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 lifestyles. We envision a future that mixes small-town livability with balanced growth and superior city services.

Statement of Values
We foresee a strong economy that is diverse and sustainable, attracts innovators, encourages a balance of big and small businesses, and meets the community’s needs.

We intend to shape the future through strengthening our voice on environmental stewardship and social issues, taking an active role in sustainability and strategically planned development, and facilitating leadership development and fresh thinking.

We strive to be a connected community that encourages cooperative relationships and inclusivity, expects accessibility and communication, nurtures resiliency, appreciates multiculturalism, and humanizes physical and social interactions within the City.

We support placemaking endeavors that stimulate historic preservation and the arts, encourage open space stewardship and networking of neighborhoods, and promote comprehensive planning and livability.

January 21, 2020

AGENDA

5:30 PM  CITY COUNCIL MEETING

I. OPENING OF REGULARLY SCHEDULED MEETING
   Call to Order
   Pledge of Allegiance
   Roll Call

II. RECESS TO EXECUTIVE SESSION – According to C.R.S. 24-6-402 (4) (d), to discuss specialized details of security arrangements or investigations

III. RETURN TO REGULAR SESSION

IV. PUBLIC INPUT (AFTER 6:30 PM)

REGULAR BUSINESS

Ordinance
A. First Reading / Ordinance No. 05, Series 2020 / Amending Section 25-101(4)(a) of the Code of Ordinances Regarding the Regulation of Animals
B. Second Reading / Ordinance No. 04, Series 2020 / Prairie Dog Permitting Process
C. Resolution No. 2020-07 / Supporting the Community Choice Energy Study for Communities in the State of Colorado

V. Consent Agenda

D. Minutes of the January 7, 2020 City Council Meeting

E. Resolution No. 2020-08 / Amending Exhibit B of the City of Lafayette’s General Fee Schedule Pertaining to Admission Fees to the Bob Burger Recreation Center and the Great Outdoors Waterpark (effective February 1, 2020)

F. Resolution No. 2020-09 / Approving an Intergovernmental Agreement with the Louisville Fire Protection District for Fire Marshal Services Agreement

G. Second Reading / Ordinance No. 01, Series 2020 / Comprehensive Plan Amendment / Lot 1A, SoLa Subdivision Filing No. 5 Replat A

H. Second Reading / Ordinance No. 02, Series 2020 / Rezoning of Lot 1A, SoLa Subdivision Filing No. 5 Replat

I. Second Reading / Ordinance No. 03, Series 2020 / Vacation of Easement and Acceptance of Various Easement Dedications

J. Notice of Award / Miller Sanitary & Reuse Pipelines / Conroy Excavating, Inc.


L. 2020 Open Space and Trails Recommendation to Boulder County

M. Purchase Orders and Amendments

VI. Council Appointment

N. Planning Commissioner for Partial Term Ending June 30, 2022

VII. Staff Reports

O. City Attorney’s Report

P. City Administrator’s Report

VIII. Council Reports

Q. Council Liaison Positions to Boards and Commissions

IX. Adjourn
STAFF REPORT

TO: Fritz Sprague, City Administrator
FROM: Rick Bashor, Chief of Police
DATE: January 21, 2020
SUBJECT: First Reading / Ordinance No. 05, Series 2020 / Amending Section 25-101 (4) (a) of the Code of Ordinances of Lafayette, Colorado

Recommendation: Approve on First Reading Ordinance No. 05, Series 2020, amending Section 25-101(4)(a) of the Code of Ordinances, City of Lafayette, Colorado, regarding the regulation of animals.

Background: On January 7, 2020, Lafayette City Council received a presentation on a modification to the Lafayette Code of Ordinances pertaining to the number of miniature pot-bellied pigs allowed by ordinance. After discussion, members of the Lafayette City Council instructed City staff to draft an amendment to increase the number of pot-bellied pigs allowed from one to two. The City Council agreed that the aggregate number of ten (10) animals was still appropriate and should remain.

