

RECORD OF PROCEEDINGS

CITY OF LAFAYETTE CITY COUNCIL MEETING

March 20, 2018

Call to Order

The March 20, 2018, City Council Meeting began at 5:35 p.m. at Lafayette City Hall at 1290 South Public Road in Lafayette, Colorado.

Roll Call

Those in attendance included Mayor Christine Berg and Councilors Alexandra Lynch, Jamie Harkins, Chelsea Behanna, Merrily Mazza, and Stephanie Walton. A motion was made by Councilor Behanna and seconded by Councilor Lynch to excuse Mayor Pro Tem Gustavo Reyna because he is away on business. The motion passed unanimously.

Also present were City Administrator Gary Klaphake, Fire Chief Dave Friedel, City Clerk Susan Koster, City Attorney Dave Williamson, Finance Director Steve McFarland, Planning Director Paul Rayl, Assistant City Administrator / Economic Development Director Roger Caruso, and Special Counsel Jeff Robbins.

Adjourn to Executive Sessions

At 5:35 p.m. a motion was made by Councilor Lynch and seconded by Councilor Behanna to adjourn to Executive Session according to C.R.S. 24-6-402(4)(b), to confer with an attorney for the City for the purposes of receiving legal advice on specific legal questions; pertaining to oil and gas regulation; and 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 open space acquisition; and according to C.R.S. 24-6-402(4)(f), to discuss personnel matters pertaining to the City Administrator; and 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 a property on North Highway 287; and to allow Mayor Pro Tem Reyna to participate by telephone. The motion passed unanimously.

Return to Regular Session

Mayor Berg said the executive session was concluded at 7:54 p.m. The participants in the session were Mayor Berg, and Councilors Harkins, Mazza, Lynch, Behanna, and Walton. Also in attendance were City Administrator Klaphake, Assistant City Administrator / Economic Development Director Caruso, Special Counsel Jeff Robbins, and City Attorney Dave Williamson.

Mayor Berg asked if any person who participated in the executive session 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 in the Open Meeting Law. No one answered in the affirmative.

Public Input

The following individuals spoke in favor of restoring original wording to the Climate Bill of Rights: William Pomeroy, Annette Hartman, Elizabeth Marsis, Kayani Fox, Tonya Briggs, Sally Blaser, Jonathan Bent, Mandi Papich, Scott Papich, Amy Bennett, Matthew Carlozzi, Stephanie Small,

Paula Kelly, Anne Sweeney, Norah Murray, Alan Rosenfeld, Jim Salvator, Brooke Dryden, Laura Snider, and Kate Christensen. Ron Spalding suggested reallocating a portion of currently budgeted funds for legal representation to CELDF.

2018 Council Goals

City Administrator Klaphake asked Councilors to postpone a discussion of their 2018 Goals until he and Finance Director McFarland conduct an analysis in connection with the 2019 budget. Councilors agreed to wait.

Public Hearing – 106 West Geneseo

Planning Director Rayl said the Planning Commission recommended approval of the PUD request for this property to allow for relocation of a 1923 house to the back portion of the lot. Mayor Berg opened a public hearing at 9:02 p.m. and invited interested persons to come forward. Matt Bete, representing owner Kate Williams, was available for questions. Rebecca Schwendler spoke in favor of the project. Mayor Berg closed the hearing at 9:09 p.m. Councilor Harkins recused herself because she serves on the Urban Renewal Authority with Ms. Williams. A motion was made by Councilor Mazza and seconded by Councilor Lynch *to approve the PUD for 106 West Geneseo*. The motion passed with five votes in favor and one recusal.

Supplemental Carryover Appropriation

Finance Director McFarland presented the first reading of Ordinance No. 11, Series 2018 / Supplemental Carryover Appropriation. He said this is a routine procedure required to carry over purchase orders not fulfilled at the end of 2017, unspent balances of grants and donations received in 2017, and the appropriation of other budget items of high priority. A motion was made by Councilor Lynch and seconded by Councilor Behanna *to approve on first reading Ordinance No. 11, Series 2018 as presented*. The motion passed unanimously.

Lease of Coal Creek Open Space

City Administrator Klaphake presented the first reading of Ordinance No. 12, Series 2018 / Authorizing a Lease of Open Space Land to Three Leaf Farms. He said the Coal Creek Open Space abuts the farm and the owners wish to lease one acre for horse pasture. A motion was made by Councilor Mazza and seconded by Councilor Lynch *to approve on first reading Ordinance No. 12, Series 2018 as presented*. The motion passed unanimously.

