

RECORD OF PROCEEDINGS

CITY OF LAFAYETTE CITY COUNCIL MEETING

February 20, 2018

Call to Order

The February 20, 2018, City Council Meeting began at 5:37 p.m. in the Council Chamber at Lafayette City Hall, 1290 South Public Road in Lafayette, Colorado.

Roll Call

Those in attendance included Mayor Christine Berg, Mayor Pro Tem Gustavo Reyna, and Councilors Jaime Harkins, Chelsea Behanna, Merrily Mazza, and Stephanie Walton. A motion was made by Councilor Behanna and seconded by Councilor Mazza *to excuse Councilor Alexandra Lynch due to illness*. The motion passed unanimously.

Also present were City Administrator Gary Klaphake, Fire Chief Dave Friedel, City Clerk Susan Koster, City Attorney Dave Williamson, Planning Director Karen Westover, Assistant City Administrator / Economic Development Director Roger Caruso, Public Works Director Doug Short, and Senior Planner Paul Rayl.

Presentations

Oil & Gas Regulations

Special Counsel Jeff Robbins presented an overview of Proposed Oil and Gas Regulations, including land use, oversight through Special Use Review, public input, mitigation measures, conditions of approval, compliance, and enforcement. He said proposed regulations are similar to those of Boulder County, as much of the property at risk for fracking is jointly owned open space. He asked for Council consideration of the draft regulations and recommended joining forces with the County through an Intergovernmental Agreement.

Boulder County Housing Authority – Emma Street Project Community Engagement

Boulder County Department of Housing and Human Services Director Frank Alexander said the Pachner Company was selected to manage community engagement for the Emma Street affordable housing development. He presented phases proposed for the development and implementation of a Public Engagement Plan.

Development Review Process

Planning Director Karen Westover introduced a revised review process for new development within the city. Councilors discussed an outline of current and proposed steps in the process. It facilitates more public interaction and increases the time to final Planning Commission consideration from 2 months to 7-8 months. A motion was made by Mayor Pro Tem Reyna and seconded by Councilor Walton *to refer the revised process to the Planning Commission for review prior to a final decision by Council*. The motion passed unanimously.

Liquor Authority

City Clerk Koster presented an application for a transfer of a Hotel and Restaurant Liquor License from LDK LLC dba Baseline Italian Bistro to Sugar Mountain Enterprises LLC dba Mon Cheri Bakery & Bistro, 211 N. Public Road, #110. Ms. Koster said staff recommends Authority approval of the application.

Mayor Berg invited owner Cheri Spickard to the lectern. She described her business and answered questions posed by the Authority. City Attorney Williamson had no questions for the applicant.

A motion was made by Mayor Pro Tem Reyna and seconded by Councilor Mazza to approve Resolution No. 2018-09 / Granting a Transfer of a Hotel and Restaurant Liquor License from LDK LLC dba Baseline Italian Bistro to Sugar Mountain Enterprises LLC dba Mon Cheri Bakery & Bistro, 211 N. Public Road, #110. The motion passed unanimously.

Public Input

The following individuals spoke in favor of increasing the distribution of storage excise tax revenues to the Historical Society: Mary Henry, Vicki Uhland, Amanda Downes, Gerry Morrell, Karen Norback, Grant Swift, and Nicholas Bernhard.

The following individuals spoke in opposition (or registered their opposition with the City Clerk) to the proposed regulations for oil and gas development and/or in opposition to drilling anywhere within the city limits: Ilyse Streim, Brooke Dryden, Elizabeth Marsis, Annette Hartman, Andrew J. O'Connor, Paula Kelly, Kristen Peak, Kalyani Fox, Ariel Walsh, Bill Pomeroy, Anne Sweeny, Terra Rafael, Jeffrey Martinez, Amy Bennett, Raphael Schiffman, James Duncan, Cliff Willmeng, Norah Murray, Tony Briggs, Brian Hedden, Thomas Williams, David Rubine, and Christina Munteanu.

Ordinance No. 10, Series 2018 / Amending Article II and III of Chapter 56 of the Municipal Code Regarding the maximum Square Footage for Certain Medical and Retail Marijuana Facilities within the city. A motion was made by Councilor Behanna and seconded by Mayor Pro Tem Reyna to approve on first reading Ordinance No. 10, Series 2018 as written. The motion passed 5 to 1 with Councilor Walton voting no. Councilor Harkins said she needs more information about electricity usage by cultivation operations before she votes yes on second reading.

Public Hearing

Planning & Building Director Westover presented the first reading of Ordinance No. 09, Series 2018 / Amending Section 26-15-4 Special Use Review Criteria, and Section 26-16-6 (b) Review Procedures. She said the amendment stipulates that an applicant conduct an impact study if the special use creates a significant adverse impact and requires the applicant to propose mitigation measures. It also proposes that a Planning Commission decision can be appealed to the City Council, by the City Council, the applicant, or a property owner.