The ordinance already addresses the specific types of pot-bellied pigs allowed in the city of Lafayette.

The attorney’s office for the City of Lafayette has completed amended versions of Chapter 25 of the Code of Ordinances of Lafayette, Colorado and is before you for Council’s consideration.

Fiscal Impact: No additional financial impact known at this time.

Attachments: Ordinance No. 05, Series 2020
ORDINANCE NO. 05, Series 2020
INTRODUCED BY:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AMENDING SECTION 25-101 OF THE LAFAYETTE CODE OF ORDINANCES TO ALLOW UP TO TWO MINIATURE POT-BELLIED PIGS TO BE KEPT WITHIN OR UPON ANY PARCEL OF LAND OR DWELLING UNIT WITHIN CITY LIMITS

WHEREAS, Subsection (4) of Section 25-101(4) of the Lafayette Code of Ordinances ("Code") currently allows only one miniature pot-bellied pig (as defined in Section 25-2 of the Code) to be kept within or upon any parcel of land or dwelling unit within city limits; and

WHEREAS, by limiting the number of miniature pot-bellied pigs allowed on a parcel of land or in a dwelling unit to a single pig, miniature pot-bellied pigs may be deprived of the opportunity for companionship and interaction with another like animal; and

WHEREAS, allowing the opportunity for companionship and interaction with another like animal may provide miniature pot-bellied pigs the opportunity to learn positive behavior and mannerisms and generally contribute to their well-being; and

WHEREAS, the City Council of the City of Lafayette desires to amend Section 25-101 of the Code to allow up to two (2) miniature pot-bellied pigs to be kept on a parcel of land or within a dwelling unit within city limits.

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

Section 1. That subsection (4)(a) of Section 25-101 of the Code of Ordinances, City of Lafayette, Colorado, is hereby amended to read as follows:

(4) Pot-bellied pig.

a. No more than two (2) miniature pot-bellied pigs shall be kept within or upon any parcel of land or dwelling unit within the city limits;

Section 2. 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 3. 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 4. The repeal or modification of any provision of the Code of Ordinances, City 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 5. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 6. Violations of this ordinance shall be punishable in accordance with Section 1-10 of the Code of Ordinances, City of Lafayette, Colorado.

Section 7. 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 _____ DAY OF __________, 2020.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THE _____ DAY OF ______________________ 2020.

CITY OF LAFAYETTE, COLORADO

____________________________________  
Jamie Harkins, Mayor

ATTEST:

__________________________________  
Susan Koster, CMC, City Clerk

APPROVED AS TO FORM:

__________________________________  
Mary Lynn Macsalka, City, Attorney
Lafayette Police Department

Miniature Pot-Bellied Pigs
Household Pet Limitations
Ordinance No. 05, Series 2020

January 21, 2020

Rick Bashor
Chief of Police
Background

January 7, 2020 Presentation to City Council

After discussion by City Council, the City Attorney was instructed to draft an amendment to City of Lafayette Municipal Code Section 25-101(4)(a) to increase the number of miniature pot-bellied pigs from 1 to 2.

The City Council agreed that an aggregate number of ten (10) animals was still appropriate and should remain.
Current City Ordinance

Section 25-2
Miniature pot-bellied pig shall mean a cloven-hoofed animal, also known as Vietnamese, Chinese, or Asian pot-bellied pig, which is domesticated, does not exceed twenty-two (22) inches in height at the shoulders and does not exceed one hundred (100) pounds in weight.

