R E C O R D O F P R O C E E D I N G S

CITY OF LAFAYETTE
CITY COUNCIL MEETING

July 10, 2012

Call to Order
Mayor Carolyn Cutler called the July 10, 2012 regular City Council Meeting to order at 6:46 p.m. in the Council Chambers at 1290 South Public Road, Lafayette, Colorado.

Those present and answering roll call were Mayor Carolyn Cutler, and Councilors Alexandra Lynch, Pete d'Oronzio, Brad Wiesley, and Christine Berg. A motion was made by Councilor d'Oronzio and seconded by Councilor Wiesley *to excuse Councilor Staci Lupberger and Mayor Pro Tem Kracha*. The motion passed unanimously.

Also present were City Administrator Gary Klaphake, Fire Chief Gerry Morrell, Police Chief Rick Bashor, City Attorney Dave Williamson, Deputy City Clerk Susan Barker, Recreation and Facilities Management Director Curt Cheesman, City Engineer Peter Johnson and Public Works Director Doug Short.

Executive Session

At 6:47 p.m., a motion was made by Councilor d'Oronzio and seconded by Councilor Wiesley *to adjourn to Executive Session according to C.R.S. 24-6-402(4)(b), to confer with an attorney for the City for the purposes of receiving legal advice on specific legal questions pertaining to title matters for the South Lafayette Fire Station*. The motion passed unanimously.

Mayor Cutler reconvened the regular City Council Meeting at 7:30 p.m. She announced that the executive session had been concluded. She listed the participants in the session as herself, Councilors Wiesley, Lynch, and Berg; City Administrator Klaphake, Fire Chief Morrell, and City Attorney Williamson. She asked anyone who participated in the executive session to voice their concerns if they believed that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law. No concerns were voiced.

Resolution / South Lafayette Fire Station
Councilors discussed the need to terminate or otherwise resolve the rights of third parties in and to the South Lafayette Fire Station parcel, in order to move forward with construction of the new station. They directed staff, consultants and the City Attorney to attempt to acquire ownership of interests in the parcel. A motion was made by Councilor d'Oronzio and seconded by Councilor Wiesley *to approve Resolution No. 2012-31 / Declaring the City's Intent to Acquire Certain Property Interests for the Construction of the South Lafayette Fire Station and Authorizing Negotiations and Proceedings, Including Litigation, If Necessary, for such Acquisition*. The motion passed unanimously.

Items From the Public
Jane Rosenberg- Salina Street expressed her concern regarding the water level at Waneka Lake, the smell, dust and the wildlife. She asked what could be done to help.

Council Minutes
A motion was made by Councilor d'Oronzio and seconded by Councilor Wiesley *to approve the minutes of the Regular Meeting of June 18, 2012 as written*. The motion passed unanimously.

Consent Agenda
Mayor Cutler read the consent agenda:

E. Change Order #1 / Goosehaven Transfer Pipeline / BT Construction
F. Conditional Approval of Contract / Design Build for the Expansion of Goose Haven Reservoir Complex / Rock Products of Colorado, LLC
G. First Reading / Ordinance No. 15, Series 2012 / Clarifying Ordinance No. 18, Series 2010 / Pertaining to Adoption of Model Traffic Code
H. Conditional Approval of Contract / Baseline Road Rail Road Crossing / BNSF Rail Road
I. Purchase Orders & Purchase Order Amendments

Item H was removed from the Consent Agenda for further discussion.

A motion was made by Councilor Wiesley and seconded by Councilor d'Oronzio *to approve the remainder of the Consent Agenda*. The motion passed unanimously.

Item H / Conditional Approval of Contract / Baseline Road Rail Road Crossing / BNSF Rail Road
Public Works Director Doug Short explained that with approval of this contract, BNSF could begin work on the crossing. A motion was made by Councilor Wiesley and seconded by Councilor d'Oronzio *to approve Item H*. The motion passed unanimously.

Proclamation – Relay for Life / Paint the Town Purple
Councilor Wiesley read a Proclamation declaring July 20, 2012 as "Relay for Life Day" and encouraging Lafayette citizens to participate in "Paint the Town Purple" July 20-August 4, 2012 and in the relay at Monarch High School on August 3. A motion was made by Councilor Wiesley and seconded by Councilor Lynch *to approve the proclamation as read*. The motion passed unanimously.

Mayor Cutler invited Lynn Wooten, representing Relay for Life to come forward. Ms. Wooten said the kick-off for Paint the Town Purple will be July 20 during Art Night Out. She thanked Council and the City Administrator for their support.

