

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 16, 2019

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 Monday, December 16, 2019. 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, Council Members Shannon Rhoda, Chris Ceretto, and Michael Sanchez; Tommy Holton was present by conference call. Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, City Planner, Todd Hodges, Public Works Director, Roy Vestal, Chief John Fryar and City Attorney Andy Ausmus.

PERSONS TO ADDRESS COUNCIL

There was no one from the public to address the Council.

APPROVAL OF AGENDA

It was moved by Michael Sanchez and seconded by Chris Ceretto to approve the Agenda as amended with the addition of item 'i' to the Action Memorandum, AM 2019-263 Approve Change Order #1 to the Contract with PLM Asphalt & concrete, LLC for Mustang Reconstruction Project for not to Exceed \$33,107.50 From Street Fund Projects Reallocation. Motion passed unanimously on voice vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the December 16, 2019 payables; there were no questions or comments.

CONSENT AGENDA

It was moved by Chris Ceretto to approve the Consent Agenda with the addition of "*State Income Tax Credit Program for qualifying rehabilitation projects under*" on Resolution 2019R087 and seconded by Michael Sanchez with the following items: 12022019 City Council Meeting Minutes, 12112019 City Council Special Meeting on the Budget, Approving Global Payments as the Processor for Online Credit Card, Debit Card, and E-Check Payments and Authorize the Mayor to Sign the Agreement (AM 2019-245), Purchase of a Total Organic Carbon Analyzer From the Hach Company for an Amount not to Exceed \$22,000 (AM 2019-249) Approving Resolution 2019R086 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT LUPTON REVISING SECTION 411, UNIFORMS AND EQUIPMENT OF THE EMPLOYEE HANDBOOK DATED SEPTEMBER 15, 2005 (AM 2019-253) Approve Resolution 2019R087 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON RESCINDING THE FORT LUPTON HISTORIC PRESERVATION BOARD'S STATUS AS A REVIEWING ENTITY FOR THE STATE INCOME TAX CREDIT PROGRAM FOR QUALIFYING REHABILITATION PROJECTS UNDER COLORADO HOUSE BILL 90-1033

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(C.R.S. §39-22-514, AS AMENDED) (AM 2019-255). Motion passed unanimously on roll call vote.

PUBLIC HEARINGS

AM 2019-254 Consideration on an Application by the City Council Acting the the Liquor Licensing Authority Submitted by Nancy Sandoval, Owner of Station Three Lounge, Located at 327 Denver Avenue, for a Change of Manager to Jessica Sandoval

Mayor Stieber opened the public hearing at 7:04 p.m. and asked for a description of the proposal.

The City Clerk, Mari Peña, stated that Nancy Sandoval, owner of Station Three Lounge has submitted an application for Change of Manager to Jessica Sandoval. Per Section 6-39 of the Fort Lupton Municipal Code, these changes can be approved administratively however due to the extensive information received from the background history and fingerprinting, the application was denied under the administrative review process. The application is being brought before Council, acting as the Liquor Licensing Authority, for consideration. The Council must approve or deny the moral character of the operational manager of this license holder. The owner, Nancy Sandoval and her daughter Jessica Sandoval are present to answer any questions or concerns.

The City Attorney, Andy Ausmus, asked the applicant, Jessica Sandoval, several questions regarding her background history. Ms. Jessica Sandoval provided the City Attorney with a copy of a letter concerning the fraud charge on her record. Ms. Sandoval stated that her identity was used by a friend of hers without her knowledge.

Mr. Ausmus stated that the Council must approve or deny the moral character of the applicant.

It was moved by Chris Ceretto and seconded by Shannon Rhoda to approve the application by the City Council Acting the Liquor Licensing Authority Submitted by Nancy Sandoval, Owner of Station Three Lounge, Located at 327 Denver Avenue, for a Change of Manager to Jessica Sandoval. Motion failed with Chris Ceretto voting 'yes' and Shannon Rhoda, Tommy Holton, Zo Stieber, and Michael Sanchez voting 'no' to the motion.

Withdrawal of the Highway 160 Partnership Annexation and Initial Zoning

Mayor Stieber opened the public hearing at 7:13 p.m. and asked for a description of the project.

The Planning Director, Todd Hodges, stated that staff is requesting a cancellation of the scheduled public hearings for the Highway 160 Partnership Annexation and Initial Zoning. The applicant has formally withdrawn their applications.

Mayor Stieber asked if anyone from the public wished to speak for or against the project, hearing none, Mayor Stieber closed the public hearing at 7:14 p.m.

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It was moved by Chris Ceretto and seconded by Michael Sanchez to accept the withdrawal of the Highway 160 Partnership Annexation and Initial Zoning. Motion passed unanimously on roll call vote.

