



City of Fort Lupton

REGULAR MEETING AGENDA

Tuesday, February 16, 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

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. 02162021 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. 02022021 City Council Meeting Minutes

b. AM 2021-022 Repairs for Outfall Pipes and Valve at the Water Treatment Plant by Velocity Plant Services and Intermountain Controls for an Amount not to Exceed \$27,600.00

c. AM 2021-024 Approving Payment to Weld Regional Communications in the Amount of \$57,012 for Dispatch Services Costs and Wireless Services Radio Maintenance

d. AM 2021-025 Ordinance to Accept Public Right of Way From NNN Lupton Sec LLC for 25-Feet of the Northern Portion of 14th Street

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 2021-026 Adopt an Annexation, Known as the Been Annexation Nos. 1 - 4, to Annex Land Legally Described in Exhibit "A" to the Proposed Ordinance, and Approving the Annexation Agreement

- b. AM 2021-027 Adopt An Ordinance to Initially Zone Land Legally Described in Exhibit A of the Proposed Ordinance, and Known as the Been Initial Zoning, to the 'A' Agricultural District
- c. AM 2021-023 Approve a Resolution for the Mericle RV Propane Tank Special Use Permit

Action Memorandum

- a. AM 2021-028 Approval of the Subdivision Improvements Agreement with FTL Land Assemblage, LLLP for the Fort Lupton Village PUD
- b. AM 2021-029 Approving a Resolution Amending the Water and Sewer Plant Investment Fee Schedule to be Effective April 15, 2021
- c. AM 2021-030 Approving a Resolution Amending the Water and Sewer Plant Investment Fee Schedule to be Effective January 1, 2022

Staff Reports

Mayor/Council Reports

Future City Events

- a. 02162021 Upcoming Events

Adjourn

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
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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 16, 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 Shannon Rhoda, Tommy Holton, and Bruce Fitzgerald. Councilmembers Chris Ceretto, David Crespín, and Michael Sanchez participated remotely through GoToWebinar.

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

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the February 16, 2021 payables; there were no questions or comments from the Mayor or Council.

APPROVAL OF AGENDA

The City Administrator stated that the following items be removed from the agenda: AM 2020-029 Approving a Resolution Amending the Water and Sewer Plant Investment Fee Schedule to be Effective April 15, 2021 and AM 2020-030 Approving a Resolution Amending the Water and Sewer Plant Investment Fee Schedule to be Effective January 1, 2022. It was moved by Tommy Holton and seconded by Bruce Fitzgerald to approve the Agenda with the removal of AM 2020-029 and AM 2020-030. Motion passed unanimously on roll call vote.

CONSENT AGENDA

It was moved by Tommy Holton and seconded by Bruce Fitzgerald to approve the Consent Agenda as presented with the following items: 02022021 City Council Meeting Minutes, Repairs for Outfall Pipes and Valve at the Water Treatment Plant by Velocity Plant Services and

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Intermountain Controls for an Amount not to Exceed \$27,600.00 (AM 2021-022), Approving Payment to Weld Regional Communications in the Amount of \$57,012 for Dispatch Services Costs and Wireless Services Radio Maintenance (AM 2021-024), Adopting Ordinance 2021-1106 AN ORDINANCE TO ACCEPT PUBLIC RIGHT OF WAY FROM NNN LUPTON SEC LLC FOR 25-FEET OF THE NORTHERN PORTION OF 14TH STREET (AM 2021-025). Motion passed unanimously on roll call vote.

PUBLIC HEARINGS

AM 2021-026 Adopt an Annexation, Known as the Been Annexation Nos. 1 - 4, to Annex Land Legally Described in Exhibit "A" to the Proposed Ordinance, and Approving the Annexation Agreement

Mayor Stieber read the following advisement to Chad Cox and Sheryl Been: 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? Both Mr. Cox and Ms. Been responded 'yes' to all questions.

Mayor Stieber opened the public hearing at 7:09 p.m. and asked for a brief description of the proposal.

The City Planner, Alyssa Knutson stated that the applicant, Sheryl A. Been, has submitted a request for annexation of land totaling 18.40 acres, more or less, known as the Been Annexation Nos. 1 – 4. The Property is located west and adjacent to County Road 19 and approximately 0.29 miles south from County Road 10 in Weld County, and the annexation includes County Road 19 right of way. 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.

The purpose of the annexation is to enable the Applicants to work with the City for future development of the Property. Any future development will require an additional land use process for review by Planning Commission and City Council. Currently, the property is used for rural residential land uses. At this time, the use of the Property is not changing.

Chad Cox, representative for the Applicant, stated the applicant is seeking annexation into the City of Fort Lupton and are seeking Agricultural Zone District.

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

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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? Mr. Cox 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. Cox responded 'no'.

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

The City Attorney, Andy Ausmus, asked if all Councilmembers participating remotely were able to hear and see the entire presentation. Councilmembers Chris Ceretto, David Crespino and Michael Sanchez responded 'yes'.

It was moved by Bruce Fitzgerald and seconded by Tommy Holton to adopt Ordinance 2020-1107 to ADOPT ORDINANCE 2021-1107 ANNEXING LAND LEGALLY DESCRIBED IN EXHIBIT "A" KNOWN AS THE BEEN ANNEXATION NOS. 1 – 4 AND APPROVING THE ANNEXATION AGREEMENT. Motion passed on roll call vote with Mayor Stieber voting 'no' to the motion.

