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

November 5, 2012

Call to Order
Mayor Carolyn Cutler called the November 5, 2012 regular City Council Meeting to order at 5:33 p.m. in the Council Chambers at 1290 South Public Road, Lafayette, Colorado.

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

Also present were City Administrator Gary Klaphake, Community Development Director Phillip Patterson, Recreation and Facilities Management Director Curt Cheesman, Finance Director Robert Wright, Police Chief Rick Bashor, City Clerk Susan Koster and Assistant City Attorney Mary Lynn Benham and Parks, Open Space and Golf Director Monte Stevenson

Executive Session

At 5:34 p.m., a motion was made by Councilor Berg and seconded by Councilor d'Oronzio *to adjourn to Executive Session 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 the Xcel Franchise*. The motion passed unanimously.

Councilors returned to the Council Chambers at 7:17 p.m. Mayor Cutler announced that the executive session was concluded. She listed the participants in the session as herself, Mayor Pro Tem Kracha, Councilors Wiesley, Lynch, d'Oronzio, Lupberger, and Berg; City Administrator Klaphake, Community Development Director Patterson, Attorney Ken Fellman and Assistant City Attorney Benham, Public Works Director Doug Short and City Attorney Bill Hayashi.

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

Presentations
Lafayette Chamber of Commerce Executive Director Vicki Trumbo introduced Susan Bateman, owner of **CMIT Solutions**. Ms. Bateman talked about her IT services and computer repair business. CMIT was acknowledged by the City Council as part of the "Recognizing Innovators in Lafayette" program.

Lynn Wooten with the American Cancer Society talked about opportunities to volunteer with the Cancer Prevention Study.

Recreation and Facility Management Director Cheesman showed Council the Community Conservation Leader of the Year award, presented to Lafayette from the Community ReSource Center.

Items From the Public
The following individuals spoke in opposition to Erie's purchase of land at Arapahoe Road and Hwy 287 for prospective commercial development: Heather Szott, 1435 N. 111th Street; Mary Kisseberth, 407 W. Lucerne Drive; Jeanne Stratton, 503 W. Lucerne Drive; Kurt Emerenman, 505 W. Lucerne Drive; Alex Eherenman, 505 W. Lucerne Drive. Lori Shifflet, 805 W. Lucerne Drive, did not speak but registered her opposition in writing.
They requested Council assistance in maintaining the rural preservation status of this property as defined in the East Boulder County Intergovernmental Agreement. City Administrator Klaphake said that the City is aware of the situation and shares citizens' concerns. He said he and Mayor Cutler have met with the County Commissioners and will continue discussions. He said the City will keep in touch with Beacon Hill residents through group email.

Public Hearing / Lafayette Liquor Authority
New Hotel and Restaurant Liquor License / Headliners Pub & Pizza LLC d/b/a Headliners Pub & Pizza
City Clerk Koster presented an application for a new Hotel and Restaurant Liquor License from Headliners Pub & Pizza LLC, 802 S. Public Road, Unit C. Ms. Koster said that Staff recommends Authority approval of the application.

Mayor Cutler called a public hearing to order at 8:02 p.m. and asked interested parties to identify themselves. There were no interested parties present.

Oedipus, Inc., representative Max Scott summarized results of a survey conducted to demonstrate the favorable needs and desires of the neighborhood and the training program that his company provided to the applicant's employees.

Owner Jamalle Reeves was available for questions from the Authority. Mayor Cutler closed the public hearing at 8:20 p.m.

A motion was made by Councilor Lupberger and seconded by Councilor Lynch *to approve Resolution No 2012-51 / Granting a new Hotel and Restaurant Liquor License to Headliners Pub & Pizza LLC d/b/a Headliners Pub & Pizza, 802 S. Public Road, Unit C, Lafayette, Colorado*. The motion passed unanimously.