AM 2019-256 Approving a Resolution for the 7-Eleven at Vincent Village Site Plan

Mayor Stieber opened the public hearing at 7:15 p.m. and asked for a description of the project.

The Planning Director, Todd Hodges stated that an application has been submitted for site plan known as 7-Eleven at Vincent Village by Robert Leino with Vincent Village, LLC, owner, Cadence Development and The Dimension Group, developers. The site is located north and adjacent to Highway 52 and approximately 0.10 miles East of Rollie Avenue. The Site Plan includes a 4,200 square foot building that will serve as a convenience store and fueling facility. The property is Lot 5 of the Vincent's East Addition 3rd Filing Second Amended Subdivision and within the C-1 General Commercial Zone District governed by Section 16-41 of the Code. A convenience store and fueling station are permitted uses in the C-1 Zone District.

Bob Leino, developer and owner at Vincent Village, Kay Stallworthy, developer with Cadence Development layout and Alex Steel, with 7-Eleven were present to answer any questions of the public and/or Council. Mr. Steel indicated that all stores are franchised and that he didn't know if additional stores would be going in Fort Lupton.

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

It was moved by Michael Sanchez and seconded by Shannon Rhoda to approve Resolution 2019088 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE 7-ELEVEN AT VINCENT VILLAGE SITE PLAN. Motion passed unanimously on roll call vote.

AM 2019-257 Approving a Resolution for the South Rollie Avenue Industrial Site Plan

Mayor Stieber opened the public hearing at 7:19 p.m. and asked for a description of the project.

The Planning Director, Todd Hodges stated that an application has been submitted for site plan known as the South Rollie Avenue Industrial Site Plan by Robert & Ralph Villano, owners, and Wheat Ridge Group LLC, developer. The site is located approximately 0.10 miles north of County Road 8 and east and adjacent to South Rollie Avenue on Lot 2 of the Villano Minor Subdivision. There is not a specific user for the site at this time. The Property is located within the I-2 Heavy Industrial Zone District governed by Section 16-43 of the Code. The proposed use complies with this zoning designation.

Joe Wheeler, who is a partner on the project, stated that he appreciates the opportunity to present the project. He is excited in being a part of the community and explained why Fort Lupton is a great location between major cities and highways. He provided the Council with an overview of

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the project. The Site Plan includes a 30,000 square foot building for trucking or oil field services support and will consist of a small office/administrative area, as well as vehicle service shop and parts storage areas.

Mayor Stieber asked if anyone from the public wished to speak for or against the project, hearing none, Mayor Stieber closed the public hearing at 7:23 p.m.

It was moved by Chris Ceretto and seconded by Michael Sanchez to approve Resolution 2019R089 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE SOUTH ROLLIE AVENUE INDUSTRIAL SITE PLAN FOR A PROPERTY KNOWN AS LOT 2 OF THE VILLANO MINOR SUBDIVISION. Motion passed unanimously on roll call vote.

AM 2019-258 Approving a Resolution Accepting the Cottonwood Greens PUD Development Plan and Preliminary PUD Plat

The applicant, Arbor Capital Partners, LLC, has applied for approval of a PUD Development Cottonwood Greens at Lupton Village PUD Development Plan and Preliminary PUD Plat for the consideration. A public hearing for this application was held on December 3, 2019, and Planning Commission recommended approval to City Council of the Plan and Preliminary Plat.

The site that is the subject of the Plan and Preliminary Plat is located north and adjacent to 9th Street and west and adjacent to County Road 31. The proposed Plan and Preliminary Plat are for a residential subdivision for 286 single family detached residences with an additional parcel that is anticipated to develop as single-family attached residential units. The subdivision is 121.04 acres, more or less, and the proposed development will include infrastructure, landscaping and a trail. The planned density for the subdivision is 2.3 dwelling units per acre. Pursuant to the Municipal Code, prior to a preliminary PUD plat for a proposed subdivision, a sketch plat must be approved by City Council. The City Council approved the Cottonwood Greens Sketch PUD Plat on April 1, 2019.

Kristin Turner, partner with TB Group indicated that the project is proposing stick built, single-family dwellings with lots ranging from in area from 5,500 to 10,000 depending on the location of the plot in the subdivision. Ms. Turner presented the overall project including the current location of the Fulton Ditch, a new Fort Lupton Trail, and the Fulton Ditch Trail. The project will consist of detached sidewalks and walks throughout the area. The green space will wrap the entire site to maintain a buffer. Parks. The project is expected to be phased in five parts.

Chris Ceretto indicated that a burn tower is located on the fire department parcel and when the fire fighters are doing routine exercises, there may be smoke coming from the site, which may lead to complaints.

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

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It was moved by Michael Sanchez and seconded by Chris Ceretto to approve Resolution 2019R090A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE COTTONWOOD GREENS PUD DEVELOPMENT PLAN AND PRELIMINARY PUD PLAT. Motion passed with Shannon Rhoda voting 'no' to the motion.

