

**RECORD OF PROCEEDINGS**  
**FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS**  
**January 22, 2019**

The City Council of the City of Fort Lupton met in regular session at the City Complex, 130 South McKinley Avenue, the regular meeting place of the City Council, on Tuesday, January 22, 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, Tommy Holton, Michael Sanchez and Michael Long. Also present were City Administrator Claud Hanes, Assistant City Administrator, Chris Cross, Finance Director, Leann Perino, Planning Director Todd Hodges, City Clerk, Mari Peña, and Chief John Fryar.

**PROCLAMATIONS**

Mayor Stieber presented the Arbor Day Proclamations for the years 2018 and 2019.

**PERSONS TO ADDRESS COUNCIL**

May Ann Merritt, who resides at 920 South Fulton Avenue, inquired over the status of the development that was to be located between Kahil Street, South Fulton Avenue, and Lone Pine Street.

The Planning Director, Todd Hodges, stated that the development is still moving forward with single family homes.

Diane Heldt, with a Woman's Place, asked the Council for funding in the amount of \$4,038.

Mayor Stieber indicated that the Council would review her request.

**APPROVAL OF AGENDA**

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

**REVIEW OF ACCOUNTS PAYABLES**

Council reviewed the January 22, 2019 payables; there were no questions or comments.

**CONSENT AGENDA**

It was moved by Chris Ceretto and seconded by Michael Sanchez to approve the Consent Agenda as presented with the following items: January 7, 2019 City Council Meeting Minutes, Approve Resolution 2019R005A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE CITY OF FORT LUPTON THREE MILE AREA PLAN (AM

**RECORD OF PROCEEDINGS**  
**FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS**  
**January 22, 2019**

2019-013), Approve Resolution 2019-006 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON RATIFYING THE APPOINTMENT OF BRUCE FITZGERALD BY THE MAYOR TO SERVE AS A REGULAR MEMBER ON THE PLANNING COMMISSION FOR A TERM BEGINNING JANUARY 22, 2019 AND ENDING JANUARY 22, 2022 (AM 2019-014), Approve the Signature of the Mayor of Fort Lupton to a Certification form, and letter in Support of, a Submittal of a CLG Subgrant Application for a Historic Residential Survey (AM 2019-015). Motion passed unanimously on voice vote.

**PUBLIC HEARINGS**

**Continuance of the Public Hearing from December 3, 2018 Regarding City Wide Residential Trash Service**

Mayor Stieber opened the public hearing at 7:05 p.m. The City Attorney, Andy Ausmus, stated that after review with City staff, legal counsel is recommending the Council reject all bids that were submitted in response to the RFP. There being no discussion from Council, Mayor Stieber closed the public hearing at 7:06 p.m. It was moved by Chris Ceretto and seconded by Tommy Holton to reject all bids. Motion passed unanimously on voice vote.

**AM 2019-021 Adopt an Amendment to the Future Land Use Map to the 2018 Fort Lupton Comprehensive Plan**

Mayor Stieber opened the public hearing at 7:06 p.m. Planning Director, Todd Hodges stated that he is requesting the City Council to consider an amendment to the Future Land Use Map that was adopted in 2018 as a part of the Fort Lupton Comprehensive Plan. The City has received an application for an annexation, initial zoning and special use permit from Kerr-McGee Gathering, LLC for a compressor station known as the Coal Ridge Compressor Station. These applications have been submitted concurrently and will be reviewed by City Council 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 Kerr-McGee applications to conform to the Fort Lupton Comprehensive Plan. The proposed amendment is to reclassify the property identified under Exhibit A to the proposed resolution from Agricultural & Rural Residential to Light Industrial & Office on the Future Land Use Map. Mr. Hodges indicated that all required publications have been met.

Mr. Hodges also stated the amendment would update the City limits to reflect the Eagle View Annexation that was approved by City Council in 2018.

Mayor Stieber asked if anyone from the public wished to speak for or against the proposal, hearing none, Mayor Stieber closed the public comment portion. There being no further discussion, Mayor Stieber closed the public hearing at 7:08 p.m.

It was moved by Tommy Holton and seconded by Michael Sanchez to approve Resolution 2019R007, A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON ADOPTING AN

**RECORD OF PROCEEDINGS**  
**FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS**  
**January 22, 2019**

AMENDMENT TO THE FUTURE LAND USE MAP TO THE 2018 FORT LUPTON COMPREHENSIVE PLAN. Motion passed unanimously on roll call vote.

