

**RECORD OF PROCEEDINGS  
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS  
June 16, 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, June 16, 2020. Due to the COVID-19 virus, the meeting was held with remote 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 Members Shannon Rhoda, Chris Ceretto, Michael Sanchez, Bruce Fitzgerald and Tommy Holton.

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

The following staff participated by electronic communication (GoToMeeting): Assistant City Administrator, Glenda Arextuloeta, Planners Alyssa Knutson and Maria Lancto.

Mayor Stieber read the Connected Meeting general advisement to all.

**PERSONS TO ADDRESS COUNCIL**

There was no one to address the Council.

**APPROVAL OF AGENDA**

Staff made an amendment to the Consent Agenda, Item 'c' by changing the title of AM 2020-116 to read "Accepting the Mayor's Signature on the Collaboration Agreement related to the Cares Act Funds" It was moved by Tommy Holton and seconded by Chris Ceretto to approve the Agenda as amended. Motion passed unanimously on roll call vote.

**REVIEW OF ACCOUNTS PAYABLES**

Council reviewed the June 16, 2020 payables; there were no questions or comments from the Mayor or Council.

**CONSENT AGENDA**

It was moved by Tommy Holton and seconded by Chris Ceretto to approve the Consent Agenda the following items: 06022020 City Council Meeting Minutes, Adopting an Ordinance 2020-1091AN ORDINANCE OF THE CITY COUNCIL OF FORT LUPTON ACCEPTING THE CITY OF FORT LUPTON PUBLIC RIGHT OF WAY DEDICATION FOR ROLLIE AVENUE (AM 2020-115), Ratifying the Mayors Signature on the Collaboration Agreement Related to the Distribution of Cares Act Funds (AM 2020-116), Adopting Ordinance 2020 AN ORDINANCE OF THE CITY OF FORT LUPTON, COLORADO, DELETING IN ITS ENTIRETY

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CHAPTER 6, BUSINESS LICENSES AND REGULATIONS, ARTICLE VI  
MISCELLANEOUS LICENSES, SECTION 6-163 GARAGE SALES PERMITTED AND  
SECTION 6-164 GARAGE SALES PERMIT REQUIRED OF THE FORT LUPTON  
MUNICIPAL CODE (AM 2020-117). Motion passed unanimously on roll call vote.

**PUBLIC HEARINGS**

**AM 2020-109 Approve a Resolution for an Application for a Special Use Permit for a  
12,000 Gallon Aboveground Unleaded Fuel Tank Known as the Complete Energy Services  
Special Use Permit**

The Mayor 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 Jason Henderson, answered yes to all questions.

Mayor Stieber opened the public hearing at 7:09 p.m. The City Planner, Maria Lancto, stated the that Complete Energy Services, Inc., the applicant, has submitted a request for a special use permit for a 12,000-gallon aboveground unleaded fuel tank on their property located at 13025 Highway 85. The property is situated east and adjacent to Highway 85 and approximately 0.08 miles north of County Road 16. The tank will be used in conjunction with existing oil and gas support services occurring at the site. The property is located within the 'I-2' Heavy Industrial Zone District. The Municipal Code does not list an aboveground storage tank for propane and fuel as a use by right in this zone district, but does specifically list it as being allowed with an approved special use permit. All notification requirements have been met.

There was no presentation by the applicant. 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. Henderson 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. Henderson answered "no."

Mayor Stieber asked if anyone from the public would like to speak for or against the proposal. Hearing none, Mayor Stieber closed the public hearing at 7:12 p.m.

It was moved by Michael Sanchez and seconded by Bruce Fitzgerald to approve Resolution 2020R052 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING A SPECIAL USE PERMIT FOR A 12,000 GALLON ABOVEGROUND UNLEADED FUEL

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TANK, KNOWN AS THE COMPLETE ENERGY SERVICES SPECIAL USE PERMIT, ON A PROPERTY LOCATED AT 13025 HIGHWAY 85. Motion passed unanimously on roll call vote.

**AM 2020-110 Adopt an Ordinance Rezoning Land Legally Described in Exhibit A to the Proposed Ordinance, and Known as the Thunder Valley Rezoning to the PUD Planned Unit Development Zone District**

The Mayor 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, JC York, answered yes to all questions.

Mayor Stieber opened the public hearing at 7:15 p.m. The City Planner, Maria Lancto, stated that 4 Z Investments LLP, the applicant, has submitted a request for a change of zone of certain land identified in Exhibit A to the proposed Ordinance to the PUD Planned Unit Development Zone District. The property that is the subject of the rezoning is located approximately 0.03 miles north of County Road 10 and west and adjacent to County Road 21. The current zoning of the property is 'A' Agricultural. The rezoning has been submitted concurrently for review with the Thunder Valley PUD Development Plan, PUD Preliminary Plat and PUD Final Plat, which will be reviewed by City Council separately.

There was no presentation by the applicant. 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. York 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. York answered "no."

Mayor Stieber asked if anyone from the public would like to speak for or against the proposal. Hearing none, Mayor Stieber closed the public hearing at 7:17 p.m.

