



City of Fort Lupton
CITY COUNCIL/ENTERPRISE BOARDS
REGULAR MEETING AGENDA
Tuesday, February 15, 2022
7:00 PM
130 South McKinley Avenue

Zo Stieber, Mayor
Valerie Blackston, Ward 1
Chris Ceretto, Ward 2
Carlos Barron, Ward 3
David Crespino, 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>

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. February 15, 2022, Accounts Payable

Lottery for Regulated Marijuana Business License

- a. IM 2022-004 Regulated Marijuana Business License Applications for Lottery

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. February 1, 2022 City Council Meeting Minutes
- b. AM 2022-038 Approve the Public Works Wastewater Sewer Service Agreement with Powell Living Trust for Sanitary Sewer Service Agreement at 14425 County Road 12
- c. AM 2022-039 Approving an Agreement with CGI Communications Inc. to Create and Provide Chapter Videos About the City of Fort Lupton

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 2022-032 Consideration of an Amendment to the Future Land Use Map to the 2018 Fort Lupton Comprehensive Plan

- b. AM 2022-033 Consideration of an Ordinance Rezoning Land Legally Described in Exhibit A to the Proposed Ordinance, and Known as the Sagebrush Apartment Change of Zone, to the PUD Planned Unit Development Zone District
- c. AM 2022-034 Consideration of a Resolution for the Sagebrush Apartments Site Plan and PUD Plan for a Multifamily Residential Development

Action Memorandum

- a. AM 2022-035 Adopting an Ordinance Amending Chapter 6 Business Licenses and Regulations, Article II Alcoholic Beverages of the Fort Lupton Municipal Code to Conform to State Statutes
- b. AM 2022-036 Approval of a Resolution for the Acceptance of the Subdivision Improvements Agreement with CW--Briggs, LLC for the Murata Farms Subdivision Filing No. 1
- c. AM 2022-037 Approval of a Resolution Accepting the Subdivision Improvements Agreement with Lupton Land, LLC, for the Coyote Creek PUD Filing No. 4
- d. AM 2022-040 Award Contract to Burns & McDonnell Engineering Company, Inc., for an Amount not to Exceed \$119,428.00 for Engineering Services to Update the Wastewater Utility Plan Allocated from the Utility Fund
- e. AM 2022-041 Approve Payment to EMRICK Holdings, LLC, in the Amount of \$7,224.00 for Sidewalk and Alley Entrance Repairs at Wholly Stromboli

Information Memorandum

- a. IM 2022-003 Withdrawal of Affidavit of Surrender for 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 15, 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 15, 2022. 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 Crespín, Valerie Blackston, Carlos Barron and Claud Hanes.

Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, City Attorney, Andy Ausmus, 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

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

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the February 15, 2022, payables; there were no questions or comments from the Mayor or Council.

LOTTERY FOR REGULATED MARIJUANA BUSINESS LICENSE

The City Clerk, Mari Peña, stated that five (5) applications are moving forward into the lottery for the opportunity for approval of a license. All applications were reviewed for completeness and background investigations completed. Each application has received an approved zoning verification. Setbacks specific to those businesses have been met. If the applicants are successful in the lottery, a public hearing will be held for each application before the local licensing authority for consideration of a license. The applicants will also need to submit a Pre-Application Review Questionnaire to discuss requirements for potential land use applications and building permits with the Planning and Building Department. It is highly likely that permits and procedures in addition to this marijuana business license will be required.

Moving forward into the lottery for a marijuana business license does not constitute approval of the business license, security plan, site plan, lighting plan, signage, parking, or other land use and building components.

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The City Clerk, Mari Peña indicated that each applicant has taken a ticket and placed it in the tin. One ticket would be selected and that ticket would be the application that would not move forward. It was visually confirmed that five tickets were in the tin. Michael Lai, was selected from the public to assist in the selection. Michael Lai selected ticket number 424299. The City Clerk stated the applicant with that ticket wouldn't be moving forward. The remaining tickets were called and the remaining applicants raised their hands: Colin Madden of 1310 Factory Circle LLC, Rachel Gillette and Daniel Balderas of Carretera Ocho Cinco LLC, John Paoella of Centaurus Farms LLC, and Tucker Elridge of High Plainz Strains of Fort Lupton LLC.

