



City of Fort Lupton
CITY COUNCIL/ENTERPRISE BOARDS
REGULAR MEETING AGENDA
Tuesday, April 19, 2022
6:00 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 clicking on:
<https://global.gotomeeting.com/join/851983253>

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. 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. April 5, 2022 City Council Meeting Minutes

b. April 5, 2022 Marijuana Licensing Authority Meeting Minutes

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 2022-071 An Ordinance Repealing Chapter 9 – Oil and Gas Exploration and Development, Chapter 16 – Zoning, And Chapter 17 – Subdivisions of The Fort Lupton Municipal Code, And the Official Zoning Map, And Replacing Them with A Consolidated Chapter 16 – Fort Lupton Development Code, And Amended Official Zoning Map

Action Memorandum

a. AM 2022-070 Purchase 4250 gallons of Zinc Ortho Phosphate for the Water Treatment Facility for \$72,037.50 Allocated From the Water Treatment Plant Repair and Maintenance Fund

- b. AM 2022-072 Approve a \$1,841,520 Supplemental Budget Resolution Nunc Pro Tunc to December 31, 2021
- c. AM 2022-073 Accepting a Proposal from Gerardo Concrete for the Construction of the Pickleball Courts at Railroad Park for an Amount not to Exceed \$41,112.00 to be paid from the Culture, Parks and Recreation Sales Tax Fund (CPR Fund).
- d. AM 2022-074 Approval of a Resolution for the Acceptance of Subdivision Improvements Agreement with Cottonwood Development Partners, LLC, for the Cottonwood Greens PUD Filing No 4

Staff Reports

Mayor/Council Reports

Future City Events

- a. April 19, 2022, Upcoming Events

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)." Utility Service Area

Adjourn

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
April 19, 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, April 19, 2022. Mayor Pro Tem Chris Ceretto called the meeting to order at 6:00 p.m. and invited everyone to join him in the Pledge of Allegiance.

ROLL CALL

Mari Peña, City Clerk, called the roll. Those present were Mayor Pro Tem Chris Ceretto, Councilmembers Bruce Fitzgerald, David Crespín, Valerie Blackston, Carlos Barron and Claud Hanes.

Mayor Pro Tem Chris Ceretto presided over the meeting while Mayor Zo Stieber-Hubbard participated remotely through GoToMeeting.

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

PERSONS TO ADDRESS COUNCIL

There was no one to address the Council.

APPROVAL OF AGENDA

It was moved by Claud Hanes and seconded by David Crespín to approve the agenda as presented. Motion passed unanimously on voice vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the April 19, 2022, payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

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

- April 5, 2022, City Council Meeting Minutes
- April 5, 2022 Marijuana Licensing Authority Meeting Minutes

Motion passed unanimously on voice vote.

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PUBLIC HEARING

AM 2022-071 An Ordinance Repealing Chapter 9 – Oil and Gas Exploration and Development, Chapter 16 – Zoning, And Chapter 17 – Subdivisions of The Fort Lupton Municipal Code, And the Official Zoning Map, And Replacing Them with A Consolidated Chapter 16 – Fort Lupton Development Code, And Amended Official Zoning Map

Mayor Pro Tem Ceretto opened the public hearing at 6:03 p.m. and asked for a presentation of the proposal. The Planning Director, Todd Hodges, stated that this item is for the adoption of the Development Code Update, which includes the repeal of Chapter 9 - Oil and Gas Exploration and Development, Chapter 16 - Zoning, and Chapter 17 - Subdivisions, and replacing them with one consolidated chapter to be known as Chapter 16 - Fort Lupton Development Code, and replacing the existing zoning map to correspond with the corresponding updated zoning map. The process to update the development code was initiated in July 2019, with the intent to carry out the vision of the comprehensive plan which was adopted in 2018. Significant outreach efforts were made during the process, including Steering Committee meetings, presentations to City Council, publishing to the newspaper, posting on social media, maintaining a webpage dedicated to this proposed update, meetings with property owners in the proposed Downtown zoning district, commercial and residential developers within the city and a representative of Occidental Petroleum. Proposed articles were sent to internal and external referral agencies. Public comments have been mostly positive. Some comments were made during the residential developer meeting and where appropriate, changes in the proposed articles reflect the comments that were addressed.

Mr. Hodges stated that comments from Bushrod White, a citizen of Fort Lupton, expressed concerns over the setbacks. Mr. White's statement is included within the packet to the Council.

Planning staff is recommending that this update go into effect on July 1, 2022. All notification requirements have been met and the drafts for this update were made available to the public at least 15 days prior to this hearing. Chris Brewster, with Gould Evans and consultant on this project, will be providing a brief presentation.

Chris Brewster, presented the project overview, summary of key changes, and public hearing updates. One of the main drivers of this project was the Comprehensive plan which was adopted in 2018. It contains some of the key policies and ideas which assisted the planning department in their exploration in modifying the development code and analyzing how the development code impacted these ideas.