Walter Sladkin, 44 Cook St. in Denver, representing the adjacent property owners raised concerns over the structure of the subdivision relating to the Suckla Farms entryway to the south, screening and structure of the subdivision.

No further discussion occurred.

Mayor Stieber reclosed the public hearing at 7:24 p.m.

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It was moved by Michael Sanchez and seconded by Chris Ceretto to adopt Ordinance 2020-1093 AN ORDINANCE REZONING LAND LEGALLY DESCRIBED IN EXHIBIT A, AND KNOWN AS THE THUNDER VALLEY REZONING, TO THE PUD PLANNED UNIT DEVELOPMENT ZONE DISTRICT. Motion passed unanimously on roll call vote.

**AM 2020-111 Approve a Resolution Accepting the Thunder Valley PUD Development Plan and PUD Preliminary Plat**

The Mayor 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, JC York, answered yes to all questions.

Mayor Stieber opened the public hearing at 7:26 p.m. The City Planner, Maria Lancto, stated that the applicant, 4 Z Investments LLP, has applied for approval of a PUD Development Plan and PUD Preliminary Plat, known as the Thunder Valley PUD Development Plan and PUD Preliminary Plat for the City Council's consideration. The site that is the subject of the Plan and Preliminary Plat is located approximately 0.03 miles north of County Road 10 and west and adjacent to County Road 21. The proposed Plan and Preliminary Plat are for a residential subdivision that will include 13 lots ranging in size from 1.20 acres to 4.12 acres. The subdivision is 36.27 acres, more or less, and the proposed development will include infrastructure, landscaping and a trail. All notification requirements have been met.

JC York, provided a presentation to the Council. The presentation included an overview of the Thunder Valley development plan and preliminary plat. This included the layout and size of the lots, landscaping, trails and open space areas, detention pond, infrastructure with water to be provided by Central Weld District. The title work and survey doesn't show anything different than on the plat.

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. York 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. York answered "no."

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

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Walter Sladkin stated concerns over the subdivision's overall view indicating that his client may have to put up a wall. Since the City doesn't enforce covenants, they should take into consideration to have a uniform development and not approve the subdivision.

The City attorney asked Mr. Sladkin who he was representing. Mr. Sladkin stated his client is Sukla Farms Inc., owning the property to the north, this includes Kara Ciruello. Mr. Ausmus indicated that throughout the hearing, Ms. Ciruello has been participating via chat feature of the remote meeting. Mr. Sladkin stated he was unaware of the participation.

Kara Ciruello, who was participating via chat, stated that she was asking the Council how they can vote on an item that has been changed, the covenants have been changed. Ms. Ciruello indicated that there are foxes and coyotes in the area and no family wants to live near foxes and coyotes. Ms. Ciruello added that County Road 10 ½ was created by Google and is used as their private driveway. She would like an address change.

The City Attorney asked Mr. Sladkin if there was any other items he would like to present before the Council. Mr. Sladkin stated that he has had a fair opportunity to present his case and he has no additional information to add.

Mayor Stieber closed the public hearing at 7:46 p.m. No further discussion occurred.

It was moved by Chris Ceretto and seconded by Tommy Holton to approve Resolution 2020R053 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE THUNDER VALLEY PUD PRELIMINARY PLAT SUBMITTED BY 4 Z INVESTMENTS LLP TO CREATE A 13 LOT RESIDENTIAL SUBDIVISION. Motion passed unanimously on roll call vote.

The Council took a brief recess and resumed the meeting at 7:53 p.m.

**AM 2020-112 Approve a Resolution Accepting the Fulton Village PUD Amended Development Plan and Amended Preliminary PUD Plat**

The Mayor 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, Andy Gerk, answered yes to all questions.

Mayor Stieber opened the public hearing at 7:54 p.m. The applicant, Fulton Village Land Developers, LLC, has applied for approval of an amendment Fulton Village PUD Development

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Plan and Preliminary PUD Plat for the City Council's consideration. The site that is the subject of the Plan and Preliminary Plat is located south and adjacent to Kahil Street, east and adjacent to S. Fulton Avenue, north and adjacent to Lone Pine Street, and a portion that is west and adjacent to S. McKinley Avenue. The proposed Amended Plan and Amended Preliminary PUPD Plat is for 75 single family residential lots on approximately 14.122 acres, more or less, and the proposed development will include infrastructure, landscaping and a trail. The planned density for the subdivision is 5.25 dwelling units per acre.

Mr. Andy Gerk presented the overall scope of Fulton Village Filing 2 Submission. The presentation included a layout of 75 single family lots, lots sizes and extension of South Hoover Avenue. The proposed site plat included a park with small playground and walking trail.

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. Gerk 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. Gerk answered "no."

Mr. Glover who lives on the corner of South Fulton and Kahil Street asked if there were any plans for the corner of South Fulton and Kahil Street. Staff indicated that there were no plans for changes to that corner.

Joanna Oliva, who lives adjacent to Mr. Glover asked about the electrical pole in front of her house and if there were any plans to provide underground electrical. The Planning Director stated that the utility company will determine if they can do it.