ACTION MEMORANDUM

AM 2019-248 Approving a Resolution Appointing Chris Ceretto as the City Treasurer for the City of Fort Lupton

Colorado Revised Statutes Section 31-4-103 authorizes statutory cities to appoint a City Treasurer. Section 2-51 of the Fort Lupton Municipal Code provides for the appointment of the City Treasurer by the City Council. The City Treasurer shall have the powers and duties as set forth in section 4-11 of the Code.

It was moved by Michael Sanchez and seconded by Shannon Rhoda to approve Resolution 2019R091 A RESOLUTION APPOINTING CHRIS CERETTO AS CITY TREASURER FOR THE CITY OF FORT LUPTON. Motion passed with Chris Cross abstaining from the motion.

AM 2019-250 Approving a Contract with Claud Hanes to Provide Municipal Services Through the 2020 Year to the City

Claud Hanes has agreed to supply municipal services to the current City Staff through the 2020 year. Mr. Hanes has extensive knowledge of the City of Fort Lupton procedures and insight on budgeted capital projects that will be useful to continue their advancement. His extensive water knowledge will also be available as certain water projects are in motion including but not limited to Windy Gap Firming, NISP, and Pipeline improvements. Mr. Hanes will be acting as a guide through the process of any project assigned his direction. The rate for Mr. Hanes is \$100 per hour. Council determined that any projects requiring assistance from Mr. Hanes be brought before Council.

It was moved by Chris Ceretto and seconded by Michael Sanchez to approve the contract with Claud Hanes to provide Municipal Services through the 2020 year to the City. Motion passed unanimously on roll call vote.

AM 2019-251 A Resolution Approving Increases to Green Fees and Cart Fees at Coyote Creek Golf Course

The current rates at the golf course are very affordable, however have fallen behind competitors. The increase is needed to offset several expenses and meet 2020 revenue numbers established in the budget.

The attached fee schedule and comparison sheet breaks down the current rates and the proposed new rates for both the offseason and high season. It also compares the new rates to those of our metro area competitors. Most rates will only see a \$1 increase while the senior 9-hole green fee

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will see a \$2 increase. The 18-hole cart fee will increase by \$2, while the 9-hole cart fee will see a \$1 increase. The cart fee increase is needed to offset the price of the new fleet leased at the end of 2019. These changes not only will assist in raising revenue for the course but will also better align with each other, which will help with the check-in process in the Pro Shop. The punch cards sold will also see some changes. The current 20 play pass offers twenty 9-hole rounds for \$275, will increase to \$320, which will match our league rate as the lowest rate at \$16 per round. All rate increases keep Coyote Creek below almost all metro area courses including Greeley.

It was moved by Tommy Holton and seconded by Shannon Rhoda to approve Resolution 2019R092 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING FEE INCREASES TO GREEN FEES AND CART FEES AT COYOTE CREEK GOLF COURSE EFFECTIVE JANUARY 1, 2020. Motion passed unanimously on roll call vote.

AM 2019-252 Approving the Phase I Agreement with Payment to the Northern Integrated Supply Project (NISP) Water Activity Enterprise of \$1,025,000 Funded out of the Water Sales Tax Fund

The proposed agreement with the NCWCD through the NISP Enterprise is to confirm allotment contracts and provide for the acquisition of assets. This agreement requests \$20,000,000 from participants. Fort Lupton's financial obligation for 2,050 units is \$1,025,000

It was moved by Shannon Rhoda and seconded by Chris Ceretto to approve the Phase I Agreement with Payment to the Northern Integrated Supply Project (NISP) Water Activity Enterprise of \$1,025,000 funded out of the Water Sales Tax Fund. Motion passed unanimously on roll call vote.

AM 2019-259 Approving a Resolution Accepting an Annexation Petition for the Wade Annexation and Setting a Public Hearing Date for February 4, 2020

Jacqueline Wade, the applicant, has submitted an annexation petition to initiate annexation proceedings for the properties known as the Wade Annexation. This proposed annexation consists of 2.62 acres, more or less and includes an initial zoning request to the 'A' Agriculture Zone District. Approval of the resolution does not constitute approval of the annexation request. Approval of the resolution simply means that there is an interest in considering the annexation, with the final decision to be made by City Council at a public hearing on February 4, 2020.

It was moved Chris Ceretto and seconded by Michael Sanchez to approve Resolution 2019R093 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE WADE ANNEXATION, AND SETTING THE PUBLIC HEARING FOR FEBRUARY 4, 2020. Motion passed unanimously on voice vote.

