

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 15, 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, December 15, 2020. 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 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 Pena, City Attorney, Andy Ausmus, Planning Director, Todd Hodges, and Chief John Fryar.

Assistant City Administrator, Glenda Aretxuloeta, Finance Director, Leann Perino and HR Director, Laura Howe participated remotely through GoToWebinar.

PERSONS TO ADDRESS COUNCIL

Mr. Bob Leino, developer and owner of property off Northrup Avenue, stated that he was present to protect his property rights. Mr. Leino stated concerns over the 'no' votes from the previous meeting. He stated it was his understanding that Council has agreed to reconsideration.

Mayor Stieber stated that a motion would be presented however, there were no guarantees.

Mr. Leino stated that he has invested heavily in this community and that he had several other questions however those questions don't seem appropriate because he was going to ask the Council to reconsider. Mr. Leino thanked the Council.

Mayor Stieber asked Mr. Cameron Grant if he had questions on the Agenda. Mr. Cameron stated that he wished to speak. Mayor Stieber stated that Mr. Grant would be provided an opportunity to speak shortly.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the December 15, 2020 payables; there were no questions or comments from the Mayor or Council.

APPROVAL OF AGENDA

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

Mayor Stieber stated that she was presenting a Point of Privilege, addressing an issue from the

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 15, 2020

December 1, 2020 City Council meeting and order to fully understand details and objectives, she made a motion to reconsider to January 19, 2021, what was at that time Resolution 2020R080 Accepting the Willow Bend Subdivision Preliminary Plat and Preliminary PUD. Mayor Stieber also made it clear that a vote to reconsider is not a vote to approve the Resolution but to move the action forward to January 19, 2021. Mayor Stieber made the motion to reconsider. Bruce Fitzgerald seconded the motion.

Councilmember Tommy Holton asked if Counsel was good with that. Mayor Stieber answered that is what we are asking.

Roll call was made and the motion failed with 3 'yes' votes and 3 'no' votes. Councilmembers Tommy Holton, Michael Sanchez and Shannon Rhoda voted 'no' to the motion.

Mayor Stieber asked Mr. Cameron Grant if he still wished to speak. Mr. Cameron stated that he represented Sun Communities and that there are concerns over the reconsideration vote and the vote from 2 weeks ago. Council had previously approved a sketch plan for 466 single family of manufactured homes. Sun Communities and Mr. Leino have spent significant time and money working with staff, planners, engineers and neighbors. The project is in full compliance with the City's code. When staff presented their assessment of the project, they noted the project complied with all regulations and guidelines and the Planning Commission approved the project unanimously. When the project was brought before Council two weeks ago, with a plan that now had lower density, a similar vote was expected as when the sketch plat was approved. There is now the lack of any real discussion by the Council. Mr. Cameron asked that Council reconsider this vote as the project is in compliance. There is the option of a resubmittal with changes however, that is a challenge because there is no communication from the Council as to why it was voted down. Mr. Cameron also asked the Council to take a step back, take guidance, and reevaluate how the Council is handling the application.

The City Attorney, Andy Ausmus, asked Councilmember Tommy Holton if when he had asked if Counsel approve this, if he was directing his question to him? Tommy Holton answered yes.

The City Attorney stated that he had discussed the reconsideration with the Mayor under Robert's Rules of Order. Mr. Holton was under the impression that someone who voted 'yes' was able to bring back the motion. Mr. Ausmus stated that it had to be someone who voted no. Mr. Ausmus and Councilmember Tommy Holton discussed who was able to make the motions for reconsideration. Mr. Grant stated that he agreed with Mr. Ausmus' determination of Robert's Rules and the way Roberts Rules read, it's the prevailing side that can bring up the reconsideration. If the motion had passed, someone who voted 'yes' can ask for a reconsideration, whichever side wins. Mr. Ausmus stated that if the no's prevailed then someone who voted 'no' can make a motion to reconsider. Councilmember Tommy Holton stated that he understood.

Mr. Ausmus stated that a motion can be made to reconsider with the clarifications stated and that the motion can be renewed.

Mayor Stieber asked for a renewal and made a motion to reconsider the approval of Resolution 2020R080 Accepting the Willow Bend Subdivision Preliminary Plat and Preliminary PUD. The

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 15, 2020**

vote to reconsider does not approve the resolution but moves to reconsider to January 19, 2021. Bruce Fitzgerald seconded the motion. Councilmember Tommy Holton asked if the Mayor can make the motion. Discussion occurred between the Mayor, City Attorney and Council Tommy Holton. It was determined that Mayor Stieber could make the motion since she wasn't presiding the meeting of December 1, 2020, it was Mayor Pro-Tem Shannon Rhoda.

Roll call was made and the motion failed with 3 'yes' votes and 3 'no' votes. Councilmembers Tommy Holton, Michael Sanchez and Shannon Rhoda voted 'no' to the motion.

The City Attorney requested Mayor Stieber move to an executive session to provide legal advice to the Council.

At 7:21 p.m., Mayor Stieber called for a recess to prepare for an executive session. The meeting resumed at 7:31 p.m.

Mayor Stieber asked for a motion to move into 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)" Regarding Motion to Reconsider and Ramifications Thereof. It was moved by David Crespín and seconded by Bruce Fitzgerald to move into Executive Session. Motion passed unanimously on roll call vote.

Councilmember David Crespín stated that he was going to attend in person and was on his way to City Hall. The City Administrator stated that he would conference in the remaining Councilmembers participating remotely into the executive session.

EXECUTIVE SESSION

The following entered into executive session at 7:50 p.m.: Mayor Stieber, Councilmembers Shannon Rhoda, Bruce Fitzgerald, Tommy Holton and David Crespín. Councilmember Michael Sanchez continued participation by phone. Also City Administrator, Chris Cross, City Attorney, Andy Ausmus and Planning Director, Todd Hodges.

