**STATEMENT OF VISION**

*Lafayette's panoramic view of the Rocky Mountains inspires our view into the future. We value our heritage, our unique neighborhoods, a vibrant economy and active life-styles. We envision a future that mixes small town livability with balanced growth and superior city services.*

**October 2, 2012**

# A G E N D A

## 5:30 PM CITY COUNCIL WORKSHOP

**I.** 2013 Budget (50 min)

## 6:30 PM CITY COUNCIL MEETING

**I. OPENING OF REGULARLY SCHEDULED MEETING**

Call to Order
Pledge of Allegiance
Roll Call

**II. PRESENTATION**

A. One Lafayette Grant Awards

**III. PUBLIC INPUT**

B. ITEMS FROM THE PUBLIC (The public may address any City business, including Consent Agenda items, for which a public hearing is not scheduled later in the meeting.)

C. PUBLIC HEARING - 2013 Budget

1. Resolution No. 2012-42 / Adopting the 2013 Budget & Establishing the Mill Levy (not a public hearing)
2. First Reading / Ordinance No. 28, Series 2012 / 2013 Budget (Published-Daily Camera, September 22, 2012)

**IV. RECESS REGULAR COUNCIL MEETING**

## GENERAL IMPROVEMENT DISTRICT MEETINGS

**V. LAFAYETTE TECH CENTER**

A. Call to Order and Roll Call
B. Approval of October 4, 2011 Minutes
C. Public Hearing / 2013 Budget
D. Resolution No. 2012-01 / Approving 2013 Budget
E. Adjournment

## VI. LAFAYETTE CORPORATE CAMPUS

A. Call to Order and Roll Call

B. Approval of October 4, 2011 Minutes

C. Public Hearing / 2013 Budget

D. Resolution No. 2012-01 / Approving 2013 Budget

E. Adjournment

## VII. LAFAYETTE CITY CENTER

A. Call to Order and Roll Call

B. Approval of October 4, 2011 Minutes

C. Public Hearing / 2013 Budget

D. Resolution No. 2012-01 / Approving 2013 Budget

E. Adjournment

## VIII. EXEMPLA

A. Call to Order and Roll Call

B. Approval of August 7, 2012 Minutes

C. Public Hearing / 2013 Budget

D. Resolution No. 2012-03 / Approving 2013 Budget

E. Adjournment

## IX. RECONVENE REGULAR COUNCIL MEETING

## X. COUNCIL MINUTES

F. Workshop of September 18, 2012

G. Regular Meeting of September 18, 2012

## XI. CONSENT AGENDA

H. Second Reading / Ordinance No. 27, Series 2012 / Amending Section 47-22 of the Lafayette Code of Ordinances / Demolition of Buildings not Designated as Historic Landmarks

I. Resolution No. 2012-43 / Authorizing Amendment to Intergovernmental Agreement / Ball Fields at Harney-Lastoka Open Space / City of Louisville and Boulder County

J. Contract / Mesa Circle Water Line / BT Construction

K. Purchase Orders & Purchase Order Amendments

## XII. COUNCIL PROCLAMATIONS

L. Open Space Day / October 6, 2012

M. Fire Prevention Week / October 7 – 13, 2012

## XIII. REGULARLY SCHEDULED ITEMS

Ordinances

N. First Reading / Ordinance No. 30, Series 2012 / Authorizing an Intergovernmental Agreement / Construction & Design of Pipeline from Hecla Lake to Harney-Lastoka Open Space / City of Louisville and Boulder County

## XIV. STAFF REPORTS

O. City Attorney's Report

P. City Administrator's Report

## XV. COUNCIL REPORTS

## XVI. ADJOURNMENT

**Finance Department**

# STAFF REPORT

To: Honorable Mayor Cutler and City Council
Gary Klaphake, City Administrator
From: Bob Wright, Finance Director
Date: September 24, 2012
Subject: 2013 Budget
1. Resolution No. 2012-42/Adopting the 2013 Budget & Establishing a Mill Levy
2. First Reading/Ordinance No.28, Series 2012/2013 Budget Appropriations

**Recommendation:** That the Mayor and City Council approve the City of Lafayette 2013 Budget – Resolution No. 2012-42 and Ordinance No.28, Series 2012, on first reading.

**Background:** During the previous two workshops, staff has discussed the major components of the 2013 budget with the City Council. After the August 21st workshop, staff modified the budget based on Council input and direction. The September 18th workshop resulted in the addition of $500 for the benefit of the Historic Association. Staff has included these changes in the 2013 budget that will be presented at the October 2nd meeting.

Staff also changed the descriptions of Celebrate Lafayette and Lafayette Days on the list of Community Support to 4th of July ($4,000), Home for the Holidays ($3,000) , and MLK Day ($1,000).

In addition, Council has requested information on the status of the One Lafayette Account at the Community Foundation, and a discussion of ambulance billings and collections.

The accumulated balance in the Community Foundation for One Lafayette is $69,155.29 as of September 7, 2012. The balance consists of $35,000 from the City of Lafayette, $26,684.64 from individuals, and $7,470.65 from investment earnings. The City will be sending $25,000 this week to the Foundation increasing the balance to over $94,000.

Gerry Morrell will lead a short discussion of the ambulance service and the resulting billings on October 2nd.

As mentioned before, the pay plan is not included in the 2013 budget at this time. The total appropriations include amounts set aside for later implementation. Council approval of the pay plan will be requested in November after Human Resources has received the necessary data from other sources.

Staff recommends approval of the 2013 budget.

Two other subjects that were discussed at the previous budget workshops will need to be addressed after the beginning of 2013.

After the year 2012 results are available, staff will present details of the General Fund ending fund balance for discussion prior to a transfer of any fund balance to the Capital Projects Fund.

Before the budget process begins for the 2014 budget, staff will propose an application process for funding of boards and commissions as suggested by Council.

**Attachments**: Resolution No. 2012-42
Ordinance No.28, Series 2012

**CITY OF LAFAYETTE**

**RESOLUTION NO. 2012 – 42**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE ADOPTING THE 2013 BUDGET, AND ESTABLISHING THE MILL LEVY**

**WHEREAS**, the City Council of the City of Lafayette, Colorado, will pursuant to Section 8.3 of the Charter of the City of Lafayette, Colorado, hold a public hearing on the proposed 2013 Budget before first reading on October 2, 2012; and

**WHEREAS**, the City Council finds that:

1. The City Administrator, as City Budget Officer, prepared and submitted to the Council on or before October 2, 2012, a recommended budget in full compliance with the City Charter Section 8.2, paragraphs (a) through (f) inclusive; and

2. The notice of the proposed public hearing, a summary of the proposed budget, and notice that the proposed budget was on file in the office of the City Clerk will be published at least one week in advance of the public hearing; and

**WHEREAS,** the mill levy, proposed by this resolution is 14.380 mills and is intended to generate tax funds not to exceed $604,806 in revenue for debt payments on public library, fire station, police station construction, $1,613,446 for Ambulance and Fire services, and approximately $2,934,321 for other municipal purposes.

**WHEREAS,** the revenue goals were established to insure compliance with the various bond issue ballot questions and provisions of the Colorado State Constitution; and

**WHEREAS,** between December 1 and December 15, 2012, the City will receive a final assessed valuation which may be different from the previous valuation of $358,543,567; and

**WHEREAS,** the City must certify the appropriate mill levy to the Boulder County Assessor's Office no later than December 15, 2012; and

**WHEREAS,** an amendment to this resolution may be required to modify the mill levy used for the payment of various debt issues and to modify the mill levy used for other municipal purposes.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council of the City of Lafayette adopts the 2013 Budget, a copy of which is marked Exhibit "A" and is on file in the City Clerk's Office.

2. The City Council of the City of Lafayette determines that it is necessary to levy a tax of 0.435 mills on the real property within the City Limits for the purpose of payment of principal and interest on the 1998 General Obligation Refunding and Improvement Bonds, to levy a tax of 1.252 mills on the real property within the City Limits for the purpose of payment of principal and interest on the 2005 General Obligation (Police Station Construction) Bonds, to levy a tax of 4.500 mills on the real property within the City Limits for Ambulance and Fire services, and to levy a tax of 8.184 mills on the real property within the City Limits for other municipal purposes, for a total levy of 14.371 mills on the real property within the City Limits for municipal purposes and hereby orders the same to be certified. Said levy is based on Boulder County's 2012 assessed valuation.

3. The City Council recognizes that it may be necessary to further modify the total mill levy prior to December 15, 2012, in order to ensure compliance with various bond issue ballot questions and provisions of the Colorado State Constitution; and

a. The City Council of the City of Lafayette authorizes the City Administrator to make appropriate adjustments; and

b. The City Council of the City of Lafayette authorizes the City Administrator to certify the mill levy by December 15, 2012, to generate revenue not to exceed $156,046 for the refunded portion of debt related to public library improvements and debt related to fire station construction; $448,760 for debt related to police station construction, $1,613,446 for Ambulance and Fire services, and approximately $2,934,321 for other municipal purposes; and

c. Should the City Administrator find it necessary to modify the mill levy, a Resolution ratifying that decision shall be presented to the City Council at the next scheduled meeting.

It was moved by Council Member _____ and seconded by Council Member _____ that the foregoing Resolution No. 2012- 42 be passed and adopted this 2nd day of October, 2012.

WHEREUPON, the Mayor declared the foregoing Resolution No. 2012- 42 having received _____ votes Aye and _____ votes Nay, was passed, adopted and effective this 2nd day of October, 2012.

CITY OF LAFAYETTE, COLORADO

ATTEST:

_____
Carolyn D. Cutler
Mayor

_____
Susan Koster, CMC
City Clerk

APPROVED AS TO FORM:

_____
David S. Williamson
City Attorney

**ORDINANCE NO. 28, SERIES 2012**
**INTRODUCED BY:**

**AN ORDINANCE APPROPRIATING FUNDS FOR THE OPERATION OF THE CITY OF LAFAYETTE, COLORADO, FOR THE FISCAL YEAR OF 2013**

**WHEREAS,** the City Council of the City of Lafayette, Colorado, is charged with the responsibility of adopting an appropriation ordinance for the purpose of allocating funds to the various departments for expenditure in the fiscal year of 2013; and

**WHEREAS,** the City Administrator, as Budget Officer designated by the City Council, has prepared and submitted a recommended budget in full compliance with the provisions of Chapter 8, Section 8.2, sub (a) through sub (f), of the Charter of the City of Lafayette, Colorado; and

**WHEREAS,** the City Council has adopted a budget for the next ensuing fiscal year, 2013, in full compliance with the provisions of Chapter 8, Section 4 of the Charter of the City of Lafayette, Colorado; and

**WHEREAS**, it is the duty of the City Council to appropriate, by ordinance, the money needed for municipal purposes during the next ensuing fiscal year, 2013.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, ORDAINS:

1. Pursuant to Resolution No. 2011- 42, adopting the 2013 fiscal year budget, the following revenues will be received in the 2013 fiscal year:

