

**City of Dacono
City Council Meeting Minutes
Monday, September 14, 2020**

Meeting held remotely via Zoom called to order at 6:07 PM

Members Present Joe Baker, Mayor
Debbie Nasta
Jackie Thomas
Kathryn Wittman
Derrick Worden
Danny Long, arrived at 6:50pm

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 Eiche, Assistant City Manager
Kelly Stroh, Finance Officer
Brian Skaggs, Chief of Police

Presentations and Proclamations

Carbon Valley Help Center Presentation – Christina Martinez presented an update on the Empty Bowls project and sponsorship opportunities.

Daughters of the American Revolution Constitution Week Proclamation
Mayor Baker read the proclamation. Esther DeManche with the Carbon Valley Chapter of the Daughters of the American Revolution thanked the Mayor for allowing her to attend.

National Preparedness Proclamation
Mayor Baker read the proclamation.

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 August 24, 2020 Regular Meeting.
- b. Accounts Payable Dated September 14, 2020 in the Amount of \$409,082.26.
- c. Approval of Resolution 20-76, Approving an Expenditure in the Amount of \$14,286.00 to AeroClave, LLC.
- d. Approval of Resolution 20-77, Approving an Updated Fee Schedule for Kelly PC.
- e. Approval of Resolution 20-78, Granting Final Acceptance of the Public Improvements to Sweetgrass Filing 1, Replat D.
- f. Approval of Resolution 20-79, Approving a Letter of Intent to Participate in the DRCOG Planimetric Imagery Project.
- g. Approval of Resolution 20-80, Approving a Contract with MPC in the Amount of \$84,293.00 for Roadway Asphalt Patching.
- h. Approval of Resolution 20-83, Approving an Agreement to Terminate Memorandum of Understanding – School Resource Officer Program.

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

General Business

Public Hearing and Approval of Ordinance 893, Authorizing a Site Lease and Lease Purchase Agreement Between the City, and UMB Bank, N.A. (Solely In Its Capacity As Trustee) for the Purpose of Financing Certain Improvements to City Hall and Certain Related Facilities; Approving Not To Exceed \$6,500,000 Principal Amount of Certificates of Participation, Series 2020 in Connection therewith; Authorizing Officials of the City to Take All Action Necessary to Carry Out the Transactions Contemplated Hereby; and Related Matters, on Second Reading.

Mayor Baker opened the public hearing.

AJ Euckert, City Manager presented his report.

Council Member Wittman asked if there were any changes between first and second reading. AJ stated that no substantive changes were made, the ordinance summary was added.

Council Member Nasta asked if this would begin in 2020 budget. AJ stated it wasn't budgeted in 2020 but we are looking to have it issued this year. Nate Eckloff with Piper Sandler, stated the lease payments would begin next year on June 1, 2021 with an interest payment being due and with principle payment due in December.

Council Member Thomas asked when the construction will be done. AJ stated, not soon enough, the General Contractor is onboard and we are working with them. There will be 10 or 11 months of construction. We are going to do the best we can to streamline how the process works. We will know more in the upcoming weeks.

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

Council Member Nasta moved to approve Ordinance 893, Authorizing a Site Lease and Lease Purchase Agreement Between the City, and UMB Bank, N.A. (Solely In Its Capacity As Trustee) for the Purpose of Financing Certain Improvements to City Hall and Certain Related Facilities; Approving Not To Exceed \$6,500,000 Principal Amount of Certificates of Participation, Series 2020 in Connection therewith; Authorizing Officials of the City to Take All Action Necessary to Carry Out the Transactions Contemplated Hereby; and Related Matters, on Second Reading. The vote was unanimous with Mayor Baker declaring the motion carried.

(Mayor Baker moved consideration of Ordinance 892 before Resolution 20-51)

Public Hearing and Approval of Ordinance 892, Rezoning Certain Property Owned by the City of Dacono and Located within Sundance Subdivision, on Second Reading.

Mayor Baker opened the public hearing.

Jennifer Krieger, Community Development Director asked that the following documents be made part of the record: Dacono Municipal Code & Zoning Map, Dacono Comprehensive Plan, Staff Report dated September 14, 2020, Proof of mailing providing notice by Applicant, Petition to Rezone, and presented her report.

(Council Member Long joined the meeting.)

With no further comments Mayor Baker closed the public hearing.

Council Member Thomas moved to approve Ordinance 892, Rezoning Certain Property Owned by the City of Dacono and Located within Sundance Subdivision, on Second Reading. The vote was

Ayes: Council Members Thomas, Nasta, Worden and Wittman. Abstain: Council Member Long. Mayor Baker declared the motion carried.

