

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
April 21, 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, April 21, 2020. Due to the City's Disaster Declaration of March 17, 2020 related to the COVID-19 virus, the meeting was held with virtual access provided through GoToMeetings. 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, and Council Member Bruce Fitzgerald. Councilmembers Shannon Rhoda, Chris Ceretto, David Crespín, and Michael Sanchez participated by electronic communication (GoToMeeting).

Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, City Attorney, Andy Ausmus and Planning Director, Todd Hodges.

The following staff participated by electronic communication (GoToMeeting): City Assistant City Administrator, Glenda Aretxuloeta, Public Works Director, Roy Vestal, Chief John Fryar, Finance Director, Leann Perino, Human Resources Director, Laura Howe, and Planners, Alyssa Knutson and Maria Lancto.

Mayor Stieber read the following General Advisement:

The President of the United States, the Governor of the State of Colorado and I, as Mayor of the City of Fort Lupton have collectively declared federal, state and local emergencies due to the outbreak of the Covid-19 virus. As such, tonight's meeting shall be held virtually so as to insure the health and safety of the general public and the City of Fort Lupton City Council and staff.

The intent and purpose of the Fort Lupton Emergency Policy and Procedures is to ensure that the City is innovative in providing the general public the most meaningful access possible in light of the current emergency challenges present as a result of the Covid-19 pandemic. Therefore, subject to social distancing and public health orders, members of the general public will be offered both the opportunity to be physically and or electronically present for meetings at the City, subject to existing health conditions.

An electronic link has been made available for tonight's meeting on the City's website and social media platforms and as posted here at City Hall, so that the general public and City Council and staff may participate electronically via the internet, on the phone or in limited circumstances, in person.

PERSONS TO ADDRESS COUNCIL

The City Clerk, Mari Peña stated that there were two gentlemen in the lobby, however they were present to speak on public hearings; she also stated that she had not received any phone messages, email or fax from anyone wishing to address the Council.

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PROCLAMATION

Mayor Stieber proclaimed April 26, 2020 as Arbor Day.

APPROVAL OF AGENDA

It was moved by Michael Sanchez and seconded by David Crespino to approve the Agenda as presented. Motion passed unanimously on roll call vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the April 21, 2020 payables; which were emailed to City Council prior to the start of the meeting. There were no questions or comments from the Mayor or Council.

CONSENT AGENDA

It was moved by Bruce Fitzgerald and seconded by Chris Ceretto to approve the Consent Agenda with an addition to the minutes of April 7, 2020, adding the sentence "Due to the City's Disaster Declaration of March 17, 2020 related to the COVID-19 virus, the meeting was held with virtual access provided through GoToMeetings." and the following items: Approving Resolution 2020R040 a RESOLUTION REAPPOINTING KATHLEEN KVASNICKA TO THE HISTORIC PRESERVATION BOARD FOR A THREE (3) YEAR TERM BEGINNING APRIL 21, 2020 AND EXPIRING APRIL 21, 2023 (AM 2020-079), Approving Resolution 2020R041a Resolution RATIFYING THE MAYOR'S APPOINTMENT OF THE ATTACHED LIST OF CANDIDATES (EXHIBIT 'A') TO THE CORRESPONDING ADVISORY COMMITTEES FOR A TERM BEGINNING APRIL 21, 2020 AND ENDING DECEMBER 31, 2021 (AM 2020-093). Motion passed unanimously on roll call vote.

PUBLIC HEARINGS

AM 2020-080 Accepting A Resolution Approving The Conner Family Trust - Fort Lupton Fire Protection District Minor Subdivision To Create Two Separate Lots

The Mayor opened the public hearing at 7:14 p.m. and read the following advisement to the applicant's representative prior to opening the public hearing: You understand that the Applicant has a right to continue this public hearing to such a date to allow a full in person public hearing? You have agreed to voluntarily waive that right on behalf of the Applicant by proceeding tonight electronically, is that correct? On behalf of the Applicant, you have voluntarily signed and submitted the written waiver and consent to proceed electronically tonight, correct? Therefore, on behalf of the Applicant, you waive Applicant's right to proceed in an in person public hearing and have consented to proceed forward voluntarily tonight in this virtual City Council meeting, is that correct? The applicant Chief Phil Tiffany, answered yes to all questions.

