

**RECORD OF PROCEEDINGS**  
**FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS**  
**March 3, 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, March 3, 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, Shannon Rhoda, Chris Ceretto, David Crespín, Tommy Holton and Michael Sanchez. Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, Public Works Director, Roy Vestal, Chief John Fryar and City Attorney, Andy Ausmus.

**PERSONS TO ADDRESS COUNCIL**

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

**APPROVAL OF AGENDA**

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

**REVIEW OF ACCOUNTS PAYABLES**

Council reviewed the March 3, 2020 payables; there were no questions or comments.

**CONSENT AGENDA**

It was moved by Tommy Holton and seconded by Michael Sanchez to approve the Consent Agenda as presented with the following items: 02182020 City Council Meeting Minutes, Second Reading Ordinance 2020-1076 AN ORDINANCE ANNEXING LAND LEGALLY DESCRIBED IN EXHIBIT 'A' KNOWN AS THE WADE ANNEXATION AND APPROVING THE ANNEXATION AGREEMENT, Second Reading Ordinance 2020-1077 AN ORDINANCE INITIALLY ZONING LAND KNOWN AS THE WADE INITIAL ZONING, LEGALLY DESCRIBED IN EXHIBIT A, TO THE 'A' AGRICULTURAL ZONE DISTRICT, Approving Resolution 2020R027 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON RATIFYING THE MAYOR'S APPOINTMENT OF THE ATTACHED LIST OF CANDIDATES (EXHIBIT "A") TO THE CORRESPONDING ADVISORY COMMITTEES FOR A TERM BEGINNING MARCH 3, 2020 AND ENDING DECEMBER 31, 2021 AND RESTATING CITY LIAISONS (AM 2020-054), and Approving Resolution 2020R028 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE UNITED POWER EASEMENT AGREEMENT ACROSS THE GOLF COURSE PROPERTY ADJACENT TO 9TH STREET (AM 2020-057). Motion passed unanimously on roll call vote.

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**ACTION MEMORANDUM**

**AM 2020-059 Approving a Resolution for the Fulton Ranch Sketch PUD Plat Submitted by Coyote Creek North, LLC to Create a Residential Subdivision**

The Applicant, Sun Communities, has submitted a request for a sketch PUD plat on a property that is approximately 127.5 acres. The property is located east and adjacent to County Road 29, and south and adjacent to 14th Street. The proposal is for a residential subdivision that will include 466 single family manufactured homes, with associated amenities that will include an amenity center, pocket parks and interconnecting trails. There are four planned phases, and the development will include roadways, two neighborhood pocket parks, open space, and trails. Future submittals will include more detail pertaining to the planned phasing of the project.

The zoning is PUD Planned Unit Development, and the proposed land use conforms to this zoning. In addition, the comprehensive plan supports this proposed development, which is designated as the Single Family Detached land use type.

This sketch PUD plat is meant to be conceptual, and full details and engineering will be developed during the next phase, which is the preliminary and final PUD plat phase.

Bill Anderson with Atwell, consultant with Sun Communities and John McLaren, President of Sun Communities, provided a presentation to the Council. The presentation included an overview of Sun Communities including a video of the proposed homes with layout of streets and parks.

The City Council presented concerns regarding: density, parking, garages, roof pitch, type of foundation, acquisition/sale of the development, sales including the metro district, and payment of property taxes including metro district fees. Concerns were also raised regarding the current recreation center and the effects the amenities of this subdivision would have on the recreation center. A resident in this area would not have a need for the recreation center and likely not vote for any additional tax to the recreation center.

Mr. Anderson and Mr. McLauren indicated that foundations would be permanent with 10x20 feet parking spaces. Individual homes will not have fencing. When asked about the stability of Sun Communities, Mr. McLauren indicated that in between 2014 and 2015 Sun Communities went through the portfolios and sold 30 properties.

Mr. Anderson stated that the manufactured homes will be built on steel frame with homes coming in two sections.

Bob Leino, representing the Cottonwood Greens Metro District, stated that since Sun Communities didn't need monies from the metro district, there would be no need for the metro district and it could be eliminated.

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Howard Figueroa stated that the manufactured homes would be coming in from various states including, Kansas, Nebraska, Arizona, and New Mexico; this would be dependent on the specifications.

