

**RECORD OF PROCEEDINGS**  
**FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS**  
**January 7, 2020**

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, January 7, 2020. 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 Chris Ceretto, David Crespin, Tommy Holton and Michael Sanchez. 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**

Janice Wilkin addressed the City Council regarding communication between the Sheriff's Office and the Fort Lupton Police Department. She suggested that the Fort Lupton Police Department maintain a list for identification of victims so that family don't have to wait five days to be told that their loved one passed away. She suggested they also provide brochures for victims assistance program and that information be provided to the police officers.

The Chief of Police stated that the accident didn't happen within the City of Fort Lupton and he was unaware of the accident.

Mayor Stieber thanked Ms. Wilkin for bringing her concerns to Council.

**APPROVAL OF AGENDA**

It was moved by Chris Ceretto and seconded by Tommy Holton to approve the Agenda as submitted. Motion passed unanimously on voice vote.

**REVIEW OF ACCOUNTS PAYABLES**

Council reviewed the January 7, 2020 payables; there were no questions or comments.

**CONSENT AGENDA**

It was moved by Tommy Holton and seconded by Chris Ceretto to approve the Consent Agenda as presented with the following items: 12162019 City Council Meeting Minutes, Second Reading Ordinance 2019-1072 REZONING LAND LEGALLY DESCRIBED IN EXHIBIT A AND KNOWN AS THE COURTYARDS AT LUPTON VILLAGE REZONING, TO THE PUD PLANNED UNIT DEVELOPMENT ZONE DISTRICT, Approving Resolution 2020R001 DESIGNATING THE CITY OF FORT LUPTON WEBPAGE WWW.FORTLUPTONCO.GOV AS THE PUBLIC PLACE FOR POSTING NOTICES OF PUBLIC MEETINGS IN ACCORDANCE WITH COLORADO REVISED STATUTES OPEN MEETINGS LAW 24-6-

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402 (AM 2020-001), Approving Resolution 2020R002 RATIFYING THE MAYOR'S APPOINTMENT OF TERRI KOPFMAN TO THE FORT LUPTON PUBLIC AND SCHOOL LIBRARY BOARD AS A TRUSTEE FOR A TERM TO EXPIRE DECEMBER 31, 2023 (AM 2020-010), Approving Resolution 2020R003 RATIFYING THE MAYOR'S APPOINTMENT OF THE ATTACHED LIST OF CANDIDATES (EXHIBIT 'A') TO THE CORRESPONDING ADVISORY COMMITTEES FOR A TERM BEGINNING JANUARY 7, 2020 AND ENDING DECEMBER 31, 2021 (AM 2020-011). Motion passed unanimously on roll call vote.

**PUBLIC HEARINGS**

**AM 2020-006 Approve Petro Operating Company LLC's Application for Oil and Gas Permits to Drill and Produce Twelve (12) New Oil and Gas Wells (Referred to as the LG Everist 2N66W30 Wells)**

Mayor Stieber opened the public hearing at 7:08 p.m. and asked for a description of the project.

The City Planner, Alyssa Knutson, stated that the applicant, Petro Operating Company, LLC has submitted an application for oil and gas permits to drill and produce twelve (12) new oil and gas wells, referred to as the LG Everist 2N66W30 Wells. The process for Oil and Gas Permits doesn't require that Planning Commission review the application, just that it comes before Council. All notification requirements have been met and a representative is available to answer any questions or concerns.

The Public Works Director, Roy Vestal, was asked if there was any agreement for maintenance of the roads. Mr. Vestal stated that past discussion with Anadarko have proven a difficult as they have indicated that the City does not have standing due to the oil and gas severance received by the City.

The City Planner stated that a condition of approval is listed on the Resolution requiring that access permits and any oversize/overweight vehicle permits from the City's Public Works Department be obtained prior to the start of operations, and any potential impacts to existing City streets shall be addressed prior to operations.

Councilmember Holton asked that staff require a map of the bottom hole on future applications.

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 7:14 p.m.

It was moved by Chris Ceretto and seconded by David Crespino to approve Resolution 2020R004 A RESOLUTION APPROVING PETRO OPERATING COMPANY, LLC'S APPLICATION FOR OIL AND GAS PERMITS TO DRILL AND PRODUCE TWELVE (12) NEW OIL AND GAS WELLS (REFERRED TO AS THE LG EVERIST 2N66W30 WELLS). Motion passed unanimously on roll call vote.

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**ACTION MEMORANDUM**

**AM 2020-002 Adopting an Ordinance Amending Section 1-72 Fines and Penalties, Section 6-295 Standards of Conduct, 7-167 Penalties, and Section 8-4 Penalties of the Fort Lupton Municipal Code**

In 2019 the General Assembly passed House Bill 19-1148. The bill changes the maximum jail sentence for certain crimes from one year to three hundred sixty-four days. The Fort Lupton Municipal Code should be amended to reflect the bill. There are five (5) sections of the Fort Lupton Municipal Code referencing incarceration. This Ordinance will update sections 1-72, 6-295, 7-167, 7-205 and 8-4 to fulfill House Bill 2019-1148.