AM 2021-027 Adopt An Ordinance to Initially Zone Land Legally Described in Exhibit A of the Proposed Ordinance, and Known as the Been Initial Zoning, to the 'A' Agricultural District

Mayor Stieber read the following advisement to Chad Cox and Sheryl Been: 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? Both Mr. Cox and Ms. Been responded 'yes' to all questions.

Mayor Stieber opened the public hearing at 7:18 p.m.

The City Planner, Alyssa Knutson, stated that Sheryl A. Been has 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 located west and adjacent to County Road 19 and approximately 0.29 miles south from County Road 10 in Weld County, Colorado. City Council has previously reviewed and considered an Ordinance to approve the annexation known as the Been Annexation Nos. 1 – 4 at a hearing on February 16, 2021. This request is to initially zone the property included within that Annexation.

The Fort Lupton Comprehensive Plan designates this property for agricultural and rural residential

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land uses. The Property is currently being used for rural residential land uses. The use of the Property will not be changing at this time.

Chad Cox, representative for the applicant, stated that the property has been farmed historically and the surrounding properties as well.

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? Mr. Cox 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. Cox responded 'no'.

Mayor Stieber asked if all Councilmembers participating remotely were able to hear and see the entire presentation. Councilmembers Chris Ceretto, David Crespin and Michael Sanchez responded 'yes'.

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 7:22 p.m.

It was moved by Tommy Holton and seconded by Bruce Fitzgerald to adopt Ordinance 2021-1108 ADOPT ORDINANCE 2021-1108 INITIALLY ZONING LAND KNOWN AS THE BEEN INITIAL ZONING, LEGALLY DESCRIBED IN EXHIBIT A, TO THE 'A' AGRICULTURAL ZONE DISTRICT. Motion passed unanimously on roll call vote.

AM 2021-023 Approve a Resolution for the Mericle RV Propane Tank Special Use Permit

Mayor Stieber read the following advisement to Kyle Ferguson: 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? Both Mr. Cox and Ms. Been responded 'yes' to all questions.

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

The City Planner, Maria Lancto, stated that Mike Mericle, applicant has submitted a request for a special use permit for the installation of a 1,000-gallon aboveground propane tank on their property located at 1352 Factory Drive. The tank will be used in conjunction with existing RV sales operations occurring at the site.

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The Property is located within the 'I-' Light 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. The Fort Lupton Comprehensive Plan designates this area as the Light Industrial and Office use type. The proposed use will not prohibit the transition to this use type in the future.

Mr. Ferguson provided a presentation on the services offered by Mericle RV and his request for a propane tank from AmeriGas. The tank will be located on the southwest side of the property. Mr. Ferguson provided a list of benefits for the city as well as safety protocols. The property will have plenty of space for vehicle parking.

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

Mayor Stieber asked if all Councilmembers participating remotely were able to hear and see the entire presentation. Councilmembers Chris Ceretto, David Crespín and Michael Sanchez responded 'yes'.

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 7:31 p.m.

It was moved by Bruce Fitzgerald and seconded by Tommy Holton to approve Resolution 2021R015 A RESOLUTION APPROVING MIKE MERICLE'S APPLICATION FOR A SPECIAL USE PERMIT FOR A 1,000 GALLON ABOVEGROUND FUEL TANK AT 1352 FACTORY DRIVE. Motion passed unanimously on roll call vote.

ACTION AGENDA

AM 2021-028 Approval of the Subdivision Improvements Agreement with FTL Land Assemblage, LLLP for the Fort Lupton Village PUD

This Subdivision Improvement Agreement was drafted for the Lupton Village PUD Final Plat approved by City Council on January 5, 2021, which is located north of County Road 12, immediately south of Hwy 85 along S Rollie Avenue. Improvements are for the construction of water, sanitary sewer main extensions, roadway construction, landscape, trails and storm drainage system improvements. Approximate cost of this agreement for construction is \$3,842,701.00.

Resolution 2021R007, approved by Council on January 5, 2021 requires the applicant to enter into a Subdivision Improvements Agreement.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to approve Resolution 2020R016 A RESOLUTION APPROVING THE FTL LAND ASSEMBLAGE, LLLP

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SUBDIVISION IMPROVEMENT AGREEMENT OF THE LUPTON VILLAGE PUD FINAL PLAT. Motion passed unanimously on roll call vote.

STAFF

City Administrator, Chris Cross asked if what day the fireworks display for the 4th of July should be held. Council stated that the fireworks display should be held on Sunday, July 4th.

MAYOR/COUNCIL REPORTS

There were no reports from the Mayor or Council.

FUTURE CITY EVENTS

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 18, 2021 City Council Special Meeting, 130 S. McKinley Ave. 6:30 p.m.
February 23, 2021 Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
March 2, 2021 City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
March 9, 2021 Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.

ADJOURNMENT

Mayor Stieber adjourned the meeting at 7:42 p.m.

Respectfully Submitted,


Maricela Peña, City Clerk

Approved by City Council


Zo Stieber, Mayor

