

**RECORD OF PROCEEDINGS**  
**FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS**  
**February 4, 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, February 4, 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 Michael Sanchez and Bruce Fitzgerald. Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, City Planner, Alyssa Knutson, Public Works Director, Roy Vestal, Chief John Fryar and City Attorney Andy Ausmus.

**PERSONS TO ADDRESS COUNCIL**

Chief Fryar presented awards to Sergeant Pelton, Officers Sagner, Walker, Gallegos and Paintin. The officers were recognized for their actions protecting a family during a dangerous incident on December 2, 2019. Officer Sagner was unable to attend the Council meeting.

**APPROVAL OF AGENDA**

It was moved by Tommy Holton and seconded by David Crespín to approve the Agenda as presented.

Motion passed unanimously on roll call vote.

**REVIEW OF ACCOUNTS PAYABLES**

Council reviewed the February 4, 2020 payables; there were no questions or comments.

**CONSENT AGENDA**

It was moved by Michael Sanchez and seconded by Chris Ceretto to approve the Consent Agenda as presented with the following items: 01072020 Amended City Council Meeting Minutes, 01212020 City Council Meeting Minutes, Second Reading Ordinance 2020-1073 AN ORDINANCE OF THE CITY OF FORT LUPTON, COLORADO, 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, Approve a Resolution 2020R018 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON RATIFYING THE APPOINTMENT OF DAVID HUSHBECK BY THE MAYOR TO SERVE AS A REGULAR MEMBER ON THE PLANNING COMMISSION FOR A TERM BEGINNING FEBRUARY 4, 2020 AND ENDING JANUARY 22, 2022 (2020-037), Approve a Resolution 2020R019 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON RATIFYING THE APPOINTMENT OF MARK GRAJEDA BY THE MAYOR TO SERVE AS A MEMBER ON THE BOARD OF ADJUSTMENT FOR A

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THREE (3) YEAR TERM BEGINNING FEBRUARY 4, 2020 AND EXPIRING FEBRUARY 4, 2023(AM 2020-038), Approve a Resolution 2020R020 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON RATIFYING THE APPOINTMENT OF MARK GRAJEDA BY THE MAYOR TO SERVE AS THE ALTERNATE MEMBER ON THE PLANNING COMMISSION FOR A TERM BEGINNING FEBRUARY 4, 2020 AND ENDING FEBRUARY 5, 2021(AM 2020-039), Approving Payment to Weld Regional Communications in the Amount of \$55,660 for Dispatch Services Costs and Wireless Services Radio Maintenance AM 2020-043, Approving a Resolution 2020R021 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 FEBRUARY 4, 2020 AND ENDING DECEMBER 31, 2021 (AM 2020-049). Motion passed unanimously on roll call vote.

**PUBLIC HEARINGS**

**AM 2020-040 Approve a Resolution Approving the Amended and Restated Service Plan for Lupton Village Residential Metropolitan District and Approve the Intergovernmental Agreement with District**

Mayor Stieber opened the public hearing at 7:15 p.m. and asked for a description of the project. The City's Special Counsel, Jennifer Tanaka, stated that three hearing are coming before Council for metro districts. The original service plans for Cottonwood Greens Metropolitan District Nos. 1-4 were approved by the Fort Lupton City Council (the "City Council") on February 22, 2006 (Resolution No. 2006-007). The proponents of the districts proceeded with the organization of the districts, conducted public elections in accordance with the Special District Act on May 2, 2006, and obtained orders from the District Court on May 25, 2006 establishing the districts pursuant to Section 32-1-305, C.R.S. Since the entry of the District Court order, the District, formerly known as Cottonwood Green Metropolitan District No. 3, has remained largely inactive with conducting only minimal administrative and ministerial activities as required by State law to maintain the District as a lawfully existing political subdivision of the State.

On February 12, 2019, the District submitted a request for inclusions/exclusions of property altering the District's boundaries. On May 6, 2019, the City Council approved the inclusions/exclusions, subject to three conditions, one of which was that the District submit a service plan amendment to the City in compliance with the City's updated Special District Policy by no later than December 31, 2019. On November 18, 2019, the District submitted an A&R Service Plan to the City for review. Special counsel for the City for special district matters reviewed the submittal and provided comments to the District. A revised A&R Service Plan was subsequently submitted and special counsel has reviewed the submittal and has confirmed that it meets all criteria set forth in and all requirements of the City's Special District Policy.

As part of the A&R Service Plan approval, the Special District Policy requires the District to enter into an Intergovernmental Agreement with the City setting forth the terms and conditions of the A&R Service Plan in a contractual agreement. The Intergovernmental Agreement complies with the Special District Policy.