It was noted that Tommy Holton left the room at 7:15 p.m. and returned at 7:16 p.m.

It was moved by Chris Ceretto and seconded by David Crespino to adopt Ordinance 2020-1073 AN ORDINANCE AMENDING SECTIONS 1-72 FINES AND PENALTIES, SECTION 6-295 STANDARDS OF CONDUCT, 7-167 PENALTIES, 7-205 PENALTIES, AND 8-4 PENALTIES OF THE FORT LUPTON MUNICIPAL CODE. Motion passed with Tommy Holton abstaining from the motion due to leaving the room.

**AM 2020-003 Accepting a Proposal from Commercial Fitness to Purchase Weight Room Equipment for the Recreation Center for an Amount not to Exceed \$59,711.44 Allocated from the Recreation Center Fund**

The Recreation Center staff has looked into purchasing circuit-training equipment. Commercial Fitness Solutions is a member of Sourcewell that allows for a \$22,164,00 in discount pricing. Thirteen pieces of equipment would be replaced and allow the Recreation Center to become ADA compliant in the fitness room. Purchasing the top of the line equipment is in the best interest of the citizens.

It was moved by Tommy Holton and seconded by Michael Sanchez to accept the proposal from Commercial Fitness to purchase weight room equipment for the Recreation Center for an amount not to exceed \$59,711.44 allocated from the Recreation Center Fund. Motion passed unanimously on roll call vote.

**AM 2020-004 Accepting a Proposal from Recreation by Lemmie Jones, LLC to Purchase, Install, and Fabricate a Spiral Staircase Slide and Steel Columns for the Pool at the Recreation Center for an Amount not to Exceed \$147,800 Allocated from the Recreation Center Fund**

The staff has spent the last couple of years looking at possible options for replacing the slide stairwell due to heavy rusting on the existing unit. It will require a custom fabrication of the unit to get it to properly fit the existing water slide plume. This will include replacing the entire stairwell and pillars that hold the structure up. The existing stairwell has continued to rust and requires hours of maintenance and care. This will be a special order item and is only available

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from a sole source. The tread design is also a one of kind tread. Recreation by Lemmie Jones, LLC is the only pool installer and manufacture that can fabricate the unit needed. The rusting of the unit has started to get to the point where it needs to be addressed before it becomes a safety concern. Timing is critical for this project to be able to get the unit replaced by summer which is the busiest time.

It was moved by Chris Ceretto and seconded by David Crespin to accept a proposal from Recreation by Lemmy Jones, LLC to purchase, install and fabricate a spiral staircase slide and steel columns for the pool at the Recreation Center for an amount not to exceed \$147,800 allocated from the Recreation Center Fund. Motion passed unanimously on roll call vote.

**AM 2020-005 Approving a Resolution Adopting the Three Mile Area Plan for 2020**

The City of Fort Lupton's Three Mile Area Plan provides direction concerning land use issues and infrastructure needs for lands within three (3) miles of the current boundaries of the City of Fort Lupton. The plan identifies issues that should be taken into consideration prior to any parcel of land being annexed into the City of Fort Lupton, but does not propose the annexation of any lands near the City of Fort Lupton. Annexation of any land into the City of Fort Lupton remains an individual landowner decision. The Plan addresses requirements for the Three Mile Area Plan as outlined in Colorado Revised Statute § 31-12-105(1)(e), as amended.

It was moved by Tommy Holton and seconded by David Crespin to approve Resolution 2020R005 A RESOLUTION ADOPTING THE CITY OF FORT LUPTON THREE MILE AREA PLAN. Motion passed unanimously on roll call vote.

**AM 2020-007 Approving a Resolution Setting the Planning Commission Meetings to the Second and Fourth Thursday of the Month at 6:00 P.M.**

The Fort Lupton City Council is moving its regular meetings and Town Hall meetings to Tuesday evenings beginning in January 2020, which conflicts with the Planning Commission regular meeting dates. The Planning Commission currently holds its regular meetings on the second and fourth Tuesday of each month at 6:00 P.M. On November 4, 2019 the Fort Lupton City Council adopted Ordinance 2019-1071 which allows regular meetings of the Planning Commission be set by Resolution of the City Council. The Planning Director requests that City Council approve a resolution setting the regular Planning Commission meetings to the second and fourth Thursday at 6:00 P.M.

It was moved by Michael Sanchez and seconded by David Crespin to approve Resolution 2020R006 A RESOLUTION SETTING THE PLANNING COMMISSION MEETINGS TO THE SECOND AND FOURTH THURSDAY OF THE MONTH AT 6:00 P.M. Motion passed with Tommy Holton voting 'no' to the motion.

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**AM 2020-008 Approving of the Public Improvements Agreement with Basalite Building Products, LLC for Basalite Concrete Products Manufacturing Facility**

This agreement was drafted for the Basalite Concrete Products Manufacturing Facility, on 1/17/2018, which is located on west side of S. Rollie Avenue, south of CR 10. Improvements are for the construction of S. Rollie Avenue west half of the roadway section from County Road 8 north to County Road 10. Approximate value of this agreement for construction is \$1,814,000.00.

