

RECORD OF PROCEEDINGS

CITY OF LAFAYETTE CITY COUNCIL MEETING

October 16, 2018

Call to Order

The October 16, 2018, City Council Meeting began at 5:33 p.m. in the Meeting Room at the Lafayette Public Library located at 775 Baseline Road in Lafayette, Colorado.

Roll Call

Those in attendance included Mayor Christine Berg, Mayor Pro Tem Jamie Harkins, and Councilors Stephanie Walton, Chelsea Behanna, Alexandra Lynch, JD Mangat, and Merrily Mazza.

Also present were City Administrator Gary Klaphake, Finance Director Steve McFarland, Public Works Director Doug Short, Fire Chief Dave Friedel, Library Director Melissa Hisel, Planning Director Paul Rayl, City Attorney Dave Williamson, City Clerk Susan Koster, and Planning Manager Jana Easley.

Executive Sessions

At 5:35p.m. a motion was made by Councilor Lynch and seconded by Councilor Walton to adjourn to Executive Sessions according to C.R.S. 24-6-402(4)(g), for consideration of documents protected by the mandatory non-disclosure provisions of the Open Records Act, pertaining to executive position applicant information / Council review of applications for the new 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 Urban Renewal/City of Lafayette. The motion passed unanimously.

Return to Regular Meeting

At 7:12 p.m., Mayor Berg announced that the executive sessions had been concluded. The participants in the first executive session were Mayor Berg, Mayor Pro Tem Harkins, and Councilors Walton, Behanna, Lynch, Mangat, and Mazza. Consultant Catherine Tuck Parish attended remotely by phone. The second session was attended by Mayor Berg, Mayor Pro Tem Harkins, and Councilors Walton, Behanna, Lynch, Mangat, and Mazza. Also present were City Administrator Klaphake and City Attorney Williamson.

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

Public Road Strategic Corridor Plan

Consultants Carlos Hernandez and Bob Fox, with Fox Tuttle Hernandez, reviewed the Public Road Strategic Corridor Plan, originally presented to Council in August and addressed concerns raised about intersection signalization removal. Public Works Director Short said the next step would be to draw up engineering plans. City Administrator Klaphake said the recently acquired Roosevelt connection which completes the north-south bike path running parallel to Public Road should alleviate concerns about bicycle traffic. A motion was made by Councilor Mazza and seconded by Councilor Behanna to direct the Public Works Director to proceed. The motion passed unanimously.

Presentations

Scott McCarey, from Boulder County Transportation, spoke about State Highway 7 BRT and RTD Service Reduction, and the public process.

Library Director Hisel presented the Library Board's annual report. Members Warren Hite, Edward Knight, and Olivia Ameigh added their remarks.

Public Input

Ron Spaulding, representing the Friends of Public Road Working Group, thanked Council for moving forward with the process.

Vicki Uhland, also with the Friend of Public Road Working Group, thanked Council for their time and attention to the Corridor Plan. She expressed concerns about elements of the plan.

Nile Keefe spoke in favor of the moratorium on prairie dog extermination or relocation.

Tom Macurdy reported on new parking policies at Arbordale Acres.

Chris Brown, Union President for the Lafayette Professional Firefighters, urged Council to include representation from Lafayette and Rocky Mountain line staff on the Fire Authority Study Group.

Seth White repeated concerns about the Public Road Strategic Corridor Plan. He also asked about the allocation of funds from the Storage Tax.

Genna Brocone encouraged Council to pass the prairie dog moratorium. She said there is a colony on the site for the proposed Sundar development.

Joan Eto expressed concern for decimating prairie dog populations.

Public Hearings

Wireless Communication Facilities

Planning Manager Easley presented the first reading of Ordinance No. 30, Series 2018 / Amending Chapter 26, Section 226-22.5 Wireless Communication Facilities. She said the purpose of the ordinance is to update the City's regulations in light of changes made at the Federal and State levels. At 9:25 p.m. Mayor Berg opened a public hearing and invited interested persons to speak. Seeing no one, she closed the hearing.

Councilor Behanna referred to an email received by Council prior to the meeting suggesting that an attorney read and understand the Federal Communication Commission regulation changes prior to taking action. City Administrator Klaphake said the amendments are offered on the advice of Attorney Ken Fellman who represents local governments in all aspects of telecommunication. Councilors had many questions that will be addressed upon second reading.

A motion was made by Councilor Lynch and seconded by Councilor Mazza to approve on first reading Ordinance No. 30, Series 2018 as presented. The motion passed unanimously.