The City Clerk stated that the next step in the process would be the public hearing on the application.

Mayor Stieber asked for a brief recess to clear the room. The regular meeting reconvened at 7:06 p.m.

CONSENT AGENDA

It was moved by Chris Ceretto and seconded by Claud Hanes to approve the Consent Agenda as presented with the following items:

- February 1, 2022 City Council Meeting Minutes
- AM 2022-038 Approve the Public Works Wastewater Sewer Service Agreement with Powell Living Trust for Sanitary Sewer Service Agreement at 14425 County Road 12
- AM 2022-039 Approving an Agreement with CGI Communications Inc. to Create and Provide Chapter Videos About the City of Fort Lupton

Motion passed unanimously on roll call vote.

PUBLIC HEARINGS

AM 2022-032 Consideration of an Amendment to the Future Land Use Map to the 2018 Fort Lupton Comprehensive Plan

Mayor Stieber opened the public hearing at 7:09 p.m. and asked for a brief presentation of the proposal.

The City Planner, Maria Lancto, stated that this request is for the City Council to consider an amendment to the Future Land Use Map that was adopted in 2018 as part of the Fort Lupton Comprehensive Plan.

The City is in receipt of an application for a Change of Zone, Site Plan, and PUD Plan from Vincent Village Associates, LLC (The Michaels Development Company) for a multi-family residential development project, known as the Sagebrush Apartments. These applications have been submitted concurrently and will be reviewed by the Planning Commission and City Council

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at separate public hearings. City staff has determined that an amendment to the 2018 Future Land Use Map is required in order for the property that is the subject of the Sagebrush Apartments applications to conform with the Fort Lupton Comprehensive Plan. This proposed amendment is to reclassify the property from the General Commercial land use type to the Multifamily land use type.

The Municipal Code requires a hearing before the Planning Commission and City Council for any amendment to the Comprehensive Plan, which meets the requirements of the State Statutes that require at least one hearing be held. All notification requirements have been met including notice to Weld County and neighboring municipalities.

Ms. Lancto indicated that the Resolution has been amended to include the language "Comprehensive Plan Amendment is contingent upon the Change of Zone" per the Planning Commission.

Ms. Lancto indicated the proposal includes 2 (two) buildings with a total of 72 units, 36 units per building.

Ryan Zent representative for the Michael Development provided a presentation. Mr. Zent provided a community overview of the project, quality and design including construction plans. Management is to remain by Michaels Development with onsite staffing. The site is located within walking access to schools, parks, and Safeway commercial development. Mr. Zent indicated that the dog park was removed based on feedback from the prior meeting.

Mayor Stieber asked if anyone from the public wished to speak for or against this case. Hearing none, Mayor Stieber closed the public hearing at 7:19 p.m.

It was moved by Carlos Barron and seconded by Bruce Fitzgerald to approve Resolution 2022R018, A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON ADOPTING AN AMENDMENT TO THE FUTURE LAND USE MAP TO THE 2018 FORT LUPTON COMPREHENSIVE PLAN. Motion passed unanimously on roll call vote.

AM 2022-033 Consideration of an Ordinance Rezoning Land Legally Described in Exhibit A to the Proposed Ordinance, and Known as the Sagebrush Apartment Change of Zone, to the PUD Planned Unit Development Zone District

Mayor Stieber opened the public hearing at 7:20 p.m. and asked for a brief presentation of the proposal.

Mayor Stieber indicated that the presentation from the previous public hearing stands and asked the Planner if all notification requirements were met. Ms. Lancto stated that all notifications were met.

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Mayor Stieber asked if anyone from the public wished to speak for or against this case. Hearing none, Mayor Stieber closed the public hearing at 7:21 p.m.

It was moved by Bruce Fitzgerald and seconded by Carlos Barron to adopt Ordinance 2022-1139, AN ORDINANCE REZONING LAND LEGALLY DESCRIBED IN EXHIBIT A, AND KNOWN AS THE SAGEBRUSH APARTMENTS CHANGE OF ZONE, TO THE PUD PLANNED UNIT DEVELOPMENT ZONE DISTRICT. Motion passed unanimously on roll call vote.