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The Planning Director Todd Hodges, stated that the applicants, Fort Lupton Fire Protection District and Kurt W. Conner Family Trust (created 1/7/13) have submitted an application for a two lot minor subdivision. The location of the proposed minor subdivision is north and adjacent to 9th Street, and west and adjacent to County Road 31. The property is currently one parcel, although Weld County currently lists and shows that the property is split into two parcels. The minor subdivision will create two separate lots. Lot 1 will be 3.82 acres, more or less. Lot 2 will be 35.29 acres, more or less. The use of either property will not change at this time. All public notification requirements have been met.

Phil Tiffany indicated he had no additional comments.

Mayor Stieber read the following advisement: Have you had a full and fair opportunity to present all facts, submittals, documents, testimony and presentations in support of the application before the City Council tonight? Chief Phil Tiffany answered "yes." Has there been anything that you or the Applicant would have liked to have presented in support of Applicant's application that you feel you were prevented from doing so? Chief Phil Tiffany answered "no and nothing further."

Mayor Stieber asked if anyone from the public wished to speak for or against the matter. Hearing none, Mayor Stieber closed the public hearing at 7:19 p.m.

No further discussion occurred.

It was moved by Michael Sanchez and seconded by David Crespin to approve Resolution 2020R042 A RESOLUTION APPROVING THE CONNER FAMILY TRUST – FORT LUPTON FIRE PROTECTION DISTRICT MINOR SUBDIVISION TO CREATE TWO SEPARATE. Motion passed unanimously on roll call vote.

AM 2020-081 Adopt An Annexation Known As The C&M Rodriguez Annexation Nos. 1-5 To Annex Land Legally Described In Exhibit "A" To The Proposed Ordinance And Approving The Annexation Agreement

Mayor Stieber read the following advisement to the applicant's representative prior to opening the public hearing: You understand that the Applicant has a right to continue this public hearing to such a date to allow a full in person public hearing? You have agreed to voluntarily waive that right on behalf of the Applicant by proceeding tonight electronically, is that correct? On behalf of the Applicant, you have voluntarily signed and submitted the written waiver and consent to proceed electronically tonight, correct? Therefore, on behalf of the Applicant, you waive Applicant's right to proceed in an in person public hearing and have consented to proceed forward voluntarily tonight in this virtual City Council meeting, is that correct?

The applicant's representative Shannon Toomey, with AGPROfessionals, answered yes to all the questions.

Mayor Stieber opened the public hearing at 7:23 p.m. and asked for a description of the proposal.

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The Planning Director, Todd Hodges, stated that the applicant, Cesar Rodriguez Gallardo with C&M Rodriguez Services, Inc. has submitted a request for annexation of land totaling 84.31 acres, more or less, known as the C&M Rodriguez Annexation Number 1-5. The Property is located west and adjacent to U.S. Highway 85 an approximately 1.49 miles south of County Road 24 ½. Portions of U.S. Highway 85, County Road 22 ½ and County Road 25 ½ rights-of-way are also included in the annexation. This is within the boundary of the Intergovernmental Agreement with the Town of Platteville. All notification requirements have been met including notification of surrounding property owners.

Mr. Hodges added that County Road 24 is annexed to and maintained by the Town of Platteville. Access to this site is on County Road 25 ½ and we will additionally be annexing right of way on County Road 22 ½ up to County Road 25 ½ and all of Hwy 85 adjacent.

Shannon Toomey, stated she had nothing further to add to the presentation.

Mayor Stieber read the following advisement to Ms. Toomey: Have you had a full and fair opportunity to present all facts, submittals, documents, testimony and presentations in support of the Applicant's application before the City Council tonight? Has there been anything that you or the Applicant would have liked to have presented in support of Applicant's application that you feel you were prevented from doing so?

Shannon Toomey stated yes and that she had no further information or material for the Council.

Mayor Stieber asked if anyone from the public wished to speak for or against the proposal.

Steve Nelson, who owns a business adjacent to C&M Rodriguez on the north, raised concerns over the equipment and combustors that C&M is storing on site. Mr. Nelson asking that the special use permit be held up due to non-compliance of removal of the equipment.

Nathan Balcom whose residence is north of road County Road 24 stated his concerns over the smoke containers that are approximately 180 feet from his front door. These were promised to be removed. There is noise from 10 p.m. to midnight and trucks speeding down County Road 25 ½. Mr. Balcom also stated that trucks have been using County Road 22 ½ which was an agreement from the beginning.

Mayor Stieber asked if anyone else wished to speak to this matter. Mayor Stieber asked the applicants if they felt they had had a full and fair opportunity to participate in this public meeting tonight?

Mr. Nelson stated that he could not hear the first gentleman that spoke. He also added that this should be a trucking business not a storage lot. He believes this has gone out of control and wished that the trucks would use County Road 22 ½.