**AM 2019-022 Adopting an Ordinance for the Coal Ridge Annexation Nos. 1-4 and Approving the Annexation Agreement**

Mayor Stieber opened the public hearing at 7:09 p.m. The Planning Director Todd Hodges indicated that Kerr-McGee Gathering LLC has submitted a request for annexation of land totaling 130.635 acres, more or less, known as the Coal Ridge Annexation Nos. 1-4. The annexation is comprised of a parcel of land that is situated north and adjacent to County Road 14 and east and adjacent to County Road 19 in Weld County, and includes County Road 14 right of way that constitutes the “flagpole” portion of the annexation, and County Road 14 and 19 rights of way that is adjacent to the parcel being annexed. The proposed initial zoning is I-1 Light Industrial, which is being presented to City Council for approval under a separate Action Memorandum and Ordinance following the hearing on this Annexation.

The parcel is owned by Kerr-McGee Gathering LLC and the proposed use of the property is for a compressor station, with related equipment, to compress and transport natural gas via pipelines. The site layout for the compressor station is on the special use permit maps that are being considered at a separate public hearing by the City Council.

Mayor Stieber asked if anyone from the public wished to speak for or against the proposal, hearing none, Mayor Stieber closed the public comment portion. There being no further discussion, Mayor Stieber closed the public hearing at 7:10 p.m.

It was moved by Chris Ceretto and seconded by Michael Long to ADOPT ORDINANCE 2019-1040 ANNEXING LAND LEGALLY DESCRIBED IN EXHIBIT “A” KNOWN AS THE COAL RIDGE ANNEXATION NOS. 1-4 AND APPROVING THE ANNEXATION AGREEMENT. Motion passed unanimously on roll call vote.

**AM 2019-023 Adopting an Ordinance Initially Zoning Land Legally Described in Exhibit A to the Proposed Ordinance and Known as the Coal Ridge Initially to the I-1 Light Industrial**

Mayor Stieber opened the public hearing at 7:11 p.m. The Planning Director Todd Hodges, stated that Kerr-McGee Gathering LLC submitted a request for initial zoning to the I-1 Light Industrial Zone District. The initial zoning is situated north and adjacent to County Road 14 and east and adjacent to County Road 19 in Weld County. City Council just approved an Ordinance to approve the annexation known as the Coal Ridge Annexation Nos. 1-4. This request is to initially zone the property included within that Annexation.

An amendment to the Comprehensive Plan was brought before the City Council for consideration to change the land use designation from Agricultural & Rural Residential to Light Industrial & Office. This proposed initial zoning to I-1 Light Industrial is in compliance with the amendment to the comprehensive plan. The concept plan for the annexed property is for a

**RECORD OF PROCEEDINGS**  
**FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS**  
**January 22, 2019**

compressor station, with related equipment, to compress and transport natural gas via pipelines. The site layout for the compressor station is on the special use permit maps that are being considered at a separate public hearing by the City Council.

Mayor Stieber asked if anyone from the public wished to speak for or against the proposal, hearing none, Mayor Stieber closed the public comment portion. There being no further discussion, Mayor Stieber closed the public hearing at 7:12 p.m.

It was moved by Tommy Holton and seconded by Michael Sanchez to ADOPT ORDINANCE 2019-1041 INITIALLY ZONING LAND KNOWN AS THE COAL RIDGE INITIAL ZONING LEGALLY DESCRIBED IN EXHIBIT A TO THE I-1 LIGHT INDUSTRIAL ZONE DISTRICT. Motion passed unanimously on roll call vote.

**AM 2019-024 Approve a Resolution Approving Kerr-McGee Gather LLC's Application for a Special Use Permit for a Natural Gas Compressor Station and Related Equipment, Known as the Coal Ridge Compressor Station**

Mayor Stieber opened the public hearing at 7:13 p.m. The Planning Director, Todd Hodges, indicated that Kerr-McGee Gathering LLC (Kerr-McGee) has submitted a request for a special use permit to construct and operate a compressor station, and related equipment, including a communication tower, to compress and transport natural gas via pipelines. The special use permit is for a property that is 125.3599 acres, more or less, and located north and adjacent to County Road 14 and east and adjacent to County Road 19. All notification and publications requirements have been met. Mr. Hodges stated that a letter was received from the Town of Frederick acknowledging that County Road 19 is the boundary between Fort Lupton and Frederick and that there are no issues or concerns with this request.

Sam Samet, representative for Kerr-McGee, located at 1099 18<sup>th</sup> Street, Denver, Colorado, provided a brief presentation. Mr. Samet explained that as gas loses pressure in the pipelines, compressor stations help gas move from one location to the next. This parcel was selected on its compatibility with existing uses in the area because it's in the vicinity of two (2) major industrial facilities on the north and south. Compressors are equipped with high specification noise suppressant packages that allow operations of at or under residential noise standards. The lights to the facility will be shielded and because it's an unmanned facility, only sensor based light will be used. The access to the site will be from County Road 19. Mr. Samet also indicated that correspondence was mailed to 32 residents to request feedback and none was received. Due to the heavy industrial activity, a chain link fence with slats will be constructed around the yard and facility for safety and security.