The Planning Director, Todd Hodges confirmed that the property was within the metro district. The conditions of approval on the resolution address the metro district however there is no guarantee that the metro district would go away. The purpose of sketch plat is to provide comments to the developer with direction on items that need to be addressed. The developer can then choose to move forward or not.

The City Planner Alyssa Knutson stated that the Comprehensive Plan does envision a diversity of housing and it does anticipate different densities.

Mr. Fern who lives in the area of County Road 29 and the future Northrup stated that this subdivision would increase traffic on a street that isn't improved.

The Public Works Director, Roy Vestal, indicated that details will be worked out on improvements to the street. There is about ½ mile of unpaved street and in the county. Mr. Vestal pointed to the map of which sections of the road would be paved, on Northrup north to County Road 29, then east.

The owner of the current property indicated that he has done his due diligence on Sun Communities. They have a stellar reputation and has had great response from them.

Mr. Vestal indicated that from an engineering standpoint all doable however the proposal is pretty dense.

Minor discussion occurred over the concern of the metro district, lot rent and cost of the home.

It was moved by Tommy Holton and seconded by David Crespin to approve Resolution 2020R029 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE FULTON RANCH SKETCH PUD PLAT SUBMITTED BY SUN COMMUNITIES TO CREATE A SINGLE LOT RESIDENTIAL SUBDIVISION LOCATED EAST AND ADJACENT TO COUNTY ROAD 29, AND SOUTH AND ADJACENT TO 14TH STREET. Motion passed with Shannon Rhoda voting 'no' to the motion.

Mayor Stieber called for a recess at 8:01 p.m. The meeting reconvened at 8:15 p.m.

**AM 2020-055 Adopt an Ordinance Amending Specific Provisions of the Fort Lupton Municipal Code for Planning Commission Membership, Appointments, and Terms.**

The Planning Department is proposing an ordinance to allow the Planning Commission to serve concurrently as the Board of Adjustment. The proposed amendments to Chapter 2, Article VIII, Section 2-182 reflect this proposal, as well as clarify the parameters of Planning Commissioners' terms.

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It was moved by Tommy Holton and seconded by Chris Ceretto to approve Ordinance 2020-1080 AN ORDINANCE OF THE CITY OF FORT LUPTON, AMENDING CHAPTER 2, ARTICLE VIII, SECTION 2-182, MEMBERSHIP; APPOINTMENT; TERMS, OF THE FORT LUPTON MUNICIPAL CODE. Motion passed with Mayor Stieber voting 'no' to the motion.

**AM 2020-056 Adopt an Ordinance Amending Specific Provisions of the Fort Lupton Municipal Code for the Board of Adjustment**

The Planning Department is proposing an ordinance to allow the Planning Commission to serve as the Board of Adjustment. The proposed amendments to Chapter 16, Article I, Section 16-11 reflect this proposal.

It was moved by Chris Ceretto and seconded by David Crespino to approve Ordinance 2020-1081 AN ORDINANCE OF THE CITY OF FORT LUPTON, COLORADO, AMENDING CHAPTER 16, ARTICLE I, SECTION 16-11, BOARD OF ADJUSTMENT, OF THE FORT LUPTON MUNICIPAL CODE. Motion passed unanimously on roll call vote.

**AM 2020-058 Approve Change Order Number 2 to JBS Pipeline Contractors for An Amount Not to Exceed \$84,035.00 from Water Sales Tax Fund**

JBS Pipeline Contractors was awarded 2 schedules of the pipes project on October 21, 2019 for \$302,499.00. This covered the WTP reservoir connection to the plant (Schedule 1) and replacing a troublesome sanitary sewer line in Broadway (schedule 2).

Schedule 1 was completed in December and Schedule 2 is under way with completion second week of March. Change Order #1 approved January 21, 2020 with AM 2020-026 covers the Schedule 3 is correcting the water line in the alley of Valle Drive to relocate from under a garage structure on Fulton.

Project funding for this Change Order is from the Water Sales Tax Fund line item previously for the Well 26 pump house. Recent information indicates Well 26 is not include in the water court case for augmentation plan. It would not be prudent to expend funds on that project until resolution of the augmentation plan and wells we will be including into the irrigation system. \$250,000 was included in the budget for Well 26.

Mustang Avenue is scheduled to be repaved this spring. Future irrigation with non-potable water will be possible with future connection to the Filing No 3 system.

