



City of Fort Lupton

REGULAR MEETING AGENDA

Tuesday, February 2, 2021

7:00 PM

130 South McKinley Avenue

Zo Stieber, Mayor

Shannon Rhoda, Ward 1

Chris Ceretto, Ward 2

Mike Sanchez, Ward 3

David Crespín, Ward 1

Tommy Holton, Ward 2

Bruce Fitzgerald, Ward 3

The City Council Meeting will be followed by a Town Hall Meeting/Work Session to discuss WWTP Upgrades

You May Join in Person or Join Remotely by Registering at:
<https://attendee.gotowebinar.com/register/8202213119026433036>

Pledge of Allegiance

Call to Order - Roll Call

Persons to Address Council - This portion of the Agenda is provided to allow members of the audience to present comments to the City Council. The City Council may not respond to your comments this evening, rather they may take your comments and suggestions under advisement or your question may be directed to the appropriate staff member for follow-up. Please limit the time of your comments to three (3) minutes - Mayor Stieber

Approval of Agenda

Review of Accounts Payables

a. 02022021 Accounts Payable

Consent Agenda - Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda items unless a Councilmember so requests, in which case the item may be removed/moved from the Consent Agenda.

a. 01192021 City Council Meeting Minutes

b. Second Reading Ordinance 2021-1103 An Ordinance Rezoning Land Legally Described in Exhibit A and Known as the Lupton Village Rezoning, to the PUD Planned Unit Development Zone District

c. AM 2021-016 Approving a Resolution Ratifying the Mayor's Appointment of Mary Ann Merritt to the Senior Citizen Advisory Committee for a Term Beginning February 2, 2021 and Ending December 31, 2021

d. AM 2021-017 Approving the Quadient Postage Machines Lease Agreement for \$144.53 a Month for 60 Months to be Paid from the General Fund

Public Hearings - Public Hearings allow members of the audience to present comments and questions to the City Council on the item being presented. Comments and questions may be limited to three (3) minutes- Mayor Stieber

- a. AM 2021-019 Adopt an Annexation, Known as the Toews Annexation, to Annex Land Legally Described in Exhibit "A" to the Proposed Ordinance, and Approving the Annexation Agreement
- b. AM 2021-020 Adopt An Ordinance to Initially Zone Land Legally Described in Exhibit A of the Proposed Ordinance, and Known as the Toews Initial Zoning, to the 'A' Agricultural District
- c. AM 2021-021 Approve a Resolution for the Lupton Lakes Inlet/Outlet Facility and Pipeline Project Special Use Permit Located in Section 18, Township 1 North, Range 66 West of the Sixth Principal Meridian, City of Fort Lupton, County of Weld, State of Colorado

Action Memorandum

- a. AM 2021-018 Approve a Resolution Accepting an Annexation Petition for the Alquist Annexation Submitted by Melody A Alquist and Robert J Alquist and to Set a Public Hearing Date for March 16, 2021
- b. AM 2021-022 Agreement on Development Fee Settlement with Rowley Downs Land Company (RDLC)

Staff Reports

Mayor/Council Reports

Future City Events

- a. 02022021 Upcoming Events

Executive Session To hold a conference with the City's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b). "Related to investigation into legal matters involving City business"

Adjourn

The City Council Meeting will be followed by a Town Hall Meeting/Work Session to discuss WWTP Upgrades

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
February 2, 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, February 2, 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, David Crespín, Michael Sanchez, and Bruce Fitzgerald. Councilmember Tommy Holton participated remotely through GoToWebinar.

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

Assistant City Administrator, Glenda Aretxuloeta, and City Planners Maria Lancto and Alyssa Knutson 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 February 2, 2021 payables; there were no questions or comments from the Mayor or Council.