Section 25-101(4)(a) as amended
No more than two (2) miniature pot-bellied pigs shall be kept within or upon any parcel of land or dwelling unit within the city limits.
Motion

“I move the City Council approve on first reading Ordinance No. 05, Series 2020, amending the City of Lafayette Municipal Code Section 25-101(4)(a), Miniature goat and miniature pot-bellied pigs, to read: No more than two (2) miniature pot-bellied pigs shall be kept within or upon any parcel of land or dwelling unit within the city limits.”
STAFF REPORT

TO: Fritz Sprague, City Administrator
FROM: Monte Stevenson, Director of Parks, Recreation and Open Space
Paul Rayl, Planning Director
DATE: January 21, 2020
SUBJECT: Second Reading / Ordinance No. 04, Series 2020 / Prairie Dog Permitting Process

Recommendation: Motion to approve on Second Reading Ordinance No. 04, Series 2020 / Prairie Dog Permitting Process

Background: First Reading of Ordinance No. 04, Series 2020 was presented to City Council on January 7, 2020. Councilors voted to approve First Reading, subject to the City attorney’s office drafting revised language in the following areas:

- Sec. 25-120 (e) – Amendment to authorize the prairie dog control permit holder to use carbon monoxide only as a means of lethal control.
- Sec. 25-128 – This amendment addresses each prairie dog controlled on property within the City that does not have an approved special permit or prairie dog control permit as a separate violation, punishable as a separate offense.
- Section 12 – This newly added section would repeal the moratorium imposed upon the removal and relocation of prairie dogs upon the effective date of Ordinance No.4, Series 2020.

On January 7, 2020, City Council also discussed habitat restoration fee waivers for affordable housing projects and the use of staff time versus hiring a consultant for field evaluations and monitoring. Additional advisement from the City attorney’s office is as follows:

- Use of Consultant - The Ordinance, as written and adopted at first reading, does not assume that City Staff will be responsible for, or carry the burden of, performing on-site evaluations in the context of issuing special permits or prairie dog control permits, monitoring authorized control activities, or even processing applications. Rather, the Ordinance makes clear that the Director, at his or her discretion, can retain a consultant for the purposes of processing or assist in the processing of special permit or prairie dog control permit applications, performing on-site evaluations prior to permit issuance, or being present during authorized control activities. Moreover, “Director” is defined as the Director or his designee, and designee is not defined or limited to just city employees, which provides added flexibility for retaining a consultant to perform desired functions in the permitting process. Consequently, no amendment is recommended.
• **Habitat Restoration Fee Waivers for Affordable Housing Projects** - Section 30-405.5 is written in a way that would allow for the waiver of any fee “associated with the development of real property” that might be applicable to a charter affordable housing unit or affordable housing unit. If a proposed development of real property on which prairie dog are located involves an affordable housing project, and the continued presence of those prairie dogs would make such development impractical or impossible, then the developer will have to obtain a prairie dog control permit to engage in the proposed use and ultimately will have to pay the habitat restoration fee. Thus, the habitat restoration fee, under this particular circumstance, would constitute a fee “associated with the development of real property” for purposes of Section 30-405.5. Therefore, Section 30-405.5 would provide the developer of the affordable housing project a mechanism by which to seek a waiver, in whole or in part, of the habitat restoration fee. Consequently, an amendment to the ordinance may not be necessary. However, if Council feels it necessary to expressly state this in the prairie dog control article, then it would need to amend the ordinance.

**Fiscal Impact:** Habitat restoration fee accrual for use in preserving or providing future habitat for wildlife.

**Attachments:** [Ordinance No. 04, Series 2020](#) – Prairie Dog Permitting Process
ORDINANCE NO. 4XX, Series 202049

INTRODUCED BY:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES OF LAFAYETTE, COLORADO, REGARDING PRAIRIE DOGS

WHEREAS, the Lafayette City Council recognizes the importance of existing and planned uses of urban properties and human land uses in urban areas to the Lafayette community, but also believes that protection of biodiversity and of natural ecosystems are important community goals; and

WHEREAS, the Lafayette City Council believes it is important to find a way to balance all the elements and processes of naturally evolving ecosystems, including the natural abundance, diversity and ecological integrity of plants and wildlife, with human needs; and

WHEREAS, the Lafayette City Council further believes it is important to minimize adverse impacts of any conflicts between the presence of wildlife and desired land uses on the health, safety and welfare of the City and its citizens and natural ecosystems through the exercise of police power; and