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The Planning Director confirmed that the truck route is not from County Road 22 1/2. Entry onto the property is not on from County Road 22 1/2. The trucks should be going down County Road 25 1/2 to County Road 22 1/2.

Mr. Nelson explained the route they should be taking. They should be going south on County Road 25 1/2 to get onto Hwy 85 on County Road 22 1/2.

The Planning Director stated that this discussion was more appropriate for the land use hearing not the annexation. He also stated that there is a condition based on land use comments, it would be appropriate to state the same conditions to the annexation as the special use permit.

Mayor Stieber closed the public hearing at 7:38 p.m.

The City Attorney asked Mr. Nelson if he felt he had a full and fair opportunity to listen either by internet, phone and in person. Mr. Nelson had mentioned that he had a difficult time hearing. Was there something about the presentation he would like cleared he should ask now.

Mr. Nelson was asked if he felt he had a full and fair opportunity to be heard.

Me. Nelson stated yes, and he just wants to know what they intend to do in the future.

Mayor Stieber stated that this is more for the use rather than the annexation.

Ms. Toomey, provided a brief history of the property in the county. She stated the Mr. William "Bill" Garcia, attorney for C&M Rodriguez was present to explain the situation regarding the combustors on the property.

Mr. Garcia, who is legal counsel for C&M Rodriguez explained that C&M is working on the eviction process of several tenants. On April 30, 2020, the tenants, Quest Store Technology is to vacate the premises, including their burners/combustors. If Quest Store doesn't vacate the premises C&M will have the right to remove the items. C&M must go through a legal process because the burner are not C&M's property. Another tenant has cranes and the agreement states that they will leave the property by June 30th. At time that the annexation goes into effect, the property will only be used by C& M Rodriguez. Mr. Garcia explained that he has spoken to Mr. Nelson and has not had a chance to speak with Mr. Balcom however he has spoken to his wife Gayle. Mr. Garcia also stated that he is available to assist and discuss any concerns or issues.

No further discussion occurred.

It was moved by Chris Ceretto and seconded by David Crespin to adopt Ordinance 2020-1083
AN ORDINANCE ANNEXING LAND LEGALLY DESCRIBED IN EXHIBIT "A" KNOWN

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AS THE C&M RODRIGUEZ ANNEXATION NOS. 1 – 5 AND APPROVING THE ANNEXATION AGREEMENT. Motion passed with Zo Stieber voting ‘no’ to the motion.

AM 2020-082 Adopt An Ordinance To Initially Zone Land Legally Described In Exhibit A Of The Proposed Ordinance And Known As The C&M Rodriguez Initial Zoning To The 'C-2' Heavy Commercial Zone District

Mayor Stieber read the following advisement to the applicant’s representative prior to opening the public hearing: You understand that the Applicant has a right to continue this public hearing to such a date to allow a full in person public hearing? You have agreed to voluntarily waive that right on behalf of the Applicant by proceeding tonight electronically, is that correct? On behalf of the Applicant, you have voluntarily signed and submitted the written waiver and consent to proceed electronically tonight, correct? Therefore, on behalf of the Applicant, you waive Applicant’s right to proceed in an in person public hearing and have consented to proceed forward voluntarily tonight in this virtual City Council meeting, is that correct?

The applicant’s representative Shannon Toomey with AGPROfessionals, answered yes to all the questions.

Mayor Stieber opened the public hearing at 7:56 p.m. and asked for a description of the proposal.

The Planning Director, Todd Hodges, stated that the applicant, Cesar Rodriguez Gallardo with C&M Rodriguez Services, Inc., has submitted a request for initial zoning of certain land identified in Exhibit A of the Ordinance to the ‘C-2’ Heavy Commercial Zone District. The initial zoning is situated west and adjacent to U.S. Highway 85 an approximately 0.49 miles south of County Road 24 ½. This request is to initially zone the property included within the C&M Rodriguez Annexation Numbers 1-5.

This proposed initial zoning to ‘C-2’ Heavy Commercial conforms with the Commercial Transition Zone designation on the Future Land Use Map. Furthermore, similar land uses can be found nearby. The proposed use of the property is continuing operation of an existing oil and gas service business with an office, shop, and outside storage area for vehicles and equipment. This use is being reviewed for a special use permit concurrently with this annexation, and will be considered by City Council at a separate hearing. All public notification requirements have been met including posting of the property.

Shannon Toomey, stated she had nothing further to add to the presentation.