APPROVAL OF AGENDA

It was moved by David Crespín and seconded by Michael Sanchez 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: 01192021 City Council Meeting Minutes, Second Reading Ordinance 2021-1103 AN ORDINANCE REZONING LAND LEGALLY DESCRIBED IN EXHIBIT A AND KNOWN AS THE LUPTON VILLAGE REZONING, TO THE PUD PLANNED UNIT DEVELOPMENT ZONE DISTRICT, Approving Resolution 2021R012 RATIFYING THE MAYOR'S APPOINTMENT OF MARY ANN MERRITT TO THE SENIOR CITIZEN ADVISORY COMMITTEE FOR A TERM BEGINNING FEBRUARY 2, 2021 AND ENDING DECEMBER 31, 2021 (AM 2021-016), Approving the Quadient Postage Machines Lease Agreement for \$144.53 a Month for 60 Months to be Paid

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from the General Fund (AM 2021-017). Motion passed unanimously on roll call vote.

PUBLIC HEARINGS

AM 2021-019 Adopt an Annexation, Known as the Toews Annexation, to Annex Land Legally Described in Exhibit "A" to the Proposed Ordinance, and Approving the Annexation Agreement

Mayor Stieber read the following advisement to Len and Sherry Toews: 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. and Mrs. Toews replied yes, to all questions.

Mayor Stieber opened the public hearing at 7:07 p.m. and asked for a brief description of the proposal.

The City Planner, Maria Lancto, stated the Applicants, Leonard Toews and Sherri Toews have submitted a request for annexation of land totaling 33.77 acres, more or less, known as the Toews Annexation. The Property is located at the northwest corner of Highway 52 and County Road 23 (the "Property"). The Property is adjacent to City limits along its southern and western boundaries. The proposed initial zoning is to the 'A' Agricultural Zone District, which is being presented to City Council for approval under a separate Action Memorandum and Ordinance following the hearing on this Annexation. Ms. Lancto also stated that any future development proposals would need to come before Council. There was a change on the Annexation Agreement allowing for an accessory building to be in excess of the 1000 square feet that is limited in the Agricultural Zone District. Another change in the agreement would allow the owner to maintain rights to the well. Mr. Toews could voluntarily transfer the well to the City and at the City's option. The language protects easements and maintenance if this were to happen. The word "future" was also added before the word development to state "future development". All notification requirements have been met including posting, mailings and notices to surrounding property owners.

Mayor Stieber asked which buildings may be on the right of way, as noted on the county referral. The Planning Director, Todd Hodges, stated that this question is more appropriate at time of development. Currently there are no conditions because there's no changes at this time.

Mr. Len Toews stated that the property is located at County Road 23, and is an arterial road on the western border of the city limits.

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

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Doug Schmotzer, owns the property at 5962 County Road 23 and asked why the annexation. Mr. Toews stated that he is annexing for potential development.

Mayor Stieber asked Councilmember Tommy Holton if he was able to hear and see the entire presentation. Councilmembers Tommy Holton, responded 'yes'.

Mayor Stieber read the following advisement to Mr. Len and Mrs. Sherri Toews: 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? Both Mr. Toews and Mrs. Toews 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. and Mrs. Toews responded 'no'.

Mayor Stieber closed the public hearing at 7:15 p.m.

It was moved by Bruce Fitzgerald and seconded by David Crespin to adopt ORDINANCE 2021-1104 ANNEXING LAND LEGALLY DESCRIBED IN EXHIBIT "A" KNOWN AS THE TOEWS ANNEXATION AND APPROVING THE ANNEXATION AGREEMENT. Motion passed unanimously on roll call vote.

AM 2021-020 Adopt An Ordinance to Initially Zone Land Legally Described in Exhibit A of the Proposed Ordinance, and Known as the Toews Initial Zoning, to the 'A' Agricultural District

Mayor Stieber opened the public hearing at 7:16 p.m.