AM 2022-034 Consideration of a Resolution for the Sagebrush Apartments Site Plan and PUD Plan for a Multifamily Residential Development

Mayor Stieber opened the public hearing at 7:21 p.m. and asked for a brief presentation of the proposal.

Mayor Stieber indicated that the presentation from the previous public hearing stands and asked the Planner if all notification requirements were met. Ms. Lancto stated that all notifications were met.

Mayor Stieber asked if anyone from the public wished to speak for or against this case. Hearing none, Mayor Stieber closed the public hearing at 7:22 p.m.

It was moved by Carlos Barron and seconded by David Crespin to approve Resolution 2022R019 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE SAGEBRUSH APARTMENTS SITE PLAN AND PUD PLAN FOR A MULTIFAMILY RESIDENTIAL DEVELOPMENT. Motion passed unanimously on roll call vote.

ACTION MEMORANDUM

AM 2022-035 Adopting an Ordinance Amending Chapter 6 Business Licenses and Regulations, Article II Alcoholic Beverages of the Fort Lupton Municipal Code to Conform to State Statutes

In 2018 the State of Colorado recodified Title 12 Alcohol and Tobacco Regulations to Title 44. The Ordinances is for the City's Code to conform to those changes.

The changes include:

- All references to title 12 are being amended to title 44.
- All references to "3.2% alcohol" are being amended to "fermented malt beverages".
- New definitions
- Section 6-39 (3) (a)Renewals - Addition of "The complete license renewal application shall include an affidavit from the Licensee of an on premises establishment affirming there will be a person on duty during regular business hours that has completed a City approved liquor serving training program." And under (3)(d) Special Event Permits - Addition of "Issuance of Special Events Permits shall require an affidavit from the Event

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Manager affirming there will be a person on duty during the scheduled event hours that has completed a City approved liquor serving training program.”

- Consolidation of repetitive phrases
- Days the tastings may occur.

No changes:

- Number of tasting per year. City allows for 25 tastings per year. The statute 156 days per year.
- Hours for Tastings. City allows 11:00 a.m. – 7:00 p.m. The statute 11 a.m. – 9 p.m.

It was moved by Carlos Barron and seconded by Chris Ceretto to adopt Ordinance 2022-1140 AN ORDINANCE OF THE CITY OF FORT LUPTON, COLORADO, AMENDING CHAPTER 6, ARTICLE II, ALCOHOLIC BEVERAGES OF THE CITY OF FORT LUPTON MUNICIPAL CODE TO CONFORM TO STATE STATUTES. Motion passed unanimously on roll call vote.

AM 2022-036 Approval of a Resolution for the Acceptance of the Subdivision Improvements Agreement with CW--Briggs, LLC for the Murata Farms Subdivision Filing No. 1

This Subdivision Improvement Agreement was drafted for the Murata Farms - Filing No. 1 (LUP2021-0028) approved by City Council on November 16, 2021, which is located south of Highway 52, immediately west of S 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 \$9,082,958.00 in two phases of development.

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

Resolution 2021R070, approved by Council on November 16, 2021 requires the applicant to enter into a Subdivision Improvements Agreement. The previously approved agreement under Resolution 2022R017 contained an older version of the agreement by mistake. This version of the agreement has been coordinated between the developer and City staff.

It was moved by Claud Hanes and seconded by Valerie Blackston to approve Resolution 2020R017 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE CORONADO WEST, LLC SUBDIVISION IMPROVEMENT AGREEMENT OF THE MURATA FARMS FILING NO. 1 FINAL PLAT LOCATED IN FORT LUPTON, WELD COUNTY, COLORADO.

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AM 2022-037 Approval of a Resolution Accepting the Subdivision Improvements Agreement with Lupton Land, LLC, for the Coyote Creek PUD Filing No. 4

This Subdivision Improvement Agreement was drafted for the Coyote Creek - Filing No. 4 (LUP2021-0032) approved by City Council on February 1, 2022, which is located north of 4th Street, immediately east of the Short Line Ditch.

