



**CITY OF FORT LUPTON
CITY COUNCIL/ENTERPRISE BOARDS
REGULAR MEETING AGENDA
Tuesday, August 2, 2022
6:00 PM
130 South McKinley Avenue**

**Zo Stieber-Hubbard,
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. August 2, 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. July 19, 2022 City Council Meeting Minutes

b. AM 2022-123 Authorize Payment to Northern Colorado Water Conservancy District (NCWCD) for the Southern Water Supply Project (SWSP) 2022 Operation and Maintenance Assessment for an Amount not to Exceed \$132,017.29 from the Utility Fund

c. AM 2022-124 Approving the Intergovernmental Agreement ("IGA") with Board of County Commissioners of the County of Weld and the Weld County Clerk and Recorder Concerning the Administration of the November 8, 2022, Coordinated Election with the City of Fort Lupton and designating Maricela Peña as the Election Official for the City

d. AM 2022-125 Approving a Resolution Appointing Charles Miller to Serve on the Board of Directors of Metro Water Recovery for a Two (2) Year Term Beginning August 2, 2022 and Expiring June 30, 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 2022-118 Approve a Resolution Approving Service Plan for Cottonwood Conner Metropolitan District and Approve the Intergovernmental Agreement with District
- b. AM 2022-119 Approve a Resolution Approving Service Plan for Cottonwood Thermo Metropolitan District and Approve Intergovernmental Agreement with District
- c. AM 2022-120 Approve a Resolution Approving Service Plan for Cottonwood Townhomes Metropolitan District and Approve Intergovernmental Agreement with District
- d. AM 2022-122 Approve a Resolution Approving Service Plan for Vista Meadows Metropolitan District and Approve Intergovernmental Agreement with District

Action Memorandum

- a. AM 2022-121 A Resolution Approving the Inclusion of Certain Property, Known as 13400 County Road 10, Fort Lupton, Colorado, into the Boundaries of the Lupton Village Commercial Metropolitan District
- b. AM 2022-109 Continued From July 5, 2022, A Resolution Approving a Final Plat Known as the Flats at Lupton Village PUD Final Plat
- c. AM 2022-126 Approving a Resolution for the Acceptance of Subdivision Improvements Agreement with Lupton Village Land Developers, LLC, for the Flats at Lupton Village Subdivision
- d. AM 2022-127 Approve Public Works Engineering Services Agreement with Engineering Design Consultant not to Exceed \$15,000 from the Engineering Budget of the General Fund
- e. AM 2022-128 Approve Change Order Number 3 to Contract Agreement with Colorado Paving Inc. For College Ave/9th St Repaving Project for an amount not to Exceed \$408,000.00 From the Street Sales Tax Fund
- f. AM 2022-129 Approve Change Order for WWTP Engineering Design Services Agreement with Burns and McDonnell Engineering Company, Inc. not to exceed \$52,567.00 from the Utility Fund

Information Memorandum

- a. IM 2022-010 Increase Processing Fees Assessed on All Court Credit/Debit Card Payments

Staff Reports

Mayor/Council Reports

Future City Events

- a. August 2, 2022 Upcoming Events

Adjourn

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
August 2, 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, August 2, 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

Kaela Friedlan, Assistant to City Clerk, called the roll. Those present were Mayor Pro Tem Chris Ceretto, Councilmembers, Bruce Fitzgerald, Valerie Blackston, Claud Hanes and Carlos Barron.

Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, City Attorney, Andy Ausmus, 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 Bruce Fitzgerald and seconded by Carlos Barron to approve the agenda as presented. Motion passed unanimously on voice vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the August 2, 2022, payables; there were no questions or comments from the Mayor Pro Tem or Council.

CONSENT AGENDA

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

- July 19, 2022 City Council Meeting Minutes
- Authorize Payment to Northern Colorado Water Conservancy District (NCWCD) for the Southern Water Supply Project (SWSP) 2022 Operation and Maintenance Assessment for an Amount not to Exceed \$132,017.29 from the Utility Fund (AM 2022-123)
- Approving the Intergovernmental Agreement ("IGA") with Board of County Commissioners of the County of Weld and the Weld County Clerk and Recorder Concerning the Administration of the November 8, 2022, Coordinated Election with the City of Fort Lupton and designating Maricela Peña as the Election Official for the City (AM 2022-124)
- Approving RESOLUTION 2022R047 APPOINTING CHARLES MILLER TO SERVE ON THE

**RECORD OF PROCEEDINGS
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BOARD OF DIRECTORS OF METRO WATER RECOVERY FOR A TWO (2) YEAR TERM
BEGINNING AUGUST 2, 2022 AND EXPIRING JUNE 30, 2024 (AM 2022-125).