The City Planner, Maria Lancto stated that Leonard Toews and Sherri Toews (the "Applicants"), 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 at the northwest corner of the intersection of Highway 52 and County Road 23 (the "Property"). This request is to initially zone the property included within that Annexation. All notification requirements have been met.

Mayor Stieber asked if anyone from the public wished to speak for or against the proposal. Hearing none, Mayor Stieber closed the public hearing.

Mayor Stieber read the following advisement to Mr. and Mrs. Toews: 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. and Mrs. Toews 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. and Mrs. Toews responded 'no'.

Mayor Stieber closed the public hearing at 7:19 p.m.

It was moved by Tommy Holton and seconded by David Crespin to adopt ORDINANCE 2021-

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1105 INITIALLY ZONING LAND KNOWN AS THE TOEWS INITIAL ZONING, LEGALLY DESCRIBED IN EXHIBIT A, TO THE 'A' AGRICULTURAL ZONE DISTRICT. Motion passed unanimously on roll call vote.

AM 2021-021 Approve a Resolution for the Lupton Lakes Inlet/Outlet Facility and Pipeline Project Special Use Permit Located in Section 18, Township 1 North, Range 66 West of the Sixth Principal Meridian, City of Fort Lupton, County of Weld, State of Colorado

Mayor Stieber read the following advisement to Brad Piede with Denver Water: 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. Piede replied yes, to all questions.

Mayor Stieber opened the public hearing at 7:22 p.m.

The City Planner, Alyssa Knutson, stated the Applicant has submitted a special use permit application for a bi-directional pipeline, and river intake and outlet structure. The pipeline will convey raw water to and from the S. Platte River to two reclaimed sand and gravel pits (reservoirs) that are a part of a raw water storage facility known as the Lupton Lakes Complex. The reservoirs are located at the northwest and southwest corners of County Road 8 and S. Denver Avenue. Easements will be required in order for the pipeline to cross properties owned by McAda Drilling Fluids Inc. and Hunt Brothers Properties Inc. An easement for a river intake and outlet structure will also be required for the Hunt Brothers property.

The properties that are included within this special use permit application are zoned either 'A' Agricultural (the Denver Water and Hunt Brothers' parcels), or I-1 Light Industrial (the McAda Drilling Fluids parcel). While a river intake and outlet structure and associated pipelines are not specifically mentioned in either of these zone districts, both zone districts list public utility facilities as permitted uses subject to the special use review and approval procedures set forth under Section 16-7 of the Fort Lupton Municipal Code (the "Code"). This proposal is of similar or like use and therefore requires a special use permit.

Mr. Piede provided a presentation to the Council. The presentation included a background of the Lupton Lakes Inlet/Outlet Facility Project. The project is specific to the inlet/outlet structure in the river and the outlet to the cells. The pump house is a project that is about 10 years out and is not a part of this. Mr. Piede listed the project permitting included permits from Colorado Department of Public Health and Environment, Division of Reclamation of Mine Safety, Department of Transportation, US Army Corps of Engineers, and the City of Fort Lupton. Mr. Piede presentation also provided reasons for the project siting that with the development in the

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area and reservoir under construction, Denver Water had options against competing development of road expansion and bridge modification, the City of Aurora Prairie Waters Development, sand and gravel mine expansion, oil and gas conflicts, and right of way utilities.

Mayor Stieber asked about noise from the pump station and if it required a permit. Mr. Piede replied that it did require a permit and that not much noise, if would come from the pump.

Mr. Piede stated that the project, if approved, would begin this month and is expected to finish by the end of 2021.

The Planning Director, Todd Hodges stated that the original pump station was part of the original mining permit. This is a separate special use permit for the pipeline.

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

Mayor Stieber asked if anyone from the public wished to speak for or against the proposal. Hearing none, Mayor Stieber closed the public hearing at 7:34 p.m.

It was moved by Bruce Fitzgerald and seconded by Chris Ceretto to approve Resolution 2020R013 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE LUPTON LAKES INLET/OUTLET FACILITY AND PIPELINE PROJECT SPECIAL USE PERMIT LOCATED IN SECTION 18, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO. Motion passed unanimously on roll call vote.

