

**RECORD OF PROCEEDINGS  
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS  
DECEMBER 12, 2011**

The City Council of the City of Fort Lupton met in regular session at the City Complex, 130 South McKinley Avenue, the regular meeting place of the City Council, on Monday, December 12, 2011. Mayor Tommy Holton called the meeting to order at 7:00 p.m., and invited everyone to join him in the Pledge of Allegiance.

**ROLL CALL**

Chris Cross	Present	S. David Norcross	Present
Tommy Holton	Present	Shannon Rhoda	Present
Zo Hubbard	Present	Debora Yates	Present
Bob McWilliams	Present		

The record is to reflect there was a quorum.

Others present were: City Administrator and Finance Director– Claud Hanes  
City Clerk – Barbara Rodgers  
City Attorney – Bill Wallace  
Chief of Police – Ken Poncelow  
Chief Accountant – Leann Perino  
City Planner – Todd Hodges

**APPROVAL OF AGENDA**

It was moved by Debora Yates and seconded by Bob McWilliams to approve the agenda as presented.

Motion carried on voice vote.

**REVIEW OF PAYABLES**

The record is to reflect that Council reviewed the payables up to December 12, 2011.

**CONSENT AGENDA**

It was moved by Bob McWilliams and seconded by Debora Yates to approve the following consent agenda items:

- **APPROVAL OF THE MINUTES OF THE DECEMBER 5, 2011, CITY COUNCIL/ENTERPRISE BOARDS MEETING**

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- **AM 2011-107      APPROVE RESOLUTION 2011-039 RATIFYING THE MAYOR'S REAPPOINTMENT OF BRUCE DAVIS FOR A THREE (3) YEAR TERM TO THE PLANNING COMMISSION TO EXPIRE DECEMBER 14, 2014**
  
- **AM 2011-108      APPROVE RESOLUTION 2011-040 RATIFYING THE MAYOR'S APPOINTMENT OF CHRIS CERETTO TO THE PLANNING COMMISSION FOR A THREE (3) YEAR TERM BEGINNING JANUARY 1, 2012 AND ENDING JANUARY 1, 2015**

Chris Cross	Yes	S. David Norcross	Yes
Tommy Holton	Yes	Shannon Rhoda	Yes
Zo Hubbard	Yes	Debora Yates	Yes
Bob McWilliams	Yes		

Motion carried on roll call vote.

**ACTION MEMORANDA (AMs)**

**PUBLIC HEARING FOR THE PURPOSE OF A SITE PLAN APPLICATION SUBMITTED BY O'REILLY AUTO PARTS – 100 S HARRISON AVENUE**

Mayor Holton opened the Public Hearing at 7:02 P.M.

Todd Hodges, Planning Department indicated O'Reilly Auto Parts submitted a final site plan for review. The property is located at the South East corner of Harrison and State Highway 52 (1<sup>st</sup> Street). The site is 1.6 acres in size. The property did have some prior obligations through the development plan of the subdivision and the obligations have been fulfilled through the review of this process. The Planning Commission did hold a public hearing on November 29, 2011 and recommended conditional approval. All legal requirements for the public hearing have been met including publication of the legal notice in the Fort Lupton Press, the mailing of public hearing notices to adjacent property owners within 100 feet and postings of the hearing on the site.

The conditions were defined in the Planning Commission resolution which includes landscaping and building façade. During the review process there was one set of comments received from an adjacent property owner. The comments were in favor the original proposal without any changes to the site plan. The conditions requested are straight forward and the applicant is in agreement to met the proposed conditions. At this point of the public hearing there were no questions from Council.

Tracy Letzring, Tate & Associates was present representing O'Reilly Auto Parts Store. Mr. Letzring presented renderings of the building facades, a site plan and

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a landscaping plan. The 7,353 square foot building will be located in the northern half of the lot. The applicant stated one of the major conditions was the need for a high-piled combustible storage area. This request was presented to the architects. The architects indicated there was no problem in meeting this request. Another concern was drainage issues brought up by J & T consulting, Inc.; the entire site was reviewed and all drainage issues were resolved. The Planning Commission requested the large blue spruce trees adjacent to the sidewalk on the north side be moved, so there was no obstruction to the sidewalk and a better corridor view. There will also be larger trees around the trash enclosure.

One of the provided elevations is standard for O'Reilly Auto Parts buildings. This elevation added a split face block in two contrasting colors. During the Planning Commission discussion there was a possibility of adding a peak to the front of the building. O'Reilly is requesting the standard façade be acceptable to Council. Adding the peak to the façade adds an additional cost to the project, so O'Reilly is requesting the peak option be removed from the conditions.