The Planning Director indicated that he is discussing the potential for realignment of the road however this isn't part of the conditions of approval.

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. No further discussion occurred.

**RECORD OF PROCEEDINGS**  
**FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS**  
**January 22, 2019**

It was moved by Tommy Holton and seconded by Michael Long to approve Resolution 2019R008 MCGEE GATHERING LLC'S APPLICATION FOR A SPECIAL USE PERMIT FOR A NATURAL GAS COMPRESSOR STATION AND RELATED EQUIPMENT, KNOWN AS THE COAL RIDGE COMPRESSOR STATION. Motion passed unanimously on roll call vote.

**Withdrawal of the MP Annexation and Initial Zoning, MP Minor Subdivision, and MP Special Use Permit Applications**

Mayor Stieber opened the public hearing at 7:20 p.m. The Planning Director Todd Hodges indicated that staff is requesting a cancellation of the scheduled public hearings for the MP Annexation and Initial Zoning, MP Minor Subdivision, and MP Special Use Permit. The applicant has formally withdrawn their applications. A copy of the withdrawal letter was submitted by the applicant.

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. No further discussion occurred.

It was moved by Chris Ceretto and seconded by Michael Long to approve the withdrawal of the MP Annexation and Initial Zoning, MP Minor Subdivision, and MP Special Use Permit applications. Motion passed unanimously on roll call vote.

**ACTION AGENDA**

**AM 2019-011 Approve Contract with Haselden Construction LLC for Purchase and Installation of Columbarium at Hillside Cemetery for an Amount not to Exceed \$47,500 From General Fund-Cemetery Budget**

Project was put out to bid on November 26, 2018. A total of 5 vendors expressed initial interest in the project. Two bids were received on January 14, 2019 with Haselden Construction, LLC proposing the low bid of \$47,500 with installation to occur this summer.

It was moved by Tommy Holton and seconded by Chris Ceretto to approve the contract with Haselden Construction LLC for the purchase and installation of the columbarium at Hillside Cemetery for an amount not to exceed \$47,500 from the General Fund-Cemetery Budget. Motion passed unanimously on roll call vote.

**AM 2019-012 Approval of 2019 Estimated Windy Gap Assessment for an Amount not to Exceed \$19,021 to be Paid out of the Utility Fund**

The Northern Colorado Water Conservancy District's annual invoice for the estimated 2019 carriage costs of \$19,021 to be remitted by February 11, 2019. This payment provides for our

**RECORD OF PROCEEDINGS**  
**FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS**  
**January 22, 2019**

continued involvement in the Windy Gap project, which equates to 300 acre feet for the year. 300 acre feet is the City's participation level before the purchase of the 10 units of Windy Gap from PRPA in October. The City will be billed in March for the additional 10 units.

It was moved by Michael Sanchez and seconded by Michael Long to approve the 2019 estimated Windy Gap Assessment for an amount not to exceed \$19,021 to be paid from the Utility Fund. Motion passed unanimously on roll call vote.

**AM 2019-016 Approving Network Storage Solution for an Amount not to Exceed \$35,102.18**

Currently the City of Fort Lupton is using network storage from both virtual hosts and physical servers. The IT department would like to improve its current network storage for future growth and would like to move to a SAN solution which will allow both virtual and physical servers to use the same storage from the SAN solution. This would decrease cost in the long term of physical server costs, vmware licensing and allow us to add storage one disk at a time as needed. By including the new storage to the environment we would be able to start the process of moving the data from either physical or virtual servers to a Flash system allowing data flow internally to run at 10GB on the backend. Staff is recommending approving the bid from DELL EMC. The City Clerk, Mari Peña indicated that the last bid has been provided to Council since the bid was not received until after all items were posted.

This solution will allow us to repurpose a server(s) that is under maintenance with minor upgrades to be used to start replacing our current backup system which is in need of a replacement in 2020 and will save the city cost on a new backup system.

It was moved by Tommy Holton and seconded by Michael Long to approve the Network Storage Solution for an amount not to exceed \$35,102.18. Motion passed unanimously on roll call vote.

**AM 2019-017 Renew Agreement with Williams and Weiss Consulting, LLC to Provide Water Engineering Services for the City of Fort Lupton for an Amount of \$95,540 from the Utility Fund and Water Sales Tax Funds**

Williams and Weiss was employed in 2012 to provide water engineering services. The scope of service includes Decree accounting and water resource planning. Todd Williams of Williams and Weiss has been instrumental in maintaining our water accounting as well as handling all leases of excess water for additional revenues. The 2019 estimate totals \$95,540 for all services listed in the letter including hours assisting him from J&T Consulting valued at \$31,450. As has been done in the past, the estimate is a not to exceed and billed on a time and material basis. Historically, the actual cost is much lower than the anticipated amount.