**2013 BUDGETED REVENUES**

| | |
|---|---|
| General Fund | $ 22,126,142 |
| Debt Service Fund | 1,746,377 |
| Special Revenue Fund: | |
| Ambulance & Fire | 1,889,819 |
| Capital Projects Funds: | |
| Legacy Open Space | 52,933 |
| POST Open Space | 913,557 |
| Conservation Trust | 220,500 |
| Capital Projects | 1,520,000 |
| Enterprise Funds: | |
| Water Utility | 6,752,891 |
| Water Reclamation Utility | 2,929,689 |
| Storm Water Utility | 848,613 |
| Golf Course | 2,430,299 |
| Internal Service Funds: | |
| Employee Benefit Plan | 2,540,589 |
| Insurance | 521,648 |
| Cemetery Endowment | 418 |
| TOTAL BUDGETED REVENUES | $ 44,493,475 |

2. Pursuant to Resolution No. 2012-42, adopting the 2013 fiscal year budget, the following expenditures will be made in the 2013 fiscal year:

**2013 BUDGETED EXPENDITURES**

| | |
|---|---|
| General Fund | $ 22,126,142 |
| Debt Service Fund | 1,746,377 |
| Special Revenue Funds: | |
| Ambulance & Fire | 1,889,819 |
| Capital Projects Funds: | |
| Legacy Open Space | 52,933 |
| POST Open Space | 913,557 |
| Conservation Trust | 220,500 |
| Capital Projects | 1,520,000 |
| Enterprise Funds: | |
| Water Utility | 6,752,891 |
| Water Reclamation Utility | 2,929,689 |
| Storm Water Utility | 848,613 |
| Golf Course | 2,430,299 |
| Internal Service Funds: | |
| Employee Benefit Plan | 2,540,589 |
| Insurance | 521,648 |
| Cemetery Endowment | 418 |
| TOTAL BUDGETED EXPENDITURES | $ 44,493,475 |

**INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 2nd DAY OF OCTOBER, 2012.**

**PASSED ON SECOND AND FINAL READING THIS ____ DAY OF OCTOBER, 2012.**

ATTEST:

_____
Susan Koster, CMC
City Clerk

CITY OF LAFAYETTE, COLORADO

_____
Carolyn D. Cutler, Mayor

APPROVED AS TO FORM:

_____
David S. Williamson, City Attorney

PUBLISHED: Lafayette News, _____

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

# CITY OF LAFAYETTE
## LAFAYETTE TECH CENTER GENERAL IMPROVEMENT DISTRICT

October 4, 2011

**Call to Order and Roll Call**
Chair Phillips called the October 4, 2011 board meeting of the Lafayette Tech Center General Improvement District to order at 6:30 p.m. in the Council Chambers, 1290 S. Public Road, Lafayette, Colorado. Those present and answering roll call were Chair Frank Phillips, Vice Chair Jay Ruggeri and Directors Carolyn Cutler, John Buechner, Staci Lupberger, Pete d'Oronzio; and Steve Kracha.

Others included City Administrator Gary Klaphake, Finance Director Bob Wright, City Attorney Dave Williamson and City Clerk Susan Koster.

**Approval of Minutes**
A motion was made by Director Ruggeri and seconded by Director Buechner seconded *to approve the minutes of the October 5, 2010 meeting as written*. The motion passed unanimously.

**Resolution No. 2011-01 / Approving the 2012 Budget**
Finance Director Bob Wright introduced Resolution No. 2011-01.

Chair Phillips opened the Public Hearing at 6:31 pm. He invited members of the public to speak. Seeing no one, he closed the hearing.

A motion was made by Director Ruggeri and seconded by Director Cutler to approve *Resolution No. 2011-01 / Approving the 2012 Budget.* The motion passed unanimously.

**Adjournment**
Chair Phillips adjourned the meeting at 6:34 pm.

ATTEST:

_____
Susan Koster, CMC
City Clerk

CITY OF LAFAYETTE, COLORADO

_____
Carolyn D. Cutler, Chair

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.

**LAFAYETTE TECH CENTER GENERAL IMPROVEMENT DISTRICT**

**RESOLUTION 2012-01**

**INTRODUCED BY BOARD MEMBER _____**

**A RESOLUTION**

**BY THE LAFAYETTE CITY COUNCIL, SITTING EX OFFICIO AS THE BOARD OF DIRECTORS OF THE LAFAYETTE TECH CENTER GENERAL IMPROVEMENT DISTRICT, CITY OF LAFAYETTE, COLORADO, ADOPTING A BUDGET, MAKING APPROPRIATIONS FOR THE BUDGET YEAR 2013 AND APPROVING A MILL LEVY.**

WHEREAS, The Lafayette Tech Center General Improvement District (the "District") was created by Ordinance No. 30, Series 1999 (the "Ordinance"), and the Ordinance recognized the Council of the City of Lafayette as the Board of Directors of the District (the "Board of Directors"), pursuant to § 31-25-609, C.R.S.; and

WHEREAS, the Ordinance established a District Advisory Board (the "Advisory Board"), comprising representatives of key agencies of the City and the individual signatories to the Petition for organization of the District, and specified that such Advisory Board should, subject to the approval of the Board of Directors, conduct and manage all affairs of the District as the authorized agent of the Board of Directors, including its financial and legal affairs; and

WHEREAS, in accordance with the Ordinance, the Advisory Board will prepare, deliver and recommend to the Board of Directors, at least once a year, a proposed Budget (describing the major activities and contracts to be undertaken by the District for the next succeeding fiscal year); and appropriations and a designated mill levy for the budget year 2013; and

WHEREAS, the Board of Directors is authorized to approve the Budget; and

WHEREAS, the Advisory Board has thereby prepared, reviewed and recommended to the Council for its approval a District Budget Resolution for the 2013 Budget Year, with its accompanying exhibits, all as set forth therein; and

WHEREAS, the eligible electors of the District have approved ballot issues authorizing the collection, retention and spending of the property tax and other revenues in the amounts specified in the proposed budget.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LAFAYETTE, IN ITS EX OFFICIO CAPACITY AS THE BOARD OF DIRECTORS OF THE LAFAYETTE TECH CENTER GENERAL IMPROVEMENT DISTRICT:**

**Section 1**. That the Budget for the District attached hereto and incorporated herein as Exhibit A is hereby adopted and approved for the Budget Year 2013. That the estimated revenues and expenditures for the District's General Fund, the Debt Service Fund and the Capital Projects Fund for fiscal year 2013, as more specifically set forth in the Budget, are adopted and approved.

**Section 2**. That the following sums are hereby appropriated from the revenues of the District, for the purposes stated:

| | |
|---|---|
| Debt Service Fund | $ 168,855 |
| Total Fund Appropriations | $ 168,855 |

**Section 3**. That the amount of money necessary to be raised from property taxes for the purpose of the District's General Operating Expenses is $12,455 and for Debt Service is $156,400; that the total valuation for assessment in the District is $2,043,910 that a levy of 80.079 mills upon each dollar of the total valuation for assessment of all taxable property within the District is hereby approved and certified for levy and collection by Boulder County, Colorado in accordance with law.

**Section 4**. That the Clerk of the City of Lafayette, acting ex officio as the Secretary of the Board of Directors of the District, shall attest and affix the seal of the District to this resolution.

**APPROVED THIS 2nd DAY OF OCTOBER, 2012 BY THE LAFAYETTE CITY COUNCIL, SITTING EX OFFICIO AS THE BOARD OF DIRECTORS OF THE LAFAYETTE TECH CENTER GENERAL IMPROVEMENT DISTRICT.**

By: _____
Chairman

ATTEST:

By: _____
City Clerk

# My Budget Worksheet

CITY OF LAFAYETTE
Lafayette, CO

## Account Summary

For Fiscal: 2013 Period Ending: 01/31/2013

| | | 2011 Total Activity | 2012 Total Budget | 2012 Total Activity | Projection | 2013 Total Budget |
|---|---|---|---|---|---|---|
| **Fund: 17 - LAFAYETTE TECH CENTER GID** | | | | | | |
| **Revenue** | | | | | | |
| **Division: 101 - REVENUES** | | | | | | |
| **Category: 50 - TAXES** | | | | | | |
| 17-101-500100 | PROPERTY TAX | 164,341.65 | 160,760.00 | 158,059.30 | 160,760.00 | 163,675.00 |
| 17-101-500300 | SPECIFIC OWNERSHIP TAX | 7,193.01 | 5,000.00 | 4,336.12 | 5,000.00 | 5,000.00 |
| | **Category: 50 - TAXES** | **171,534.66** | **165,760.00** | **162,395.42** | **165,760.00** | **168,675.00** |
| **Category: 57 - OTHER REVENUE** | | | | | | |
| 17-101-570100 | MISC REVENUE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 17-101-570600 | INTEREST INCOME | 511.58 | 150.00 | 197.13 | 150.00 | 180.00 |
| | **Category: 57 - OTHER REVENUE** | **511.58** | **150.00** | **197.13** | **150.00** | **180.00** |
| **Category: 59 - USE OF SURPLUS FUNDS** | | | | | | |
| 17-101-599999 | USE OF SURPLUS FUNDS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| | **Category: 59 - USE OF SURPLUS FUNDS** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** |
| | **Division: 101 - REVENUES** | **172,046.24** | **165,910.00** | **162,592.55** | **165,910.00** | **168,855.00** |
| | **Revenue** | **172,046.24** | **165,910.00** | **162,592.55** | **165,910.00** | **168,855.00** |
| **Expense** | | | | | | |
| **Division: 103 - NON-DEPARTMENTAL** | | | | | | |
| **Category: 80 - SERVICES** | | | | | | |
| 17-103-809000 | LEGAL SERVICES | 256.00 | 1,500.00 | 0.00 | 1,500.00 | 1,500.00 |
| 17-103-814000 | COUNTY TREASURER FEES | 2,465.13 | 2,410.00 | 2,427.05 | 2,397.00 | 2,455.00 |
| 17-103-872900 | BOND PRINCIPAL | 35,000.00 | 35,000.00 | 0.00 | 35,000.00 | 40,000.00 |
| 17-103-877900 | BOND INTEREST | 120,600.00 | 118,500.00 | 59,250.00 | 118,500.00 | 116,400.00 |
| 17-103-879700 | BOND FEES | 750.00 | 500.00 | 0.00 | 500.00 | 500.00 |
| 17-103-889000 | MISC SERVICES | 8,000.00 | 8,000.00 | 0.00 | 8,000.00 | 8,000.00 |
| | **Category: 80 - SERVICES** | **167,071.13** | **165,910.00** | **61,677.05** | **165,897.00** | **168,855.00** |
| | **Division: 103 - NON-DEPARTMENTAL** | **167,071.13** | **165,910.00** | **61,677.05** | **165,897.00** | **168,855.00** |
| | **Expense** | **167,071.13** | **165,910.00** | **61,677.05** | **165,897.00** | **168,855.00** |
| | **Fund 17 Total:** | **-4,975.11** | **0.00** | **-100,915.50** | **-13.00** | **0.00** |
| | **Report Total:** | **-4,975.11** | **0.00** | **-100,915.50** | **-13.00** | **0.00** |

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

# CITY OF LAFAYETTE
## LAFAYETTE CORPORATE CAMPUS GENERAL IMPROVEMENT DISTRICT

October 4, 2011

**Call to Order and Roll Call**
Chair Phillips called the October 4, 2011 board meeting of the Lafayette Corporate Campus General Improvement District to order at 6:34 p.m. in the Council Chambers, 1290 S. Public Road, Lafayette, Colorado. Those present and answering roll call were Chair Frank Phillips, Vice Chair Jay Ruggeri and Directors Carolyn Cutler, John Buechner, Staci Lupberger, Pete d'Oronzio; and Steve Kracha.