WHEREAS, increased development in Lafayette, coupled with Lafayette’s strategic location near Denver and Boulder, and other factors, have resulted in significant increases in human land use activities, conflicts between prairie dogs and landowners and conflicts between prairie dog control measures and other wildlife species and habitats and local ecological processes; and

WHEREAS, increases in conflicts between wildlife and urban life have further resulted in increased relocation of prairie dogs from private lands onto publicly-owned open space when conflicts between the animals and existing or planned land uses were irresolvable; and

WHEREAS, the Lafayette City Council finds that continued increases in conflicts between wildlife and urban life, coupled with the lack of available publicly-owned open space for prairie dog relocations, negatively impact Lafayette’s citizens and natural ecosystems; and

WHEREAS, the Lafayette City Council further finds that the present regulations of the City of Lafayette that relate to wildlife and ecosystem management inadequately address such impacts; and

WHEREAS, the City Council further finds and determines that the amendments herein to Chapter 25 of the Code of Ordinance of Lafayette, Colorado will help to minimize adverse impacts to publicly-owned open space, local biological diversity, local natural ecosystems and wildlife habitat, and the public health and safety, and help to balance ecosystem and wildlife protection with human land uses in the community.
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
LAFFAYETTE, COLORADO, AS FOLLOWS:  

Section 1.  Section 25-2, Definitions, of the Code of Ordinances of Lafayette, Colorado, is
hereby amended by the addition of the following new definition, to be inserted alphabetically, to
read as follows:

Prairie dog means those mammal species of the Cynomys genus.

Section 2.  Subsection 25-50(a), General Prohibitions, of the Code of Ordinances of Lafayette,
Colorado, is hereby amended to read as follows:

(a)    Wildlife. In accordance with state statute, all wildlife, except as permitted by the
state is deemed to be the property of the state, and right, title, interest, acquisition,
transfer, sale, importation, exportation, release, donation, possession, hunting, taking,
relocation and removal is permitted only as provided by state or federal statute, rule or
regulation (C.R.S. 33-1-101).

Section 3.  Subsection 25-50(a)(1), General Prohibitions, of the Code of Ordinances of
Lafayette, Colorado, is hereby amended to read as follows:

(1)    Trapping, capture, relocation, removal, transport, taking or control of wild
animals, including but not limited to skunks, squirrels, raccoons, bats and prairie dogs, is
permitted provided that such wildlife is trapped, released, removed, relocated,
exterminated or disposed of in accordance with the applicable state laws, rules and
regulations and any Colorado Division of Wildlife or Department of Agriculture
permitting process.

Section 4.  Chapter 25 of the Code of Ordinance of Lafayette, Colorado, is hereby amended
by the addition of a new Article IX, entitled “Prairie Dog Control,” to read as follows:

ARTICLE IX    PRAIRIE DOG CONTROL

Sec. 25-119.    Definitions.

For the purpose of this Article, the following terms shall have the following meaning:

Control means to take, to trap, to capture, to possess, to transport, to remove, to relocate,
to exterminate, or to dispose of.

Department means the department of planning and development services.

Director means the director of planning and development services, or such director’s
designee.

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1 Additions to the current text of the Code are indicated by italics, and deletions are indicated by strikethrough.
Prairie dog shall have the same meaning as the term “Prairie Dog,” as defined in Section 25-2.

Sec. 25-120. Permit Required.

(a) Except as otherwise specifically permitted under this Article, the control of prairie dogs located on property within the City requires a prairie dog control permit issued by the Director, in addition to any applicable permit under any Colorado Division of Wildlife or Department of Agriculture permitting processes relating to the control of prairie dogs.

(b) Notwithstanding subsection (a) of this section, the Director may issue, in writing, a special permit to a person authorizing the control of prairie dogs located on property within the City in conformity with Section 25-122.

(c) Except as otherwise specifically permitted under this Article, it shall be unlawful for any person to control, or perform any control activity on, a prairie dog located on property within the city, without a special permit or prairie dog control permit issued under authority of the Director, or in a manner contrary to the terms and conditions set out in such permit.