Mr. Brewster identified the key changes in the proposed articles, these included:

- Article 2 – Procedures: streamlining the platting process, key distinctions on when a process is a public hearing versus a public meeting, which processes can be Administrative Staff Reviews, which need to go to the Planning Commission for final approval and which need to go to City Council for approval;

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- Article 3 – Subdivision Standards: This article is implementing the comprehensive plan at the largest scale this includes the addition of new street types, improvement of the connectivity standards, addition of context-based open space types;
- Article 4 – Zoning District and Uses: refine uses by scale and generalize by type, clarification of use-specific and accessory use standards, reposition districts with greater distinctions, addition of the Downtown Zone District, converted residential districts to “building type” approach, the addition of a single-table with consolidated use types and filter by zone district based on size and scale;
- Article 5 – Residential Development Standards: shifted the standards to a “building type” approach, addition of two patterns, simplify/refine residential design standards based on context and building types, permitting ADU’s in the “A” “R-2” and “R-3” and incorporating the current residential design standards into this new code;
- Article 6 – Nonresidential Development Standards: addition of a new Downtown District, greater distinctions between C-1 & C-2, reposition R-O as a “mixed-use” district, planning for walkable vs. car oriented contexts, simplifying and incorporating the existing commercial design standards and incorporating a specific plan for the DT zone district;
- Articles 7 – Access & Parking: New approaches to allow for more flexibility including bike parking, context based parking requirements vs. minimum parking and landscape standards that were included in parking;
- Article 8 – Landscape & Site Design: A more xeric approach, including low water plants and strategies;
- Article 9 – Signs: Simplified to be more content neutral; and last,
- Article 10 – Supplemental Standards: Is more of a placeholder for topics that can be incorporated into this code such as wireless facilities and flood plain standards.

Mayor Stieber-Hubbard asked if tiny houses were considered in the code. Mr. Brewster stated they were considered in two areas. The first possibility is as an accessory building to a property that already has a residential building. The second area is in a compact lot, where the minimum lot size is 1,500 square feet, where a very small detached home could be allowed.

Mayor Pro Tem Ceretto asked if anyone from the public wished to speak for or against the proposal. Hearing none, Mayor Pro Tem Ceretto closed the public hearing at 6:30 p.m.

It was moved by Mayor Zo Stieber-Hubbard and seconded by David Crespino to approve Ordinance 2022-1143 AN ORDINANCE REPEALING CHAPTER 9 – OIL AND GAS EXPLORATION AND DEVELOPMENT, CHAPTER 16 – ZONING, AND CHAPTER 17 – SUBDIVISIONS OF THE FORT LUPTON MUNICIPAL CODE, AND THE OFFICIAL ZONING MAP, AND REPLACING THEM WITH A CONSOLIDATED CHAPTER 16 – FORT LUPTON DEVELOPMENT CODE, AND AMENDED OFFICIAL ZONING MAP. Motion passed unanimously on roll call vote.

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ACTION MEMORANDUM

AM 2022-070 Purchase 4250 gallons of Zinc Ortho Phosphate for the Water Treatment Facility for \$72,037.50 Allocated From the Water Treatment Plant Repair and Maintenance Fund

The 2022 budget contains funds for the purchase of Zinc Ortho Phosphate for the Water Treatment Plant. The ChemQuest Company is the only US company to provide this product, The ChemQuest quote is for \$72,037.50 for 4250 gallons of the product delivered to the Water Treatment Plant.

The Colorado Department of Public Health and Environment, mandated in 2002 that the City of Fort Lupton add corrosion control chemicals to meet Federal Lead and Copper regulations for Drinking Water. The chemical that the State approved for Fort Lupton use was Zinc Ortho Phosphate. The ChemQuest Company is the only U. S. company that supplies this chemical that meets NSF (National Sanitation Foundation) standards. All chemicals used in potable water must meet NSF standards. This amount of chemical should not need to be reordered until 2025.

It was moved by Claud Hanes and seconded by Valerie Blackston to approve the purchase of 4,250 gallons of Zinc Ortho Phosphate for the Water Treatment Facility for \$72,037.50 allocated from the Water Treatment Plant Repair and Maintenance Fund. Motion passed unanimously on roll call vote.

AM 2022-072 Approve a \$1,917,300 Supplemental Budget Resolution Nunc Pro Tunc to December 31, 2021

The Street Improvement Sales Tax Fund, Perpetual Care Cemetery Fund, Storm Water Drainage Enterprise Fund and The Golf Course Enterprise Fund may be in violation of state statutes as the operating expenditures exceed the appropriated budgets. A supplemental budget resolution is necessary to bring the funds into compliance.