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AM 2019-260 Approve Payment to Civil Resources for Preliminary Design Work of Lagoon Slurry Wall for an Amount not to Exceed \$26,663.75 Allocated from the Utility Fund

Staff is working with Burnco at the Inouye Pit site to coordinate mining of gravel at the WWTP lagoons. The attached draft agreement is being worked on that includes use of funds received from mined aggregates at the lagoon site to compensate for the cost of installing a slurry wall to provide augmentation water storage following mining operations. The intent is to replace the City's current storage lease at the Perry Pit with our own storage located adjacent to the WWTP.

Estimated gravel available to mine is 1.93 million tons.
Cost estimate of the slurry wall construction is \$1.03 million dollars.
Water storage is estimated to be 900 acre-feet.

It was moved by Michael Sanchez and seconded by Chris Ceretto to approve the payment to Civil Resources for preliminary design work of lagoon slurry wall for an amount not to exceed \$26,663.75 allocated from the Utility Fund. Motion passed unanimously on roll call vote.

AM 2019-261 Approving a Resolution Accepting the Public Improvements Agreement for South Rollie Avenue Industrial Site Plan (Lot 2 Villano Subdivision) with Wheat Ridge Group LLC

This development agreement was drafted for the South Rollie industrial Site Plan approved by City Council on December 16, 2019 with Resolution No. 2019R089, which is located north of County Road 8, along the east side of South Rollie Avenue. Improvements are for the construction of Rollie Avenue road sections adjacent to the subdivision, sidewalk and water main improvements. Resolution 2019R089, condition of approval requires the applicant to enter into a Public Improvement Agreement.

It was moved by Chris Ceretto and seconded by Shannon Rhoda to approve Resolution 2019R094 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE WHEAT RIDGE GROUP, LLC PUBLIC IMPROVEMENTS AGREEMENT OF THE SOUTH ROLLIE AVENUE INDUSTRIAL SITE PLAN (LOT 2 VILLANO SUBDIVISION). Motion passed unanimously no roll call vote.

AM 2019-262 Approving the Transfer of Land by Quit Claim Deed for the Fulfillment of a Sublease/Purchase Agreement Specified in Ordinance 627, Between the City of Fort Lupton and the South Platte Valley Historical Society, Declaring an Emergency, and Authorize the Mayor to Sign

Ordinance 627 contains the agreement for which the City of Fort Lupton approved a Sublease/Purchase Agreement with the South Platte Valley Historical Society for property located east of 14th Street and on Historic Park Way. The terms of the agreement were fulfilled by the Historical Society on October 2016. The agreement also directs conveyance through Quit Claim Deed.

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It was moved by Shannon Rhoda and seconded by Michael Sanchez to adopt Ordinance 2019-1073 PURSUANT TO COLORADO REVISED STATUTES SECTION 31-15-713(1)(b) ALLOWING THE TRANSFER OF REAL PROPERTY OWNED BY THE CITY OF FORT LUPTON HELD UNDER A LEASE/OPTION TO PURCHASE WITH THE SOUTH PLATTE VALLEY HISTORICAL SOCIETY, AND DECLARING AN EMERGENCY. Motion passed unanimously on roll call vote.

AM 2019-263 Approve Change Order #1 to the Contract with PLM Asphalt & Concrete LLC, for Mustang Reconstruction Project for not to Exceed \$33,107.50 from Street Fund Projects Reallocation.

AM 2019-209 authorized an emergency contract of \$150,000 from the Street Sales Tax Fund. The contract was awarded construction contract to PLM Asphalt & Concrete, LLC for \$110,000.00 and executed on November 6, 2019.

This Change order is required as a Plan B to stabilize the soils. In the event the subgrade has not dried out, additional cement will be applied to the soils to create a cement stabilized soil.

It was moved by Michael Sanchez and seconded by Chris Ceretto to approve the Change Order #1 to the contract with PLM Asphalt & Concrete LLC, for Mustang Reconstruction Project for not to Exceed \$33,107.50 from the Street Fund Projects Reallocation. Motion passed unanimously on roll call vote.

STAFF REPORTS

The City Clerk, Mari Peña, stated that the next City Council meeting will be held on Tuesday, January 7, 2020 and there will be no Town Hall prior to the meeting.

MAYOR/COUNCIL REPORTS

The Mayor and Council wished everyone a prosperous New Year.

FUTURE CITY EVENTS

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| December 25, 2019 | City Offices closed in observance of Christmas Holiday |
| January 1, 2020 | City Offices closed in observance of New Year's Day |
| January 14, 2020 | Town Hall Meeting, 6:30 p.m. at 130 S. McKinley Ave |
| January 28, 2020 | Town Hall Meeting, 6:30 p.m. at 130 S. McKinley Ave. |

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ADJOURNMENT

Mayor Stieber moved to adjourn the meeting at 7:52 p.m.

Respectfully Submitted,

Maricela Peña, City Clerk

Approved by City Council

Zo Stieber, Mayor

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