

**City of Dacono
City Council Meeting Minutes
Monday, July 13, 2020**

Meeting held remotely via Zoom called to order at 6:03pm

Members Present Joe Baker, Mayor
Danny Long, arrived at 7:06 pm
Debbie Nasta
Jackie Thomas
Kathryn Wittman
Derrick Worden

Members Absent Robin Dunlap, excused

Staff Present AJ Euckert, City Manager
Valerie Taylor, City Clerk
Jennifer Krieger, Community Development Director
Kathleen Kelly, City Attorney
Jordan Eichem, Assistant City Manager
Kelly Stroh, Finance Officer

Public Comment on Issues Not Scheduled on Agenda *(Any documents presented to City Council at the meeting will be kept in the City Clerk's office and will be available for viewing.)*

None

Consent Agenda

- a. Minutes of the June 22, 2020 Regular Meeting.
- b. Accounts Payable dated July 13, 2020 in the Amount of \$731,366.19.
- c. Approval of Resolution 20-55, Approving a Proposal from Lamp Rynearson Engineering for Services for Joint Outfall System.
- d. Approval of Resolution 20-56, Granting Probationary Acceptance of the Public Improvements for Vivid Storage.
- e. Approval of Resolution 20-57, Approving a Professional Services Agreement with Jensen LaPlante for Owners Representative Services.
- f. Approval of Resolution 20-58, Approving an agreement with Platte River Power Authority.
- g. Approval of Resolution 20-59, Authorizing an Expenditure in the Amount of \$16,300.25 to L.A.W.S. For Equipment Purchase and Services Rendered.
- h. Approval of Resolution 20-60, Authorizing an Expenditure in the Amount of \$32,984 to Mike Shaw Chrysler, Dodge, Jeep, Ram for the Purchase of a 2020 Dodge Durango.
- i. Approval or Resolution 20-61, Approving a Professional Services Agreement with Galloway for the Colorado Blvd Survey Project.

Council Member Nasta moved to approve the consent agenda as presented. The vote was unanimous with Mayor Baker declaring the motion carried.

General Business

Consideration and Approval of the 2019 Annual Audit.

Kelly Stroh, Finance Officer presented her report.

John Cutler with John Cutler and Associates presented his report.

Council Member Wittman moved to approve the 2019 Annual Audit as presented. The vote was unanimous with Mayor Baker declaring the motion carried.

Public Hearing and Approval of Resolution 20-62, Approving a Special Use Permit for Jerry Dee's.

Mayor Baker opened the public hearing.

Adam Marcovich was sworn in by City Clerk, Valerie Taylor and presented his report

Jennifer Krieger Community Development Director asked that the following items be made part of the record: Application for Special Use Permit & narrative, Dacono Municipal Code and Zoning Map, Staff report dated July 13, 2020, and Request for Electronic Land Use Hearing.

Susan DeNovellis was sworn in by City Clerk, Valerie Taylor, she stated there will be noise when people laugh and are enjoying themselves. She stated Jerry's quote is "show me a quiet bar and you'll have a broke bar." The porta pots are cleaned often so there is no odor. They ran the bar for 30 years and Adam has been coming to the bar since he was 21, he is local. She hopes that Council will give these kids a chance.

Council Member Nasta asked for clarification on who the owner of the establishment is. Susan stated they are currently the owners of the property but they are in the process of selling the establishment to Adam.

Council Member Nasta asked why is this just the outdoor portion and not the entire establishment. Jennifer stated the indoor dining is a permitted use, the Special Use permit is for the outdoor area only. She said this just erases the non-conforming use, since the establishment was closed for more than 6 months the non-conforming use expired.

Council Member Thomas asked if the trees and stage were built to buffer the noise from the surrounding areas was a recent change. Adam stated this is existing, the stage and trees have been there. They have not changed anything to the outside except cleaned the yard up. He welcomed all of council to come and see it.

