

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
January 5, 2021

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, January 5, 2021. Due to the COVID-19 virus, the meeting was held with remote access provided through GoToWebinar. 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, Councilmembers Chris Ceretto and Bruce Fitzgerald. Councilmembers Shannon Rhoda, David Crespín, Tommy Holton, and Michael Sanchez participated remotely through GoToWebinar.

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

Assistant City Administrator, Glenda Aretxuloeta, Finance Director, Leann Perino and City Planner Maria Lancto participated remotely through GoToWebinar.

Mayor Stieber read the general advisement for connected meetings.

PERSONS TO ADDRESS COUNCIL

There was no one to address the public.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the January 5, 2021 payables; there were no questions or comments from the Mayor or Council.

APPROVAL OF AGENDA

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

CONSENT AGENDA

It was moved by Bruce Fitzgerald and seconded by Chris Ceretto to approve the Consent Agenda as presented with the following items: 12152020 City Council Meeting Minutes, Approving Resolution 2021R001 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON DESIGNATING THE CITY OF FORT LUPTON WEBPAGE WWW.FORTLUPTONCO.GOV AS THE PUBLIC PLACE FOR POSTING NOTICES OF PUBLIC CITY MEETINGS IN ACCORDANCE WITH COLORADO REVISED STATUTES OPEN MEETINGS LAW §24-6-402 (AM 2021-001), Approving Resolution 2021R002 ALLOWING THE CITY ADMINISTRATOR TO SUBMIT AN APPLICATION AND/OR DOCUMENTS TO CONVERT TWENTY-TWO (22) TEMPORARY COLORADO BIG-THOMPSON (CBT)

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PERMIT TO A PERMANENT PERMIT PER NORTHERN COLORADO WATER CONSERVANCY DISTRICT (NCWCD) REQUIREMENTS (AM 2021-003), Approving Resolution 2021R003 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE APPOINTMENT OF GINNY WHITE AS A MEMBER OF THE HISTORIC PRESERVATION BOARD FOR A TERM ENDING ON JANUARY 7, 2022 (AM 2021-004), Approve Resolution 2020R004 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON RATIFYING THE APPOINTMENT OF CARLOS BARRON BY THE MAYOR TO SERVE AS A REGULAR MEMBER ON THE PLANNING COMMISSION FOR A TERM BEGINNING JANUARY 5, 2021 AND ENDING JANUARY 22, 2022, (AM 2021-006), Approve Resolution 2021R005 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE CITY OF FORT LUPTON THREE MILE AREA PLAN (AM 2021-005), Approve Payment of \$29,888.00 to CH2M for Engineering Services to Date and Completion of Potable Pump House Assessment Task for \$19,630.00 from Utility-Water Treatment Fund (AM 2021-008), Approving Common Interest, Joint Defense and Confidentiality Agreement with Payment to Northern Integrated Supply Project (NISP) Water Activity Enterprise (AM 2021-009).

Mayor Stieber asked for clarification of on the amounts listed for AM 2021-008. The City Administrator Chris Cross explained that \$29,888 was for work related to the pump in 2020 for the 2020 budget; the amount of \$19,630 is the completion of the pump for the 2021 budget.

Motion passed unanimously on roll call vote.

PUBLIC HEARINGS

AM 2021-010 Adopt an Ordinance Rezoning Land Legally Described in Exhibit A to the Proposed Ordinance and Known as the Lupton Village Rezoning, to the PUD Planned Unit Development Zone District

Mayor Stieber read the following advisement to Ryan Banning, the applicant's representative: You understand that members of the City Council may be appearing tonight via a virtual connection and may not be appearing in person? You consent to the applicable member voting on your submittal even though said member is not present in person? 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? Mr. Banning replied yes, to all questions.

Mayor Stieber opened the public hearing at 7:11 p.m. and asked for a brief description of the proposal.

The City Planner, Maria Lancto, stated that Fred L. Croci and William "B.J." Johanningmeier, have submitted a request for a change of zone for land identified in Exhibit A to the proposed

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Ordinance to the PUD Planned Unit Development Zone District. The property that is the subject of the rezoning is located adjacent to S. Rollie Avenue on both the east and west and approximately 0.12 miles south of State Highway 52 (or north and adjacent to County Road 12). The current zoning of the property is 'C-2' Heavy Commercial. The rezoning has been submitted concurrently for review with the Lupton Village PUD Development Plan, PUD Preliminary Plat and PUD Final Plat, which will be reviewed by City Council separately.

The proposed use is for a multiuse subdivision that will include 3 commercial parcels, 3 multi-family residential parcels and 91 single-family residential lots with associated landscape/common areas. The Lupton Village PUD Preliminary Plat and PUD Development Plan set forth the zoning regulations for the proposed lots, including setbacks, height, lot size, and minimum dwelling size. The PUD Preliminary Plat and PUD Development Plan will be reviewed by City Council at a separate public meeting.

Councilmember Tommy Holton questioned the road running from east and west and asked if there would be a connection to Purman Street in Appel Farms.