It was moved by Tommy Holton and seconded by Chris Ceretto to approve Resolution 2020R007 A RESOLUTION APPROVING THE BASALITE CONCRETE PRODUCTS, LLC PUBLIC IMPROVEMENTS AGREEMENT OF BASALITE CONCRETE PRODUCTS MANUFACTURING FACILITY. Motion passed unanimously on roll call vote.

**AM 2020-009 Awarding a Contract for WWTP Lagoons Mining Engineering Services to Civil Resources, LLC for an Amount not to Exceed \$139,000 Allocated from the Utility Fund**

The lagoons at the Waste Water Treatment Plant, 'WWTP' have not been used since the construction of the wastewater treatment plant. The lagoons currently function as an emergency overflow in times of maintenance of the plant facility. This has occurred 3 times in the past 20 years. Currently the plant is under redesign, which will include a redundancy requirement. BurnCo is opening a mining pit on the Inouye farm site to the west of the WWTP. They are interested in mining the lagoon area as well at the same time. The City will receive royalties from the mined aggregate and receive a water storage reservoir at the end of mining operations. The operations will include constructing a slurry wall around the perimeter of the lagoons area.

Estimated gravel available to mine is 1.93 million tons.  
Mining Royalties estimated at \$0.65 Per ton ~ \$1,254,500  
Cost estimate of the slurry wall construction is \$1,030,000  
Cost of Perry Pit lease = \$250/Ac-ft/year => \$280,000 for 10 years  
Water storage is estimated to be 900 acre-feet. ~\$2,250,000 value over 10 years

Civil Resources is the consultant working with BurnCo to permit and mine the Inouye Pit. Civil Resources' scope includes extension of the DRMS Permit to include the WWTP site and design of the slurry wall. Payment for services previously made in the amount of \$26,663.75 are included in this agreement and a part of the total maximum not to exceed.

It was moved by Chris Ceretto and seconded by David Crespin to award a contract for the WWTP Lagoons Mining Engineering Services to Civil Resources, LLC for an amount not to exceed \$139,000 allocated from the Utility Fund. Motion passed unanimously on roll call vote.

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**AM 2020-012 Approving a Resolution Accepting the Subdivision Improvements Agreement with Lupton Village One, LLC for the Courtyards at Lupton Village PUD**

The Public Works Director, Roy Vestal, indicated that the agreement had not been signed and indicated that this item should be brought back before Council

It was moved by Chris Ceretto and seconded by Tommy Holton to table the item to January 21, 2020. Motion passed unanimously on roll call vote.

**AM 2020-013 Approving the Submittal for Multimodal Options Fund - Local Fund Project Request From the Colorado Department of Transportation**

The Colorado Department of Transportation has funding for Pedestrian and Bicycle/ Non-motorized transportation projects. Council approved in the 2020 budget \$210,000 to go towards bike lanes and sidewalks from Twombly Elementary down eventually to the Public Library area. This section of the project will head west from Twombly along 9<sup>th</sup> Street to Pacific Avenue, and then will run along the eastern edge of Railroad Park down just short of 4<sup>th</sup> Street. This will set the stage for a future connection with the street scape project at 4<sup>th</sup> Street and Denver Avenue, and eventually continue down south along McKinley Avenue towards the Library. The request is for \$400,000 from the Multimodal funds to help progress the project.

The CDOT funds require a 50% match but there is the opportunity to request elimination and/or reduction in match requirements. The City is pursuing this option.

It was moved by Tommy Holton and seconded by Michael Sanchez to approve Resolution 2020R008 A RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION TO THE COLORADO DEPARTMENT OF TRANSPORTATION FOR FUNDING OF PEDESTRIAN AND BICYCLE/NON-MOTORIZED TRANSPORTATION PROJECTS AND AUTHORIZE THE MAYOR'S SIGNATURE. Motion passed unanimously on roll call vote.

**STAFF REPORTS**

City Administrator, Chris Cross, presented Glenda Aretxuloeta as the new Assistant City Administrator.

Public Works Director, Roy Vestal, gave a brief overview of the upcoming Public Works projects.

**MAYOR/COUNCIL REPORTS**

There were no reports from the Mayor or Council.

**FUTURE CITY EVENTS**

January 6, 8, 10, 2019 Curbside Christmas Tree Pick-Up

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January 14, 2020      Town Hall Meeting, 6:30 p.m. at 130 S. McKinley Ave.

January 20, 2020      City Offices Closed in Observance of Martin Luther King Day

January 21, 2020      City Council Meeting, 7:00 p.m. at 130 S. McKinley Ave.

January 28, 2020      Town Hall Meeting, 6:30 p.m. at 130 S. McKinley Ave.

**ADJOURNMENT**

Mayor Stieber moved to adjourn the meeting at 7:41 p.m.

Respectfully Submitted,

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Maricela Peña, City Clerk

Approved by City Council

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Zo Stieber, Mayor

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