Public Hearing and Consideration of Resolution 20-51, Approving a Site Plan, Industrial Uses, and Development Agreement for U-Haul Dacono – West. (Continued from August 24, 2020).

Mayor Baker reopened the public hearing.

Council Member Nasta stated she was absent during the first public hearing, so she will abstain.

Yvette Daluz with U-Haul Company, 7540 York Street, Denver, CO 80229 was sworn in by City Clerk, Valerie Taylor and presented her report. She stated they have submitted quite a few changes and information for clarification. The Equipment shunting area has been identified clearly to show the quantity of vehicles, they have submitted different scenarios to show how many vehicles can be stored there due to the different types of vehicles and trailers. The customer pickup and drop off area that will be directional. They have added screening to the equipment area, decorative fence and additional landscaping. They have modified the building to break out the mass, they have enclosed staircases and put roofs on them, added awnings, updated cornices and parapet, they have increased stone area to match the neighboring building. Items that have been added have been called out. Additional landscaping has been added to soften and compliment. They have submitted an addendum for the truck and trailer sharing to expand the narrative.

Jennifer Krieger, Community Development Director asked that the following documents be entered into record: Site development dated September 9, 2020 and all plans, reports and studies accompanying the application, Industrial Use Application dated November 29, 2019 and Project Statement, U-Haul Truck and Trailer Addendum sent September 9, 2020, "Site Plan and Elevation Changes Made to U-Haul. Dacono West" narrative, submitted by Applicant September 10, 2020, Dacono Municipal Code/Zoning Map, Staff report dated September 14, 2020. She also asked that the colored rendering be entered into the record. She stated the engineer had a chance to review revised traffic study and found it complete.

Council Member Wittman appreciated the massive amount of work that was done in a short amount of time. Current height of the building is 4 stories; maximum allowed height is 75 feet, this current plan is 59 feet 6 inches. She asked if all of the concerns have been met regarding building height, parking of vehicles, clarification, and if there are any other codes that have not been upheld with this applicant and this procedure. Jennifer stated the site plan has met the criteria of the municipal code but that the design standard criteria was more subjective than the zoning code.

Mayor Baker stated that he has 3 scenarios with vehicles being parked there so he doesn't see where just ten vehicles are being parked. The City needs smart, sustainable growth.

Council Member Worden asked what the space for shunting and staging area is used for. Yvette stated that it was used to bring clarity, there will be a limited space that equipment would be located. He asked if the prep area would have vehicles there for minutes or for the day. Yvette said that when the customer drops off at the drop off area, it will then go to the shunting area. If there are only a few trucks available, the next customer will get it. She stated she was trying to show how they were limiting the area.

Council Member Worden stated the application is for storage facility, however there is a component of the truck share, he asked what is a designation for the main use or the secondary/incidental use.

Jennifer stated that she would refer the council to the information that was provided that shows the different scenarios. The primary use is inside storage; the outside vehicle storage would be a secondary use. The applicant has provided different scenarios as to how many vehicles may be stored there. Council Member Worden asked what would make vehicle storage a primary use.

Jennifer stated the DMC defines accessory use as secondary and incidental. On Sheet 2 of the site plan, they have added some notes to clarify the maximum number of vehicles.

Council Member Wittman understands the shunting area, for trucks to be screened and not out in plain sight. Inventory would be stored in in the 20'x60' area. She stated that based on everything that she's read and everything that has been placed in front of council did not include anything about if there were too many storage facilities. She stated we depend on planning and all of the requirements, the building and everything has passed the criteria.

Mayor Baker stated that it is Council's discretion and he doesn't see any criteria being met. He stated there is a U-Haul rental place right on Road 15. He stated Council should take recommendations and move forward. He doesn't see the criteria being met. He said the applicant even said it would look like a used car lot.

Council Member Wittman asked Yvette if said that it would look like a used car lot. Yvette said she did not recall saying that.

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

Council Member Wittman moved to approve Resolution 20-51, Approving a Site Plan, Industrial Uses, and Development Agreement for U-Haul Dacono – West. The vote was ayes: Council Members Wittman and Thomas. Nays: Council Members Long and Worden. Abstain: Council Member Nasta. Mayor Baker broke the tie vote by voting no. Mayor Baker declared the motion failed.

Mayor Baker made a motion to direct staff to draft a motion to deny. The vote was ayes: Council Members Worden and Long. Nays: Council Members Wittman and Thomas. Mayor Baker broke the tie vote by voting yes. Mayor Baker declared the motion carried.

Public Hearing and Approval of Ordinance 892, Rezoning Certain Property Owned by the City of Dacono and Located within Sundance Subdivision, on Second Reading.