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The City's Special District Policy and Title 32 require that amendments to service plans be processed in the same manner as initial service plans, which requires a public hearing before City Council and published and actual notice of the hearing. The District published notice of the hearing in the Fort Lupton News Press on January 8, 2020 and mailed notice as required by the City's Special District Policy and Title 32.

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 7:19 p.m.

It was moved by Tommy Holton and seconded by David Crespino to approve Resolution 2020R022 A RESOLUTION APPROVING THE AMENDED AND RESTATED SERVICE PLAN FOR THE LUPTON VILLAGE RESIDENTIAL METROPOLITAN DISTRICT AND APPROVING THE INTERGOVERNMENTAL AGREEMENT. Motion passed with Shannon Rhoda voting 'no' to the motion.

**AM 2020-041 Approve a Resolution Approving the Amended and Restated Service Plan for Lupton Village Commercial Metropolitan District and Approve Intergovernmental Agreement with District**

Mayor Stieber opened the public hearing at 7:20 p.m. and asked for a description of the project. The City's Special Counsel, Jennifer Tanaka, stated that Lupton Village Commercial Metropolitan District, formerly known as Cottonwood Green Metropolitan District, is the same as the previous hearing for the Lupton Village Residential Metropolitan District.

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 7:20 p.m.

It was moved by Chris Ceretto and seconded by Tommy Holton to approve Resolution 2020R023 A RESOLUTION APPROVING THE AMENDED AND RESTATED SERVICE PLAN FOR THE LUPTON VILLAGE COMMERCIAL METROPOLITAN DISTRICT AND APPROVING THE INTERGOVERNMENTAL AGREEMENT. Motion passed with Shannon Rhoda voting 'no' to the motion.

**AM 2020-042 Approve a Resolution Approving Amended and Restated Service Plan for Cottonwood Greens Metropolitan District No 2 and Approve Intergovernmental Agreement with District**

Mayor Stieber opened the public hearing at 7:21 p.m. and asked for a description of the project. The City's Special Counsel, Jennifer Tanaka, stated that Cottonwood Greens Metropolitan District, formerly known as Cottonwood Green Metropolitan District, is the same as the previous hearing for the Lupton Village Residential Metropolitan District.

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 7:21 p.m.

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It was moved by Tommy Holton and seconded by Michael Sanchez to approve Resolution 2020R024 RESOLUTION APPROVING THE AMENDED AND RESTATED SERVICE PLAN FOR THE COTTONWOOD GREENS METROPOLITAN DISTRICT NO. 2 AND APPROVING THE INTERGOVERNMENTAL AGREEMENT. Motion passed with Shannon Rhoda voting 'no' to the motion.

**AM 2020-033 Approving a Resolution for the Fort Lupton Fire District Station 3 Site Plan**

Mayor Stieber opened the public hearing 7:22 p.m. and asked for a description of the project. The City Planner, Alyssa Knutson stated the Fort Lupton Fire Protection District has submitted a request for a site plan application for a new 13,700 square foot fire station, to be known as Fort Lupton Fire District Station 3. The site is located at the northeast corner of County Road 8 and S. Rollie Ave. The use would occur on Lot 1 of the Villano Minor Subdivision.

The Property is zoned I-2 Heavy Industrial, and the proposed use is a use by right in this zone district. All public notification requirements have been met including posting on the site and notice to surrounding property owners.

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 7:26 p.m.

It was moved by Tommy Holton and seconded by Chris Ceretto to approve Resolution 2020R025 A RESOLUTION APPROVING THE FORT LUPTON FIRE DISTRICT STATION 3 SITE PLAN LOCATED AT 2470 S. ROLLIE AVENUE. Motion passed unanimously on roll call vote.

**AM 2020-034 Adopting an Annexation Known as the Wade Annexation to Annex Land Legally Described in Exhibit 'A' to the Proposed Ordinance and Approving the Annexation Agreement**

Mayor Stieber opened the public hearing at 7:28 p.m. and asked for a description of the project.

The Planning Director, Todd Hodges, stated that Jacqueline Wade, the applicant, has submitted a request for annexation of land totaling 2.62 acres, more or less, known as the Wade Annexation. The Property is located approximately 0.23 miles east of County Road 19, and south and adjacent to County Road 24. The proposed initial zoning is 'A' Agricultural.

Kelsey Bruzvoort with AGPROfessionals, representing the Wade Annexation provided a brief description of the project. There were no questions from the Council.

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 7:30 p.m.