Mayor Stieber read the following advisement to Ms. Toomey: Have you had a full and fair opportunity to present all facts, submittals, documents, testimony and presentations in support of the Applicant’s application before the City Council tonight? Has there been anything that you or the Applicant would have liked to have presented in support of Applicant’s application that you feel you were prevented from doing so?

Shannon Toomey stated yes and that she had no further information or material for the Council.

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Mayor Stieber asked if anyone from the public wished to speak for or against the zoning of the property.

Steve Nelson who owns property adjacent to C&M Rodriguez on the north stated that in addition to what was already stated, he wanted to know what granting of a special use would mean to the property that is not in compliance.

Mayor Stieber stated that this hearing is on the zoning and that he would have another opportunity to discuss his concerns.

Mr. Balcom stated the he doesn't understand the rezoning.

The Planning Director stated that the current zoning is Agriculture with a Special Use Permit. The commercial zoning doesn't allow a use by right and therefore requires a special use permit. The commercial is in line with the comprehensive plan.

Mr. Balcom asked what is included within the heavy commercial.

The City Planner, Alyssa Knutson read the uses listed under the current C-2 commercial zoning district.

Mayor Stieber asked Mr. Nelson and Mr. Balcom if they felt they had a full and fair opportunity to participate in this public meeting tonight?

They both stated yes.

No further discussion occurred. Mayor Stieber closed the public hearing at 8:06 p.m.

It was moved by Bruce Fitzgerald and seconded by David Crespino to adopt Ordinance 2020-1084 AN ORDINANCE INITIALLY ZONING LAND KNOWN AS THE C&M RODRIGUEZ INITIAL ZONING, LEGALLY DESCRIBED IN EXHIBIT A, TO THE 'C-2' HEAVY INDUSTRIAL ZONE DISTRICT. Motion passed with Zo Stieber and Michael Sanchez voting 'no' to the motion.

AM 2020-083 Approve A Resolution For An Application For A Special Use Permit For An Oil And Gas Service Business With An Office, Shop And Outside Storage Area For Vehicles And Equipment Known As The C&M Rodriguez Special Use Permit

Mayor Stieber read the following advisement to the applicant's representative prior to opening the public hearing: You understand that the Applicant has a right to continue this public hearing to such a date to allow a full in person public hearing? You have agreed to voluntarily waive that right on behalf of the Applicant by proceeding tonight electronically, is that correct?

On behalf of the Applicant, you have voluntarily signed and submitted the written waiver and consent to proceed electronically tonight, correct? Therefore, on behalf of the Applicant, you

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waive Applicant's right to proceed in an in person public hearing and have consented to proceed forward voluntarily tonight in this virtual City Council meeting, is that correct?

The applicant's representative Shannon Toomey with AGPROfessionals, answered yes to all the questions.

Mayor Stieber opened the public hearing at 8:10 p.m. and asked for a description of the proposal.

The Planning Director, Todd Hodges, stated that the applicant, Cesar Rodriguez Gallardo with C&M Rodriguez Services, Inc. has submitted a request for a special use permit in order to continue the use of an existing oil and gas service business with an office, shop, and outside storage area for vehicles and equipment for a property located west and adjacent to U.S. Highway 85 an approximately 0.49 miles south of County Road 24 ½. The Property is located within the 'C-2' Heavy Commercial Zone District, which does not list oil and gas uses as a use by right and therefore requires a special use permit. The area is designated as Commercial Transition on the Future Land Use Map; the request is appropriate for this area. All notification requirements have been met including notification of surrounding property owners.

Ms. Toomey provided a presentation. She explained that this would be a continued operation of existing oil and gas support and service business including storage of vehicles and equipment for oil and gas. Ms. Toomey provided a site over view for equipment's storage, parking of vehicles, modular office and shop/employee parking. The access to property would be from County Road 25 ½ which is an improved gravel surfaces. The hours of operation are from 6 a.m. to 5 p.m. Monday thru Friday, with a number of employees in and out of the site. The site is not open to the public. Ms. Toomey also explained the traffic routes and volumes and their Nuisance Management Plan including, lighting, dust, waste management and noise. Lastly, C&M has hired Mr. William Garcia to help with removal of equipment and towers.

Ms. Toomey was asked if hours of operation would go beyond 6 a.m. to 5 p.m. Ms. Toomey explained that there may be times where the hours may extend past 5 p.m.

The Planning Director asked if the special use permit is not followed, could the permit be revoked. The Planning Director explained that if the conditions are not met, there is the ability to revoke the permit.

The Planning Director was also asked if the Special Use Permit was being held up until the tower are removed. He answered yes, and under Item 'j' of the Resolution, the operations not included in the sup shall be removed.