(d) No permit shall be issued pursuant to this Article between March 1 through June 1.

(e) The prairie dog control permit issued pursuant to this Article shall only authorize the permittee to use carbon monoxide as a means of lethal control of prairie dogs.

Sec. 25-121. Exemptions.

A prairie dog control permit under Section 25-120 shall not be required for the following:

(a) Acts by a person who owns or operates an airport facility, or by a person acting at the direction of the owner or operator of an airport facility, which are necessary to promote human safety or to comply with Federal Aviation Administration standards or regulations.

(b) Acts by a person who owns or operates a dam or irrigation ditch, where the structural integrity or the safety thereof is threatened by prairie dog burrows or burrowing.

(c) Public or utility-related construction projects conducted in conformity with the city’s prairie dog management policy.

(d) Acts by public law enforcement personnel, including animal control officers, for the purposes of carrying out their official duties.
(e) Acts by Colorado Division of Wildlife employees or state law enforcement personnel.

(f) Acts undertaken by a person pursuant a special permit issued under Section 25-122.

Sec. 25-122. Special Permit.

(a) The Director may grant a special permit, in writing, authorizing the control of one or more prairie dogs for the following qualifying activities:

(1) Prairie dogs that interfere with completion or maintenance of a public improvement project approved by the city council.

(2) To prevent recolonization of lands from which prairie dogs had previously been lawfully removed.

(3) Prairie dogs that constitute an immediate and verified health hazard or safety risk; provided, however, that the proposed control activity is necessary to eliminate the health hazard or safety risk.

(4) Removal or lethal control activities on real property deemed unsuitable wildlife habitat for ecological reasons based upon a Phase I Biological Survey prepared by a qualified biologist.

(5) Removal and relocation activities on real property undertaken by a person holding a CDOW permit to capture, hold, transport and relocate prairie dogs, or contractor hired or retained by such person to perform such activities; provided; however, a copy of the CDOW permit must be submitted at the time of permit application, and must be available for inspection at all times throughout the control activity authorized by such permit.

(6) Removal or lethal control activities on residential lots used or developed as a single-family residence; provided, however, that the proposed control activity is conducted in conformity with any applicable state and federal laws, rules and regulations pertaining to the control of prairie dogs and utilization of lethal control measures.

(b) The special permit issued under this section:

(1) Shall contain conditions of operation or other special conditions that the Director determines are necessary to minimize impacts to wildlife habitat resources or adjoining properties, or to safeguard
against inhumane treatment of wildlife during the control activity authorized under the permit.

(2) Shall relieve the person from payment of the habitat restoration fee provided in Section 25-123.

(3) May be based, whenever practicable, on the recommendations contained in an on-site evaluation performed by an employee, representative, or consultant of the Department.

(4) Shall only authorize the permittee to use carbon monoxide as a means of lethal control of prairie dogs, unless such permit is issued pursuant to a valid CDOW permit to capture, hold, transport and relocate prairie dogs for raptor rehabilitation programs.

(c) In addition to the qualifying activities set forth in subsection (a), the Director may consider the following factors in assessing whether an activity is eligible for, or in determining whether to issue, a special permit under this section:

(1) whether the nature of the threat allows enough time to obtain some other form of permit or is prompt action required to reduce or eliminate the threat;

(2) whether the emergency poses a direct threat to public health or safety or substantial property, including but not limited to a dwelling, transportation, structure, farm or cropland;

(3) whether the proposed action is the minimal amount necessary to reduce or eliminate the threat and whether it minimizes, to the extent practicable, adverse impacts to wildlife habitat.

(d) An applicant seeking a special permit under this section must agree that an employee, representative, or consultant of the Department may enter and inspect the site, lot or parcel upon which the proposed control activity will occur, prior to the issuance of a special permit.

(e) An applicant seeking a special permit under this section must agree that an employee, representative, or consultant of the Department may be present during the proposed control activity.