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 \$2,623,509.00.

Resolution 2022R015, approved by Council on February 1, 2022 requires the applicant to enter into a Subdivision Improvements Agreement.

It was moved by Bruce Fitzgerald and seconded by David Crespín to approve Resolution 2020R020 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE LUPTON LAND, LLC SUBDIVISION IMPROVEMENT AGREEMENT OF THE COYOTE CREEK PUD FILING NO. 4 FINAL PLAT. Motion passed on roll call vote.

AM 2022-040 Award Contract to Burns & McDonnell Engineering Company, Inc., for an Amount not to Exceed \$119,428.00 for Engineering Services to Update the Wastewater Utility Plan Allocated from the Utility Fund

The existing Wastewater Utility Plan (WUP) for Fort Lupton is required to be updated per North Front Range Water Quality Planning Association (NFRWQPA) guidelines. While the WUP will be rewritten into a new document, Burns and McDonnell plans to incorporate existing information from the outdated plan where applicable. This is to be completed before the City sends the Application for Site Approval for the Force Main and Lift Station Project to CDPHE and is pivotal in the city maintaining their compliance schedule. Please note that Burns & McDonnell's ability to meet the proposed Schedule (attached) will rely on the City's prompt delivery of requested information and materials.

City staff received a work order proposal from CH2M for \$112,500 in June 2021 that provided for approval of the Utility Plan by NFRWQPA in 400 days. Council elected not to contract the study in July 2021.

Burns and McDonnell has prepared a scope of work with a schedule completing the Utility plan and approval by NFRWQPA in June 2022

It was moved by Claud Hanes and seconded by Bruce Fitzgerald to award contract to Burns & McDonnell Engineering Company, Inc., for an amount not to exceed \$119,428.00 for engineering services to update the Wastewater Utility Plan allocated from the Utility Fund. Motion passed unanimously on roll call vote.

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AM 2022-041 Approve Payment to EMRICK Holdings, LLC, in the Amount of \$7,224.00 for Sidewalk and Alley Entrance Repairs at Wholly Stromboli

Wholly Stromboli building improvements project exposed a discrepancy in the public right-of-way sidewalk configuration. The alley entrance was too wide and encroached upon the north property line of the lot. This causes traffic to turn too early into the alley cutting across the property. The building improvements include extending the building foot print to the north to accommodate a patio feature.

The timing of improvements would not occur until early 2022 with the City contractor, which was being bid out in the fall. The property owner discussed with Council late summer regarding rectifying the conditions. Council was amenable to compensating the property owner for the costs that the City would incur with our concrete repair contractor.

The sidewalk work is completed, the contractor submitted an invoice for \$14,107.93, whereas the original estimate presented to Council was for \$8,469.16. The original City estimate was \$3,794.00. A revised estimate of contractor unit prices from the bid award is \$7,224.00.

It was moved by Carlos Barron and seconded by David Crespin Approve Payment to EMRICK Holdings, LLC, in the Amount of \$7,224.00 for Sidewalk and Alley Entrance Repairs at Wholly Stromboli

INFORMATION MEMORANDUM

IM 2022-003 Withdrawal of Affidavit of Surrender for 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.

On February 10, 2022, Carl Ream, Attorney for TJ's Express submitted a withdrawal of application for surrender due to the fact that the licensee is unable to pursue its proposed business plans at the demised location and that the surrender of its liquor license in anticipation of those plans would cause significant economic hardship.

STAFF

Finance Director, Leann Perino, stated that the City will be receiving \$2,011 to assist in paying water bills.

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MAYOR/COUNCIL REPORTS

The Mayor Stieber indicated that she has received citizen complaints that construction debris has blown off dumpsters and she is asking that the City require roll off dumpsters to be covered.

Mayor Stieber also stated that Senator Kirkmeyer has notified her that JBS would like to assist with community projects.

FUTURE CITY EVENTS

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.
March 8, 2022	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m.

ADJOURNMENT

The meeting adjourned at 7:41 p.m.

Submitted by,


Maricela Peña, City Clerk

Approved by City Council


Zo Stieber, Mayor