Mayor Stieber read the following advisement to Ms. Toomey: Have you had a full and fair opportunity to present all facts, submittals, documents, testimony and presentations in support of the Applicant's application before the City Council tonight? Has there been anything that you or

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the Applicant would have liked to have presented in support of Applicant's application that you feel you were prevented from doing so?

Shannon Toomey stated yes and that she had no further information or material for the Council.

Mayor Stieber asked the Do we have anyone in the general public that would like to speak for or against this matter? They both stated yes.

Steve Nelson, stated that he had objection as long as the special use permit was held up until compliance was met and proof that the combustors were removed.

Nathan Balcom stated the he doesn't want oil and gas and that he didn't want to see big rigs for oil and gas. Those towers are to be removed and they shouldn't get any permits until they are removed.

Ms. Toomey stated that there is it is not the intention to have anything similar to towers on site.

When asked if it intentions of subleasing. Ms. Toomey answered no.

When asked if there was going to be anything taller than a gravel hauler, Ms. Toomey answered most likely no.

Mayor Stieber closed the public hearing at 8:33 p.m.

It was moved by David Crespin and seconded by Shannon Rhoda to approve Resolution 2020R043 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING A SPECIAL USE PERMIT FOR AN OIL AND GAS SERVICE BUSINESS WITH AN OFFICE, SHOP, AND OUTSIDE STORAGE AREA FOR VEHICLES AND EQUIPMENT, KNOWN AS THE C&M RODRIGUEZ SPECIAL USE PERMIT. Motion passed with Chris Ceretto voting 'no' to the motion.

AM 2020-084 Approving A Resolution For The Vincent Village Preliminary Site Plan

Mayor Stieber read the following advisement to the applicant's representative prior to opening the public hearing: You understand that the Applicant has a right to continue this public hearing to such a date to allow a full in person public hearing? You have agreed to voluntarily waive that right on behalf of the Applicant by proceeding tonight electronically, is that correct? On behalf of the Applicant, you have voluntarily signed and submitted the written waiver and consent to proceed electronically tonight, correct? Therefore, on behalf of the Applicant, you waive Applicant's right to proceed in an in person public hearing and have consented to proceed forward voluntarily tonight in this virtual City Council meeting, is that correct?

The applicant's representative, Ryan Zent, with Michaels Development Company stated yes to all the questions.

Mayor Stieber opened the public hearing at 8:37 p.m. and asked for a description of the project.

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City Planner, Maria Lanco, stated that the applicant, Ryan Zent with The Michaels Development Company has submitted an application for a preliminary site plan, to be known as the Vincent Village Apartment Preliminary Site Plan. The site will include two 3-story, 36-plex garden style buildings, containing 72 total units. A clubhouse, playground, and dog park are also included on the site plan. The site is located near the northeast corner of Rollie Avenue and State Highway 52 (First Street). All notification requirements have been met including notification to surrounding property owners. The Property is zoned 'C-1' General Commercial, therefore the applicant will be requesting a change of zone to the 'PUD' Planned Unit Development Zone District when the final site plan is submitted. Additional information on this application is included in the materials attached to this Action Memorandum.

Ryan Zent provided a presentation including the community overview of a 2-3 story building with 36 units, 2,300 sqft club house, a site plan with a playground, clubhouse and leasing office, and a dog park.

Discussion occurred over the clubhouse recreation room and the Fort Lupton recreation center. Because the clubhouse recreation room will be for residents and include a small fitness center, it nothing that could compete with the recreation center.

The Planning Directors stated that this is not within any of the metro districts.

Mayor Stieber read the following advisement to Mr. Zent: Have you had a full and fair opportunity to present all facts, submittals, documents, testimony and presentations in support of the Applicant's application before the City Council tonight? Has there been anything that you or the Applicant would have liked to have presented in support of Applicant's application that you feel you were prevented from doing so?

Mr. Zent stated yes and that she had no further information or material for the Council.

Mayor Stieber asked if anyone from the public wished to speak on the matter. Hearing none, Mayor Stieber closed the public hearing at 8:51 p.m.

No further discussion occurred.

It was moved by Michael Sanchez and seconded by David Crespin to approve Resolution 2020R044 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE VINCENT VILLAGE PRELIMINARY SITE PLAN LOCATED NEAR THE NORTHEAST CORNER OF ROLLIE AVENUE AND HIGHWAY 52. Motion passed with Shannon Rhoda voting 'no' to the motion.