There was concern about traffic flow and O'Reilly is hopeful that Colorado Department of Transportation (CDOT) would allow making the intersection at 1<sup>st</sup> a three-quarter movement. Currently it is a right-in and right-out only; O'Reilly would like to have CDOT and the City consider making this intersection to include a left-inturn also. O'Reilly will contract for a traffic study and then present the results to the City and Colorado Department of Transportation.

Councilmember Zo Hubbard inquired about the "for sale" sign; it will be removed. There was an inquiry about what will be at the back of the building; there will be future growth to the area and that O'Reilly will not impede with the entrance to this property. What size of trucks will be arriving on site; the applicant indicated will be semis, arriving early morning.

Councilmember Bob McWilliams inquired about the peak façade. The applicant stated the recommendation came from the Planning Commission. A cost analyst was done and O'Reilly is requesting the standard building façade be constructed since it was costly to build the peak façade.

Mayor Holton asked if there was anyone from the public who would like to speak in regard to this application. There being none, Mayor Holton closed the public hearing at 7:15 P.M.

**AM 2011-110 RESOLUTION 2011-041 APPROVING A FINAL SITE PLAN FOR O'REILLY AUTO PARTS**

It was moved by Zo Hubbard and seconded by Bob McWilliams to approve AM 2011-110, Resolution 2011-041, approving a final site plan for O'Reilly Auto

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Parts. The resolution was amended by removing the conditions "Prior to Recording the Site Plan".

Chris Cross	Yes	S. David Norcross	Yes
Tommy Holton	Yes	Shannon Rhoda	Yes
Zo Hubbard	Yes	Debora Yates	Yes
Bob McWilliams	Yes		

**PUBLIC HEARING FOR THE PURPOSE OF A SPECIAL USE PERMIT (SUP)  
APPLICATION SUBMITTED BY PURE ENERGY SERVICE, INC.- 1277  
FACTORY DRIVE**

Mayor Holton opened the Public Hearing at 7:19 P.M.

Todd Hodges, Planning Department indicated this request is for a Special Use Permit for the storage and handling of explosives at 1277 Factory Drive. There was a pre application meeting to bring all entities were invited to attend. The Planning Commission reviewed the application at their November 29, 2011 meeting and approved with conditions. All entities are in agreement with the conditions. All posting and publication requirements were met. The local police department voiced no concerns with this request, since this is regulated by the Alcohol Tobacco and Firearms (ATF). The explosives will be held in locked vaults and the closest residence is a long way away. It was also stated that additional fencing will be required and an alarm system will be installed.

The applicant Ken Puncerelli, CEO, LAI Design, 8201 South Park Lane, Littleton Colorado presented this request to Council. Mr. Puncerelli introduced John Welge, Pure Energy, Brady Dilka, District Manager at the branch location. Mr. Puncerelli provided information about material storage and licensing requirements. A description of how the explosives are used out in the oil fields was also provided. All branch locations store and transport explosive per Federal Rules and Regulations. All employees go through an extensive training program. Employees will be following all local codes as well. There will be no modification to the exterior of the building, and no changing to the drainage of the site. Per AFT regulations there is limited storage within the building and the set back requirements will be met for both on site and inside the building. A description of the vaults inside the building was provided to Council. Since there are two elements that are needed to make the explosive activate, both elements will be stored separately.

Councilmember Zo Hubbard inquired about the transportation of the explosive. The applicant indicated they will be transporting their own materials.

There being no public comment, Mayor Holton closed the public hearing at 7:32 P.M.

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**AM 2011-111        RESOLUTION 2011-042 APPROVING A SPECIAL USE PERMIT (SUP) FOR PURE ENERGY SERVICE TO STORE AND HANDLE EXPLOSIVES AT 1277 FACTORY DRIVE**

It was moved by Shannon Rhoda and seconded by Zo Hubbard to approve AM 2011-111 Resolution 2011-042 approving a Special Use Permit (SUP)

Chris Cross	Yes	S. David Norcross	Yes
Tommy Holton	Yes	Shannon Rhoda	Yes
Zo Hubbard	Yes	Debora Yates	Yes
Bob McWilliams	Yes		

Motion carried on roll call vote.

**PUBLIC HEARING        TO CONSIDER THE FINAL 2012 BUDGET FOR THE CITY OF FORT LUPTON**

Mayor Holton opened the Public Hearing at 7:33 P.M. to consider the final 2012 budget for the City of Fort Lupton.