Sundar Subdivision

Planning Manager Easley reviewed the Sundar Apartments Subdivision final plan, rezoning, site plan/architectural review, and growth management issues. Developer Joe Jehn described the 36.14 acre project which will consist of nine apartment buildings, associated garage buildings, mailbox building, and clubhouse in Phase 1; and ten buildings, garages and a second clubhouse in Phase II for a total of 684 dwelling units. Mayor Berg opened a public hearing at 10:00 p.m. and invited speakers to come forward. The following individuals addressed the Council:

Alicia Miers, Julie Bernard, Douglas Miers, and Amy Trombly. They spoke in opposition to the Sundar development citing increased traffic, loss of rural neighborhood, an existing prairie dog colony, lack of an effective buffer as promised by the developer, and concerns about the process. Kent Cluck, Mike Doan, Gail Hurst, and James Connors registered their opposition with the City Clerk but didn't wish to speak.

City Attorney Williamson said right now the developer has no access across Northwest Parkway land and cannot proceed with the project without it. He suggested tabling everything but the zoning to the November 5, 2018 meeting. The mayor suggested tabling the whole issue and she asked the developer to solve the buffer issue before the next meeting. Following discussion, a motion was made by Councilor Behanna and seconded by Councilor Walton to table until November 5, 2018 the Sundar Subdivision Filing 1 Final Plan/PUD and Filing 1 Final Plat; the first reading of Ordinance No. 31, Series 2018, the rezoning of the Sundar Apartments Subdivision from DR to R4/PUD the approval of Resolution No. 2018-45 establishing a growth management priority classification and building permit allocation for Sundar Subdivision; and approval of the Site Plan/Architectural review. The motion passed unanimously.

Prairie Dog Policy – Emergency Ordinance

City Attorney Williamson said, at Council direction he prepared Ordinance No. 32, Series 2018 / Providing for a 6-month Moratorium on the Removal and Relocation of, and the Utilization of Lethal Control Measures for any Black-Tailed Prairie Dogs Located on any Property Within the City; and Declaring an Emergency with Respect Thereto. Following discussion Council agreed to amend Section 4 to reflect final plan approval instead of preliminary plan approval.

A motion was made by Councilor Lynch and seconded by Councilor Behanna to approve as an emergency Ordinance No. 32, Series 2018 with an amendment to Section 4 as discussed. The motion passed unanimously.

Proclamation

A motion was made by Councilor Behanna and seconded by Councilor Mazza to approve a proclamation designating November 1, 2018 as Extra Mile Day, and urging each individual in the community to take time to not only “go the extra mile” in his or her own life, but to also acknowledge all who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place. The motion passed unanimously.

Consent Agenda

Mayor Berg read the Consent Agenda:

- H. Minutes of October 2, 2018 City Council Meeting
- I. Second Reading / Ordinance No. 27, Series 2018 / 2019 Budget Appropriation
- J. Second Reading / Ordinance No. 28, Series 2018 / Setting the Municipal Judge's Salary
- K. Second Reading / Ordinance No. 29, Series 2018 / Amending and Correcting Ordinance No. 22, Series 2018 / Easement Vacation at 811 Baseline Subdivision
- L. Cannon Trail Subdivision Site Plan/Arch Review Amendment
- M. Resolution No. 2018-46 / Amendment to Highway 287 Access Control Plan (Sundar Subdivision Filing No.1)

- N. Notice of Award / Goose Haven Outlet Ditch / EZ Excavating, Inc.
- O. Award of Contract / Brainard Circle Water Line Replacement / Nixcavating Inc.
- P. Contract / Water Treatment Plant Carbon Feeder / J. R. Filanc Construction Company, Inc.
- Q. Contract / Water Reclamation Facility Expansion Site Application / Merrick & Co.

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

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

Item M. A motion was made by Councilor Walton and seconded by Councilor Mangat to table Resolution No. 2018-46 until such time as the Sundar Subdivision issue is revisited. The motion passed unanimously.

City Administrator's Report

City Administrator Klaphake proposed the formation of a **Fire Authority Study Group** composed of the Finance Director, Fire Chief, and two Councilors appointed by the Mayor whose mission would be to study the formation of a Fire Authority by and between the City of Lafayette and the Rocky Mountain Fire District and report back to the City Council and the Fire District. A motion was made by Councilor Behanna and seconded by Councilor Walton to approve the formation of the study group proposal amended to increase membership to 10, including fire line representation from both agencies. The motion passed unanimously.

Councilor Walton presented the Audit Committee Report for FYI 2017.

A motion was made by Councilor Lynch and seconded by Councilor Behanna to schedule the second meeting in December on the 11th to be held at The Collective from 4-6 p.m. The motion passed unanimously.

Adjourn

Mayor Berg adjourned the meeting at 11:55 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.