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AM 2020-085 Approving A Resolution For The MC Paving Site Plan And Special Use Permit For An Asphalt And Concrete Paving Business And Aboveground Fuel Tank

Mayor Stieber read the following advisement to the applicant's representative prior to opening the public hearing: You understand that the Applicant has a right to continue this public hearing to such a date to allow a full in person public hearing? You have agreed to voluntarily waive that right on behalf of the Applicant by proceeding tonight electronically, is that correct?

On behalf of the Applicant, you have voluntarily signed and submitted the written waiver and consent to proceed electronically tonight, correct? Therefore, on behalf of the Applicant, you waive Applicant's right to proceed in an in person public hearing and have consented to proceed forward voluntarily tonight in this virtual City Council meeting, is that correct?

The Applicant's representative, Chadwin Cox, with Western Engineering answered yes.

Mayor Stieber opened the public hearing at 8:52 p.m.

City Planner, Alyssa Knutson, stated that the applicants, Melecio Chavez and Margaret Chavez have submitted a request for a site plan to operate an asphalt and concrete paving business located south and adjacent to County Road 10 and east and approximately 0.20 miles east of South Denver Avenue in Fort Lupton, Colorado. The Property address is 13200 County Road 10.

There is an existing house on the property that will remain and be used as the office for the business. An additional existing structure will be used for office storage. The southern portion of the property will be used for outside storage of asphalt and concrete paving, heavy equipment, and trucks. A future planned 8,500 square foot shop building is also planned for this portion of the property. There are anticipated to be 6 – 10 employees at the site.

The Applicants have also concurrently submitted an application for a special use permit for a 500-gallon aboveground diesel storage tank. All notification requirements have been met.

Mr. Cox provided a presentation showing the site plan for the site property that is currently fenced. It is surrounded by I-2 Heavy Industrial Zoning. This is for a site plan and an additional 500 gallon. The owners have received approval for the fuel station from the fire department. There is a future shop to be constructed on the south end of the property. Mr. Cox also presented the landscaping, retention pond, a future lighting plan to be phased. The photometric plan was included in the submittal. This property will be a major enhancement to the County Road 10 corridor.

Mayor Stieber read the following advisement to Mr. Cox: Have you had a full and fair opportunity to present all facts, submittals, documents, testimony and presentations in support of the Applicant's application before the City Council tonight? Has there been anything that you or the Applicant would have liked to have presented in support of Applicant's application that you feel you were prevented from doing so?

Mr. Cox stated yes and that she had no further information or material for the Council.

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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 9:03 p.m.

No further discussion occurred.

It was moved by Shannon Rhoda and seconded by Michael Sanchez to approve Resolution 2020R045 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE MC PAVING SITE PLAN FOR AN ASPHALT AND CONCRETE PAVING BUSINESS AND SPECIAL USE PERMIT FOR AN ABOVEGROUND FUEL TANK ON A PROPERTY AT 13200 COUNTY ROAD 10. Motion passed unanimously on roll call vote.

ACTION MEMORANDUM

AM 2020-086 Approve A Resolution For The Murata Farms Sketch PUD Plat Submitted By M-J Perry Company To Create A Mixed Use Subdivision

The Applicant, M-J Perri Company, has submitted a request for a sketch PUD plat on a property that is approximately 72.7 acres. The property is located west and adjacent to County Road 29 ½ and south and adjacent to Highway 52. The proposal is for a mixed use subdivision that will consist of residential uses including 58 paired homes, 61 town homes, and 195 single family detached homes, a 2.3-acre neighborhood commercial corner, and 4 neighborhood parks with trail connections. The zoning is 'PUD' Planned Unit Development, and the proposed land use conforms to this zoning. 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 Attached and Commercial General land use types. The proposed development also includes Single Family Detached housing, which is consistent with surrounding land use types. 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. More information on the intent of the sketch phase is detailed in the Legal/Political Considerations under Section X below. All notification requirements have been met.

The applicant's representatives were present including Eric Eckberg, Travis Frazier with Redland Consulting Group, and Karen Henry with Henry Design Group. Mr. Eckberg provided a presentation. The plan is for paired home and single family attached homes. The primary access from Hwy 52 and includes a trail and pocket parks connecting to each neighborhood. This will also connect south to the subdivision to the south. There are proposed 2 detention ponds for the subdivision, which will be smaller in size.

The Public Works Director, Roy Vestal was asked if there were any issues with the alignment of County Road 29 ½. Mr. Vestal answered that this would be a continued road going south and there is an alignment available but no right of way yet.

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The City Planner, Alyssa Knutson clarified that this is a public meeting and not a public hearing therefore notification requirements only went out to surrounding neighbors.