Mr. Banning stated that a minor collector road, Reynolds Avenue, could connect to Purman Street.

The Public Works Director, Roy Vestal, added that in this subdivision, Reynolds dead-ends, but if the property to the east were to develop, he would be in favor of connecting Reynolds Street east to Purman.

Councilmember Tommy stated that Council would get chance to revisit this.

Mr. Banning provided a presentation that included the surrounding properties, site plan, and rezoning for a mix of uses. The current zoning is C-2 Heavy Commercial while the change of zone to PUD will allow to cluster the lots and provide additional open space and volume. The site plan exhibited 10 acres of usable open space, 14 acres total open space, and direct access to the community center park. Other highlights included a higher quality landscape design including down lighting at the request of the Planning Commission and a commercial area along South Rollie Avenue, plus walkability to commercial areas. Mr. Banning stated that residents would be able to shop without getting into a car. The mixed density included 16-unit max density per acres provided in three parcels, single-family density provided with 56% of lots (98 lots) backing to or adjacent to open space. Rollie Avenue would extend south to County Road 12.

Discussion occurred over the surface of the trails. The Public Works Director, Roy Vestal, stated that the surface would be concrete which is consistent with other subdivision. Mr. Vestal also added that Rollie Avenue will be 2 lanes both directions with one turning lane in the middle.

Discussion continued over the connection of Reynolds Street to Purman Street in Appel Farms and whether Council would be able to discuss at a later date. The Planning Director, Todd Hodges stated that the east/west road has ability to connect to Purman and that this is the preliminary and final plat with no further discussion unless the discussion is continued discussion on an adjoining property. Mr. Vestal added that the intent is to have the street connect to the east.

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Mayor Stieber asked if anyone from the public wished to speak for or against the proposal however there was no public.

Councilmember Chris Ceretto asked that staff keep in mind that the railroad crossing on County Road 12 be updated to include the crossing arms due to increased traffic from development.

Discussion occurred over the surface of trails? Mr. Vestal stated that the Trails Master Plan states that trail surfaces must be concrete or asphalt. All projects currently under development contain trails with concrete surface.

Councilmember Tommy Holton asked if a traffic study was concluded and Mr. Vestal answered yes.

Mayor Stieber asked all Councilmembers participating remotely if they were able to hear and see the entire presentation. Councilmembers Shannon Rhoda, Tommy Holton, David Crespin and Michael Sanchez answered 'yes'.

Mayor Stieber read the following advisement to Mr. Banning: 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? Mr. Banning responded '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. Banning responded 'no'.

Mayor Stieber closed the public hearing at 7:34 p.m.

It was moved by Bruce Fitzgerald and seconded by Tommy Holton to ADOPT ORDINANCE 2021-1103 REZONING LAND LEGALLY DESCRIBED IN EXHIBIT A, AND KNOWN AS THE LUPTON VILLAGE REZONING, TO THE PUD PLANNED UNIT DEVELOPMENT ZONE DISTRICT. Motion passed unanimously on roll call vote.

AM 2021-011 Approve a Resolution Accepting the Lupton Village PUD Development Plan and PUD Preliminary Plat

Mayor Stieber read the following advisement to Ryan Banning, the applicant's representative: You understand that members of the City Council may be appearing tonight via a virtual connection and may not be appearing in person? You consent to the applicable member voting on your submittal even though said member is not present in person? 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? Mr. Banning replied yes, to all questions.

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Mayor Stieber opened the public hearing at 7:37 p.m.

The City Planner, Maria Lancto, stated the applicants have applied for approval of a PUD Development Plan and PUD Preliminary Plat, known as the Lupton Village PUD Development Plan and PUD Preliminary Plat for the City Council's consideration. All notification requirements have been met including posting and mailing notices to surrounding property owners.

Ms. Lancto indicated that aside from the previous information provided, if this proposal is approved, development of the Single Family Residential lots can begin right away, however the commercial and multifamily residential lots would be brought back before Council once the details are available. Conditions on the resolution indicated that the lighting will be addressed.

Mayor Stieber asked if anyone from the public wished to speak for or against the proposal however there was no public.

Mayor Stieber asked Mr. Banning if he had further details or information on the proposal. Mr. Banning stated that he had nothing further.

Mayor Stieber read the following advisement to Mr. Banning: 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? Mr. Banning responded '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. Banning responded 'no'.

Mayor Stieber closed the public hearing at 7:40

It was moved by Chris Ceretto and seconded by Tommy Holton to approve Resolution 2021R006 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE LUPTON VILLAGE PUD PRELIMINARY PLAT SUBMITTED BY FRED L. CROCI AND WILLIAM "B.J." JOHANNINGMEIER TO CREATE A MULTIUSE SUBDIVISION. Motion passed unanimously on roll call vote.

ACTION AGENDA

AM 2021-012 Approve a Resolution Accepting the Lupton Village PUD Final Plat

The City Planner, Maria Lancto stated that the Lupton Village PUD Final Plat is associated with the two previous submittals and there were no notification requirements.