Mayor Berg opened a public hearing at 10:05 p.m. and invited interested persons to step forward. Karen Norback and Vicki Uhland advocated for all the special use review final decisions to be made by City Council at a public hearing with no appeal process. Mayor Berg closed the hearing at 10:08 pm. A motion was made by Mayor Pro Tem Reyna and seconded by Councilor Behanna to approve on first reading Ordinance No. 09, Series 2018 amended to state that the Planning Commission recommend special use reviews to City Council for final decision. The motion passed unanimously.

Proclamation – National Nutrition Month

Councilor Behanna read a proclamation designating the month of March, 2018, as National Nutrition Month in Lafayette. A motion was made by Councilor Behanna and seconded by Mayor Pro Tem Reyna to adopt the proclamation. The motion passed unanimously.

Consent Agenda

Mayor Berg read the Consent Agenda:

- G. Minutes of February 6, 2018 Regular City Council Meeting
- H. Second Reading / Ordinance No. 03, Series 2018 / Amending Section 75-260, Definitions, of the Municipal Code Regarding Offenses - Miscellaneous
- I. Second Reading / Ordinance No. 04, Series 2018 / 2018 Budget – Supplemental Appropriations
- J. Second Reading / Ordinance No. 05, Series 2018 / Comprehensive Plan Land Use Map Amendment – Rural Preservation
- K. Second Reading / Ordinance No. 06, series 2018 / Amending the Comprehensive Plan’s Land Use Plan Map and Adding a New Land Use Designation – Core Neighborhood Residential
- L. Second Reading / Ordinance No. 07, Series 2018 / Extending Deadlines Associated with Silo Subdivision Final Plan Approval to July 31, 2018
- M. Second Reading / Ordinance No. 08, Series 2018 / Affordable Housing Fee
- N. Resolution No. 2018-10 / Authorizing an Intergovernmental Agreement with Boulder County / Boulder County Youth Corps
- O. Resolution No. 2018-11 / Supporting Boulder County Environmental Sustainability Matching Grant
- P. Contract / Burlington Northern Santa Fe - Trail Pedestrian Crossing at Baseline Road / Concrete Works of Colorado, Inc.
- Q. Contract Renewal / Investment Management Services / Insight Investment
- R. Resolution No. 2018-12 / Authorizing an Intergovernmental Agreement with Boulder County / Transportation Improvement Program Forum
- S. Purchase Orders and Amendments

Items O and P were removed from the consent agenda for further discussion. A motion was made by Mayor Pro Tem Reyna and seconded by Councilor Walton to approve the remainder of the Consent Agenda. The motion was approved unanimously.

Item O. A motion was made by Councilor Behanna and seconded by Mayor Pro Tem Reyna to approve Resolution No. 2018-11 / Supporting Boulder County Environmental Sustainability Matching Grant. The motion passed unanimously.

Item P. A motion was made by Councilor Mazza and seconded by Mayor Pro Tem Reyna to approve a contract with Concrete Works of Colorado, Inc. for construction of the Burlington Northern Santa Fe – Trail Pedestrian Crossing at Baseline Road. The motion passed 5 to 1 with Councilor Walton voting no.

Council Appointments

A motion was made by Councilor Mazza and seconded by Councilor Behanna to appoint John Kuhn as Alternate #2 on the Open Space Advisory Committee for a term of 4 years, to move Luke Arrington from Alternate Member #2 to Alternate Member #1; and to move Brent Lutz from Alternate Member #1 to Full Voting Member for a term ending in November of 2021. The motion passed unanimously.

A motion was made by Councilor Behanna and seconded by Councilor Walton *to appoint Emily Miller, Robb Menzies, and Neil Kruis as Full Members on the **Energy Sustainability Advisory Committee until March of 2021.*** The motion passed unanimously.

A motion was made by Councilor Behanna and seconded by Councilor Walton *to appoint Steve Kracha to the **Senior Advisory Board until December of 2020.*** The motion passed unanimously.

City Administrator's Report

Storage Services Excise Tax Proposal

The 3.5% tax was imposed by a vote of the electorate in 2017 to promote and advance Cultural Arts, Historic Preservation, and the Miners Museum. Following Council discussion, City Administrator Klaphake agreed to write a summary indicating an even distribution of tax revenues to each group with \$50,000 taken off the top to pay for projects already underway. The distribution may be adjusted annually depending upon priorities.

2018 Council Goals

City Administer Klaphake asked for Council consensus to reschedule this item to the March 20, 2018 meeting and to reschedule the executive session to that night as well, with both items listed first on the agenda. Council agreed.

Adjourn

The meeting was adjourned at 10:41 p.m.

CITY OF LAFAYETTE, COLORADO

ATTEST

Christine Berg, Mayor

Susan Koster, City Clerk

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