Motion passed unanimously on roll call vote.

PUBLIC HEARINGS

**AM 2022-118 Approve a Resolution Approving Service Plan for Cottonwood Conner
Metropolitan District and Approve the Intergovernmental Agreement with District**

Mayor Pro-Tem Ceretto opened the public hearing at 6:03 p.m.

The City's Legal Counsel on Metropolitan Districts, Jennifer Gruber-Tanaka with White Bear Ankele Tanaka & Waldron, presented the case. She stated Cottonwood Conner will serve residential property with a total acreage of 35.3 acres. The service plan was submitted to the City for review on June 28th 2022. The District published notice of the hearing in the Fort Lupton News Press on July 7, 2022, and mailed notice as required by the City's Special District Policy and Title 32. The Service Plan meets the criteria of and complies with the requirements set forth in the City's Special District Policy.

The purpose of approving the service plan is to authorize the District to provide for planning, design, acquisition, construction, installation, relocation, redevelopment, and financing of the Public Improvements required for development of the Cottonwood Conner PUD. Future development will be required to complete additional filings, improvements agreements, and/or site plans prior to construction. Each phase of development will still require public hearings and final review and approval by City Council.

Question was raised by Councilmember Claud Hanes regarding the number of mils that is allowed for this metro district. Jennifer responded stating that the service plan policy and model service plan allows for an aggregate of 70 mils. No further discussion occurred.

Mayor Pro-Tem Ceretto asked if anyone from the public wished to speak for or against the case. Hearing none, Mayor Pro-Tem Ceretto closed the public hearing at 6:07 p.m.

It was moved by Carlos Barron and seconded by Claud Hanes to approve Resolution 2022R048 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO APPROVING THE SERVICE PLAN FOR THE COTTONWOOD CONNER METROPOLITAN DISTRICT AND APPROVING THE INTERGOVERNMENTAL AGREEMENT. Motion passed unanimously on roll call vote.

**AM 2022-119 Approve a Resolution Approving Service Plan for Cottonwood Thermo
Metropolitan District and Approve Intergovernmental Agreement with District**

Mayor Pro-Tem Ceretto opened the public hearing at 6:07 p.m.

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The City's Legal Counsel on Metropolitan Districts, Jennifer Gruber-Tanaka, with White Bear Ankele Tanaka & Waldron, presented the case. She stated this is a development project that will contain 41.1 acres. The service plan was submitted to the City for review on June 28, 2022. The District published notice of the hearing in the Fort Lupton News Press on July 14, 2022, and mailed notice as required by the City's Special District Policy and Title 32. The Service Plan meets the criteria of and complies with the requirements set forth in the City's Special District Policy.

The purpose of approving the service plan is to authorize the District to provide for planning, design, acquisition, construction, installation, relocation, redevelopment, and financing of the Public Improvements required for development of the Cottonwood Thermo PUD. Future development will be required to complete additional filings, improvements agreements, and/or site plans prior to construction. Each phase of development will still require public hearings and final review and approval by City Council.

Mayor Pro-Tem Ceretto asked if anyone from the public wished to speak for or against the case. Hearing none, Mayor Pro-Tem Ceretto closed the public hearing at 6:09 p.m.

It was moved by Claud Hanes and seconded by Carlos Barron to approve Resolution 2022R049 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO APPROVING THE SERVICE PLAN FOR THE COTTONWOOD THERMO METROPOLITAN DISTRICT AND APPROVING THE INTERGOVERNMENTAL AGREEMENT. Motion passed unanimously on roll call vote.

AM 2022-120 Approve a Resolution Approving Service Plan for Cottonwood Townhomes Metropolitan District and Approve Intergovernmental Agreement with District

Mayor Pro-Tem Ceretto opened the public hearing at 6:10 p.m.