No further discussion occurred.

It was moved by David Crespin and seconded by Michael Sanchez to approve Resolution 2021R007 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE LUPTON VILLAGE PUD FINAL PLAT SUBMITTED BY FRED L. CROCI AND WILLIAM

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“B.J.” JOHANNINGMEIER TO CREATE A MULTIUSE SUBDIVISION. Motion passed unanimously on roll call vote.

AM 2021-007 Approve a Resolution Accepting an Annexation Petition for the Been Annexation Nos. 1-4 Submitted by Sheryl Been and to Set a Public Hearing Date for February 16, 2021

The Planning Director, Todd Hodges stated that Sheryl Been, the applicant, has submitted an annexation petition to initiate annexation proceedings for one parcel of land. The parcel is located west and adjacent to County Road 19 and approximately 0.29 miles south from County Road 10. The annexation is considered a flagpole annexation and includes County Road 19 right of way beginning at County Road 10 and continuing south to reach the property being annexed. This proposed annexation, known as the Been Annexation Nos. 1 – 4, consists of a total of 18.40 acres, more or less. Approving the Resolution will accept the annexation petition and set the public hearing for February 16, 2021. Mr. Hodges stated that the annexation would include County Road 19 south of County Road 10.

It was moved by Bruce Fitzgerald and seconded by Tommy Holton to approve Resolution 2021R008 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE BEEN ANNEXATION NOS. 1 – 4 AND SETTING THE PUBLIC HEARING FOR FEBRUARY 16, 2021. Motion passed unanimously on roll call vote.

AM 2021-002 Service Plan Extension for Cottonwood Greens Metropolitan District No. 1

On October 7, 2019, the City Council approved an extension for the Cottonwood Greens Metropolitan District No. 1 (the “District”), for the purpose of updating its service plan amendment that would have been due August 1, 2020. The updating group asked for the first extension of the August 1, 2020, date to December 31, 2020 to allow for completions of outdated information with the District documents to satisfactory levels. On December 14, 2020, the updating group asked for an additional extension to the date of August 31, 2021.

The City Council agreed that that this extension be the final extension.

It was moved by Bruce Fitzgerald and seconded by David Crespino to approve the final extension of the Cottonwood Greens Metropolitan District No. 1 Service Plan to August 31, 2021. Motion passed unanimously on roll call vote.

INFORMATION MEMORANDUM

IM 2021-001 Feral Cat Fertility Mitigation Project

The Police Department has reached an agreement with Northern Colorado Friends of Ferals to participate in a feral cat fertility mitigation project in February 2021. As a foundation for that project, the Police Department has allocated \$1000 from the Police Programs budget line. The

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agreement allocates \$40 per cat collected and NCFF routinely sends 80-100 cats per event to veterinarian support. This could result in a \$4000 total invoice. The Police Department will be seeking funding assistance.

The Police Department will also be seeking assistance in locating "catch" locations to insure the best catch results.

Councilmember Shannon Rhoda asked the City Attorney, Andy Aumus, for direction on what she can and cannot do as she is interested in helping with fundraising for this cause. The City Attorney stated he would discuss the details with Councilmember Rhoda personally.

STAFF

The Assistant City Administrator, Glenda Aretxuloeta, stated that all COVID-19 expenditure grants have been expended. The City was reimbursed \$389,165.52. The programs were a great success and she thanked all volunteers for their hard work.

The Public Works Director stated that a leak was detected at the raw water vault at the water treatment plant. The vault has been drained for repairs leaving the City with approximately three (3) days worth of water. Repairs are set to be completed tomorrow. Mr. Vestal also stated that the bridge on College Avenue (County Road 29 ½) has been upgraded to a concrete culvert. Lastly, Kahil Street is under construction and Burns and McDonnell has completed the design plans plus details which will be presented at the next Town Hall meeting.

MAYOR/COUNCIL REPORTS

Mayor Stieber stated that she feels well and has been donating plasma in Greeley. She recommends the public donate as there is a need for more plasma.

FUTURE CITY EVENTS

January 1, 2021	City Offices Closed in Observance of New Year's Day
January 5, 2021	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
January 12, 2021	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
January 18, 2021	City Offices Closed in Observance of Martin Luther King Day
January 19, 2021	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
January 26, 2021	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.

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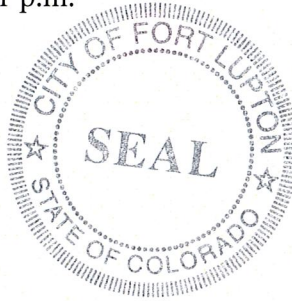
ADJOURNMENT

Mayor Stieber adjourned the meeting at 8:01 p.m.

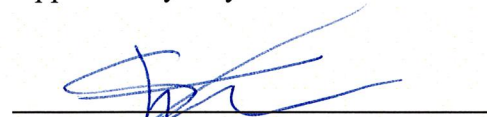
Respectfully Submitted,



Maricela Peña, City Clerk



Approved by City Council



Zo Stieber, Mayor