Others included City Administrator Gary Klaphake, Finance Director Bob Wright, City Attorney Dave Williamson and City Clerk Susan Koster.

**Approval of Minutes**
A motion was made by Vice Chair Ruggeri and seconded by Director d'Oronzio seconded *to approve the minutes of the October 5, 2010 meeting as written*. The motion passed unanimously.

**Resolution No. 2011-01 / Approving the 2012 Budget**
Finance Director Bob Wright introduced Resolution No. 2011-01.

Chair Phillips opened the Public Hearing at 6:35 pm. He invited members of the public to speak. Seeing no one, he closed the hearing.

A motion was made by Vice Chair Ruggeri and seconded by Director Cutler to approve *Resolution No. 2011-01 / Approving the 2012 Budget.* The motion passed unanimously.

**Adjournment**
Chair Phillips adjourned the meeting at 6:36 pm.

ATTEST:

_____
Susan Koster, CMC
City Clerk

CITY OF LAFAYETTE, COLORADO

_____
Carolyn D. Cutler, Chair

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.

**LAFAYETTE CORPORATE CAMPUS GENERAL IMRPOVEMENT DISTRICT**

**RESOLUTION 2012-01**

**INTRODUCED BY BOARD MEMBER _____**

**A RESOLUTION**

**BY THE LAFAYETTE CITY COUNCIL, SITTING EX OFFICIO AS THE BOARD OF DIRECTORS OF THE LAFAYETTE CORPORATE CAMPUS GENERAL IMPROVEMENT DISTRICT, CITY OF LAFAYETTE, COLORADO, ADOPTING A BUDGET, MAKING APPROPRIATIONS FOR THE BUDGET YEAR 2013 AND APPROVING A MILL LEVY.**

WHEREAS, the Lafayette Corporate Campus General Improvement District (the "District") was created by Ordinance No. 20, Series 2002 (the "Ordinance"), and the Ordinance recognized the Council of the City of Lafayette as the Board of Directors of the District (the "Board of Directors"), pursuant to § 31-25-609, C.R.S.; and

WHEREAS, the Ordinance established a District Advisory Board (the "Advisory Board"), comprising representatives of key agencies of the City and the individual signatories to the Petition for organization of the District, and specified that such Advisory Board should, subject to the approval of the Board of Directors, conduct and manage all affairs of the District as the authorized agent of the Board of Directors, including its financial and legal affairs; and

WHEREAS, in accordance with the Ordinance, the Advisory Board will prepare, deliver and recommend to the Board of Directors, at least once a year, a proposed Budget (describing the major activities and contracts to be undertaken by the District for the next succeeding fiscal year); and appropriations and a designated mill levy for the budget year 2013; and

WHEREAS, the Board of Directors is authorized to approve the Budget; and

WHEREAS, the Advisory Board has thereby prepared, reviewed and recommended to the Council for its approval a District Budget Resolution for the 2013 Budget Year, with its accompanying exhibits, all as set forth therein; and

WHEREAS, the eligible electors of the District have approved ballot issues authorizing the collection, retention and spending of the property tax and other revenues in the amounts specified in the proposed budget.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LAFAYETTE, IN ITS EX OFFICIO CAPACITY AS THE BOARD OF DIRECTORS OF THE LAFAYETTE CORPORATE CAMPUS GENERAL IMPROVEMENT DISTRICT:**

**Section 1**. That the Budget for the District attached hereto and incorporated herein as Exhibit A for the budget year 2013 is hereby adopted and approved. That the estimated revenues and expenditures for the District's General Fund, the Debt Service Fund and the Capital Projects Fund for fiscal year 2013, as more specifically set forth in the Budget, are adopted and approved.

**Section 2**. That the following sums are hereby appropriated from the revenues of the District, for the purposes stated:

| | |
|---|---|
| Debt Service Fund | $ 257,960 |
| Total Fund Appropriations | $ 257,960 |

**Section 3.** That the amount of money necessary to be raised from property taxes for the purpose of the District's General Operating Expenses is $14,160 and for Debt Service is $243,800; that the total valuation for assessment in the District is $10,830,377; that a levy of 22.527 mills upon each dollar of the total valuation for assessment of all taxable property within the District is hereby approved and certified for levy and collection by Boulder County, Colorado, in accordance with law.

**Section 4**. That the Clerk of the City of Lafayette, acting *ex officio* as the Secretary of the Board of Directors of the District, shall attest and affix the seal of the District to this resolution.

**APPROVED THIS 2nd DAY OF OCTOBER, 2012 BY THE LAFAYETTE CITY COUNCIL, SITTING EX OFFICIO AS THE BOARD OF DIRECTORS OF THE LAFAYETTE CORPORATE CAMPUS GENERAL IMPROVEMENT DISTRICT.**

By: _____
Chairman

ATTEST:

By: _____
City Clerk

# My Budget Worksheet

CITY OF LAFAYETTE
Lafayette, CO

## Account Summary

For Fiscal: 2013 Period Ending: 01/31/2013

| | | 2011 Total Activity | 2012 Total Budget | 2012 Total Activity | Projection | 2013 Total Budget |
|---|---|---|---|---|---|---|
| **Fund: 16 - LAF CORP CAMPUS GID** | | | | | | |
| **Revenue** | | | | | | |
| **Division: 101 - REVENUES** | | | | | | |
| **Category: 50 - TAXES** | | | | | | |
| 16-101-500100 | PROPERTY TAX | 247,806.49 | 249,031.00 | 249,125.45 | 249,031.00 | 243,974.00 |
| 16-101-500300 | SPECIFIC OWNERSHIP TAX | 10,982.76 | 10,314.00 | 7,688.62 | 10,314.00 | 10,314.00 |
| | **Category: 50 - TAXES** | **258,789.25** | **259,345.00** | **256,814.07** | **259,345.00** | **254,288.00** |
| **Category: 57 - OTHER REVENUE** | | | | | | |
| 16-101-570600 | INTEREST INCOME | 3,782.93 | 3,060.00 | 2,715.48 | 3,060.00 | 3,672.00 |
| 16-101-570810 | ASSESSMENT PRINCIPAL | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 16-101-570820 | ASSESSMENT INTEREST | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| | **Category: 57 - OTHER REVENUE** | **3,782.93** | **3,060.00** | **2,715.48** | **3,060.00** | **3,672.00** |
| **Category: 59 - USE OF SURPLUS FUNDS** | | | | | | |
| 16-101-599999 | USE OF SURPLUS FUNDS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| | **Category: 59 - USE OF SURPLUS FUNDS** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** |
| | **Division: 101 - REVENUES** | **262,572.18** | **262,405.00** | **259,529.55** | **262,405.00** | **257,960.00** |
| | **Revenue** | **262,572.18** | **262,405.00** | **259,529.55** | **262,405.00** | **257,960.00** |
| **Expense** | | | | | | |
| **Division: 103 - NON-DEPARTMENTAL** | | | | | | |
| **Category: 80 - SERVICES** | | | | | | |
| 16-103-814000 | COUNTY TREASURER FEES | 3,717.11 | 3,705.00 | 3,736.87 | 3,735.00 | 3,660.00 |
| 16-103-872900 | BOND PRINCIPAL | 50,000.00 | 55,000.00 | 0.00 | 55,000.00 | 55,000.00 |
| 16-103-877900 | BOND INTEREST | 197,200.00 | 193,200.00 | 96,600.00 | 193,200.00 | 188,800.00 |
| 16-103-879700 | BOND FEES | 300.00 | 500.00 | 300.00 | 500.00 | 500.00 |
| 16-103-889000 | MISC SERVICES | 10,000.00 | 10,000.00 | 0.00 | 10,000.00 | 10,000.00 |
| | **Category: 80 - SERVICES** | **261,217.11** | **262,405.00** | **100,636.87** | **262,435.00** | **257,960.00** |
| | **Division: 103 - NON-DEPARTMENTAL** | **261,217.11** | **262,405.00** | **100,636.87** | **262,435.00** | **257,960.00** |
| | **Expense** | **261,217.11** | **262,405.00** | **100,636.87** | **262,435.00** | **257,960.00** |
| | **Fund 16 Total:** | **-1,355.07** | **0.00** | **-158,892.68** | **30.00** | **0.00** |
| | **Report Total:** | **-1,355.07** | **0.00** | **-158,892.68** | **30.00** | **0.00** |

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

# CITY OF LAFAYETTE
## LAFAYETTE CITY CENTER GENERAL IMPROVEMENT DISTRICT

October 4, 2011

**Call to Order and Roll Call**
Chair Phillips called the October 4, 2011 board meeting of the Lafayette City Center General Improvement District to order at 6:36 p.m. in the Council Chambers, 1290 S. Public Road, Lafayette, Colorado. Those present and answering roll call were Chair Frank Phillips, Vice Chair Jay Ruggeri and Directors Carolyn Cutler, John Buechner, Staci Lupberger, Pete d'Oronzio; and Steve Kracha.

Others included City Administrator Gary Klaphake, Finance Director Bob Wright, City Attorney Dave Williamson and City Clerk Susan Koster.

**Approval of Minutes**
A motion was made by Director d'Oronzio and seconded by Vice Chair Ruggeri seconded *to approve the minutes of the October 5, 2010 meeting as written*. The motion passed unanimously.

**Resolution No. 2011-01 / Approving the 2012 Budget**
Finance Director Bob Wright introduced Resolution No. 2011-01.

Chair Phillips opened the Public Hearing at 6:39 pm. He invited members of the public to speak. Seeing no one, he closed the hearing.

A motion was made by Director Lupberger and seconded by Director d'Oronzio to approve *Resolution No. 2011-01 / Approving the 2012 Budget.* The motion passed unanimously.

**Adjournment**
Chair Phillips adjourned the meeting at 6:39 pm.

ATTEST:

_____
Susan Koster, CMC
City Clerk

CITY OF LAFAYETTE, COLORADO

_____
Carolyn D. Cutler, Chair

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.