Public Hearing / Floodplain Regulations
Public Hearing / First Reading / Ordinance No 36, Series 2012 / Amending Chapter 26 of the Development and Zoning Code / Floodplain Regulations
Community Development Director Patterson presented the first reading of Ordinance No. 36, Series 2012. He said the ordinance is necessary to adopt the Federal Emergency Management Agency's current study, maps and regulations in order to participate in the National Flood Insurance Program. The Planning Commission held a public hearing to consider the proposed amendment on October 23, 2012. They recommend Council approval of the ordinance, subject to amending Section 26-23-20 to include language similar to that of Section 26-23-16.

Mayor Cutler called a public hearing to order at 8:28 p.m. and asked interested parties to identify themselves. There were no interested parties present.

A motion was made by Councilor d'Oronzio and seconded by Councilor Wiesley *to adopt on first reading Ordinance No. 36, Series 2012 as presented*. The motion passed unanimously.

Public Hearing / Coal Creek Village North Final Plan
Community Development Director Patterson described the general process for review and approval of preliminary and final development plans. He discussed specific actions recommended for Council approval by Staff and the Planning Commission for Coal Creek Village North.

Mayor Cutler called a public hearing to order at 8:31 p.m. and asked interested parties to speak. Ron Spalding, 597 Caspar Drive, spoke in favor of Council approval of the Coal Creek Village North Final Plan and the Coal Creek Village PUD. Director Patterson answered City Council questions. Mayor Cutler closed the public hearing at 8:36 p.m.

A motion was made by Councilor Wiesley and seconded by Mayor Pro Tem Kracha *to approve the Coal Creek Village North Final Plan/PUD subject to the final plan documents being recorded within 60 days of approval, and the approval of the Coal Creek Village PUD Amendment No. 8*. The motion passed unanimously.

A motion was made by Councilor Wiesley and seconded by Councilor Lynch *to approve the Site and Architectural Plan for Coal Creek Village North*. The motion passed six to one with Mayor Cutler voting no.

A motion was made by Councilor Wiesley and seconded by Councilor Lynch *to approve on second reading Ordinance No. 31, Series 2012 / Vacation of Right-of-Way, Saratoga Drive and Avalon Avenue*. The motion passed unanimously.

A motion was made by Councilor Wiesley and seconded by Councilor Lynch *to approve on second reading Ordinance No. 32, Series 2012 / Comprehensive Plan Amendment / Mixed Use Parcel No. 3*. The motion passed unanimously.

A motion was made by Councilor Wiesley and seconded by Councilor Lynch *to approve on second reading Ordinance No. 33, Series 2012 / Rezoning Coal Creek Village North from DR and R-3 to R-3PUD and to P*. The motion passed unanimously.

Public Hearing / Coal Creek Village PUD
Community Director Patterson described actions recommended for Council approval by Staff and the Planning Commission for Coal Creek Village.

Mayor Cutler called a public hearing to order at 9:15 p.m. and asked interested parties to speak. Ron Spalding, 597 Casper Drive, said his neighborhood is supportive of the proposed changes. Mayor Cutler closed the public hearing at 9:17 p.m. Director Patterson answered City Council questions.

A motion was made by Councilor Wiesley and seconded by Councilor Lynch *to approve PUD Amendment No. 8 subject to the final plan documents being recorded with Boulder County within 60 days of approval*. The motion passed unanimously.

A motion was made by Councilor Wiesley and seconded by Councilor Lynch *to approve Filing No. 6*. The motion passed unanimously.

A motion was made by Councilor Wiesley and seconded by Councilor Lynch *to approve the Site and Architectural Plan*. The motion passed six to one, with Mayor Cutler voting no.

A motion was made by Councilor Wiesley and seconded by Councilor Lynch *to approve on second reading Ordinance No. 34, Series 2012 / Vacation of Right-of-Way, from Cody Court and Riverton Way and Miscellaneous Access and Utility Easements*. The motion passed unanimously.

A motion was made by Councilor Wiesley and seconded by Councilor Lynch *to approve on second reading Ordinance No. 35, Series 2012 / Rezoning Coal Creek Village Filing No. 6 from DR and R-3 to R-3PUD and to P*. The motion passed unanimously.