Mayor Baker asked what the posted hours of operations are. Adam stated 11am until 2am for inside, outdoor will close at 11pm unless the City's ordinance says different. Mayor Baker stated there have been multiple complaints regarding noise. Adam stated the previous owners tried to implement bike night during the week and they will not do that and they will not have bands during the week. If they have to have the bands earlier in the day and end earlier they will. They are not a biker bar; they are a tavern. They welcome everyone. They don't want to be judged by the previous owners. Mayor Baker stated that if they are closing down by 11 pm they probably won't have those issues. Adam said they are planning to open asap as soon as they get everything okayed. Council Member Wittman asked why they didn't open earlier. Adam stated they received their liquor license January 20, it took a few months for fire department to return calls, then COVID hit. Adam said they were waiting on all of their inspections to be able to open. Once they get their water heater installed then the health department will finish their inspection.

Susan asked what the hours are now for music in the noise ordinance, when they had the bar they had it form 8 pm to midnight on Friday and Saturday, is that still acceptable. She said they are trying to get their business license; they can't purchase food or liquor until they get the health department certificate.

Mayor Baker asked about the liquor license and health department certificate, Valerie stated that the liquor licenses are issued by the state and city and allows for the sale of alcohol but food and beverages, including alcohol, cannot be sold without the health department certificate.

With no further public comments Mayor Baker closed the public hearing.

Council Member Wittman moved to approve Resolution 20-62, Approving a Special Use Permit for Jerry Dee's. The vote was unanimous with Mayor Baker declaring the motion carried.

Public Hearing and Approval of Ordinance 889, Rezoning Certain Property Located within the M & C Development Properties Subdivision No. 2, on Second Reading.

Mayor Baker opened the Public Hearing.

Shaye Coppinger with Occidental, 1099 18th Street, Denver, CO, 80202, was sworn in by City Clerk, Valerie Taylor and stated she didn't have a formal presentation but as part of the Operator Agreement they agreed to rezone and work to sell the property.

Jennifer Krieger, Community Development Director asked that the following be entered into the record: Dacono Municipal Code & Zoning Map, Dacono Comprehensive Plan, Staff Report dated July 13, 2020, Proof of mailing providing notice by Applicant, Petition to Rezone, Request for Electronic Hearing, and presented her report.

Council Member Long arrive at 7:06 pm

Council Member Wittman stated that nothing has changed since first reading. Jennifer stated nothing has changed since first reading, currently there are not any land use applications being considered.

With no further public comments Mayor Baker closed the public hearing.

Council Member Wittman moved to approve the Ordinance 889, Rezoning Certain Property Located within the M & C Development Properties Subdivision No. 2, on Second Reading. The vote was unanimous with Mayor Baker declaring the motion carried.

Public Hearing and Approval of Ordinance 887, Approving an Annexation known as the Dacono Station Annexation to the City of Dacono, Colorado, on Second Reading.

Public Hearing and Approval of Ordinance 888, Zoning Property Annexed to the City of Dacono and known as the Dacono Station Annexation, on Second Reading.

Mayor Baker opened the public hearing for Ordinances 887 and 888.

Callie Lewis, with Western Midstream owner of the Compressor Station gave brief presentation and was available for questions.

Jennifer Krieger, Community Development Director presented her report and asked that the following be entered into the record: Dacono Municipal Code & Zoning Map, Dacono Comprehensive Plan, Staff Report dated June 22, 2020, Proof of mailing providing notice by Applicant, Annexation Petition, PUD Exhibit, Weld County USR 18-0002, Request for Electronic Hearing dated May 4, 2020, Unofficial meeting minutes from May 12, 2020 Planning and Zoning Commission.

With no further public comments Mayor Baker closed the public hearing.

Council Member Thomas moved to approve Ordinance 887, Approving an Annexation known as the Dacono Station Annexation to the City of Dacono, Colorado, on Second Reading. The vote was unanimous with Mayor Baker declaring the motion carried.

Council Member Thomas moved to approve Ordinance 888, Zoning Property Annexed to the City of Dacono and known as the Dacono Station Annexation, on Second Reading. The vote was ayes: Council Members Wittman, Thomas, Nasta and Long. Nay Council Member Worden. Mayor Baker declared the motion carried.

Public Hearing Rezoning of Certain Property owned by the City of Dacono within the Sundance Subdivision. (Open and Continue until August 24, 2020)

Mayor Baker opened the public hearing.

Council Member Wittman moved to continue the public hearing until August 24, 2020 at 6pm. The vote was unanimous with Mayor Baker declaring the motion carried.