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It was moved by Bruce Fitzgerald and seconded by David Crespino to adopt ORDINANCE 2020-1076 ANNEXING LAND LEGALLY DESCRIBED IN EXHIBIT "A" KNOWN AS THE WADE ANNEXATION AND APPROVING THE ANNEXATION AGREEMENT. Motion passed unanimously on roll call vote.

**AM 2020-035 Adopt an Ordinance to Initially Zone Land Legally Described in Exhibit A of the Proposed Ordinance and Known as the Wade Initial Zoning to the 'A' Agricultural Zone District**

Mayor Stieber opened the public hearing at 7:31 p.m. and asked for a description of the project.

The Planning Director, Todd Hodges stated that Jacqueline Wade, the applicant, has submitted a request for initial zoning of certain land identified in Exhibit A of the Ordinance to the 'A' Agricultural Zone District. The initial zoning is situated 0.23 miles east of County Road 19, and south and adjacent to County Road 24.

This proposed initial zoning to 'A' Agricultural conforms with the Agricultural Zone designation on the Future Land Use Map. Furthermore, similar zoning can be found nearby. The proposed use of the property is for an automotive dyno tuning, performance mechanical, and custom fabrication business.

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 7:33 p.m.

It was moved by Tommy Holton and seconded by Chris Ceretto to adopt ORDINANCE 2020-1077 INITIALLY ZONING LAND KNOWN AS THE WADE INITIAL ZONING, LEGALLY DESCRIBED IN EXHIBIT A, TO THE 'A' AGRICULTURAL ZONE DISTRICT. Motion passed unanimously on roll call vote.

**AM 2020-036 Approve a Resolution for an Application for a Special Use Permit for an Automotive Dyno Tuning, Performance Mechanical and Custom Fabrication Business, Known as the Wade Special Use Permit**

Mayor Stieber opened the public hearing at 7:32 p.m. and asked for a description of the project. The Planning Director, Todd Hodges, stated that Jacqueline Wade, the applicant, has submitted a request for a special use permit for an automotive dyno tuning, performance mechanical and custom fabrication business for a property located approximately 0.23 miles east of County Road 19, and south and adjacent to County Road 24.

The Property is located within the A Agriculture Zone District which does not list vehicle repairs as a use by right and therefore requires a special use permit. The area is designated as Agricultural and Rural Residential on the Future Land Use Map; the request is appropriate for this area.

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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 7:33 p.m.

It was moved by David Crespin and seconded by Bruce Fitzgerald to approve Resolution 2020R026 A RESOLUTION APPROVING A SPECIAL USE PERMIT FOR AN AUTOMOTIVE DYNO TUNING, PERFORMANCE MECHANICAL AND CUSTOM FABRICATION BUSINESS, KNOWN AS THE WADE SPECIAL USE PERMIT.

**ACTION MEMORANDUM**

**AM 2020-044 Approve a Lease Agreement with Consolidated Mutual Water Company for Water Storage of 912 Acre Feet for \$250/AF for a Total Amount for the First Year of \$228,000**

To accommodate efficient augmentation of various water sources for well water sales via the city system, allowing the City to maximize water resource efficiency and earnings potential for well water sales. This agreement will allow for releases to the South Platte River of Fulton Ditch, or other water sources annually. Water storage is necessary to fully utilize our non-potable water system, and maximize the system's reliability and revenue. The City currently owns no water storage of its own. The City leases storage in the Perry Pit from The Consolidated Mutual Water Company under a lease that expires March 31, 2022. This agreement replaces and extends the current lease. The price per acre foot of storage is decreased from \$258.82 in 2019 under the current lease to \$250.00 in 2020 (and will escalate in future years in a manner that is similar to the current lease), and the term is extended for an additional 10 years (through 2032), with an option to extend 5 additional years (through 2037). The price for the City to lease any water owned by The Consolidated Mutual Water Company that is stored in the Perry Pit is increased from \$1,466 in 2019 under the current lease to \$1,694.43. The current lease also clarifies the conditions to split repair, maintenance and replacement costs between the parties.

It was moved by Tommy Holton and seconded by Michael Sanchez to approve a lease agreement with Consolidated Mutual Water Company for water storage of 912 acre feet for \$250 acre feet for a total amount for the first year of \$228,000. Motion passed unanimously on roll call vote.

**AM 2020-045 Authorize Claud Hanes to do a Feasibility on Property Owned by the City of Fort Lupton and Other Land Options for an Amount not to Exceed \$5,000 to Prepare Documentation to Proceed with Design**

The City owns property located on College Avenue and 9<sup>th</sup> street that was acquired for a possible future city hall site. This is the primary focus but other possibilities will be evaluated as City Council has asked for a feasibility to be performed to determine if they want to proceed with design and eventual construction of city facilities. Claud Hanes is willing to perform this project and deliver to the City Administrator his findings to be shared with council. Fifty hours will be dedicated to this task at a rate of \$100/hour and this amount is a not to exceed \$5,000.