The City's Legal Counsel on Metropolitan Districts, Jennifer Gruber-Tanaka, with White Bear Ankele Tanaka & Waldron, presented the case. She stated this is a residential project that will consist of 14.1 acres. The service plan was submitted to the City for review on June 28th 2022. The District published notice of the hearing in the Fort Lupton News Press on July 7, 2022, and mailed notice as required by the City's Special District Policy and Title 32. The Service Plan meets the criteria of and complies with the requirements set forth in the City's Special District Policy.

The purpose of approving the service plan is to authorize the District to provide for planning, design, acquisition, construction, installation, relocation, redevelopment, and financing of the Public Improvements required for development of the Cottonwood Townhomes PUD. Future development will be required to complete additional filings, improvements agreements, and/or site plans prior to construction. Each phase of development will still require public hearings and final review and approval by City Council.

Mayor Pro-Tem Ceretto asked if anyone from the public wished to speak for or against the case.

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Hearing none, Mayor Pro-Tem Ceretto closed the public hearing at 6:11 p.m.

It was moved by Bruce Fitzgerald and seconded by Valerie Blackston to approve Resolution 2022R050 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO APPROVING THE SERVICE PLAN FOR THE COTTONWOOD TOWNHOMES METROPOLITAN DISTRICT AND APPROVING THE INTERGOVERNMENTAL AGREEMENT. Motion passed unanimously on roll call vote.

AM 2022-122 Approve a Resolution Approving Service Plan for Vista Meadows Metropolitan District and Approve Intergovernmental Agreement with District

Mayor Pro-Tem Ceretto opened the public hearing at 6:12 p.m.

The City's Legal Counsel on Metropolitan Districts, Jennifer Gruber-Tanaka with White Bear Ankele Tanaka & Waldron, presented the case. She stated this is a residential development that will consist of 153 acres. The service plan was submitted to the City for review on June 13th 2022. The District published notice of the hearing in the Fort Lupton News Press on July 7, 2022, and mailed notice as required by the City's Special District Policy and Title 32. The Service Plan meets the criteria of and complies with the requirements set forth in the City's Special District Policy.

The purpose of approving the service plan is to authorize the District to provide for planning, design, acquisition, construction, installation, relocation, redevelopment, and financing of the Public Improvements required for development of the Vista Meadows PUD. Future development will be required to complete additional filings, improvements agreements, and/or site plans prior to construction. Each phase of development will still require public hearings and final review and approval by City Council.

Mayor Pro-Tem Ceretto asked if anyone from the public wished to speak for or against the case. Hearing none, Mayor Pro-Tem Ceretto closed the public hearing at 6:14 p.m.

It was moved by Carlos Barron and seconded by Valerie Blackston to approve Resolution 2022R051 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO APPROVING THE SERVICE PLAN FOR THE VISTA MEADOWS METROPOLITAN DISTRICT AND APPROVING THE INTERGOVERNMENTAL AGREEMENT. Motion passed unanimously on roll call vote.

ACTION MEMORANDUM

AM 2022-121 A Resolution Approving the Inclusion of Certain Property, Known as 13400 County Road 10, Fort Lupton, Colorado, into the Boundaries of the Lupton Village Commercial Metropolitan District

The City's Legal Counsel on Metropolitan Districts, Jennifer Gruber-Tanaka with White Bear

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Ankele Tanaka & Waldron, presented the case. The City Council approved the service plan for Lupton Village Commercial Metropolitan District on February 4, 2020, by way of Resolution No. 2020R023. This is a request from the Lupton Village Commercial Metropolitan District seeking approval from City Council to include property known as 13400 County Road 10, Fort Lupton, Colorado into the boundaries of the Lupton Village Commercial Metropolitan District. This request is only to include the property, not to change any other terms of the service plan. The property owner is aware of the inclusion and consenting to the inclusion of the property into the district.

Question was raised by Councilmember Claud Hanes regarding contiguity of districts for their boundaries. Mrs. Gruber-Tanaka responded that contiguity is not required.