Consideration and Approval of Ordinance 890, Imposing a Temporary Moratorium on the Issuance of a Building Permit, Special Use Permit or Business License to, or Receipt of Any Land Use Application from, Any Property Owner or Applicant the Purpose of Which Includes Development, Construction or Operation of a Self-Storage Facility, as an Emergency.

Jennifer Krieger, Community Development Director presented her report.

Council Member Nasta asked Jennifer to expand on how it looks during the moratorium and what the vision is. Mayor Baker state that is up to the council to decide what the vision is for the future. Jennifer stated that it is up to council to decide what happens on the I-25 corridor but staff can certainly facilitate.

Council Member Wittman stated that she knows its up to council but it is great to have staff come up with ideas and she's glad that staff is so good at doing that.

Council Member Nasta stated she agrees with Joe and Kathy and with her being on council six years, six months goes very quickly and she would like to have a work session on this and have work done in the six-month period.

Council Member Wittman moved to approve Ordinance 890, Imposing a Temporary Moratorium on the Issuance of a Building Permit, Special Use Permit or Business License to, or Receipt of Any Land Use Application from, Any Property Owner or Applicant the Purpose of Which Includes Development, Construction or Operation of a Self-Storage Facility, as an Emergency. The vote was unanimous with Mayor Baker declaring the motion carried.

Consideration and Approval of Ordinance 891, Amending Chapter 2, Article 7 of the Dacono Municipal Code Regarding Appointment of Deputy Municipal Court Judges, as an Emergency.

AJ Euckert, City Manager presented his report.

Council Member Nasta moved to approve Ordinance 891, Amending Chapter 2, Article 7 of the Dacono Municipal Code Regarding Appointment of Deputy Municipal Court Judges, as an Emergency. The vote was unanimous with Mayor Baker declaring the motion carried.

Consideration and approval of Resolution 20-63, Approving an Agreement for Deputy Municipal Judge Services.

AJ Euckert, City Manager presented his report.

Council Member Nasta moved to approve Resolution 20-63, Approving an Agreement for Deputy Municipal Judge Services. The vote was unanimous with Mayor Baker declaring the motion carried.

Staff Reports

AJ Euckert – He stated at one of our last meetings, council members talked about a drive-in event concept. August 28th, it will be held in the Centennial Field parking lot. Drive-up Music & Movies, everyone would be in their cars, unclear if people could get out of their vehicles. Food trucks would be there, the food trucks are typed into an app and they notify you when your food is ready to avoid crowding. We won't be using the beer trailer, keep the event family friendly and have a middle of the road movie. As long as council is good with that we will move forward. Council gave the go ahead to proceed with the Drive-up Music and Movie. We will have a reservation system and parking attendants will put cars in order according to size. A training session for quasi-judicial matters will be held on August 11th at 6 pm for Planning Commission and City Council, Sam Light will be the presenter, he is general counsel with CIRSA. Clean out month is August. Debbie asked about City Hall reopening. City Hall will be open by appointment only; we are waiting on any new public health order. It's hard to maintain social distancing in our small lobby. We are able to work successfully remotely. We are working hard to get the technology setup to be able to do hybrid meetings. We are still limited to 10 people per the current PHO. Jackie asked if the drive

up movie was limited to 100 cars. We are waiting on an aerial photo to see exactly how many vehicles will fit.

Jordan Eiche – no report.

Jennifer Krieger – no report.

Brian Skaggs – not present.

Kathleen Kelly – no report.

Valerie Taylor – no report.

Jon Rabas – not present.

Kelly Stroh – no report.

Council Members

Jackie Thomas – no report.

Joe Baker – no report.

Danny Long – no report.

Debbie Nasta – She would like to review the Charter for any amendments, a Doodle Poll will be going out for possible work session dates.

Kathryn Wittman – She said our splash pad is amazing, she has been helping with the lunch program and they are having 70-90 kids a day for lunch. She thanked everyone for getting the splash pad open for our kids.

Derrick Worden – no report.

Robin Dunlap – not present.

Adjournment:

With no further business to be discussed the meeting was adjourned at 7:59 pm.

Approved this 27th day of July, 2020.

Joe Baker, Mayor

Attest:

Valerie Taylor, City Clerk