The executive session ended at 8:08 p.m.

The meeting reconvened at 8:08 p.m. with Mayor Stieber stating that Councilmembers Shannon Rhoda, David Crespín and Tommy Holton joined the executive session in person and are present at the meeting. Councilmember Michael Sanchez was still participating virtually and participated in the executive session.

Councilmember David Crespín made a motion to reconsider to January 19, 2021 the approval of Resolution 2020R080 Accepting the Willow Bend Subdivision Preliminary Plat and Preliminary PUD. Bruce Fitzgerald seconded the motion. Motion passed on roll call vote with Shannon Rhoda voting 'no' to the motion.

The City Attorney stated that this matter would be re-noticed for a continued hearing on January 19, 2020 to heard additional evidence.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 15, 2020**

Mr. Grant thanked the Council.

CONSENT AGENDA

It was moved by Tommy Holton and seconded by Bruce Fitzgerald to approve the Consent Agenda as amended with the following items: 12012020 City Council Meeting Minutes, 12082020 City Council Special Meeting Minutes, Approving an Amendment to Section 125 Plan Documents for CARES Act Options and Increasing the Carryover Limit of Flexible Spending Accounts (AM 2020-210), Accept the 2021 Workers Compensation Quotation from Pinnacol Assurance in the Amount of \$125,517, Accept the 2021 Boiler and Machinery Quotation from Travelers in the Amount of \$4,790, Accept the 2021 Cyber Liability Coverage Quotation from Travelers in the Amount of \$7,937 for a Total of \$138,244 AM (2020-211). Motion passed unanimously on roll call vote.

ACTION AGENDA

AM 2020-209 Approve a Resolution Accepting an Annexation Petition for the Toews Annexation Submitted by Leonard Toews and Sherri Toews and to Set a Public Hearing Date for February 2, 2021

The applicants, Leonard Toews and Sherri Toews have submitted an annexation petition to initiate annexation proceedings for a parcel of land. The parcel is located at the northwest corner of Highway 52 and County Road 23 (Parcel No. 146902100005). This proposed annexation, known as the Toews Annexation, consists of a total of 33.77 more or less. The resolution is to accept the annexation petition and initiate the review process. 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 February 2, 2021. The application includes an initial zoning request to 'A' Agriculture.

It was moved by Tommy Holton and seconded by David Crespín to approve Resolution 2020R085 ACCEPTING THE ANNEXATION PETITION FOR THE TOEWS ANNEXATION SUBMITTED BY LEONARD TOEWS AND SHERRY TOEWS AND TO SET THE PUBLIC HEARING FOR FEBRUARY 2, 2021. Motion passed unanimously on roll call vote.

AM 2020-212 Approving the Seventeenth Interim Agreement with Payment to Northern Integrated Supply Project (NISP) Water Activity Enterprise of \$748,250 for Phase 3A, Phase 5, Phase 6, and Phase 7 of the Project Funded Out of the Water Sales Tax Fund

Phase 3A consist of continuing work with federal agencies to obtain permitting, compliance with National Environmental Policy Act and all necessary field work and modeling.

Phase 5 consists of continuing the geotechnical investigation and embankment design and highway 2087 relocation design.

Phase 6 is the conveyance delivery refinement, South Platte Water Conservation Project

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 15, 2020**

negotiations, land easement purchases, and time sensitive mitigations activities.

Phase 7 is the development of allotment contracts, financial planning, legal defense South Platte Water Conservation Project negotiations and mitigation planning.

Fort Lupton's pro-rata share (2,050 acre feet) of the cost of these phases is estimated to be \$748,250 for 2021, the payment is requested by January 15, 2021.

It was moved by David Crespin and seconded by Bruce Fitzgerald to approve the Seventeenth Interim Agreement with payment to the Northern Integrated Supply Project (NISP) Water Activity Enterprise of \$748,250 for Phase 3A, Phase 5, Phase 6 and Phase 7 of the Project Funded out of the Water Sales Tax Fund. Motion passed unanimously on roll call vote.

STAFF

City Administrator, Chris Cross provided information on Weld County's grant fund for businesses. He encouraged all businesses to apply.

Assistant City Administrator, Glenda Aretxuloeta stated that all grant funds had been picked up by residents and that only 2 cards had not been picked up.

The City Attorney, Andy Ausmus, stated that the staff including Jeanelle Anderson, Officer Walker, Ruby Ford, Terry Asay, Marianne Cherry, Travis Aksamitowski and his department and Judge Gresh have done a phenomenal job providing a virtual court process. The process includes notifications by text, virtual court, and physically attending court with minimal contact.

HR Director, Laura Howe stated that the HR Department has been busy processing pay changes for equity adjustment as well as implemented minimum wage pay increases and thanked Council for their support in employee pay and approving changes to the employee handbook.

MAYOR/COUNCIL REPORTS

Mayor Stieber stated that it's wonderful to be back. She reported having headaches and fever due to COVID-19 and thanked all that provided her assistance.

FUTURE CITY EVENTS

December 24-25 th	City Offices and Fort Lupton Recreation Center Closed in Observance of the Christmas Holiday
December 25 th	Coyote Creek Golf Course will be closed in Observance of the Christmas Holiday
December 26-27 th	Recreation Center will be closed.
December 29 th	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
December 15, 2020

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.

ADJOURNMENT

Mayor Stieber adjourned the meeting at 8:43 p.m.

Respectfully Submitted,



Maricela Peña, City Clerk

Approved by City Council



Zo Stieber, Mayor