**LAFAYETTE CITY CENTER GENERAL IMPROVEMENT DISTRICT**

**RESOLUTION 2012-01**

**INTRODUCED BY BOARD MEMBER _____**

**A RESOLUTION**

**BY THE LAFAYETTE CITY COUNCIL, SITTING EX OFFICIO AS THE BOARD OF DIRECTORS OF THE LAFAYETTE CITY CENTER GENERAL IMPROVEMENT DISTRICT, CITY OF LAFAYETTE, COLORADO, ADOPTING A BUDGET, MAKING APPROPRIATIONS FOR THE BUDGET YEAR 2013 AND APPROVING A MILL LEVY.**

WHEREAS, the Lafayette City Center General Improvement District (the "District") was created by Ordinance No. 98-15, Series 1998 (the "Ordinance"), and the Ordinance recognized the Council of the City of Lafayette as the Board of Directors of the District (the "Board of Directors"), pursuant to § 31-25-609, C.R.S.; and

WHEREAS, the Ordinance established a District Advisory Board (the "Advisory Board"), comprising representatives of key agencies of the City and the individual signatories to the Petition for organization of the District, and specified that such Advisory Board should, subject to the approval of the Board of Directors, conduct and manage all affairs of the District as the authorized agent of the Board of Directors, including its financial and legal affairs; and

WHEREAS, in accordance with the Ordinance, the Advisory Board will prepare, deliver and recommend to the Board of Directors, at least once a year, a proposed Budget (describing the major activities and contracts to be undertaken by the District for the next succeeding fiscal year); and appropriations and a designated mill levy for the budget year 2013; and

WHEREAS, the Board of Directors is authorized to approve the Budget; and

WHEREAS, the Advisory Board has thereby prepared, reviewed and recommended to the Council for its approval a District Budget Resolution for the 2013 Budget Year, with its accompanying exhibits, all as set forth therein; and

WHEREAS, the eligible electors of the District have approved ballot issues authorizing the collection, retention and spending of the property tax and other revenues in the amounts specified in the proposed budget.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LAFAYETTE, IN ITS EX OFFICIO CAPACITY AS THE BOARD OF DIRECTORS OF THE LAFAYETTE CITY CENTER GENERAL IMPROVEMENT DISTRICT:**

**Section 1**. That the Budget for the District attached hereto and incorporated herein as Exhibit A is hereby adopted and approved for the Budget Year 2013. That the estimated revenues and expenditures for the District's General Fund, the Debt Service Fund and the Capital Projects Fund for fiscal year 2013, as more specifically set forth in the Budget, are adopted and approved.

**Section 2**. That the following sums are hereby appropriated from the revenues of the District, for the purposes stated:

| | |
|---|---|
| Debt Service Fund | $ 94,812 |
| Total Fund Appropriations | $ 94,812 |

**Section 3**. That the amount of money necessary to be raised from property taxes for the purpose of the District's General Operating Expenses is $10,662 and for Debt Service is $84,150; that the total valuation for assessment in the District is $2,866,557; that a levy of 31.671 mills upon each dollar of the total valuation for assessment of all taxable property within the District is hereby approved and certified for levy and collection by Boulder County, Colorado in accordance with law.

**Section 4**. That the Clerk of the City of Lafayette, acting *ex officio* as the Secretary of the Board of Directors of the District, shall attest and affix the seal of the District to this resolution.

**APPROVED THIS 2nd DAY OF OCTOBER, 2012 BY THE LAFAYETTE CITY COUNCIL, SITTING EX OFFICIO AS THE BOARD OF DIRECTORS OF THE LAFAYETTE CITY CENTER GENERAL IMPROVEMENT DISTRICT:**

By: _____
Chairman

ATTEST:

By: _____
City Clerk

# My Budget Worksheet

CITY OF LAFAYETTE
Lafayette, CO

## Account Summary

For Fiscal: 2013 Period Ending: 01/31/2013

| | | 2011 Total Activity | 2012 Total Budget | 2012 Total Activity | Projection | 2013 Total Budget |
|---|---|---|---|---|---|---|
| **Fund: 14 - LAFAYETTE CITY CENTER GID** | | | | | | |
| **Revenue** | | | | | | |
| **Division: 101 - REVENUES** | | | | | | |
| **Category: 50 - TAXES** | | | | | | |
| 14-101-500100 | PROPERTY TAX | 86,425.40 | 88,781.00 | 88,648.70 | 88,781.00 | 90,786.00 |
| 14-101-500300 | SPECIFIC OWNERSHIP TAX | 3,525.19 | 3,000.00 | 2,741.08 | 3,000.00 | 3,000.00 |
| | **Category: 50 - TAXES** | **89,950.59** | **91,781.00** | **91,389.78** | **91,781.00** | **93,786.00** |
| **Category: 57 - OTHER REVENUE** | | | | | | |
| 14-101-570100 | MISC REVENUE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 14-101-570600 | INTEREST INCOME | 1,161.94 | 855.00 | 770.79 | 855.00 | 1,026.00 |
| | **Category: 57 - OTHER REVENUE** | **1,161.94** | **855.00** | **770.79** | **855.00** | **1,026.00** |
| **Category: 59 - USE OF SURPLUS FUNDS** | | | | | | |
| 14-101-599999 | USE OF SURPLUS FUNDS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| | **Category: 59 - USE OF SURPLUS FUNDS** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** |
| | **Division: 101 - REVENUES** | **91,112.53** | **92,636.00** | **92,160.57** | **92,636.00** | **94,812.00** |
| | **Revenue** | **91,112.53** | **92,636.00** | **92,160.57** | **92,636.00** | **94,812.00** |
| **Expense** | | | | | | |
| **Division: 103 - NON-DEPARTMENTAL** | | | | | | |
| **Category: 80 - SERVICES** | | | | | | |
| 14-103-809000 | LEGAL SERVICES | 0.00 | 500.00 | 0.00 | 500.00 | 500.00 |
| 14-103-814000 | COUNTY TREASURER FEES | 992.93 | 1,323.00 | 1,329.73 | 1,332.00 | 1,362.00 |
| 14-103-872900 | BOND PRINCIPAL | 50,000.00 | 55,000.00 | 0.00 | 55,000.00 | 60,000.00 |
| 14-103-877900 | BOND INTEREST | 30,187.50 | 27,313.00 | 13,656.25 | 27,313.00 | 24,150.00 |
| 14-103-879700 | BOND FEES | 800.00 | 500.00 | 0.00 | 800.00 | 800.00 |
| 14-103-889000 | MISC SERVICES | 8,000.00 | 8,000.00 | 0.00 | 8,000.00 | 8,000.00 |
| | **Category: 80 - SERVICES** | **89,980.43** | **92,636.00** | **14,985.98** | **92,945.00** | **94,812.00** |
| | **Division: 103 - NON-DEPARTMENTAL** | **89,980.43** | **92,636.00** | **14,985.98** | **92,945.00** | **94,812.00** |
| | **Expense** | **89,980.43** | **92,636.00** | **14,985.98** | **92,945.00** | **94,812.00** |
| | **Fund 14 Total:** | **-1,132.10** | **0.00** | **-77,174.59** | **309.00** | **0.00** |
| | **Report Total:** | **-1,132.10** | **0.00** | **-77,174.59** | **309.00** | **0.00** |

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

# CITY OF LAFAYETTE
## EXEMPLA GENERAL IMPROVEMENT DISTRICT

August 7, 2012

**Call to Order and Roll Call**
Chair Carolyn Cutler called the August 7, 2012 board meeting of the Exempla General Improvement District to order at 5:32 p.m. in the Council Chambers, 1290 S. Public Road, Lafayette, Colorado. Those present and answering roll call were Chair Cutler, Vice Chair Steve Kracha and Directors Christine Berg, Alexandra Lynch, Staci Lupberger, Pete d'Oronzio; and Brad Wiesley.

Others included City Administrator Gary Klaphake, Acting Police Chief Brian Rosipajla, Finance Director Bob Wright, City Attorney Dave Williamson and City Clerk Susan Koster.

**Approval of Minutes**
A motion was made by Director Lupberger and seconded by Director d'Oronzio to *approve the minutes of the January 17, 2012 meeting as written*. The motion passed unanimously.

**Resolution No. 2012-02 /** A Resolution of the Lafayette City Council, Sitting Ex Officio as the Board of Directors of the Exempla General Improvement District, City of Lafayette, Colorado, Authorizing and Approving the Execution and Delivery of a Second Amendment to a Letter of Credit Reimbursement Agreement with Wells Fargo Bank, National Association, in Connection with the District's Special Improvement District No. 02-01, Special Assessment Revenue Refunding and Improvement Bonds, Series 2002 and Providing Other Matters Properly Relating Thereto.

Finance Director Bob Wright said this resolution provides for the annual renewal of the Letter of Credit by written request. Wells Fargo will decide whether or not to renew within 150 days after receipt of the request.

A motion was made by Director Lupberger and seconded by Director Wiesley to approve *Resolution No. 2012-02 as written.* The motion passed unanimously.

**Adjournment**
Chair Cutler adjourned the meeting 5:36 pm.

ATTEST:

_____
Susan Koster, CMC
City Clerk

CITY OF LAFAYETTE, COLORADO

_____
Carolyn D. Cutler, Chair

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.

**EXEMPLA GENERAL IMPROVEMENT DISTRICT**

**RESOLUTION 2012-03**

**INTRODUCED BY BOARD MEMBER _____**

**A RESOLUTION**

**BY THE LAFAYETTE CITY COUNCIL, SITTING EX OFFICIO AS THE BOARD OF DIRECTORS OF THE EXEMPLA GENERAL IMPROVEMENT DISTRICT, CITY OF LAFAYETTE, COLORADO, ADOPTING A BUDGET, MAKING APPROPRIATIONS FOR THE BUDGET YEAR 2013, AND CERTIFYING A MILL LEVY.**

WHEREAS, the Exempla General Improvement District (the "District") was created by Ordinance No. 19, Series 2002 (the "Ordinance"), and the Ordinance recognized the Council of the City of Lafayette as the Board of Directors of the District (the "Board of Directors"), pursuant to § 31-25-609, C.R.S.; and

WHEREAS, the Ordinance established a District Advisory Board (the "Advisory Board"), comprising representatives of key agencies of the City and the individual signatories to the Petition for organization of the District, and specified that such Advisory Board should, subject to the approval of the Board of Directors, conduct and manage all affairs of the District as the authorized agent of the Board of Directors, including its financial and legal affairs; and

WHEREAS, in accordance with the Ordinance, the Advisory Board will prepare, deliver and recommend to the Board of Directors, at least once a year, a proposed Budget (describing the major activities and contracts to be undertaken by the District for the next succeeding fiscal year); and appropriations and a designated mill levy for the budget year 2013; and

WHEREAS, the Board of Directors is authorized to approve the Budget; and

WHEREAS, the Advisory Board has thereby prepared, reviewed and recommended to the Council for its approval a District Budget Resolution for the 2013 Budget Year, with its accompanying exhibits, all as set forth therein; and

WHEREAS, the eligible electors of the District have approved ballot issues authorizing the collection, retention and spending of property taxes, assessments, and other revenues in the amounts specified in the proposed budget.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LAFAYETTE, IN ITS EX OFFICIO CAPACITY AS THE BOARD OF DIRECTORS OF THE EXEMPLA GENERAL IMPROVEMENT DISTRICT:**

**Section 1**. That the Budget for the District attached hereto and incorporated herein as Exhibit A is hereby adopted and approved for the Budget Year 2013. That the estimated revenues and expenditures for the District's General Fund, the Debt Service Fund and the Capital Projects Fund for fiscal year 2013, as more specifically set forth in the Budget, are adopted and approved.

**Section 2**. That the following sums are hereby appropriated from the revenues of the District, for the purposes stated:

| | |
|---|---|
| Debt Service Fund | $ 515,991 |
| Total Fund Appropriations | $ 515,991 |

**Section 3**. That the amount of money necessary to be raised from assessments for the purpose of the District's General Operating Expenses is $443,581; that the amount of money necessary to be raised from property taxes for the purpose of the District's General Operating Expanses is $72,410; that the total valuation for assessment in the District is $14,481,982; that a levy of 5.000 mills upon each dollar of the total valuation for assessment of all taxable property within the District is hereby approved and certified for levy and collection by Boulder County, Colorado in accordance with law.

**Section 4**. That the Clerk of the City of Lafayette, acting *ex officio* as the Secretary of the Board of Directors of the District, shall attest and affix the seal of the District to this resolution.