It was moved by Bruce Fitzgerald and seconded by Valerie Blackston to approve Resolution 2022R054 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO, CONSENTING TO THE INCLUSION OF CERTAIN PROPERTY, KNOWN AS 13400 COUNTY ROAD 10, INTO THE BOUNDARIES OF LUPTON VILLAGE COMMERCIAL METROPOLITAN DISTRICT. Motion passed unanimously on roll call vote.

AM 2022-109 Continued From July 5, 2022, A Resolution Approving a Final Plat Known as the Flats at Lupton Village PUD Final Plat

The applicant, Baessler Development Group, has applied for approval of a Final Plat, known as The Flats at Lupton Village PUD Final Plat. The proposed Final Plat is for a mixed-use subdivision that will include 120 single-family attached residential lots and 1 general commercial lot. The subdivision includes greenspace amenity areas and connects to the regional trail network. The Property that is the subject of the Final Plat is located at the northeast corner of South Denver Avenue and County Road 12 (the Property).

The hearing was continued from July 5, 2022 to allow Council additional time to consider whether to accept the internal streets as public right of way or to be maintained privately. The resolution indicates that the Metro District will be maintaining private roads, landscape, and park amenities. If Council approves the resolution as is, the road will be maintained by the development. Public Works Director recommended the road stay as a private road.

The applicant's representative, Mitch Nelson, explained they designed the development to public standard with intention of the road being public maintenance. Twelve (12) feet of asphalt was added to the main drive and sidewalks in order to allow for commercial access and for the project to function better as a whole.

Discussion amongst Councilmembers took place with all members agreeing the road should be maintained as a private road. The City Attorney, Andy Ausmus, stated that if the Resolution is approved, the developer will maintain the road as listed in the Resolution item 'k'.

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It was moved by Claud Hanes and seconded by Valerie Blackston to approve Resolution 2022R052 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE FINAL PLAT OF THE FLATS AT LUPTON VILLAGE PUD FOR A MIXED-USE SUBDIVISION LOCATED IN PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO. Motion passed unanimously on roll call vote.

AM 2022-126 Approving a Resolution for the Acceptance of Subdivision Improvements Agreement with Lupton Village Land Developers, LLC, for the Flats at Lupton Village Subdivision

This Subdivision Improvement Agreement was drafted for the Flats at Lupton Village Subdivision (LUP2022-0001) which is located north of CR 12, on the east side of S Denver Avenue.

Improvements are for the construction of water, non-potable water and sanitary sewer main extensions, roadway construction, landscape and storm drainage system improvements. Approximate cost of this agreement for construction is \$3,976,107.00.

It was moved by Bruce Fitzgerald and seconded by Carlos Barron to approve Resolution 2022R053 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE LUPTON VILLAGE LAND DEVELOPERS, LLC, FOR THE FLATS AT LUPTON VILLAGE SUBDIVISION, LOCATED IN FORT LUPTON, WELD COUNTY, COLORADO. Motion passed unanimously on roll call vote.

AM 2022-127 Approve Public Works Engineering Services Agreement with Engineering Design Consultant not to Exceed \$15,000 from the Engineering Budget of the Utility Fund

The Engineering Department would like to determine the viability of locating a water storage tank at the City property (future gun range). The viability analysis will determine the ability to eliminate the existing pump station for the high-pressure zone of the potable water system.

Staff selected Engineering Design Consultant (EDC) from the engineering on-call list that was created in 2022 from a Request for Qualifications solicitation for engineering services. EDC staff consists of the consultant that provided water system modeling for the City in 2019 with ESAC.

The 5-year CIP plan has anticipated the need for additional water storage for the City's system.

It was moved by Claud Hanes and seconded by Valerie Blackston to approve the Public Works Engineering Services Agreement with Engineering Design Consultant not to exceed \$15,000 from the Engineering Budget of the Utility Fund. Motion passed unanimously on roll call vote.

AM 2022-128 Approve Change Order Number 3 to Contract Agreement with Colorado Paving Inc. For College Ave/9th St Repaving Project for an amount not to Exceed \$408,000.00 From the Street Sales Tax Fund

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The current contract agreement with Colorado Paving Inc. was executed May 21, 2021 and was awarded \$2,172,394.50 to cover portions of the overall project as bid. Items that were deleted from the overall project included curb and gutter along College Avenue, sidewalks along 9th Street and half the pavement section for College Avenue. Change Order No. 1 was issued on October 19, 2021 to modify included elements for priority. The College Avenue paving was deleted and curb and gutter and sidewalk were added back for 9th Street. Change Order No. 2 restored all elements of the 9th St. and College Ave. to complete the as bid project. Additionally, the south end of College was added to provide connection to Highway 52 and restore the originally constructed 20-year old pavement. Total project cost is \$1,357,577.35.