It was moved by Michael Sanchez and seconded by David Crespino to approve Change Order Number 2 to JBS Pipeline Contractors for an amount not to exceed \$84,035 from the Water Sales Tax Fund. Motion passed with Mayor Stieber voting 'no' to the motion.

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**AM 2020-060 Approve a Resolution Accepting an Annexation Petition for the C&M Rodriguez NOS. 1 - 5 and to Set a Public Hearing Date for April 21, 2020**

Cesar Rodriguez Gallardo, the applicant, has submitted an annexation petition to initiate annexation proceedings for the properties known as the C&M Rodriguez Annexation Nos. 1 – 5. This proposed annexation consists of 84.31 acres, more or less. This includes a portion of U.S. Highway 85, County Road 22 ½, and County Road 25 ½ rights-of-way that constitute the “flagpole” portion of the annexation. The application includes an initial zoning request to the ‘C-2’ Heavy Commercial Zone District.

It was moved by Michael Sanchez and seconded by Tommy Holton to approve Resolution 2020R030 A RESOLUTION INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE C&M RODRIGUEZ ANNEXATION NOS. 1 – 5, AND SETTING THE PUBLIC HEARING FOR APRIL 21, 2020. Motion passed unanimously on roll call vote.

**AM 2020-061 Approving a Resolution of the Fort Lupton City Council Establishing an Economic Incentive Via a Rebate on Personal Property Tax for New and Expanding Companies**

A personal property tax rebate available for new or expanding basic industries investing a minimum of \$1,000,000 which create primary jobs and import dollars into the community. A personal property tax rebate may be negotiated in an amount not greater than 50% of the amount of taxes levied by the City upon the taxable personal property located at or within such new or expanding business for a term not to exceed 10 years. The rebate is subject to revenue availability.

Each request will go before City Council to ensure that the rebate offer is understood and that the impact analysis is done for qualification purposes. This economic tool along with others in place will need to be evaluated by staff and council, typically annually, to ensure that it is still of benefit to all involved to help build a diverse and economic sustainable community. One of the cities identified pillars to success in the strategic plan.

It was moved by David Crespín and seconded by Chris Ceretto to approve Resolution 2020R031 A RESOLUTION ESTABLISHING AN ECONOMIC INCENTIVE VIA A REBATE ON BUSINESS PERSONAL PROPERTY TAX FOR NEW AND EXPANDING BUSINESS FACILITIES. Motion passed unanimously on roll call vote.

**STAFF REPORTS**

The City Planner, Alyssa Knutson provided an update on the code for subdivision and zoning updates. The next meeting is scheduled for the end of March.

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**MAYOR/COUNCIL REPORTS**

There were no reports from the Mayor or Council.

**FUTURE CITY EVENTS**

March 10, 2020      Town Hall Meeting, 6:30 p.m. at 130 S. McKinley Ave.

March 12, 2020      Taste of Fort Lupton, 5:30 p.m. to 7:30 p.m.  
Fort Lupton Recreation Center, 203 S. Harrison Ave.

March 17, 2020      City Council Meeting, 7:00 p.m. at 130 S. McKinley Ave.

March 31, 2020      Town Hall Meeting, 6:30 p.m. at 130 S. McKinley Ave.

April 4, 2020        Easter Egg Hunt, 10 a.m.  
Fort Lupton Recreation Center, 203 S. Harrison Ave.

**Executive Session**

It was moved by Tommy Holton and seconded by David Crespin to move into Executive Session- To hold a conference with the City Attorney to receive legal advice on specific legal questions, pursuant to CRS 24-6-402 (4) (b). "related to investigation into matters involving City business". Motion passed unanimously on roll call vote.

The following entered into an executive session at 8:30 p.m.: Mayor Stieber, Councilmembers, Chris Ceretto, David Crespin, Tommy Holton and Michael Sanchez. Also City Administrator Chris Cross, Assistant City Administrator, Glenda Aretxuloeta and City Attorney, Andy Ausmus.

Mayor Stieber stated that Shannon Rhoda will be abstaining from going into the executive and that there would be no business afterwards and excused Ms. Rhoda. She left the meeting at 8:30 p.m.

The Executive Session ended at 8:45 p.m.

The regular meeting reconvened at 8:46 p.m.

**ADJOURNMENT**

Mayor Stieber adjourned the meeting at 8:46 p.m.

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Respectfully Submitted,

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Maricela Peña, City Clerk

Approved by City Council

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Zo Stieber, Mayor