**APPROVED THIS 2nd DAY OF OCTOBER, 2012 BY THE LAFAYETTE CITY COUNCIL, SITTING EX OFFICIO AS THE BOARD OF DIRECTORS OF THE EXEMPLA GENERAL IMPROVEMENT DISTRICT:**

By: _____
Chairman

ATTEST:

By: _____
City Clerk

# My Budget Worksheet

CITY OF LAFAYETTE
Lafayette, CO

## Account Summary

For Fiscal: 2013 Period Ending: 01/31/2013

| | | 2011 Total Activity | 2012 Total Budget | 2012 Total Activity | Projection | 2013 Total Budget |
|---|---|---|---|---|---|---|
| **Fund: 15 - EXEMPLA GEN IMPROV DISTR** | | | | | | |
| **Revenue** | | | | | | |
| **Division: 101 - REVENUES** | | | | | | |
| **Category: 50 - TAXES** | | | | | | |
| 15-101-500100 | PROPERTY TAX | 74,124.77 | 71,316.00 | 71,401.21 | 71,316.00 | 72,410.00 |
| 15-101-500300 | SPECIFIC OWNERSHIP TAX | 3,155.60 | 3,200.00 | 2,208.28 | 3,200.00 | 3,200.00 |
| | **Category: 50 - TAXES** | **77,280.37** | **74,516.00** | **73,609.49** | **74,516.00** | **75,610.00** |
| **Category: 55 - CHARGES FOR SERVICES** | | | | | | |
| 15-101-550090 | CITY TREASURER COLLECTION FEES | 988.04 | 988.00 | 988.04 | 988.00 | 988.00 |
| 15-101-550100 | ADMINISTRATIVE FEE REVENUE | 15,000.00 | 15,000.00 | 15,000.00 | 15,000.00 | 15,000.00 |
| | **Category: 55 - CHARGES FOR SERVICES** | **15,988.04** | **15,988.00** | **15,988.04** | **15,988.00** | **15,988.00** |
| **Category: 57 - OTHER REVENUE** | | | | | | |
| 15-101-570100 | MISC REVENUE | 2,000.00 | 0.00 | 2,000.00 | 0.00 | 0.00 |
| 15-101-570600 | INTEREST INCOME | 18,993.42 | 15,893.00 | 14,454.22 | 15,893.00 | 19,071.00 |
| 15-101-570810 | ASSESSMENT PRINCIPAL | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 15-101-570820 | ASSESSMENT INTEREST | 485,939.29 | 467,904.00 | 468,185.98 | 477,380.00 | 469,880.00 |
| | **Category: 57 - OTHER REVENUE** | **506,932.71** | **483,797.00** | **484,640.20** | **493,273.00** | **488,951.00** |
| **Category: 59 - USE OF SURPLUS FUNDS** | | | | | | |
| 15-101-599999 | USE OF SURPLUS FUNDS | 0.00 | -89,396.00 | 0.00 | 0.00 | -64,558.00 |
| | **Category: 59 - USE OF SURPLUS FUNDS** | **0.00** | **-89,396.00** | **0.00** | **0.00** | **-64,558.00** |
| | **Division: 101 - REVENUES** | **600,201.12** | **484,905.00** | **574,237.73** | **583,777.00** | **515,991.00** |
| | **Revenue** | **600,201.12** | **484,905.00** | **574,237.73** | **583,777.00** | **515,991.00** |
| **Expense** | | | | | | |
| **Division: 103 - NON-DEPARTMENTAL** | | | | | | |
| **Category: 80 - SERVICES** | | | | | | |
| 15-103-809000 | LEGAL SERVICES | 0.00 | 0.00 | 96.00 | 0.00 | 0.00 |
| 15-103-814000 | COUNTY TREASURER FEES | 1,111.87 | 1,013.00 | 1,071.02 | 1,103.00 | 1,073.00 |
| 15-103-814100 | CITY TREASURER FEES | 988.04 | 988.00 | 988.04 | 988.00 | 988.00 |
| 15-103-872900 | BOND PRINCIPAL | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 15-103-877900 | BOND INTEREST | 81,855.61 | 111,954.00 | 75,524.89 | 113,930.00 | 113,930.00 |
| 15-103-879700 | BOND FEES | 2,000.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 15-103-882000 | ESCROW PAYMENTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 15-103-889000 | MISC SERVICES | 15,000.00 | 15,000.00 | 15,000.00 | 15,000.00 | 15,000.00 |

| | | 2011 Total Activity | 2012 Total Budget | 2012 Total Activity | Projection | 2013 Total Budget |
|---|---|---|---|---|---|---|
| 15-103-889401 | EXCESS BILLED INTEREST | 385,143.80 | 355,950.00 | 387,793.13 | 387,793.00 | 385,000.00 |
| | **Category: 80 - SERVICES** | **486,099.32** | **484,905.00** | **480,473.08** | **518,814.00** | **515,991.00** |
| | **Division: 103 - NON-DEPARTMENTAL** | **486,099.32** | **484,905.00** | **480,473.08** | **518,814.00** | **515,991.00** |
| | **Expense** | **486,099.32** | **484,905.00** | **480,473.08** | **518,814.00** | **515,991.00** |
| | **Fund 15 Total:** | **-114,101.80** | **0.00** | **-93,764.65** | **-64,963.00** | **0.00** |
| | **Report Total:** | **-114,101.80** | **0.00** | **-93,764.65** | **-64,963.00** | **0.00** |

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

## CITY OF LAFAYETTE
## CITY COUNCIL WORKSHOP

September 18, 2012

**Call to Order**
Mayor Carolyn Cutler called the September 18, 2012 City Council Workshop to order at 5:32 p.m. in the Council Chambers at 1290 South Public Road, Lafayette, Colorado.

Those in attendance were Mayor Cutler, Mayor Pro Tem Steve Kracha and Councilors Pete d'Oronzio, Brad Wiesley, Alexandra Lynch, Staci Lupberger and Christine Berg.

Also present were City Administrator Gary Klaphake, Police Chief Rick Bashor, City Clerk Susan Koster, Finance Director Robert Wright, and Accounting Manager Wade Nickerson.

**2013 Budget**
City Administrator Klaphake presented the 2013 Budget in overview, including changes that were made by Council at their August 21, 2012 budget discussion. He and Finance Director Wright reviewed the specifics of various funds and answered Council questions. Councilors discussed implementing a process in 2013 whereby boards and commissions could request funding for their anticipated activities and projects for the coming year.

**Adjournment**
Mayor Cutler adjourned the workshop at 6:45 p.m.

CITY OF LAFAYETTE, COLORADO

_____
Carolyn D. Cutler, Mayor

ATTEST

_____
City Clerk Susan Koster, CMC

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.

# 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

September 18, 2012

**Call to Order**
Mayor Carolyn Cutler called the September 18, 2012 regular City Council Meeting to order at 5:32 p.m. in the Council Chambers at 1290 South Public Road, Lafayette, Colorado.

Those present and answering roll call were Mayor Cutler, Mayor Pro Tem Steve Kracha and Councilors Alexandra Lynch, Pete d'Oronzio, Staci Lupberger, Brad Wiesley, and Christine Berg.

Also present were City Administrator Gary Klaphake, Fire Chief Gerry Morrell, Police Chief Rick Bashor, City Attorney Dave Williamson, City Clerk Susan Koster, Community Development Director Phillip Patterson and Recreation and Facilities Management Director Curt Cheesman.

**Executive Sessions**
At 6:45 p.m., a motion was made by Councilor Wiesley and seconded by Councilor Lupberger *to adjourn to Executive Sessions according to C.R.S. 24-6-402(4)(e) for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators pertaining to an amendment to the South Boulder Road Open Space Purchase Intergovernmental Agreement*. The motion passed unanimously.

**Reconvene Regular Council Meeting**

At 7:32 p.m. Mayor Cutler stated that the Executive Session had been concluded. The participants in the session were Councilors d'Oronzio, Wiesley, Berg, Lupberger, Lynch, Mayor Pro Tem Kracha, Mayor Cutler, City Attorney Williamson and City Administrator Klaphake.

The Mayor asked anyone who participated in the session who believed that substantial discussion of any matters not included in the motion to go into the session occurred during the session, or that any improper action occurred during the session in violation of the Open Meetings Law, to state their concerns. No concerns were voiced.

**Items from the Public**
Claudia Lund, Curator of the Miners' Museum at 108 E. Simpson Street, thanked Council and Staff for supporting their organization, especially for the newly painted museum.

Lisa Gills and Bob Wettergren, with Flatiron Habitat for Humanity at 1455 Dixon Avenue, reported on their accomplishments in East Boulder County.

**Council Minutes**
A motion was made by Councilor Wiesley and seconded by Mayor Pro Tem Kracha *to approve the minutes of the Workshop Meeting of September 4, 2012 as written*. The motion passed unanimously.

A motion was made by Councilor Wiesley and seconded by Councilor Berg *to approve the minutes of the Regular Meeting of September 4, 2012 as written*. The motion passed unanimously.

**Consent Agenda**
Mayor Cutler read the consent agenda:

D. Contract / Lafayette Cemetery Fence Installation / Split Rail Fence and Supply Company
E. Request for Fee Waivers / Flatirons Habitat for Humanity
F. Open Space Advisory Committee / 2012 Recommendation to Boulder County for Open Space and Trails
G. Second Reading / Ordinance No. 24, Series 2012 / Historic Landmark Designation / 109 West Cannon Street
H. Second Reading / Ordinance No. 25, Series 2012 / Historic Landmark Designation / 201 East Chester Street
I. Second Reading / Ordinance No. 26, Series 2012 / Authorizing an Agreement Between the City of Lafayette and Rock Products of Colorado, LLC, / Regarding the Provision of Water or Cash Payment in Lieu of Water / Goose Haven Reservoir Design-Build
J. Resolution No. 2012-41 / Amending the City's 457 Deferred Compensation Plan to Provide for Payroll Deduction Individual Retirement Accounts (IRAs) for Employees
K. Contract Amendment / Termination of Measurement and Verification Services / Johnson Controls, Inc.
L. Contract / 2012 City-Wide Concrete Repair / Lucero Concrete
M. Contract / City Hall TV Broadcast Equipment / Burst, Inc.
N. Purchase Orders / Used Golf Course Maintenance Equipment / LL Johnson Distributing Company
O. Purchase Orders & Purchase Order Amendments

Items F and M were pulled 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 F Open Space Advisory Committee / 2012 Recommendation to Boulder County for Open Space and Trails**
A motion was made by Councilor Lupberger and seconded by Councilor d'Oronzio *to delete items 5 and 8 from the list of acquisition priorities and approve the Recommendation as amended*. The motion passed unanimously.

**Item M Contract for City Hall TV Broadcast Equipment / Burst, Inc.**
A motion was made by Councilor Lupberger and seconded by Councilor d'Oronzio *to approve the contract*. The motion passed unanimously.

**Proclamation**
Councilor Lynch read a proclamation declaring the week of September 17 – 23, 2012 as Constitution Week. A motion was made by Councilor Lynch and seconded by Councilor Wiesley *to adopt the proclamation as read*. The motion passed unanimously.