No further discussion occurred.

It was moved by David Crespin and seconded by Chris Ceretto to approve Resolution 2020R046 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE MURATA FARMS SKETCH PUD PLAT SUBMITTED BY M-J PERRI COMPANY TO CREATE A MIXED USE SUBDIVISION. Motion passed unanimously on roll call vote.

AM 2020-087 Approve Change Order Number 1 To Colorado Paving Inc. For An Amount Not To Exceed \$147,166.21 Allocated From The Street Sales Tax Fund

Colorado Paving, Inc. was awarded 2 street reconstruction projects (7th Street and Greenwood Court) on March 17, 2020 for \$370,000.00.

7th Street is scheduled to pave in about 2 weeks and Greenwood Court will begin construction about mid-May (weather dependent).

This Change Order #1 will cover a third street for reconstruction. Broadway Avenue from 9th Street south to the alley between 8th Street and 7th Street. Broadway was recently completed under the pipes project to replace the sanitary sewer line that has been a perpetual blockage and back-up problem. We removed the patch back portion of the contract because the utility trench sloughed off the sides and undermined the eastern sidewalk during pipe replacement. Savings on the pipes project was \$12,064.00.

The Change Order amount was determined by applying the previously bid unit prices from the 7th Street and Greenwood Court to the elements of the Broadway project.

Project funding for this Change Order is from the Street Sales Tax Fund line item previously for the 6th Street from Denver Ave to the Railroad ROW. While designing the improvements for 6th Street, we discovered additional utility work needed and finalized plans for Denver Streetscape project to tie-in the curb returns. We plan to delay the 6th Street improvements until next year. Budgeted amount for 6th Street was \$175,000.00.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to approve the Change Order Number 1 to Colorado Paving Inc. for an Amount not to Exceed \$147,166.21 Allocated from the Street Sales Tax Fund. Motion passed unanimously on roll call vote.

AM 2020-088 Approve Payment Of Colorado Department Of Public Health And Environment (CDPH&E) Invoice For WWTP Site Location Fee Of \$22,658.00 Allocated From The Utility Fund And Miscellaneous Expenditures

CDPH&E has invoiced the City for Site Location Application and Design Review in association with the current redesign of the City's WWTP.

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\$22,658.00 for Site Location Application Inv # WUSA201097863

\$14,396.00 for Design Review Inv # WUDR201097864

The Guidance Document for the “Site Location and Design Approval Regulations for Domestic Wastewater Treatment Works” (5CCR 1002-22), The Colorado Water Quality Control Act establishes the statutory framework for Regulation No. 22 by requiring site location and design approval with the Division. The Division is authorized to assess fees for the review of wastewater site applications and wastewater design reviews in accordance with the provision of Section 25-8-702 of the Water Quality Control Act. The fees for site application and design reviews are set by statute and are based upon the type of project and associated, proposed hydraulic capacity. Because fees are set by statute, the Division cannot waive fees for site location or design review work that is required and performed in accordance with the statute and Regulation 22.

CDPHE will not place the site application for the WWTF expansion project in their queue for review until they receive the fee payment from the City. They do not have a deadline to do this; their review will not begin, however, until after the fee is paid. We would recommend the City pay this fee as soon as possible to move CDPHE’s review along. The site application is ready to be submitted.

It was moved by David Crespin and seconded by Bruce Fitzgerald to approve Payment of Colorado Department of Public Health and Environment (CDPH&E) Invoice for WWTP Site Location Fee of \$22,658.00 Allocated from the Utility Fund and Miscellaneous Expenditures. Motion passed unanimously on roll call vote.

AM 2020-089 Ordinance To Accept Public Right Of Way From Kurt W Conner Family Trust And Fort Lupton Fire Protection District Of 699 Lineal Feet Of 20-Foot Wide Along The North Side Of 9th Street

The Conner Trust - Fort Lupton Fire Protection District Minor Subdivision Plat (Case LUP2020-0002 and MSD2020-0001) is required to dedicate Right of Way along 9th Street as part of the planning process.

It was moved by Shannon Rhoda and seconded by Chris Ceretto to adopt Ordinance 2020-1085 AN ORDINANCE OF THE CITY COUNCIL OF FORT LUPTON ACCEPTING THE KURT W. CONNER FAMILY TRUST AND FORT LUPTON FIRE PROTECTION DISTRICT PUBLIC RIGHT OF WAY DEDICATION FOR 9TH STREET. Motion passed unanimously on roll call vote.