Council Appointments

Planning Commission
Councilor Berg presented to Council the request from the Planning Commission to re-appoint Tom Benson and Debra Nickel to the Lafayette Planning Commission for another four-year term each.

Board of Adjustment
Councilor Berg recommended the re-appointment of Jon Ferro and LaRue Perryman and the

appointment of John Weise to the Board of Adjustment for three-year terms.

Historic Preservation Board
Councilor Berg recommended the appointment of Karen Lloyd to the Historic Preservation Board for a four-year term.

A motion was made by Councilor Berg and seconded by Councilor d'Oronzio *to re-appoint Tom Benson and Debra Nickel to the Planning Commission, Jon Ferro and LaRue Perryman to the Board of Adjustment and the appointment of John Weise to the Board of Adjustment and Karen Lloyd to the Historic Preservation Board*. The motion passed unanimously.

Mayor Cutler requested that the Community Development Department submit their recommendations for appointments to the Council with the agenda packets. Council believed this would provide consistency from all Boards and Commissions**,** in the past Council liaisons just announced the decision of these Boards at the meeting.

Ordinance No. 16, Series 2012 / Authorizing an Extension of the Legacy Tax, Subject to the November 6, 2012 General Election
City Attorney Williamson said that Council directed his office to prepare documents to allow a vote on the extension of the Legacy (Open Space) Sales and Use Tax, set to expire on December 31, 2014. He said the process for extending the tax involves the adoption of an ordinance to implement the extension (subject to the general election) and a resolution upon second reading of the ordinance that would refer the question to the voters.

A motion was made by Councilor d'Oronzio and seconded by Councilor Wiesley *to amend the title language of the ordinance from Legacy Tax to Legacy Open Space Tax*. The motion passed unanimously.

A motion was made by Councilor d'Oronzio and seconded by Councilor Wiesley *to approve on first reading as amended Ordinance No. 16, Series 2012 / Authorizing an Extension of the 0.25% Portion of the City's General Sales and Use Tax Known as the Legacy Tax for a Period of Ten (10) Years; Said Extension to Commence on January 1, 2015; Authorizing the City Council to Make Such Amendments to the Lafayette City Code as will Implement the Intent and Purpose of this Ordinance; Giving Approval for Collection, Retention and Expenditure of the Revenues Derived from the Legacy Tax and any Investment Earnings thereon Without Limitation by Article X, Section 20 of the State Constitution or any other Law; Setting forth an effective Date; and providing Further Details in Relation to the Foregoing*. The motion passed unanimously.

City Administrator's Report
Mr. Klaphake advised Council that Xcel Energy had informed cities across the state that, as of December 31, 2012, banners, flags and all other items would be prohibited from Xcel poles. He asked for a head nod to participate in meetings with other cities regarding Xcels proposal to ban all banners, flags or other items on the poles. Council consensus was for him to participate in the meetings.

Downtown Action Committee / Final Report
Mayor Cutler presented the final recommendations by the Downtown Action Committee.
She said DAC voted to recommend that the planning and hosting of small events be assigned to the Downtown Coordinator and to ask that continuing efforts of encouraging collaboration among

downtown organizations be a goal of the Lafayette Old Town Association. DAC also voted to recommend that LURA continue to financially support the Lafayette Old Town Association in a manner similar to the support DAC has provided to LOTA over the past four years. DAC did not recommend that all of DAC's duties be passed on to LOTA. The committee requested that DAC be dissolved upon the acceptance of these recommendations.

A motion was made by Mayor Cutler and seconded by Councilor d'Oronzio *to approve recommendations made by the Downtown Action Committee and to dissolve the committee*. The motion passed unanimously.

Council Reports

Councilor Lynch made a motion that was seconded by Councilor Wiesley *to allow Mayor Pro Tem Kracha and Councilor Lupberger to listen to the Executive Session recording of July 10, 2012*. The motion passed unanimously.

Mayor Cutler made a motion seconded by Councilor Lynch *to direct the city attorney to work on the 2012 Enhanced Growth Management initiative with the idea of having a discussion about seeing it on the ballot in 2012.* The motion passed unanimously.

Items from the Public- continued
Mayor Cutler asked for Council consensus to allow Mr. Smedley to speak.

Cliff Smedley – Skylark Circle voiced his concerns about Fracking and asked Council to take a stand against Fracking.

Adjournment
Mayor Cutler adjourned the meeting at 8:43 p.m.

CITY OF LAFAYETTE, COLORADO

_____
Carolyn D. Cutler, Mayor

ATTEST:

_____
Susan Barker, CMC
Deputy City Clerk

The minutes herein are a summary of the business conducted at this meeting, not a verbatim transcription. Only the actions taken and text appearing within quotation marks are verbatim.