**Ordinance**
City Administrator Klaphake introduced Ordinance No. 27, Series 2012 / Amending Section 47-22 of the Municipal Code / Pertaining to the Demolition of buildings or structures not designated as a Historic Landmark. He said, if a stay is issued on a demolition permit, the amendment would prevent the issuance of all permits for alterations or additions to the structure during the period of the stay. A motion was made by Councilor d'Oronzio and seconded by Councilor Berg *to approve on first reading Ordinance No. 27, 2012 as presented*. The motion passed unanimously.

**City Administrator's Report**

City Administrator Klaphake said the City's solar gardening energy savings for 2010 and 2011 was $45,550. Mr. Klaphake said the City has received a 1 megawatt allocation from the State for future projects and the land next to the Water Reclamation Plant has been proposed for long-term lease for a solar garden. Mr. Klaphake requested Council direction to proceed. A motion was made by Councilor d'Oronzio and seconded by Councilor Wiesley *to proceed with the Solar Gardening Project as described*. The motion passed unanimously.

**Council Reports**
Councilors directed Staff to include the list of "Parking Lot" goals with the update on 2012-13 Council Goals.

Mayor Cutler asked the City Attorney to prepare a resolution supporting the City's issues on the 2012 ballot.

**Adjournment**
Mayor Cutler adjourned the meeting at 8:42.

CITY OF LAFAYETTE, COLORADO

_____
Carolyn D. Cutler, Mayor

ATTEST:

_____
Susan Koster, CMC
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.

CITY OF LAFAYETTE
RESOLUTION NO. 2012-43

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AUTHORIZING AN "AMENDMENT TO THE SOUTH BOULDER ROAD OPEN SPACE PURCHASE INTERGOVERNMENTAL AGREEMENT" PERTAINING TO ATHLETIC FIELDS AT THE HARNEY/LASTOKA OPEN SPACE PROPERTY**

WHEREAS, in April of 1993, the City of Lafayette, the City of Louisville, and Boulder County entered into an Intergovernmental Agreement ("IGA") regarding the purchase and use of property southeast of the intersection of South Boulder Road and Highway 42, which property is known as the Harney/LaStoka Open Space Property; and

WHEREAS, the IGA provides that Louisville and Lafayette could each utilize a maximum of 24 acres on the property for development of athletic fields; and

WHEREAS, pursuant to the IGA, Louisville has constructed four softball fields on the Harney/LaStoka property; and

WHEREAS, the parties wish to amend the IGA in a manner that would allow Lafayette to construct its athletic fields at a location that allows for coordinated and shared use and maintenance of all fields on the property to the benefit of citizens of both Louisville and Lafayette; and

WHEREAS, amendment of the IGA in this regard will mutually benefit the citizens of both Louisville and Lafayette, and more effectively and efficiently allow use of public funds for development and maintenance of the athletic fields at Harney/LaStoka Open Space; and

WHEREAS, City Council wishes to authorize an amendment to the South Boulder Road Open Space Purchase IGA to address construction, location and maintenance of the Lafayette athletic fields at the Harney/LaStoka Open Space property.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Lafayette, Colorado as follows:

The "Amendment to the South Boulder Road Open Space Purchase Intergovernmental Agreement" in the form and substance substantially as attached hereto is approved. The Mayor is authorized to execute the Amendment to the South Boulder Road Open Space Purchase IGA.

RESOLVED AND PASSED THIS 2nd DAY OF OCTOBER, 2012.

CITY OF LAFAYETTE, COLORADO

**ATTEST**:

_____
Carolyn D. Cutler, Mayor

_____
Susan Koster, CMC, City Clerk

APPROVED AS TO FORM:

_____
David S. Williamson, City Attorney

**AMENDMENT TO SOUTH BOULDER ROAD OPEN SPACE PURCHASE INTERGOVERNMENTAL AGREEMENT**

THIS AMENDMENT to the South Boulder Road Open Space Purchase Intergovernmental Agreement with an original effective date of April 29, 1993 ("IGA"), by and between the City of Lafayette, Colorado, a home-rule municipal corporation ("Lafayette"), the City of Louisville, a home-rule municipal corporation ("Louisville"), and the County of Boulder, a body politic and corporate of the State of Colorado ("Boulder County") (collectively, "the Parties"), is entered into and made to be effective on the latest date as set out on the signature page of this Amendment.

**RECITALS**

WHEREAS, in April 1993, the Parties entered into the IGA, pursuant to Sections 29-20-101, et seq., C.R.S., to purchase certain land described therein (the "Property"), which the Parties designated to remain as open space for the purpose of preserving a community buffer in the economic and civic interest of their citizens and which land meets the goals of the Boulder County Comprehensive Plan; and

WHEREAS, the IGA was adopted by the Parties as the "South Boulder Road Open Space Purchase" which governs the acquisition, use and development of the Property; and

WHEREAS, Paragraph 3(b) of the IGA provides that Louisville and Lafayette may each utilize a maximum of twenty-four (24) acres on the Property for the development of athletic fields and similar development, and the necessary appurtenances thereto; and

WHEREAS, Louisville has constructed four (4) softball fields, a parking lot, scoreboard, and restrooms on a portion of Parcel 1 of the Property ("Louisville Ball Fields"); and

WHEREAS, Lafayette desires to exercise its right in Paragraph 3(b) of the IGA to develop the land in order to construct athletic fields and additional parking; and

WHEREAS, the Parties desire to amend the IGA to address the details associated with the exercise of Lafayette's option per Subparagraph 3(b); and

WHEREAS, the Parties have each held hearings after proper public notice for the consideration of entering into this Amendment as may be required by law.

NOW THEREFORE, in consideration of the above and mutual covenants made herein, the Parties agree as follows:

1. Paragraph 2(l), Drainage, is amended by adding a sentence to the existing paragraph as follows:

DRAFT

(l) Drainage: The Parties, as owners of interests in the Property, hereby express their desire to avoid to the extent practicable construction of major new drainage facilities on the Property, particularly on the northwest portion of the property, which would adversely affect its open space nature. Notwithstanding this desire, the Parties agree that Lafayette is responsible for and permitted to construct or reconstruct drainage facilities as part of the development of the Lafayette Athletic Fields anticipated in paragraph 3(b).

2. Paragraph 3(b), Ball Fields, is amended to add the following paragraphs:

The Parties also agree that Lafayette may utilize a maximum of twenty-four (24) acres generally located to the south and to the east of the Louisville Ball Fields for the development of no more than six (6) athletic fields and appurtenant structures to accommodate football, soccer, lacrosse, and similar sports, as well as expansion of parking facilities with no greater number of parking spaces than are~~, as~~ depicted in the sketch plan attached hereto as Exhibit C ("~~Lafayette Athletic Fields~~Harney Lastoka Athletic Fields Final Master Plan"). The Lafayette Athletic Fields may, but need not, be lighted, but any such lighting shall be designed so as to minimize light pollution on adjacent properties. In order to minimize the water resources required for the Lafayette Athletic Fields, the fields shall be designed and constructed so that water is not required to maintain the playing surface. Lafayette shall bear the costs associated with surveying the Property to identify the exact location of the proposed athletic field development. All Lafayette Athletic Fields development costs will be the responsibility of Lafayette, including the cost to relocate any trails in existence as of the date of this Amendment, and except that Louisville agrees that it will make available water and wastewater services for purposes other than irrigating the playing surface of the Lafayette Athletic Fields, and that fees associated with water and wastewater services required for development will be charged by Louisville at "in-city rates".

Upon designation of the Lafayette Athletic Fields site, Lafayette shall take sole title to that portion of the Property, subject to adjustment of its share as a tenant in common on the balance of the Property and subject to a conservation easement limiting the use of the property to the above-mentioned Lafayette Athletic Fields. The Parties shall execute all documents to convey title to Lafayette. No Party may develop any property fronting on South Boulder Road for any purposes.

The Parties also agree that (i) in addition to providing parking for the ball fields Louisville and Lafayette may use the parking area contained within their respective areas of the Property designated for ball fields and athletic fields as shared parking facilities to support other activities and functions, including activities and functions located off the ball fields site, provided that such shared parking is managed to account for scheduled activities related to the Athletic Fields, and (ii) Louisville may redevelop the existing parking area as necessary, provided it does not expand the boundaries of the existing parking area, at its

DRAFT

expense and subject to the written approval of Lafayette with respect to any increases in cost associated with maintenance and capital costs covered by paragraphs 4(h)(iii) and 4(h)(iv), to enhance its use as shared parking.

3. A new paragraph 3(e), addressing maintenance access to the property, shall read:

(e) Maintenance Access. Subject to unanimous approval by the Parties, construction and maintenance of a future secondary entry to South Boulder Road from the east side of the Property, for the purpose of maintenance access only, shall be a permissible use under this Agreement.

4. A new paragraph 4(h), addressing the joint use and management of the Louisville Ball Fields and Lafayette Athletic Fields, shall read:

(h) Management, Maintenance, Control and Use of Louisville Ball Fields and Lafayette Athletic Fields. Upon completion of the development of the Lafayette Athletic Fields, the following shall govern the use, maintenance, and management of both the Louisville Ball Fields and the Lafayette Athletic Fields:

(i) Mutual Right to Access and Use Developed Areas: Lafayette and Louisville each agree to allow each other mutual use of, and access to, the Louisville Ball Fields and the Lafayette Athletic Fields, and all appurtenances thereto, including the ball fields, athletic fields, rest rooms, concession stand (if constructed), scoreboards, parking lots, rights-of-way and access to the facilities from Highway 42. It is the intent that the Ball Fields and Athletic Fields be jointly administered for the equal benefit of the citizens of both Cities.

(ii) Scheduling of Use: The City Managers for Louisville and Lafayette, or their designees, shall agree on a method to schedule use of the ball fields, athletic fields, and the appurtenant facilities by the Cities and their citizens. The Managers shall consider requests from Louisville and Lafayette and outside users, and shall agree to a schedule of use of the ball fields, athletic fields, and the appurtenant facilities in an equitable manner. There shall be no veto power in any one of the Parties with respect to setting the schedule of use.

(iii) Management and Maintenance Costs: Lafayette and Louisville shall be equally responsible for the aggregate management costs and maintenance costs associated with the Louisville Ball Fields and the Lafayette Athletic Fields, and all appurtenances thereto. Lafayette and Louisville shall address actual maintenance responsibilities, and payment of the respective party's share of such costs, by separate agreement. Maintenance costs shall include the provision of water and wastewater services, which Louisville agrees to provide at "in-city rates".

DRAFT

(iv) Capital Replacement Costs: Louisville and Lafayette agree to each bear 50% of capital replacement costs related to the ball fields and athletic fields, and all appurtenances thereto, including capital replacement costs for the rest rooms, concession stand (if constructed), scoreboards, parking lots, rights-of-way and access to the facilities from Highway 42. Louisville and Lafayette will enter into a separate agreement addressing a mechanism to assure capital replacement.

5. A new paragraph 4(i), addressing phases of construction and use, shall read as follows:

(i) Phases of Construction and Terms of Control and Use of Louisville Ball Fields and Lafayette Athletic Fields. Lafayette may, in its sole discretion, construct the Lafayette Athletic Fields in two phases. The first phase shall be complete when the construction of three (3) of the six (6) athletic fields is completed. The second phase of construction shall be complete when the last three (3) of the (6) athletic fields are completed. Upon completion of the first phase of construction of the athletic fields by Lafayette, Lafayette shall be entitled to joint use of, and access to, two (2) of the Louisville Ball Fields (or a comparable joint use of all four (4) of the ball fields) and appurtenant facilities, and Louisville shall be entitled to joint use of the first three (3) completed Lafayette Athletic Fields. The provisions of paragraphs 4(h)(i), (ii) and (iii) shall otherwise apply to all such use after the first phase is completed, and before completion of the second phase, except that Louisville shall be responsible for sixty-six percent (66%) of management and maintenance costs.