AM 2020-090 Ordinance To Accept Public Right Of Way From Conner Family Trust Of 405 Lineal Feet Of 30-Foot Wide Along The Western Side Of County Road 31

The Conner Trust - Fort Lupton Fire Protection District Minor Subdivision Plat is required to dedicate Right of Way along County Road 31 as part of the planning process.

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It was moved by David Crespin and seconded by Chris Ceretto to adopt Ordinance 2020-1086 AN ORDINANCE OF THE CITY COUNCIL OF FORT LUPTON ACCEPTING THE KURT W. CONNER FAMILY TRUST PUBLIC RIGHT OF WAY DEDICATION. Motion passed unanimously on roll call vote.

AM 2020-091 Award Contract For Integrated Mosquito Management Services To Vector Disease Control International LLC For An Amount Not To Exceed \$17,500 From Public Works Shop General Fund

The City of Fort Lupton has provided an elementary program of mosquito control for the past 20+ years. The program consists of spraying adulticide (Fyfanon) mist 2 times a week during the evening hours. Public Works staff have additionally distributed larvicide into standing water.

The problems created with our current program include:

- Using the same adulticide creates an immunity to the product within the mosquito population.
- Spraying operations create agitated individuals within the community.
- The city collects addresses of no spraying requests, which often follow complaints from these neighbors of not spraying.
- Spray mist must make contact with the mosquitos to kill them. Weather conditions that include windy days make the spraying ineffective.
- City employees are not required to be certified to operate the spray equipment. All PW staff are cycled through the schedule during their on-call assignments.

Mosquito operations are a specialized service that requires training, knowledge and a methodical approach to effectively and economically balance the city's needs and environmental issues.

The VDCI program will handle all aspects of the City's program with added technology and information assistance to our residents.

It was moved by Shannon Rhoda and seconded by David Crespin to award the Contract for Integrated Mosquito Management Services to Vector Disease Control International LLC for an Amount not to Exceed \$17,500 From Public Works Shop General Fund. Motion passed with 5 yes votes and no vote from Chris Ceretto due to an interruption in the electronic communication.

Chris Cross reconnected his electronic communication at 9:38 p.m. prior to the start of AM 2020-092.

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AM 2020-092 Hiring Of Sergeant At Arms For Council And Other Public Meetings And Other Requirements For The Police Department, Allocated From The General Fund With No Increase In Budget

Because of ongoing security concerns, Council requested that staff research different security options for the Town Hall and City Council meetings. Security for other concerns including Municipal Court and other public meetings was identified as another potential need.

Council and staff reviewed the options and determined that an internal resource would be the best option, as it could be more readily available and flexible to meet the needs for City security. Part-time police officers are not a practical option, so time where this position is not functioning as Sergeant at Arms, the person would be available for patrol and other Police Department needs.

It was moved by Michael Sanchez and seconded by David Crespin to approve the Hiring of the Sergeant at Arms for Council and Other Public Meeting and Other Requirements for the Police Department Allocated from the General Fund with No Increase in Budget. Motion passed with Chris Ceretto and Shannon Rhoda voting 'no' to the motion.

STAFF

City Planner, Alyssa Knutson, thanked the Council for their patience during the public hearings.

Public Works Director, Roy Vestal, stated that he is working on the scheduling with the contractor for paving on Mustang Avenue.

Chief of Police John Fryar indicated that he submitted his Department Monthly Report via attached to the agenda.

MAYOR/COUNCIL REPORTS

David Crespin thanked staff for all their hard work.

FUTURE CITY EVENTS

- | | |
|-----------------------------|--|
| April 20 th | Shredding Day, 130 S. McKinley Ave. Cancelled |
| April 21 st | City Council Meeting, 7:00 p.m. at 130 S. McKinley Ave. |
| April 23 – 24 th | Clean-Up Day for Senior/Disabled Curbside Pick Up Cancelled |
| April 25 th | Clean-Up Day, Public Works Shop, 800 12 th St. Cancelled |
| April 25 th | Fort Lupton Annual Vaccination Clinic, Cancelled
Fort Lupton Veterinary Hospital, 1025 1 st St. |

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Mayor Stieber asked if anyone that was participating electronically from the public wished to speak. No one responded.

ADJOURNMENT

It was moved by Chris Ceretto and seconded by David Crespino to adjourn the meeting at 9:49 p.m.

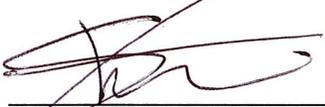
Respectfully Submitted,



Maricela Peña, City Clerk



Approved by City Council



Zo Stieber, Mayor