Maximum Square Footage for Marijuana Cultivation

Councilors considered the second reading of 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. Concerns about energy usage were discussed. A motion was made by Councilor Harkins and seconded by Councilor Lynch *to approve on second reading Ordinance No. 10, Series 2018*. The motion passed 5 to 1 with Councilor Walton voting no.

Amendment to Special Use Review Criteria and Staff Review of Certain Applications

Councilors considered the second reading of Ordinance No 09, 2018 / Amendment to Section 26-15-4 to amend Special Use Review Criteria; and Section 26-16-6(b), Staff review of Certain Application, as amended. This ordinance was amended on first reading to include the process for Special Use Review applications and criteria to refer a staff level review to the Planning

Commission and City Council. A motion was made by Councilor Lynch and seconded by Councilor Behanna *to approve Ordinance No. 09, Series 2018 on second reading as amended*. The motion passed unanimously.

Consent Agenda

Mayor Berg read the Consent Agenda:

- J. Minutes of the February 20, 2018 City Council Meeting
- K. Minutes of March 5, 2018 Council Meeting
- L. Resolution No. 2018-13 / Amending the Colorado Municipal Records Retention Schedule Regarding Recordings and Images related to Security in Public Areas
- M. Resolution No. 2018-14 / Intergovernmental Agreement /2018 Boulder County Environmental Sustainability Matching Grant Program
- N. Resolution No. 2018-15 / Closure of Public Road for Art Night Out
- O. Contracts for Emergency Services
 - 1. Pipework, Earth Moving, Stream Work / BT Construction
 - 2. Pipework, Earth Moving, Snow Plowing / EZ Excavation
 - 3. Water Plant, Water Reclamation Plant, Lift Station, Pump Station / Moltz Construction
 - 4. Paving and Dirt Grading / Brannan Sand and Gravel
- P. Lot 5, Westridge Filing No. 1, Replat B / 24-hour Fitness / Site Plan Architectural Review
- Q. Purchase Orders and Amendments

Item M was removed from the consent agenda for further discussion.

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

Item M. A motion was made by Councilor Harkins and seconded by Councilor Behanna *to approve Resolution No. 2018-14 / Intergovernmental Agreement / 2018 Boulder County Environmental Sustainability Matching Grant Program*. The motion was approved unanimously.

Council Appointment

A motion was made Councilor Walton and seconded by Councilor Behanna *to appoint Jenifer Dingan to a four-year term on the Waste Reduction Advisory Committee beginning April 1, 2018*. The motion passed unanimously.

City Attorney's Report

City Attorney Williamson said Boulder County has prepared a "friend of the court" (amicus) brief in the Martinez case in support of the Court of Appeals decision that is currently on appeal in the Colorado Supreme Court. The decision being appealed holds that the primary duty of the COGCC is to protect the public health, safety, and welfare, not to "balance" it against the desires of for-profit corporations. Mr. Williamson said Boulder County has asked Lafayette and several other municipalities to join in the brief and asked for Council approval. A motion was made by Councilor Behanna and seconded by Councilor Harkins *to join the amicus brief in COGCC et al. v. Martinez et al.* The motion passed unanimously.

City Administrator’s Report

City Administrator Klaphake introduced the concept of sharing services among jurisdictions and agencies as a means of improving efficiencies and stretching tax dollars. Fire Chief Friedel presented a proposal to consolidate functions provided by Lafayette Fire Department and Rocky Mountain Fire Protection District to include services of the Fire Marshal, Training Chief, Operations Chief, and Battalion Chiefs. He said the alliance would benefit both agencies by improving service delivery while using public tax dollars more efficiently. Chief Sterling Fulton of the Rocky Mountain Fire Protection District participated in the conversation. Council gave consensus to move forward with discussions.

Council Reports

Councilors discussed amendments to Ordinance No. 02, Series 2017 / The Climate Bill of Rights and Protections proposed by Councilor Mazza. The other Councilors indicated that they would be willing to look at the trespassing section of the criminal code but did not want to revisit the Climate Bill of Rights.

Councilor Walton talked about the Council goal “Evaluate Public Safety Needs and Plan for the Future”. She said she would like to accelerate the timeline and asked for a breakdown of the \$50,000 anticipated fiscal impact.

Councilor Mazza asked that a discussion be placed on the next agenda regarding online community engagement.

Adjourn

The meeting was adjourned at 10:10 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.