Change Order No. 3 is required to compensate the contractor for additional surcharges imposed by material suppliers and additional work orders in contingency for unforeseen utility conflicts.

Remaining items in the construction project include signing and striping, pavement placed in Schedule 2 and all of Schedule 2a (south end of College connection to Hwy 52).

Additional participation from developments amount to \$705,198 from the original project scope. \$328,076 has been received from the Cottonwood development and \$20,930 from the Colorado Air National Guard for work completed that is included in the contingency.

It was moved by Bruce Fitzgerald and seconded by Carlos Barron to approve Change Order Number 3 to contract agreement with Colorado Paving Inc. for College Ave/9th St. repaving project for an amount not to exceed \$408,000.00 from the Street Sales Tax Fund. Motion passed unanimously on roll call vote.

AM 2022-129 Approve Change Order for WWTP Engineering Design Services Agreement with Burns and McDonnell Engineering Company, Inc. not to exceed \$52,567.00 from the Utility Fund

The current engineering services agreement with Burns and McDonnell Engineering Company, Inc. is for \$1,897,540.00 for design of the METRO connection force main and lift station.

The agreement scope did not contemplate requirements by the US Department of Agriculture (USDA) funding application submittals. New conversations with the funding department at USDA indicates promising potential grant source. The submittal requirements are different from the State Revolving Fund and will require an additional report and calculations.

It was moved by Carlos Barron and seconded by Bruce Fitzgerald to approve change order for WWTP Engineering Design services agreement with Burns and McDonnell engineering company, Inc. not to exceed \$52,567.00 from the utility fund. Motion passed unanimously on roll call vote.

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Information Memorandum

IM 2022-010 Increase Processing Fees Assessed on All Court Credit/Debit Card Payments

November 2019 the Fort Lupton City Council approved AM 2019-221 amending the agreement with Tyler Technologies. The AM authorized Global Payments to be the credit/debit card processor for Court payments made online and in-person. Global Payments' receives compensation from the processing fees. Customers are responsible for the processing fees and the City is liable for equipment and maintenance costs.

December 2020 Council approved AM 2020-194 changing the responsible party for the online portal fees of \$2.50 per transaction from the customer to the City. There was no change of responsibility of the card-processing fees.

The processing fee was set at 3.21% when services began in 2019. In November 2021, the fees increased to 3.95%. This year, 2022, has resulted in three (3) Federal interest rate increases and a fourth anticipated by end of July 2022. In light of an analysis, the Court processing fees will increase from 3.95% to 5.0% effective August 15, 2022. The primary reasons for increase are due to Federal interest rate increases and soaring processing fees.

STAFF

City Administrator, Chris Cross, reported the dentist office next to 7-Eleven, across from Safeway Stores had its ground breaking on Friday, July 29, 2022.

MAYOR/COUNCIL REPORTS

There were no reports from the Mayor Pro Tem or City Council.

FUTURE CITY EVENTS

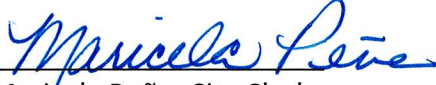
August 2, 2022	National Night Out
August 2, 2022	City Council Meeting, 130 S. McKinley Ave. 6:00 p.m.
August 9, 2022	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m.
August 16, 2022	City Council Meeting, 130 S. McKinley Ave. 6:00 p.m.
August 25, 2022	Spaghetti Dinner, 203 S. Harrison Ave. 3:00 p.m.
August 30, 2022	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m.

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ADJOURNMENT

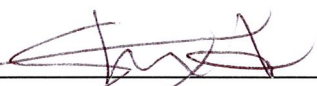
The meeting adjourned at 6:41 p.m.

Submitted by,


Maricela Peña, City Clerk



Approved by City Council


Zo Stieber-Hubbard, Mayor