Larry Leis, joining via chat, asked if there will be curb and sidewalk installed. Mr. Gerk stated that anything the development touches will include curb and gutter.

Mr. Gerk stated that the entire street of South McKinley won't be paved.

Vern McFarlan, who resides on South McKinley is concerned over the elevation of the development and plans for the 10 feet easement. The Planning Director, Todd Hodges stated that 1/2-alley right of way was annexed, and is not open to the public.

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. Gerk 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. Gerk answered "no."

Mayor Stieber closed the public hearing at 8:15 p.m.

It was moved by Michael Sanchez and seconded by Tommy Holton to approve Resolution 2020R054 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING

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THE FULTON VILLAGE PUD AMENDED DEVELOPMENT PLAN AND AMENDED PRELIMINARY PUD PLAT. Motion passed on roll call vote with Shannon Rhoda voting 'no' to the motion.

The Council took a brief recess and resumed the meeting at 7:20 p.m.

**ACTION AGENDA**

**AM 2020-113 Approve a Resolution Accepting the Thunder Valley PUD Final Plat**

The applicant, 4 Z Investments LLP, has applied for approval of a PUD Final Plat, known as the Thunder Valley PUD Final Plat for the City Council's consideration. The proposed PUD Final Plat is for a single-family residential subdivision that will include 13 lots ranging in size from 1.20 acres to 4.12 acres. The property that is the subject of the PUD Final Plat is located approximately 0.03 miles north of County Road 10 and west and adjacent to County Road 21. The subdivision is 36.27 acres, more or less, and the proposed development will include infrastructure, landscaping and a trail.

Mr. Sladik reiterated what was stated before and objects to the project.

There was no further discussion.

It was moved by Chris Ceretto and seconded by Tommy Holton to approve Resolution 2020R055 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE THUNDER VALLEY PUD FINAL PLAT SUBMITTED BY 4 Z INVESTMENTS LLP TO CREATE A RESIDENTIAL SUBDIVISION. Motion passed unanimously on roll call vote.

**AM 2020-114 A Resolution Approving the Fulton Village PUD Final Plat for Filing No 2 Submitted by Fulton Village Land Developers, LLC to Create a Residential Subdivision**

Fulton Village Land Developers, LLC has applied for approval of the Fulton Village PUD Final Plat for Filing No. 2 . The proposed development will plat the remaining portion of a 75-lot residential subdivision that will include single-family detached houses, as well as a park and a trail system that will interconnect to the Fort Lupton Parks & Trails Master Plan. The Property is located south and adjacent to Kahil Street, east and adjacent to S. Fulton Avenue, north and adjacent to Lone Pine Street, and a portion that is west and adjacent to S. McKinley Avenue.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to approve Resolution 2020R056 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE FULTON VILLAGE PUD FINAL PLAT FOR FILING NO. 2 SUBMITTED BY FULTON VILLAGE LAND DEVELOPERS, LLC TO CREATE A RESIDENTIAL SUBDIVISION. Motion passed with Shannon Rhoda voting 'no' to the motion.

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**STAFF**

The City Administrator, Chris Cross stated that water shut off is set for tomorrow, June 17, 2020

The Public Works Director, Roy Vestal, updated the Council that there was an error in the numbers of the refund to the DOLA grant. The state will be paying \$46,000 rather than the City repaying \$27,000. Discussion occurred over the fixture of small asphalt patches.

Chief John Fryar provided his monthly report to Council.

**MAYOR/COUNCIL REPORTS**

Bruce Fitzgerald stated that the Recreation Center lawn was looking very nice.

**FUTURE CITY EVENTS**

- June 30th      Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
- July 3rd        City Offices Closed in Observance of Independence Day
- July 4th        4th of July Fireworks
- July 7th        City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
- July 10-11th   Citywide Yard Sales
- July 14th       Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
- July 21st       City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.

**EXECUTIVE SESSION**

It was moved by Tommy Holton and seconded by Chris Ceretto to move into Executive Session-  
"To Consider the Purchase, Acquisition, Lease, Transfer of Sale of Real, Personal, or Other  
Property, Pursuant to C.R.S. 24-6-402(4)(a)" Related to Land Acquisition

The following entered into an executive session at 8:30 p.m.: Mayor Stieber, Councilmembers,  
Shannon Rhoda, Chris Ceretto, Tommy Holton, Bruce Fitzgerald and Michael Sanchez. Also  
City Administrator Chris Cross, and Planning Director, Todd Hodges and City Attorney, Andy  
Ausmus.

The Executive Session ended at 9:01 p.m.

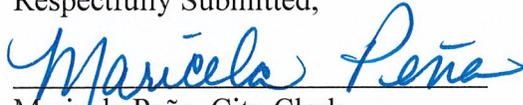
The regular meeting reconvened at 9:02 p.m.

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ADJOURNMENT

Mayor Stieber adjourned the meeting at 9:02 p.m.

Respectfully Submitted,

  
\_\_\_\_\_  
Maricela Peña, City Clerk



Approved by City Council

  
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Zo Stieber, Mayor