Fund	Description	Expenditure Amount	Over Budget Amount
Street Sales Tax	Basalite Infrastructure Reimbursement	\$ 356,867	\$ 109,100
Cemetery	Utilities - Water	95,789	12,300
StormWater	General Supplies	321	120
Drainage			
Golf Course	Maintenance Costs	44,954	17,950
Golf Course	Merchandise for Resale	222,473	67,000
Golf Course	Supplies	173,634	65,890
Golf Course	Utilities	206,908	114,960
Golf Course	Bank Charges	44,306	14,200
Utility Fund	Design of the Waste Water Treatment Plant	1,439,745	1,440,000
Utility Fund	Waste Water Treatment Plant Design Held as Retainage	75,776	75,780
Total		2,660,773	1,917,300

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It was moved by Claud Hanes and seconded by David Crespino to approve RESOLUTION 2022R030 A RESOLUTION APPROVING \$1,917,300 SUPPLEMENTAL BUDGET RESOLUTION NUNC PRO TUNC TO DECEMBER 31, 2021. Motion passed unanimously on roll call vote.

AM 2022-073 Accepting a Proposal from Gerardo Concrete for the Construction of the Pickleball Courts at Railroad Park for an Amount not to Exceed \$41,112.00 to be paid from the Culture, Parks and Recreation Sales Tax Fund (CPR Fund).

The Recreation Department would like to start the project of the Pickleball Courts located at Railroad Park. The construction/concrete work would be completed by Gerardo Concrete for an amount not to exceed \$41,112.00.

The staff has looked into the construction of the pickleball courts that includes two (2) individual pickleball courts yielding 64' x 64' (4,096 square feet) and pickleball court accessories at Railroad Park. Work shall include furnishing all labor, equipment, materials, tools, supervision, and any other items necessary or convenient to satisfactorily complete the work as shown on the design drawings and/or specified by the Contract Documents and Specifications.

All work shall be completed in accordance with the supplied specifications and engineered drawings.

It was moved by Carlos Barron and seconded by Bruce Fitzgerald accepting a proposal from Gerardo Concrete for the construction of the Pickleball Courts at Railroad Park for an amount not to exceed \$41,112.00 to be paid from the Culture, Parks, and Recreation Sales Tax Fund (CPR Fund). Motion passed unanimously on roll call vote.

AM 2022-074 Approval of a Resolution for the Acceptance of Subdivision Improvements Agreement with Cottonwood Development Partners, LLC, for the Cottonwood Greens PUD Filing No 4

This Subdivision Improvement Agreement was drafted for the Cottonwood Greens PUD Filing No (LUP2021-0019) approved by City Council on November 2, 2021, which is located North of 9th Street, immediately east of 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 \$1,634,365.00.

This agreement includes payment to the City for improvements to 9th Street along the projects southern border.

Resolution 2021R065, approved by Council on November 2, 2021 with condition 1.G. requiring

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the applicant to enter into a Subdivision Improvements Agreement.

It was moved by Bruce Fitzgerald and seconded by Carlos Barron to approve Resolution 2022R031 A RESOLUTION ACCEPTING THE SUBDIVISION IMPROVEMENTS AGREEMENT WITH COTTONWOOD DEVELOPMENT PARTNERS, LLC, FOR THE COTTONWOOD GREENS PUD FILING NO 4. Motion passed unanimously on roll call vote.

STAFF

Christy Romano, Events Coordinator, stated the Easter Egg Hunt was well attended with approximately 600 attendees. A huge thank you to the sponsors who helped make this happen: Fort Lupton United Methodist Church, Crossroads Community Church, Outpost Calvary and St. Williams Catholic Church.

Mari Peña, City Clerk, reported that Fort Lupton has received the Certificate of Inclusion to the Metro Water Recovery Boundaries.

Jon Mays, Supervisor at the Wastewater Plant, indicated that the centrifuge has be repaired by his staff at an approximate cost of \$18,000. Mr. Mays' staff worked diligently on obtaining the right parts and saved the City a quarter of a million dollars.

MAYOR/COUNCIL REPORTS

Councilmember Valerie Blackston, suggested amending the verbiage in the Hillside Cemetery Regulations regarding what is unsightly.

FUTURE CITY EVENTS

April 17-22, 2022	Hillside Cemetery Clean Up
April 26, 2022	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m.
April 28, 2022	Clean Up Days - Seniors
April 29, 2022	Shredding Day, 130 S. McKinley Ave. 8 a.m. – 10 a.m.
April 30, 2022	Citywide Clean Up
May 5, 2022	Cinco de Mayo 5k Run/Walk, Railroad Park

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EXECUTIVE SESSION

It was moved by David Crespín and seconded by Carlos Barrón to move into Executive Session at 6:49 p.m. "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)" Utility Service Area. The following went into Executive Session: Mayor Pro Tem Chris Ceretto, Councilmembers Valerie Blackston, David Crespín, Claud Hanes, Carlos Barrón, Bruce Fitzgerald. Mayor Stieber-Hubbard was conferenced by phone. Also in the Executive Session were: City Attorney, Andy Ausmus, City Administrator, Chris Cross, Finance Director, Leann Perino, Public Works Director, Roy Vestal and Planning Director, Todd Hodges.

The Executive Session ended at 7:43 p.m. and the regular meeting reconvened at 7:43 p.m.

ADJOURNMENT

The meeting adjourned at 7:43 p.m.

Submitted by,


Maricela Peña, City Clerk



Approved by City Council


Zo Stieber-Hubbard, Mayor