ACTION AGENDA

AM 2021-018 Approve a Resolution Accepting an Annexation Petition for the Alquist Annexation Submitted by Melody A Alquist and Robert J Alquist and to Set a Public Hearing Date for March 16, 2021

Melody A Alquist and Robert J Alquist (the "Applicants") have submitted an annexation petition to initiate annexation proceedings for one parcel of land. The parcel is located south and adjacent to 14th Street and approximately 0.15 miles east from Pacific Court (Parcel No. 130932301001) (the "Property"). The Property is adjacent to City limits along on its northern and southern boundary. This proposed annexation, known as the Alquist Annexation, consists of a total of 0.43 acres, more or less. The resolution is to accept the annexation petition and initiate the two-month (60 day) review process that involves staff, referral agencies, Planning Commission and City Council. Approval of the resolution does not constitute approval of the annexation request. Approval of the resolution simply means that there is an interest in considering the annexation, with the final decision to be made by City Council at a public hearing on March 16, 2021. The

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application includes an initial zoning request to the 'A' Agriculture Zone District.

It was moved by Chris Ceretto seconded by David Crespin to approve 2021R014 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE ALQUIST ANNEXATION AND SETTING THE PUBLIC HEARING FOR MARCH 16, 2021. Motion passed unanimously on roll call vote.

AM 2021-022 Agreement on Development Fee Settlement with Rowley Downs Land Company (RDLC)

The agreement resolves current and future obligations of the City of collection and or reimbursement of fees pertaining to the development of the RDLC properties on the remaining lots on the Golf course build out. The agreement puts the recoup of funds from the development back in the hands of the developer. They may recoup the offsetting costs with their purchase agreements on the remaining undeveloped properties.

The current fee collection was built into the building permit fees for the locations. This is held by the City then paid out to the RDLC upon completion. The tracking is an outdated fee system that is only on certain parcels.

It was moved by David Crespin and seconded by Michael Sanchez to approve the agreement on the Development Fee Settlement with Rowley Downs Land (RDLC). Motion passed unanimously on roll call vote.

STAFF

The City Administrator stated that the water slide stairs at the recreation center swimming pool has been replaced.

MAYOR/COUNCIL REPORTS

There were no reports from the Mayor or Council.

FUTURE CITY EVENTS

February 2, 2021 City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
February 9, 2021 Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
February 15, 2021 City Offices Closed in Observance of President's Day
February 16, 2021 City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
February 23, 2021 Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.

EXECUTIVE SESSION

It was moved by Tommy Holton and seconded by Chris Ceretto to move to Executive Session To hold a conference with the City's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b). "Related to investigation into legal matters involving City

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business" Motion passed unanimously on roll call vote.

The following entered into the Executive Session at 7:44 p.m.: Mayor Stieber, Councilmembers Bruce Fitzgerald, Chris Ceretto Michael Sanchez and David Crespin. Councilmember Tommy Holton continued participation by phone. Also City Administrator, Chris Cross, and City Attorney, Andy Ausmus.

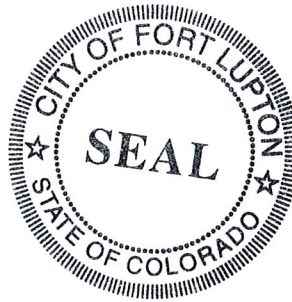
The executive session ended at 8:13 p.m. and the regular meeting reconvened at 8:14 p.m.

ADJOURNMENT

Mayor Stieber adjourned the meeting at 8:14 p.m.

Respectfully Submitted,


Maricela Peña, City Clerk



Approved by City Council


Zo Stieber, Mayor

The City Council Meeting was followed by a Town Hall Meeting/Work Session to discuss WWTP Upgrade.