6. A new paragraph 14, addressing appropriations, shall read as follows:

14. No Multi-Year Fiscal Obligation. Nothing herein shall constitute a multiple fiscal year obligation pursuant to Colorado Constitution Article X, Section 20. Notwithstanding any other provision of this Agreement, the obligations under this Agreement are subject to annual appropriation by the City Councils of the Cities of Lafayette and Louisville. Notice shall be given promptly to the other Parties of any failure to appropriate such adequate monies.

7. Lafayette relinquishes its right to annex any portion of the Property that may exist under paragraph 3(d) of the IGA.

8. All other provisions of the IGA, including Exhibits A and B to the IGA, shall remain in full force and effect, except as expressly amended, or superceded, by this Amendment.

9. This Amendment may be executed in one or more counterparts, each of which when so executed shall be deemed an original, and such counterparts together shall constitute one and the same instrument.

DRAFT

THIS AMENDMENT is made and entered into to be effective on the latter of the dates of approval by the CITY OF LAFAYETTE, the CITY OF LOUISVILLE, and the COUNTY OF BOULDER, (the "Effective Date").

*****EXECUTION PAGES FOLLOW*****

**REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**

DRAFT

**CITY OF LAFAYETTE**

Dated: _____ By: _____
Christine L. Cameron, Mayor

**ATTEST**:

_____
Susan Koster, CMC, City Clerk

**APPROVED AS TO FORM:**

_____
David S. Williamson
City Attorney for the City of Lafayette

**CITY OF LOUISVILLE**

Dated: _____ By: _____
Chuck Sisk, Mayor

**ATTEST**:

_____
_____, City Clerk

**APPROVED AS TO FORM:**

_____
Sam Light, City Attorney for City of Louisville

DRAFT

**COUNTY OF BOULDER**
**BOARD OF COUNTY COMMISSIONERS**

Dated: _____ By: _____
Ben Pearlman, Chair

**ATTEST**:

_____
_____, Clerk to the Board

**APPROVED AS TO FORM**:

_____
Boulder County Attorney

DRAFT

# STAFF REPORT

To: Gary Klaphake, City Administrator

From: Douglas Short, P.E., Public Works Director
Bradley S. Dallam, P.E., Assistant City Engineer

Date: September 24, 2012

Subject: Award of Contract / BT Construction / Mesa Circle Water Line

**Recommendation:** Approval of Contract with BT Construction for the installation of new water main on Mesa Circle in the amount of $69,210.00

**Background:** Earlier this year we had numerous water main breaks on North Fork Drive to the point where the water line was replaced to a point on Mesa Circle where it was thought the pipe was out of the corrosive soils. We have recently had two new breaks adjacent to the previous replacement. It is staff's recommendation to complete the loop of Mesa Circle with new PVC pipe.

Because of the urgency related to the repair, staff sought three bids for the work. BT Construction and Hirschfeld Backhoe had very similar costs but BT is expected to take less time in constructing the project. Because of the urgency, an emergency condition was declared and staff is seeking ratification of the contract.

**Fiscal Impact:**
The project will be paid from the Water Fund, account number 41-405-8410 (Water Fund, Transmission and Distribution, Repair and Maintence), this will require a new appropriate of funds as the project was not budgeted.

**Attachments:** none

# Expenditures For Approval

October 2, 2012

| | |
|---|---|
| **Public Works** | |
| **Dukes Root Control** | **$64,450.00** |
| **Vendor changed from Faris Machinery** | |
| **Solar Bee, Inc** | **$24,396.00** |
| **3 Year Servcie Contract** | |
| **BT Construction** | **$69,210.00** |
| **Mesa Cirle Water Line** | |
| **Police** | |
| **AV Tech Electronics** | **$ 7,000.48** |
| **In excess of original PO** | |
| **Library** | |
| **Pear Workplace Solutions** | **$17,090.27** |
| **Computer Benching Stations** | |

# City of Lafayette

# Proclamation
## Open Space Day
## October 6, 2012

**Whereas**, the City of Lafayette established an Open Space program in 1992 and has since acquired approximately 1300 acres in and around the city for wildlife corridors and habitat; community buffers; agricultural use; view corridors; preservation of archeological, historical, geologic or topographic significance and protection of natural resources; and

**Whereas**, the Lafayette City Council encourages appropriate use of open space properties, and recognizes the connection between citizen support and volunteerism and the vitality of an open space program; and

**Whereas**, the mission of the Lafayette Open Space Advisory Committee calls for increasing public awareness of open space through education and outreach activities for all age groups in the community, so these areas might be appreciated, protected and enjoyed;

**Now, Therefore**, the Mayor and City Council of the City of Lafayette, Colorado, do hereby proclaim October 6, 2012 as Open Space Day in Lafayette. The Lafayette City Council invites all citizens to recognize the importance of open space on this day and to participate in activities which are organized for the enhancement, appreciation and enjoyment of these lands.

**PASSED AND ADOPTED THIS 2nd DAY OF OCTOBER 2012.**

**CITY OF LAFAYETTE, COLORADO**

_____
Carolyn D. Cutler, Mayor

**ATTEST:**

_____
Susan Koster, CMC
City Clerk

**FIRE PREVENTION WEEK**
October 7-13, 2012

**WHEREAS**, the City of Lafayette is committed to ensuring the safety and security of all those living in and visiting our city; and

**WHEREAS**, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

**WHEREAS**, home fires killed more than 2,600 people in the United States in 2010, according to the latest research from the nonprofit National Fire Protection Association (NFPA), and fire departments in the United States responded to more than 369,000 home fires; and

**WHEREAS**, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

**WHEREAS**, only one-third of Americans have both developed and practiced a home fire escape plan, and

**WHEREAS**, almost three-quarters of Americans do have an escape plan; however, less than half have actually practiced it, and

**WHEREAS**, one-third of Americans households who made one and estimate they thought they would have at least 6 minutes before a fire in their home would become life threatening. The time available is often less, and

**WHEREAS**, working smoke alarms cut the risk of dying in reported home fires in half; and

**WHEREAS**, Lafayette's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

**WHEREAS**, Lafayette's residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

**WHEREAS**, the 2012 Fire Prevention Week theme, "Have Two Ways Out!" effectively serves to remind us to develop and practice a home fire escape plans during Fire Prevention Week and year-round.

**THEREFORE**, the Mayor and City Council of Lafayette do hereby proclaim October 7-13, 2012, as Fire Prevention Week throughout this city, and we urge all the people of Lafayette to practice their home fire escape plan during Fire Prevention Week 2012, and to support the many public safety activities and efforts of Lafayette's fire and emergency services.

**PASSED AND ADOPTED THIS 2nd DAY OF OCTOBER 2012.**

**CITY OF LAFAYETTE, COLORADO**

**By** _____
Carolyn D. Cutler, Mayor

**ATTEST:**

_____
Susan Koster, CMC
City Clerk

# STAFF REPORT

To: Gary Klaphake, City Administrator G.K.

From: Monte Stevenson, Director of Parks, Open Space and Golf

Date: September 26, 2012

Subject: First Reading / Ordinance No. 30, Series 2012 / Authorizing an Intergovernmental Agreement / Construction & Design of Pipeline from Hecla Lake to Harney-Lastoka Open Space / City of Louisville and Boulder County

**Recommendation:** Approval of First Reading – Ordinance No.30, Series 2012 authorizing an Intergovernmental Agreement (IGA) with the City of Louisville and Boulder County for to design and plan to construct a pipeline from Hecla Lake to Harney Lastoka Open Space to supply future water supply for agriculture, including a community-supported market farm.

**Background:** In December of 2011, Boulder County, the City of Louisville and Lafayette (the Parties) agreed to and completed an engineering study to determine the feasibility of constructing a raw water delivery system from Hecla Lake in Louisville to Harney-Lastoka Open Space. As confirmed in the feasibility study and contemplated in the *2004 Harney-Lastoka Open Space Management Plan*, staff has undertaken to draft an Agreement making provision for water rights and conveyance of water for agriculture irrigation purposes from Hecla Lake to the north border of the Harney-Lastoka Open Space property.

In an effort to establish a successful tenant-farmer to operate a CSA (community-supported agriculture) project, the Parties propose a startup subsidy of water supply costs not to exceed the first three years of operation, at which time the tenant-farmer would be responsible for all operating costs, including water costs, in perpetuity. Further, as required by the proposed Intergovernmental Agreement (IGA), the Parties agree to complete a maintenance and operation IGA and Supply Plan within 6 months of substantial completion of the pipeline to address all future maintenance, operation and water supply costs. Louisville agrees, as part of the Supply Plan, to provide additional irrigation water needed in excess of the Parties combined shares in the Davidson Highline Lateral, should it be needed. In that event, the Parties agree to divide the cost of additional irrigation water supplied by Louisville in proportion with respective ownership interest in Harney-Lastoka, until such time that the tenant-farmer bears the full cost of water.

Unique to this project is the resolution from Takoda Properties to contribute $100,000 toward the project cost in exchange for the right to modify the alignment of the private lateral ditch (Davidson Highline Lateral) that traverses through land owned by Takoda. Re-

alignment of the lateral ditch provides an advantage in developing Takoda's parcel. By letter of agreement from the parties, Takoda is willing to escrow $100,000 toward the total cost of the pipeline project. As agreed upon in the 1993 South Boulder Road Open Space Purchase Intergovernmental Agreement, the remaining balance of the project will be funded in proportion to respective ownership interests (Boulder County 50%, Louisville 25%, Lafayette 25%). The estimated project cost for the pipeline is $331,500. The IGA provides that the Parties agree not to exceed $350,000 in total project cost without further negotiation and/or termination of the agreement.

Future costs should be anticipated to finish the raw water delivery system from the northern border of Harney-Lastoka to the future CSA plots. LOSAC supports the proposed pipeline project and understands that future costs may be incurred to complete the conveyance of water to agricultural land within Harney-Lastoka Open Space.

**Fiscal Impact:** Funding for future project would come from POST and/or LEGACY funds, subject to Council approval. Pipeline project cost is $331,500. Takoda Properties to contribute $100,000 to the project. Lafayette's estimated share is $57,875.