(f) An applicant seeking a special permit under this section must agree to reimburse the City for the fees of a consultant retained by Department if the Director determines that the services of a consultant are necessary to perform an on-site evaluation or inspection of the site, or that the presence of a consultant during the proposed control activity is necessary to ensure compliance with permit conditions or City regulations.

Sec. 25-123. Application for permit; costs and fees.
(a) An applicant for a special permit or prairie dog control permit shall file an application with the Director on forms supplied by the Director for that purpose, which shall include such information as is reasonably necessary for the Director to act on such application and the expected outcomes of the proposed control activity.

(b) Each application for a prairie dog control permit shall include or be accompanied by:

1. Proof that the applicant is the landowner or has authorization from the landowner on which the proposed control activity will be employed;

2. Payment of a processing fee of $100.00 to offset administrative costs associated with issuing and monitoring prairie dog control permits.

3. The name, address and telecommunications numbers of (i) the applicant; (ii) the property manager of such property (if any); and (iii) any consultants retained or consulted with regard to proposed control activity.

4. If lethal control is proposed, a description of: (i) the reasons why lethal control measures are required; (ii) a description of any projected development that makes use of lethal control necessary; (iii) the proposed lethal control measures; (iv) the date and time on which the lethal control measures will be initiated; and (iv) the steps that will be taken in order to preclude recolonization following the utilization of lethal control methods;

5. Authorization to the Director or to a designee to be present during all authorized control activities;

6. Documentation that the following options were considered and the reason(s) that they were not utilized: (i) nonlethal control measures; (ii) minimizing on-site conflicts between desired land uses and wildlife; (iii) relocation alternatives; and (iv) trapping and individual euthanization as a method of lethal control;

7. A description of steps considered in order to minimize potential negative impacts upon nontarget species;

8. If lethal control is proposed, a map of the property that includes the address or legal description of the property;

9. The number of acres of wildlife habitat on the property;

10. An estimate of the number of live prairie dogs inhabiting the site;
(11) If lethal control is proposed, demonstration, to a reasonable degree of certainty, that: (i) the land on which the prairie dogs are located will be developed within fifteen months of the date of the application and the continued presence of prairie dogs would make such development impractical or impossible; (ii) a principal use of the land will be adversely impacted in a significant manner by the presence of prairie dogs on the site; or (iii) established landscaping or an open space feature established and installed prior to any prairie dog colonization will be adversely impacted by the establishment of new prairie dog colonies;

(12) A plan to protect, to the extent possible, non-prairie dog wildlife during the process of utilizing the proposed control activity;

(13) If lethal control is proposed, the application shall establish that the applicant will utilize any measures required by state or federal regulations to protect, to the extent possible, non-prairie dog wildlife during the process of utilizing lethal control measures;

(14) A plan designed to prevent the re-entry of prairie dogs onto the land on which the proposed control measures are to be utilized. No person shall fail to comply with the provisions of such a plan after having utilized control measures based upon an application containing it;

(15) The efforts to be made to avoid utilizing lethal means of control for prairie dogs during prairie dog birthing periods;

(16) If lethal control is proposed, the application shall establish that the applicant has identified and employed a person approved by the State of Colorado to utilize the proposed lethal control measures; and

(17) If lethal control is proposed, information demonstrating that the applicant has undertaken good-faith efforts to identify and use relocation alternatives in lieu of lethal control measures and the results of those efforts, which include, at a minimum, but not limited to, two (2) of the following actions: (i) contacting private and public property owners in Boulder County or adjacent counties to request use of their land for prairie dog relocation; (ii) examining other personal property holdings of the applicant, developer, owner or other persons not listed, for suitability for prairie dog relocation; (iii) working with Colorado Parks and Wildlife and City Planning staff to examine the possibility of including the existing prairie dog colony in the proposed development; (iv) contacting at least one or more prairie dog
relocation organizations to schedule prairie dog relocation; or (v) pursuing any other options known to the applicant.