It was moved by Michael Long and seconded by Tommy Holton to approve the renewal of the agreement with Williams and Weiss Consulting, LLC to provide water engineering services for the City of Fort Lupton in the amount of \$95,540 from the Utility Fund and Water Sales Tax Funds. Motion passed unanimously on roll call vote.

**RECORD OF PROCEEDINGS**  
**FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS**  
**January 22, 2019**

**AM 2019-018 Brighton Intergovernmental Agreement Amendment/Non-Renewal Notification**

City staff have been negotiating in good faith an amendment to the existing Intergovernmental Agreement, "IGA" between Fort Lupton and Brighton. Pursuant to the terms of the current IGA with Brighton, City staff notified the City of Brighton that the current IGA would not be renewed and would need to be amended and or modified. The current IGA is up for renewal in March of 2019. This AM is to give direction for staff to continue working towards an amended or modified IGA with Brighton, however should an amendment not be reached with Brighton, this will confirm that Council directs that the existing IGA with Brighton will not be renewed.

It was moved by Chris Ceretto and seconded by Tommy Holton to approve the notification to the City of Brighton of the non-renewal for the Intergovernmental Agreement. Motion passed unanimously on roll call vote.

**AM 2019-019 Approval of the Road Maintenance Agreement with Northern Colorado Constructors, Inc. for use of County Road 18 for Bennett Pit Gravel Mine**

The Bennett Pit Gravel Mine is located on the east side of County Road 23 at approximately County Road 22 in Weld County. The proposed truck traffic will be traveling south on County Road 23 and then west to US Highway 85 on County Road 18. A condition of approval from Weld County was to work with the City regarding traffic on city streets. Northern Colorado Constructors has agreed to our standard impact analysis and assessment cost of pavement.

A total of 317,491 Equivalent Single Axle Loads (ESAL) will travel along a 1.45 mile stretch of city County Road 18 right of way through the life of the pit for a total impact fee of \$202,387.59 to be paid to the City of Fort Lupton on a quarterly basis.

It was moved by Michael Long and seconded by Michael Sanchez to approve the Road Maintenance Agreement with Northern Colorado Constructors, Inc. for the use of County Road 18 for Bennet Pit Gravel Mine. Motion passed unanimously on roll call vote.

**AM 2019-020 Approve a Resolution Accepting an Annexation Petition for the Inouye Annexation and to Set a Public Hearing Date for March 18, 2019**

Tricycle Lane Texas LLC has submitted an annexation petition to initiate annexation proceedings for a parcel of land located south and adjacent to County Road 14.5 and approximately 0.40 miles west of Highway 85. This proposed annexation, known as the Inouye Annexation, consists of a total of 140.434 acres, more or less. The application includes an initial zoning request to Agriculture.

The initiating resolution is the first step in the annexation process and is to accept the annexation petition and initiate the two-month review process that involves staff, referral agencies, Planning Commission and City Council. The resolution also sets the public hearing date to consider the

**RECORD OF PROCEEDINGS**  
**FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS**  
**January 22, 2019**

annexation. 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 March 18, 2019.

It was moved by Tommy Holton and seconded by Chris Ceretto to approve Resolution 2019R009 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE INOUYE ANNEXATION, AND SETTING THE PUBLIC HEARING FOR MARCH 18, 2019. Motion passed unanimously on roll call vote.

**STAFF REPORTS**

Chief John Fryar indicated that due to conflicting schedules, the Public Safety Committee meeting has been moved to February 26, 2019 at 6 p.m.

**MAYOR/COUNCIL REPORTS**

There were no reports from the Mayor or Council.

**FUTURE CITY EVENTS**

January 30, 2019	Town Hall Meeting – 130 South McKinley Avenue – 6:30 p.m.
February 13, 2019	Town Hall Meeting – 130 South McKinley Avenue – 6:30 p.m.
February 18, 2019	Office Closed in Observance of President’s Day
Tuesday, February 19, 2019	City Council Meeting – 130 South McKinley Avenue – 7:00 p.m.
February 27, 2019	Town Hall Meeting – 130 South McKinley Avenue – 6:30 p.m.

**ADJOURNMENT**

It was moved by Chris Ceretto and seconded by David Crespino to adjourn the meeting at 7:18 p.m.

Respectfully Submitted,

---

Maricela Peña, City Clerk

Approved by City Council

---

Zo Stieber, Mayor