the approval of purchasing One Hundred (100) Microsoft Office 2021 licenses to maintain compliance of the office suite usage. Although the City is currently using Office 2019, the 2021 office licenses are usable on 2019 Office as well. Once the Microsoft Office 2021 suite is tested, the licenses would be used when the Microsoft Office 2021 is deployed.

It was moved by Bruce Fitzgerald and seconded by Valerie Blackston to approve the purchase of Microsoft Office 2021 License for an amount not to exceed \$40,328.00 Allocated from the Information Technology Budget. Motion passed unanimously on roll call vote.

AM 2022-026 Approval of a Resolution for the Acceptance of Subdivision Improvements Agreement with Lupton Village Land Developers, LLC, for the Lupton Village Townhomes - Filing No. 3

This Subdivision Improvement Agreement was drafted for the Lupton Village Townhomes - Filing No. 3 (LUP2021-0023 & Plan No. FPL2021-0003) approved by City Council on October 19, 2021, which is located north of County Road 12, immediately west of S Rollie Avenue.

Improvements are for the construction of water, sanitary sewer main extensions, roadway construction on County Road 12, landscape and storm drainage system improvements. Approximate cost of this agreement for construction is \$671,660.00.

Resolution 2021R058, approved by Council on October 19, 2021 requires the applicant to enter into a Subdivision Improvements Agreement.

It was moved by Bruce Fitzgerald and seconded by Carlos Barron to approve Resolution 2020R016, A RESOLUTION ACCEPTING THE LUPTON VILLAGE LAND DEVELOPER, LLC SUBDIVISION IMPROVEMENT AGREEMENT OF THE LUPTON VILLAGE TOWNHOMES – FILING 2 FINAL PLAT. Motion passed unanimously on roll call vote.

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AM 2022-027 Approval of a Resolution for the Acceptance of Subdivision Improvements Agreement with Coronado West, LLC, for the Murata Farms - Filing No. 1

This Subdivision Improvement Agreement was drafted for the Murata Farms - Filing No. 1 (LUP2021-0028) approved by City Council on February 1, 2022, which is located south of Highway 52, immediately west of South College Avenue.

Improvements are for the construction of water, nonpotable water and sanitary sewer main extensions, roadway construction, landscape and storm drainage system improvements. Approximate cost of this agreement for construction is \$7,792,531.00.

This agreement includes payments for the reimbursement agreement with Mountain Sky for extension of the water mains and South College Avenue roadway improvements.

It was moved by Bruce Fitzgerald and seconded by Valerie Blackston to approve Resolution 2020R017 A RESOLUTION ACCEPTING THE CORONADO WEST, LLC SUBDIVISION IMPROVEMENT AGREEMENT OF THE MURATA FARMS FILING NO. 1 FINAL PLAT. Motion passed unanimously on roll call vote.

AM 2022-028 Approve Public Works Wastewater Disposal Agreement With Black Diamond Pumping for Disposal of Domestic Wastewater to the City Sanitary Sewer System

The City has entered into agreements for the disposal of wastewater to the City's sanitary sewer system by waste haulers in the past (CIVEO). The agreement provides for compliance with the Municipal Codes and Ordinances related to the City's sewer system (Chapter 13, Article I)

The agreement restricts type of waste allowed for disposal, provides a "virtual" sewer service connection and billing structure for the hauler.

Black Diamond Pumping is a local contractor located at 14037 County Road 8. The Company's operation is septic tank maintenance.

Monthly billings will include the \$16.60 monthly fee, \$40.00 Reg 85 fee and \$100.00 per load discharged. Company's ultimate use is anticipated to be 25 to 35 loads per month. The truck capacity is 3,000 gallons. The billing structure takes into account an average load of 2,000 gallons per trip. The company cost will average about \$0.05 to \$0.06 per gallon.

Black Diamond Pumping would like to start the agreement immediately

It was moved Claud Hanes and seconded by Bruce Fitzgerald to approve the Public Works Wastewater Disposal Agreement With Black Diamond Pumping for Disposal of Domestic

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Wastewater to the City Sanitary Sewer System. Motion passed unanimously on roll call vote.

AM 2022-029 Approving an Ordinance Amending Fort Lupton Municipal Code, Chapter 2 Article II, Mayor and City Council, Section 2-26 (a) Regular Meetings of City Council and Enterprise Boards

The amendment to the Ordinance will allow for City Council and Enterprise Boards meetings to be set by Resolution.

It was moved by Carlos Barron and seconded by Bruce Fitzgerald to adopt Ordinance 2022-1137, AN ORDINANCE AMENDING SECTION 2-26 REGULAR MEETINGS OF THE CITY COUNCIL AND ENTERPRISE BOARDS OF THE FORT LUPTON MUNICIPAL CODE. Motion passed unanimously on roll call vote.