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The scope of work is attached and include all deliverables listed. Constant contact will be made between the contractor and the City Administrator so he is fully aware of the direction and effort that will be performed.

It was moved by Tommy Holton and seconded by Bruce Fitzgerald to authorize Claud Hanes to do a feasibility on property owned by the City of Fort Lupton and other land options for an amount not to exceed \$5,000 to prepare documentation to proceed with design. Motion passed unanimously on roll call vote.

**AM 2020-046 Award Contract for WTP Pump House Engineering Services to J&T Consulting Inc. for not to Exceed \$7,920 from Water Sales Tax Fund**

The Terminal Reservoir pump house requires reconfiguring to operate as an emergency water source using the newly connected water line. The operations required a pressure control in the piping to the treatment plant. Pump house design and operations exceeds City staff technical capabilities. J&T Consulting provided the initial design of the terminal reservoir and pump house.

It was moved by David Crespin and seconded by Shannon Rhoda to award contract to WTP Pump House engineering services to J&T Consulting Inc. for an amount not to exceed \$7,920 from the Water Sales Tax Fund. Motion passed with Zo Stieber and Michael Sanchez voting 'no' to the motion.

**AM 2020-047 Award Contract to Burns & McDonnell Engineering Company Inc. for \$1,498,772 for Design/Build of Wastewater Facilities Improvement Project From the Utility Fund**

The City obtained a renewal of our Colorado Water Quality Control Act discharge permit for the Wastewater Treatment Plant. A condition of the renewal was a Compliance Schedule to meet Total Inorganic Nitrogen (TIN) and Total Phosphorus (TP) discharge limits. The next date in the compliance schedule is to submit plans and specifications by January 31, 2021. The schedule ends with completion of construction by January 31, 2023. Burns - McDonnell has provided consultant work to submit our Preliminary Effluent Limits (PELs) to CDPH&E. The next step is to design the WWTP improvements required.

Burns - McDonnell is tasked with meeting the compliance schedule. This proposed agreement is a Design/Build agreement with the current amount for design services. At the completion of design, the City will issue a Change Order for the construction services. Work is scheduled to begin immediately.

Discussion occurred between City Attorney, Andy Ausmus, and City Council regarding review of the agreement. All designs submitted by the contractor will belong to the City.

It was moved by Tommy Holton and seconded by Bruce Fitzgerald to award the contract to Burns & McDonnell Engineering Company Inc. for \$1,498,772 for design/build of Wastewaer

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Facilities Improvement Project from the Utility Fund. Motion passed unanimously on roll call vote.

**AM 2020-048 Award Contract for College Avenue / 9th Street Engineering Design Services to Wohnrade Civil Engineers for not to Exceed \$96,000 from Public Works Street General Fund**

College avenue is unpaved from the tank farm to 9<sup>th</sup> Street. 9<sup>th</sup> Street requires planning for improvements to occur during the Cottonwood Greens development project. City staff has multiple projects scheduled for 2020 and does not have time to provide design for this project. Wohnrade Civil Engineers has provided engineering services for the City in the past.

It was moved by Chris Ceretto and seconded by Michael Sanchez to award the contract for College Avenue/9<sup>th</sup> Street engineering design services to Wohnrade Civil Engineers for an amount not to exceed \$96,000 from the Public Works Street General Fund.

Motion passed unanimously on roll call vote.

**STAFF REPORTS**

City Administrator, Chris Ceretto, congratulated City Clerk, Mari Peña, on obtaining her Certificated Municipal Clerk Certification.

Chief Fryar provided his monthly report to the Council.

**MAYOR/COUNCIL REPORTS**

There were no reports from the Mayor or Council.

**FUTURE CITY EVENTS**

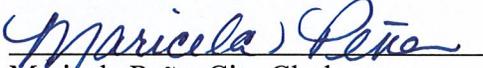
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|-------------------|---|
| February 11, 2020 | Town Hall Meeting, 6:30 p.m. at 130 S. McKinley Ave.    |
| February 17, 2020 | City Offices Closed in Observance of Presidents Day     |
| February 18, 2020 | City Council Meeting, 7:00 p.m. at 130 S. McKinley Ave. |
| February 25, 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 7:50 p.m.

Respectfully Submitted,

  
\_\_\_\_\_  
Mariçela Peña, City Clerk

Approved by City Council

  
\_\_\_\_\_  
Zo Stieber, Mayor