**Attachments:** Ordinance No. 30, Series 2012

ORDINANCE NO. 30 , Series 2012
INTRODUCED BY:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LAFAYETTE, THE CITY OF LOUISVILLE, AND BOULDER COUNTY CONCERNING THE DESIGN AND CONSTRUCTION OF A PIPELINE FROM HECLA LAKE TO HARNEY/LASTOKA OPEN SPACE**

WHEREAS, the City, the City of Louisville, and Boulder County collectively own property known as Harney/LaStoka Open Space (the "Property"); and

WHEREAS, the Property is currently provided with irrigation water by means of an open lateral that originates from Hecla Lake; and

WHEREAS, the parties wish to relocate and replace the lateral by construction of a 16-inch pipe, associated structures, and appurtenances ("Replacement Pipeline"); and

WHEREAS, the cost of the design and construction of the Replacement Pipeline is anticipated to be $250,000 after a contribution of $100,000 by the owner of the property over which the current lateral traverses; and

WHEREAS, the parties to the IGA wish to allocate the cost of construction of the Replacement Pipeline in proportion to their ownership interest of the Harney/LaStoka Open Space (50% Boulder County, 25% City of Lafayette, 25% City of Louisville); and

WHEREAS, the parties wish to agree as to the terms upon which the Replacement Pipeline shall be designed, constructed, and maintained, including the vacation of the existing real property rights to the lateral; and

WHEREAS, City Council finds that such an agreement is a benefit to the public health, safety, and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AS FOLLOWS:

Section 1. The Intergovernmental Agreement between the City of Lafayette, the City of Louisville, and Boulder County, concerning the design and construction of a pipeline from Hecla Lake to Harney/LaStoka Open Space is and approved in substantially the same form accompanying this ordinance.

Section 2. The vacation of any interest the City may have in an irrigation lateral between Hecla Lake and the Harney/LaStoka Open Space properties is authorized in accordance with the terms of the Intergovernmental Agreement authorized herein.

Section 3. The Mayor is hereby authorized to execute and acknowledge the Intergovernmental Agreement on behalf of the City of Lafayette, and the City Clerk to attest thereto, all in a form approved by the City Attorney. The Mayor is also authorized to execute any additional documents that may be necessary to effectuate such an agreement, and the vacation of the lateral easement

Section 4. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 6. The repeal or modification of any provision of the Code of Ordinances of Lafayette, Colorado by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 7. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 8 . This ordinance shall become effective upon the latter of the 10th day following enactment, or the day following final publication of the ordinance.

INTRODUCED AND PASSED ON FIRST READING THE 2nd DAY OF _____, 2012.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THE _____ DAY OF _____ 2012.

CITY OF LAFAYETTE, COLORAD

_____
Carolyn D. Cutler, Mayor

ATTEST:

_____
Susan Koster, CMC
City Clerk

APPROVED AS TO FORM:

_____
David S. Williamson, City
Attorney

**INTERGOVERNMENTAL AGREEMENT**
**BETWEEN THE CITY OF LOUISVILLE,**
**COUNTY OF BOULDER, AND CITY OF LAFAYETTE CONCERNING THE DESIGN AND CONSTRUCTION OF A PIPELINE FROM HECLA LAKE TO HARNEY/LASTOKA OPEN SPACE**

THIS INTERGOVERNMENTAL AGREEMENT (Agreement) is entered into by and between the City of Louisville, a municipal corporation (Louisville), the City of Lafayette, a municipal corporation (Lafayette), and the County of Boulder, a body corporate and politic (County).

WHEREAS, the County, Louisville, and Lafayette collectively own property known as the Harney/Lastoka Open Space, Louisville Ball Fields, and Lafayette Ball Fields (Property); and

WHEREAS, the County, Louisville, and Lafayette previously approved the South Boulder Road Open Space Purchase Intergovernmental Agreement in 1993 (SBR IGA); and

WHEREAS, the County, Louisville and Lafayette previously approved the Harney Lastoka Open Space Management Plan in 2004 that discussed the future agricultural options for the Property; and

WHEREAS, the County, Louisville, and Lafayette have an interest in providing water for community supported agriculture (CSA) and irrigated cropland at the Property; and

WHEREAS, the Property's cropland and community supported agriculture is managed by County; and

WHEREAS, as joint owners of the Property, County, Louisville, and Lafayette, agreed to and completed a study dated December 21, 2011 to determine the feasibility of constructing a raw water delivery system from Hecla Lake (Lake), in Louisville, to the Property to provide a source of water to support CSA and irrigated cropland (Study); and

WHEREAS, based upon reconnaissance level construction cost estimates in the Study, the parties desire to construct a sixteen inch (16") pipe, associated structures, and appurtenances to connect the Lake to the Property (Pipeline); and

WHEREAS, the parties desire to set forth their mutual understandings that the County, Louisville, and Lafayette agree to fund in proportion to respective ownership interests (50% County, 25% Louisville, 25% Lafayette) the cost of designing, constructing, and maintaining the Pipeline from the Lake to the Property for the purpose of providing a source of raw water for CSA and irrigated cropland managed by the County; and

WHEREAS, the parties desire to establish a successful tenant farmer through provision of a startup subsidy of water supply costs in the short term, so that for a period not exceeding

three years the tenant is not obligated to pay water charges or operational costs for the delivery of water (Subsidy), but intend that after provision of the Subsidy such water charges and operational costs thereafter (Operational Costs) be completely funded by the tenant; and

WHEREAS, the parties desire to negotiate a future intergovernmental agreement that identifies in further specificity standard operating procedures, budgeting and planning for maintenance costs, and delivery of supplemental water to the Property (M&O IGA); and

WHEREAS, the parties desire to agree to a future Supplemental Water Supply Plan (Supply Plan) that would provide for additional discretionary water supply to the Property utilizing the City of Louisville infrastructure and provide for in-kind water rights or financial reimbursement amongst the parties to meet proportionate water demands identified in the Study;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the County, Louisville, and Lafayette agree as follows:

1) Property Water Rights. The parties collectively own 66.5 shares of the Davidson Ditch Company, which are associated with the Property (Property Water Rights).
2) Conveyance. The parties agree that the Property Water Rights shall be conveyed through the Lake for delivery through the Pipeline to the Property for CSA and irrigated agriculture.
3) Historic Private Lateral. The parties collectively agree their interest in the historic private lateral along the full length of its existing alignment will be abandoned. The parties further agree as joint shareholders to follow appropriate procedures to reclaim abandoned portions of the private lateral if required.
4) Water Delivery. The Lake is owned and operated by the City of Louisville. The County shall provide advanced notice to the City of Louisville for the delivery of the Property Water Rights.
5) The Lake Operating Elevation. Water conveyance through the Lake to serve the Property shall not interfere with Louisville's interest of maintaining the Lake water level at an average elevation of 5,338 feet.
6) Pipeline Easement. The preferred Pipeline alignment is proposed within Outlots and a trail, utility and drainage easement dedicated to the City of Louisville by the North End Development. The City of Louisville agrees to provide non-exclusive use of the Outlots, easement and/or other mutually identified rights-of-way for the Pipeline alignment.
7) Construction Costs. The parties agree that construction costs are estimated not to exceed $350,000, of which amount $100,000 will be contributed by Takoda Properties, Inc. The parties agree to fund the remaining costs in proportion to their respective ownership interests (50% County, 25% Louisville, 25% Lafayette). In the event that actual construction bid costs exceed $350,000, the parties agree to mutually

resolve any funding deficiency through amendment to this Agreement or abandon construction of the Pipeline through termination of this Agreement. The parties further understand that through implementation of this Agreement portions of the historical private lateral will be abandoned and removed; therefore, if the construction of the Pipeline is abandoned through termination of this Agreement, there will be a requirement for an alternative delivery alignment to be identified and constructed to convey the Property Water Rights.

8) Project Manager. The parties agree the City of Louisville will act as the Project Manager for the design, construction, and warranty period of the Pipeline. The parties further agree the City of Louisville, at its discretion, may contract design and construction through an agreement with the North End Developer or through direct management by City of Louisville staff.

9) Maintenance Costs. The parties agree that maintenance costs on developed or undeveloped land, that are directly related to the operations of the Pipeline, shall be initiated as a joint capital improvement when an estimated project cost equals or exceeds $5,000. Maintenance below this threshold will not require initiation of a joint capital improvement. Maintenance costs and responsibilities will be as set forth in the M&O IGA.

10) M&O IGA and Supply Plan. The parties agree to complete the proposed M&O IGA and Supply Plan within 6 months of substantial completion of the Pipeline. Louisville agrees that as part of the Supply Plan, it will make available for irrigation use on the Property water owned by Louisville that Louisville in its sole discretion determines is excess water that is not needed or desired for other uses. If Louisville so determines that excess water can be made available to Property, the County and Lafayette will reimburse Louisville for the costs of supplying such water, upon terms mutually agreed upon by the Parties. The foregoing shall not be construed to create any obligation on any party to supply, take or pay for any excess water.

11) Subsidy. The parties agree to fund the Subsidy to subsidize water supply costs to assist in operational startup for the tenant farmer for a period not to exceed 3 years. Thereafter, all Operational Costs shall be paid by the tenant unless otherwise agreed in writing by all parties.

12) Limitations on Use of the Pipeline. The Pipeline and associated infrastructure shall be appurtenant to, non-transferable from, and used solely for purposes of providing raw water service to the Property. The parties acknowledge that for utility related reasons, such service does not include fire flows.

13) Binding Effect. This Agreement is personal to the parties hereto and may not be transferred, assigned or delegated, in whole or part, to any person not a party hereto without the prior written consent of all parties hereto. The preceding sentence shall not prohibit, and the parties each herby consent to, receipt of water service pursuant to this Agreement (a) by any leasee on the Property; and (b) by any management

company contracted by the County to administer the Property and its CSA and/or its irrigated cropland; provided, however, that receipt of water service by any such party shall not relieve the County of its obligations hereunder.

14) Amendment. The Agreement may not be amended or terminated except by subsequent written agreement of the parties.

15) Notice. All notices, demands, requests, consents, approvals, offers, statements, and other instruments or communication required or permitted to be given hereunder shall be in writing and shall be deemed to be effective upon hand delivery, upon facsimile receipt, or seventy-two (72) hours after mailing by registered or certified mail, return receipt requested, postage prepaid, addressed as follows:

If to County: Director, Boulder County Parks and Open Space
5201 St Vrain Road
Longmont, Colorado 80503
Fax: 303-678-6177

If to Louisville: City Manager
City of Louisville
749 Main Street
Louisville, CO 80027
Fax: 303-673-9043

If to Lafayette: City Administrator
City of Lafayette
1290 South Public Road
Lafayette, CO 80026
Fax: 303-665-2153

16) Venue. The venue for any dispute under this Agreement shall be the District Court in and for the County of Boulder, State of Colorado.

17) Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which shall constitute one and the same agreement.

18) Recording. Upon execution, this Agreement shall be recorded in the office of the Boulder County Clerk and Recorder.

19) Appropriations. All financial obligations of the parties hereunder are subject to annual budgeting and appropriation of funds in the discretion of the parties' respective governing bodies. Nothing in this Agreement is intended or shall be deemed or construed as creating any multiple fiscal-year direct or indirect debt or financial obligation of any party.

IN WITNESS WHEREOF, the parties have executed this Agreement in counterpart originals on the day and year first written above.

CITY OF LAFAYETTE

By: _____ Date:_____
Carolyn D. Cutler

ATTEST: APPROVED AS TO FORM:

By: _____ _____
Susan Koster, CMC
City Clerk

David S. Williamson
City Attorney

CITY OF LOUISVILLE

By: _____ Date:_____
Robert P. Muckle, Mayor

ATTEST: APPROVED AS TO FORM:

By: _____ _____
City Clerk

Sam Light
City Attorney

COUNTY OF BOULDER
BY: BOARD OF COUNTY COMMISSIONERS

By: _____ Date:_____
Chair

ATTEST: APPROVED AS TO FORM:

By: _____ _____
Clerk to the Board

Conrad R. Lattes
Assistant County Attorney