\(\text{c) Timeframe for review.}\)

\(\text{(1) Applications for a special permit shall be reviewed and approved by the Director within five business (5) days of the date on which the applicant submits the application.}\)

\(\text{(2) Applications for a prairie dog control permit shall be reviewed and approved by the Director within 120 days of the date on which the applicant submits the application.}\)

\(\text{a. Not less than fifteen days after accepting an application as complete, the Director shall commence a sixty-day public comment period on the application, soliciting public comment on relocation alternatives for prairie dogs that would otherwise be lethally controlled under the permit application. The only information from the permit that the Director shall make available to the public for purposes of this subsection shall be information that is submitted by the applicant pursuant to paragraphs (b)(6), (b)(9) and (b)(10) of section 25-123. At the commencement of the public comment period, notice thereof shall be (i) prominently posted on the subject property, (ii) published in a newspaper of general circulation within the city, and (iii) posted on the city’s website. All notices shall include a statement of the matter to be considered, a description of the location of the subject property, and a telephone number, email address, and mailing address for the Department where comments may be submitted.}\)

\(\text{b. The Director may delay issuing the prairie dog control permit for up to an additional twelve months, if the Director determines that reasonable relocation alternatives exist and are otherwise feasible and appropriate under the circumstances.}\)

\(\text{(3) In the event the Director fails to act on a request seeking approval for a special permit or prairie dog control permit under this Article within the timeframe for review, the request shall be deemed granted. The deemed grant becomes effective when the applicant notifies the Director in writing after the review period has expired that the application has been deemed granted.}\)
All prairie dog control permittees shall be assessed, at the time of permit issuance, a wildlife habitat restoration fee of $1,200 per acre of active wildlife habitat lost, prorated for any partial acres of lost habitat.

1. The fees collected pursuant to this article are to be used for acquiring additional public land to serve as native prairie or grassland ecosystem habitat, conducting relocation of prairie dogs to suitable prairie or grassland ecosystem habitat, creating new prairie or grassland ecosystem habitat or improving existing prairie or grassland ecosystem habitat for the species supported by such habitat, monitoring the success of these activities, protection of existing native prairie or grassland ecosystem habitat, educating the public regarding native prairie or grassland ecosystems, including the wildlife species supported by such habitat and the ecological processes or functions of such habitat, or funding human land-use and wildlife habitat conflict-related research, and may be used to offset the administrative costs of the foregoing. All revenues accruing to the city under this paragraph shall be placed in the wildlife habitat restoration fund established in Section 44-11.

2. The Director shall waive the habitat restoration fee, or any portion of such fee, in situations where the permittee establishes a habitat mitigation work plan approved by the Director, and completes, to the satisfaction of the Director, all activities proposed under the approved mitigation work plan.

3. Unless the habitat restoration fee is waived, no permittee shall fail to pay the habitat restoration fee prior to taking any control activity authorized under the prairie dog control permit.

An applicant for a special permit or prairie dog control permit shall be responsible for all costs associated with the control activity authorized under such permit.

Sec. 25-124 Notice.

A prairie dog control permittee shall provide the Director with at least 14 days' advance written notice of the date and time on which the control activity authorized under the permit will be initiated, along with the name, address and telecommunications number of (i) the owner or property manager of the property on which the control activity will take place; (ii) the owner or property manager of the property to which the prairie dogs will be relocated (if relocation is the proposed control activity); and (iii) any consultants retained with regard to the authorized control activity.

Sec. 25-125. Refusal to grant; suspension or revocation of permit;
(a) The Director may refuse to grant a permit, or suspend or revoke a permit requested or issued pursuant to this Article, if the Director determines that any of the following have occurred:

(1) Fraud, material misrepresentation or false statement in the initial application for the permit; or

(2) Failure to comply with the terms or conditions of the permit, the provisions of this Article, any applicable rule or regulation prescribed by the Director under this Article, or any other applicable provision of federal, state, or local law including, but not limited to, the Code of Ordinances of Lafayette, Colorado.

Sec. 25-126. Appeals.