A motion was made by Councilor Wiesley and seconded by Councilor Lynch *to approve Replat F subject to being recorded with Boulder County within 60 days of approval*. The motion passed unanimously.

Public Hearing / Resolution No. 2012-52 / Establishing a Growth Management Priority Classification and Permit Allocation for Coal Creek Village North, and Amending the Permit Allocation for Coal Creek Village per the Coal Creek Village PUD Amendment No. 8.

Mayor Cutler called a public hearing to order at 9:25 p.m. and asked interested parties to identify themselves. There were no interested parties present.

A motion was made by Councilor d'Oronzio and seconded by Councilor Wiesley *to approve Resolution No. 2012-52 as presented*. The motion passed unanimously.

Council Minutes
A motion was made by Councilor Wiesley and seconded by Councilor Berg *to approve the minutes of the Joint Workshop with Louisville of October 15, 2012 as written*. The motion passed unanimously.

A motion was made by Councilor d'Oronzio and seconded by Councilor Wiesley *to approve the minutes of the Council Workshop of October 16, 2012 as written*. The motion passed unanimously.

A motion was made by Councilor d'Oronzio and seconded by Councilor Wiesley *to approve the minutes of the Regular City Council Meeting of October 16, 2012 as written*. The motion passed unanimously.

Consent Agenda
Mayor Cutler Read the Consent Agenda.

J. Resolution No. 2012-49 / Burlington Northern Santa Fe Railroad Right-of-Way Acquisition

K. Resolution No. 2012-53 /Amending the City of Lafayette Investment Policy

L. Resolution No. 2012-54 / Fee Deferral / Prasanna Residential Development / Lot 1A, SoLa Subdivision Filing No. 3, Replat A

M. Resolution No. 2012-55 / Naming the Street Connecting Hwy 287 and South Public Road

to South Public Drive

N. Second Reading / Ordinance No. 29, Series 2012 (as amended) / Amending Chapter 26 – Development and Zoning Code Pertaining to Sidewalk Signs and Landscape Plan Requirements
O. Minor Subdivision Approval / 405 West Kimbark Subdivision
P. Minor Subdivision Approval / Visualize LLC Minor Subdivision and PUD
Q. Change Order / 2012 City-wide Street Improvement Project / Brannan Sand and Gravel
R. Contract / Solar Installation at Thomas Open Space Barn / Lighthouse Solar
S. Contract / Sediment Removal at Rock Creek under Horizon Drive / De Falco Construction
T. Purchase Orders & Purchase Order Amendments

Item M was removed from the Consent for further discussion.

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

Item M A motion was made by Councilor Lupberger and seconded by Councilor Wiesley *to table Resolution No. 2012-55 / Naming the Street Connecting Hwy 287 and South Public Road to South Public Drive to the November 20, 2012 Council Meeting*. The motion passed unanimously.

City Administrator Klaphake thanked former Mayor Phillips and Parks, Open Space and Golf Director Monte Stevenson for their work on the Burlington Northern Santa Fe Railroad Right-of-Way acquisition.

Proclamation / America Recycles Day / November 15, 2012
Councilor Berg read a proclamation designating November 15, 2012 as America Recycles Day. A motion was made by Councilor Berg and seconded by Councilor Lynch to adopt the proclamation as read. The motion passed unanimously.

Council Appointment / Public Art Committee
A motion was made by Mayor Pro Tem Kracha and seconded by Councilor d'Oronzio to appoint to the Public Art Committee Melissa Fathman for a three-year term, Sandy Bonel as a First Alternate and Tiffany Choate as Second Alternate. The motion passed unanimously.

2012 Supplemental Budget Appropriation

Finance Director Wright presented the first reading of Ordinance No. 37, Series 2012 / Supplemental Budget Appropriation.

A motion was made by Councilor Lynch and seconded by Councilor Wiesley *to approve Ordinance No. 37, Series 2012* on first reading as presented. The motion passed unanimously.

City Administrator Report
Council consensus was given to schedule a goals update during Council Workshop on January 15, 2013

Adjournment
Mayor Cutler adjourned the meeting at 10:13 p.m.

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.