Chief Accountant Leann Perino indicated the 2012 Financial Plan and the Capital Improvement Plan includes \$14,173,711 in revenues which represents all funds and \$15,544,740 in expenditures for all funds. It was stated that all publication requirements were met.

There being no questions or comments from the public, Mayor Holton closed the public hearing at 7:34 P.M.

**AM 2011-112        RESOLUTION NO. 2011-043 ADOPTING THE 2012 BUDGET AND FINANCIAL PLAN AND SETTING APPROPRIATIONS FOR THE VARIOUS FUNDS AND SPENDING AGENCIES FOR THE PERIOD BEGINNING THE FIRST DAY OF JANUARY, 2012 AND ENDING THE THIRTY-FIRST DAY OF DECEMBER, 2012**

It was moved by Chris Cross and seconded by Debora Yates to approve AM 2011-112, Resolution No. 2011-043 adopting the 2012 budget and financial plan and setting appropriations for the various funds and spending agencies for the period beginning the first day of January, 2012 and ending the thirty-first day of December, 2012.

Chris Cross	Yes	S. David Norcross	Yes
Tommy Holton	Yes	Shannon Rhoda	Yes
Zo Hubbard	Yes	Debora Yates	Yes
Bob McWilliams	Yes		

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Motion carried on roll call vote.

**AM 2011-114 RESOLUTION NO. 2011-045 LEVYING GENERAL PROPERTY TAXES FOR THE ASSESSED TAX YEAR 2011, TO FUND THE COST OF GOVERNMENT, FOR THE CITY OF FORT LUPTON, COLORADO FOR THE 2012 FISCAL YEAR**

**Background**

Each year, the City adopts a property tax mill levy for the following year. For 2011, the assessed valuation of \$81,645,400 is expected to generate approximately \$1,412,305 revenue. This is based on 17.298 mills to be used to support the activities of public works, public safety, general administration and operations. The 17.298 mills is comprised of 6.003 for Recreation Center debt service obligation; 4.68 mills to support the Recreation Center operations and maintenance. The combined Recreation Center mill levy will be 10.683, a decrease of 0.136 mills vs. the amount levied for 2011. The total mill City levy assessed to property owners will be 27.981.

It was moved by Bob McWilliams and seconded by Zo Hubbard to approve AM 2011-114 Resolution No. 2011-045 levying general property taxes for the assessed tax year 2011, to fund the cost of government, for the City of Fort Lupton, Colorado for the 2012 fiscal year.

Chris Cross	Yes	S. David Norcross	Yes
Tommy Holton	Yes	Shannon Rhoda	Yes
Zo Hubbard	Yes	Debora Yates	Yes
Bob McWilliams	Yes		

Motion carried on roll call vote.

**AM 2011-113 TO APPROVE RESOLUTION 2011-044 AUTHORIZING THE MAYOR TO SIGN DIVISION ORDERS FROM OIL AND GAS COMPANIES FOR PRODUCTION IN THE CITY**

**Background**

There are wells the City owns the mineral interests to and the Division Orders are to verify the information and a signature is required to receive the royalties from the well production.

It was moved by Zo Hubbard and seconded by Chris Cross to approve AM 2011-113 to approve Resolution 2011-044 authorizing the Mayor to sign Division Orders from oil and gas companies for production in the City.

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Chris Cross	Yes	S. David Norcross	Yes
Tommy Holton	Yes	Shannon Rhoda	Yes
Zo Hubbard	Yes	Debora Yates	Yes
Bob McWilliams	Yes		

Motion carried on roll call vote.

**COMMUNICATIONS**

**CHIEF OF POLICE**

Ken Poncelow indicated the oil and gas companies will be holding a Job Fair in February because they are having trouble finding employees. The job fair will be held at the Fort Lupton High School and the Public Safety Committee will be part of the fair.

**COUNCIL**

Mayor Holton would like the advisory committee chairs to attend and provide updates about their committee to a Council. It was requested committees providing a mission statement. City Administrator Claud Hanes stated he will be having Department Heads attend Council meeting to provide department updates.

**FUTURE CITY EVENTS**

- **DECEMBER 26, 2011      CITY HALL CLOSED – CHRISTMAS HOLIDAY**
- **JANUARY 2, 2012      CITY HALL CLOSED – NEW YEAR'S HOLIDAY**

**ADJOURNMENT**

It was moved by Bob McWilliams and seconded by Chris Cross to adjourn the December 12, 2011 City Council/Enterprise Boards meeting.

Motion carried on voice vote.

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The meeting was adjourned at 7:41 p.m.

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Tommy Holton, Mayor

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Barbara Rodgers, City Clerk

Prepared by:  
Nanette Fornof, Deputy City Clerk