AM 2022-030 An Ordinance by the Fort Lupton City Council Acting as the Utility Enterprise Board, Amending Section 13-26 Sewer Rate Schedules, Section 13-136 Water Rate Schedules, Section 13-145 Water Leaks of Chapter 13 Municipal Utilities, of the Fort Lupton Municipal Code

The summary of amendments to Chapter 13 of the Fort Lupton Municipal Code are as follows:

Amend Section 13-26(b) describing summer sewer rates. Changes the summer season as March through October. Current code defines summer sewer season as May through October. Add a section describing the method used to charge customers with no usage history from December to February.

- Amend Section 13-135(b) remove and renumber. In the current code section 13-135(b) is a duplicate of 13-135(a). 13-135(c) would become 13-135(b)
- Amend Section 13-26(a) and Section 13-136(a) describing the process used to change water and sewer rates. Adding 1 public hearing with at least 30 days publication notice. The changes are intended to conform with C.R.S. 40-3.5-104
- Amend Section 13-145 describing the process for water leak credit. Define the time limit for customers to apply for a water leak and describe the process used by the customer to apply for the credit, and define the method of calculating the leak credit.

It was moved by Valerie Blackston and seconded by Bruce Fitzgerald to adopt Ordinance 2022-1138, AN ORDINANCE BY THE FORT LUPTON CITY COUNCIL ACTING AS THE UTILITY ENTERPRISE BOARD, AMENDING SECTION 13-26 SEWER RATE SCHEDULES, SECTION 13-136 WATER RATE SCHEDULES, SECTION 13-145 WATER LEAKS OF CHAPTER 13 MUNICIPAL UTILITIES, OF THE FORT LUPTON MUNICIPAL CODE. Motion passed unanimously on roll call vote.

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AM 2022-031 Authorize Appointment of DA Davidson & Co as an Agent and Tender Facilitator for the City of Fort Lupton Effective February 1, 2022, for the Golf Enterprise Fund

Dee Wisor of Butler Snow, LLP, as special counsel to the City Attorney, provided the legal recommendation that the City appoint an agent to serve as the tender facilitator to assist in generating and extending a tender offer to remaining bond holders. This agreement fulfills the recommendation by appointing DA Davidson & Co (Kyle Thomas) as the facilitator.

It was moved by Claud Hanes and seconded by Chris Ceretto to authorize the appointment of DA Davidson & Co. as an Agent and Tender Facilitator for the City of Fort Lupton Effective February 1, 2022, for the Golf Enterprise Fund.

INFORMATION MEMORANDUM

IM 2022-001 Execution of Design Agreement with DHM Design for Master Plan of Splash Pad

DHM Design has presented the City with a proposal to provide a preliminary master plan for a proposed splash pad feature at the south end of the Recreation Center facilities. Deliverables to the City would include a base map of the selected site area, master plan graphic of the proposed features and preliminary cost estimates. Upon completion of this contract, the City will use the prepared documentation to solicit full design and bid documents with an RFQ (Request For Qualifications) for professional design services. The final steps will be issuing an RFP (Request For Proposal) for construction of the facilities.

IM 2022-002 Affidavit for Surrender of State Liquor License for SBM Travel Stop Colorado LLC DBA TJ's Express at 804 Denver Avenue

On January 18, 2022, SBM Travel Stop Colorado LLC dba TJ's Express at 804 Denver Ave. submitted an affidavit for surrender of their Fermented Malt Beverage ("FMB") license. According to the owner's attorney, TJ's would be out of inventory by January 23, 2022.

STAFF

There were no reports from Staff.

MAYOR/COUNCIL REPORTS

There were no reports from the Mayor or Council.

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FUTURE CITY EVENTS

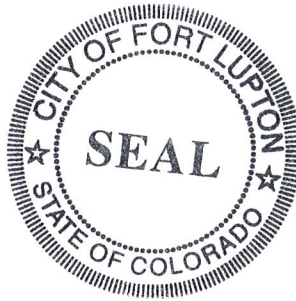
February 8, 2022	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m.
February 15, 2022	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
February 21, 2022	City Hall closed in Observance of President's Day
February 22, 2022	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m.
March 1, 2022	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.

ADJOURNMENT

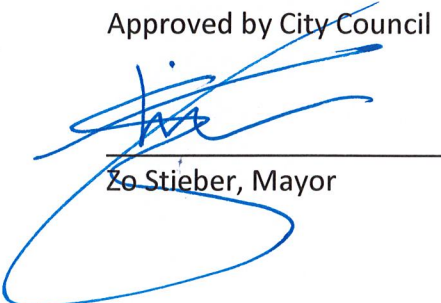
The meeting adjourned at 8:12 p.m.

Submitted by,


Maricela Peña, City Clerk



Approved by City Council


Zo Stieber, Mayor