

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
May 5, 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, May 5, 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, Chris Ceretto and Michael Sanchez. Councilmembers Shannon Rhoda, David Crespin, and Tommy Holton 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): Assistant City Administrator, Glenda Aretxuloeta, Public Works Director, Roy Vestal, Chief John Fryar, Finance Director, Leann Perino, 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 was no one from the public to address the Council.

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PROCLAMATION

Mayor Stieber proclaimed May 2020 as Mental Health Month.

APPROVAL OF AGENDA

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to approve the Agenda as presented. Motion passed unanimously on roll call vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the May 5, 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 Tommy Holton and seconded by David Crespin to approve the Consent Agenda the following items: 04212020 City Council Meeting Minutes, Accepting the Withdrawal of City Liquor License Application from Circle K Stores Inc. DBA Circle K Store 2704959 (AM 2020-097), Approving an Agreement with Civic Plus for Purchase of CivicClerk and CP Media for an Amount of \$4,032 for 2020 Allocated from the General Fund Information Technology Department for the Council Chambers Upgrade (AM 2020-098). Motion passed unanimously on roll call vote.

PUBLIC HEARINGS

AM 2020-093 Adopt an Annexation Known as the Morrison Annexation, to Annex Land Legally Described in Exhibit "A" to the Proposed Ordinance and Approving the Annexation Agreement

The Mayor opened the public hearing at 7:15 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's representative Terry Epstein, with Holsinger Law answered yes to all questions.

The City Planner, Alyssa Knutson, stated the applicants, Andrew Morrison and Kamber Morrison, have submitted a request for annexation of land totaling 37.58 acres, more or less,

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known as the Morrison Annexation. The Property is located approximately a quarter mile north of County Road 8 and west and adjacent to County Road 29 right of way. The proposed initial zoning is 'A' Agricultural, which is being presented to City Council for approval under a separate Action Memorandum and Ordinance following the hearing on this Annexation. The Applicant is interested in inclusion into the Northern Colorado Water Conservancy District and the Municipal Subdistrict in order to supply water to the property. The current uses of the property are agricultural and residential, and is not expected to change at this time. All notification requirements have been met.

Ms. Upstein stated that the proposed project will not entail any new development and the use won't change. The purpose of the annexation is for the property to be included in the water district to supply water to the property.

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? Ms. Epstein 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? Ms. Epstein 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 7:22 p.m.

No further discussion occurred.

It was moved by David Crespin and seconded by Chris Ceretto to adopt Ordinance 2020-1087 ADOPT ORDINANCE 2020-1087 ANNEXING LAND LEGALLY DESCRIBED IN EXHIBIT "A" KNOWN AS THE MORRISON ANNEXATION AND APPROVING THE ANNEXATION AGREEMENT. Motion passed unanimously on roll call vote.

AM 2020-095 Adopt an Ordinance to Initially Zone Land Legally Described in Exhibit A of the Proposed Ordinance and Known as the Morrison Initial Zoning to the 'A' Agricultural Zone District

The Mayor opened the public hearing at 7:25 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?

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The applicant's representative, Terry Epstein, with Holsinger Law answered yes to all questions.

The City Planner, Alyssa Knutson, stated the applicants, Andrew Morrison and Kamber Morrison, have submitted a request for initial zoning of certain land identified in Exhibit A of the Ordinance to the 'A' Agricultural Zone District. The property that is the subject of the initial zoning is situated a quarter mile north of County Road 8 and west and adjacent to County Road 29 right of way. City Council just reviewed and approved an Ordinance to approve the annexation known as the Morrison Annexation. This request is to initially zone the property included within that Annexation.

There was no presentation by the applicant's representative.

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? Ms. Epstein 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? Ms. Epstein 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 7:27 p.m.

No further discussion occurred.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to adopt ORDINANCE 2020-1088 ADOPT ORDINANCE 2020-1088 INITIALLY ZONING LAND KNOWN AS THE MORRISON INITIAL ZONING, LEGALLY DESCRIBED IN EXHIBIT A, TO THE 'A' AGRICULTURAL ZONE DISTRICT

AM 2020-096 Approving a Resolution for the SB Weakland Investments Site Plan

The Mayor opened the public hearing at 7:31 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, Scott Weakland, answered yes to all questions.

The City Planner, Maria Lancto, stated that the applicants, Scott and Barb Weakland, have submitted a request for a site plan application for outside storage of equipment, semi tractor-trailers, and storage containers, to be known as the SB Weakland Investments Site Plan. The site is located approximately 0.05 miles south of Barley Avenue and 0.53 miles east of County Road

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31. The property is zoned I-2 Heavy Industrial, and the proposed use is a use by right in this zone district.

The applicant's representative, Chad Cox, with Western Engineering Consultants, stated that the property is undergoing significant improvements to enhance the site. There was no further presentation.

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? Mr. Weakland 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? Mr. Weakland and Mr. Cox 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 7:36 p.m.

No further discussion occurred.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to approve Resolution 2020R047 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE SB WEAKLAND INVESTMENTS SITE PLAN LOCATED APPROXIMATELY 0.05 MILES SOUTH OF BARLEY AVENUE AND 0.53 MILES EAST OF COUNTY ROAD 31. Motion passed unanimously on roll call vote.

ACTION AGENDA

AM 2020-094 Approve Payment to Colorado Department of Public Health and Environment (CDPH&E) Invoice for North Lift Station Site Location Application and Design Review Fees of \$7,643.00 Allocated from the Utility Fund

CDPH&E invoiced the City for Site Location Application and Design Review in association with the 2017 North Lift Station Project.

\$4,643.00 for Site Location Application	Inv # WUSA181040760
\$3,000.00 for Design Review	Inv # WUDR181040761

This project from 2003 was never submitted to CDPH&E for review and approvals. This was first noted by CDPH&E during the 2013 State Inspection. The City contracted PEC in 2017 to prepare the required documents during the City's application for discharge permit renewal. The invoices were lost during the transition of personnel at OMI. The documents were submitted to CDPH&E, but the fees were never paid. The review and approvals for the North Lift Station will not occur until the fees are paid.

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

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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.

It was moved by Tommy Holton and seconded by Chris Ceretto to approve payment to Colorado Department of Public Health and Environment (CDPH&E) Invoice for North Lift Station Site Location Application and Design Review Fees of \$7,643.00 Allocated from the Utility Fund. Motion passed unanimously on roll call vote.

STAFF

There were no staff reports.

MAYOR/COUNCIL REPORTS

There was no Mayor or Council reports.

FUTURE CITY EVENTS

May 12 th	Virtual Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
May 19 th	Virtual City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
May 26 th	Virtual Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
May 25 th	City Offices closed in observance of Memorial Day Memorial Day Services Cancelled at Hillside Cemetery

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

ADJOURNMENT

Mayor Stieber adjourned the meeting at 7:45 p.m.

Respectfully Submitted,

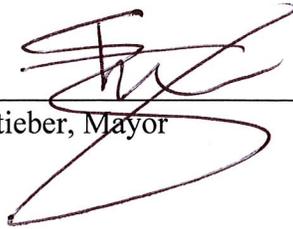


Maricela Peña, City Clerk



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Approved by City Council



Zo Stieber, Mayor