Mayor Baker opened the public hearing.

Jennifer Krieger, Community Development Director asked that the following documents be made part of the record: Dacono Municipal Code & Zoning Map, Dacono Comprehensive Plan, Staff Report dated August 24, 2020, Proof of mailing providing notice by Applicant, Petition to Rezone, and presented her report.

With no further comments Mayor Baker closed the public hearing.

Council Member Thomas moved to approve Ordinance 892, Rezoning Certain Property Owned by the City of Dacono and Located within Sundance Subdivision, on Second Reading. The vote was unanimous with Mayor Baker declaring the motion carried.

Consideration and Approval of Ordinance 894, Adopting the 2020 Model Traffic Code, on First Reading.

Brian Skaggs, Chief of Police presented his report.

Council Member Wittman moved to approve Ordinance 894, Adopting the 2020 Model Traffic Code, on First Reading. The vote was unanimous with Mayor Baker declaring the motion carried.

Consideration and Approval of Resolution 20-81, Approving a First Amendment to the Subdivision Improvement Agreement for Sweetgrass Filing 4. *Postponed until September 28, 2020*

Consideration and Approval of Resolution 20-82, Approving an Intergovernmental Agreement between the City of Dacono, Colorado and the Urban Renewal Authority of Dacono for Acquisition and Construction of Infrastructure.

Jennifer Krieger, Community Development Director presented her report.

Council Member Nasta moved to approve Resolution 20-82, Approving an Intergovernmental Agreement between the City of Dacono, Colorado and the Urban Renewal Authority of Dacono for Acquisition and Construction of Infrastructure. The vote was unanimous with Mayor Baker declaring the motion carried.

Consideration and Approval of Ordinance 895, Amending Chapter 2 of the Dacono Municipal Code Regarding Municipal Campaign Finance Violations and Complaints, on First Reading.

Valerie Taylor, City Clerk presented her report.

Council Member Wittman moved to approve Ordinance 895, Amending Chapter 2 of the Dacono Municipal Code Regarding Municipal Campaign Finance Violations and Complaints, on First Reading. The vote was unanimous with Mayor Baker declaring the motion carried.

AJ Euckert – He reminded everyone about the URAD tomorrow night at 6pm. Planning Commission will meet on September 22. September 28th is the next council meeting. October 6 is the National Night Out, while we aren't gathering in person, we will be doing an online social media campaign. The Municipal Subdistrict Inclusion was successful in spite of the typical restrictions during the pandemic. We will be submitting our petition to the court tomorrow. There has been a huge team putting in the hours towards this. A Highway 52 PEL Access Control Plan virtual campaign will be going on this week. Our contractor, Elder Construction, has been selected for the new building and remodel. Appointment scheduling is available, we are trying to open back up and still comply with Governor's orders and the PHO. Residents can go online and schedule appointments. The Audio/Visual equipment installation will begin next week. The hybrid meeting approach is coming soon. We budgeted money this year for a transit pilot program, we were planning to do in conjunction with Firestone. We froze some projects and that was one of them, he asked if that is something we wanted to look at doing. He can have someone from Via come in to talk to Council. It will provide transportation for people within the Carbon Valley and limited surrounding areas, like Longmont. Council stated they would like to move forward with pursuing it. The City received a grant to purchase an Aeroclave system to sanitize the facilities.

Jordan Eichem – no report.

Jennifer Krieger – no report.

Brian Skaggs – no report.

Kathleen Kelly – no report.

Valerie Taylor – no report.

Jon Rabas – not present.

Kelly Stroh – no report.

Council Members

Jackie Thomas – no report.

Joe Baker – He asked about the Music and Movie, AJ stated that the weather played a factor and there was a delay.

Danny Long – He apologized for being late to the meeting. He spaced out the highway 52 meeting. Hopefully he feels better for the meeting tomorrow night.

Debbie Nasta – She stated she is happy to hear we have a policy in place where people can stay at home or be in chambers during meetings. She will not be at the URAD meeting tomorrow night. The vice-chair is also not available. The Consumer Report stated Dacono is hosting an onsite movie for National Night Out, she would like them ask them to retract the advertisement. Thanked Valerie for the extra effort in bringing stuff to their houses.

Kathryn Wittman – no report.

Derrick Worden – no report.
Robin Dunlap – not present.

Bill Haid, Carbon Valley Parks and Recreation District Board Member gave a shout out to AJ and staff for letting football teams use the field with the lights.

Adjournment:

With no further business to be discussed the meeting was adjourned at 8:04pm.

Approved this 28th day September, 2020.

Joe Baker, Mayor

Attest:

Valerie Taylor, City Clerk