(a) An applicant or permittee may appeal to the City Administrator any action, decision, refusal, denial, or order of the Director under this Article in accordance with the procedures set forth in the rules and regulations promulgated under Section 25-127.

(b) The City Administrator shall conduct a hearing upon the appeal in accordance with the procedures set forth in the rules and regulations promulgated under Section 25-127.

(c) The City Administrator shall reverse the decision upon finding that the Director's decision was erroneous. The City Administrator's decision shall be final.

Sec. 25-127. Administration; rules and regulations.

The administration of this Article is hereby vested in the Director, who is empowered to promulgate such rules and regulations as may be necessary and proper to administer, implement, interpret, and enforce the provisions of this Article. The rules and regulations shall be reviewed by the city attorney's office and then adopted by the Director.

Sec. 25-128. Separate Violation—Penalty.

Violation of any section of this Article or any section of a rule or regulation promulgated hereunder shall be civil in nature, subject to payment of a fine not exceeding the current maximum amount established by the State for municipal ordinance violations. Each day or portion thereof during which any violation is committed, continued or permitted shall constitute a separate violation and shall be subject to payment of a separate fine. Each prairie dog controlled on property within the city without a special permit or prairie dog control permit issued under this Article shall constitute a separate offense and shall be punishable as a separate offense.

Section 5. Chapter 44 of the Code of Ordinances of Lafayette, Colorado, is hereby amended by the addition of a new Section 44-11, "Wildlife Habitat Restoration Fund," to read as follows:
Sec. 44-11. Wildlife Habitat Restoration Fund

(a) Fund established. There is hereby created a Wildlife Habitat Restoration Fund for the purposes described in subsection 25-123(c) of this Code.

(b) Revenue sources. The Wildlife Habitat Restoration Fund shall be funded through revenues derived from collection of the habitat restoration fee pursuant to subsection 25-123(c) of this Code.

Section 6. 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 shall be declared unconstitutional or invalid.

Section 7. 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 8. The repeal or modification of any provision of the Code of Ordinances, City 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 9. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

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

Section 11. Violations of this ordinance shall be punishable as set forth in Section 1.10(a)(1) of the Code of Ordinances of Lafayette, Colorado.

Section 12. Upon the effective date of this ordinance, Ordinance No. 42, Series 202019 extending the moratorium imposed upon the removal and relocation of, and the utilization of lethal control measure for, any black-tailed prairie dogs located on any property within the city is repealed.

INTRODUCED AND PASSED ON FIRST READING THE _____ DAY OF ____________, 2020.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THE _____ DAY OF ________________, 2020.

CITY OF LAFAYETTE, COLORADO
Jamie Harkins, Mayor

ATTEST:

Susan Koster, CMC, City Clerk

APPROVED AS TO FORM:

Mary Lynn Macsalka, City Attorney
Prairie Dog Permit Process

Second Reading - Ordinance No. 04, Series 2020

January 21, 2020

Monte Stevenson – Parks, Recreation & Open Space Director
Paul Rayl – Planning and Building Director
On January 7, 2020, City Council approved First Reading of Ordinance No. 04, Series 2020. Additional direction was given to the City attorney’s office to draft a revised ordinance for Second Reading restricting the means of lethal control and strengthening the penalty for violations of the ordinance.
First Reading Summary Review (Sec. 25-123)

- Restricted from using animal recovery programs.
- On-site evaluation and monitoring.
- Reimbursement of consultant fees.
- $100 administrative fee and $1,200/acre habitat restoration fee
- Plan for protecting wildlife and steps to avoid lethal control/re-entry
First Reading Summary Review (Cont.)

- Documentation of steps taken
- 60-day public comment period on applications.
- Delay of issuance of a permit for up to 12 months
- 14 day written notice of control activity
- Rule-making authority will reside with the Director
Proposed Additions – Carbon Monoxide Only

- Sec. 25-120 (e) **Permit Required** – “The prairie dog control permit issued pursuant to this Article shall only authorize the permittee to use carbon monoxide as a means of lethal control of prairie dogs.”

- Sec. 25-122 (b) (4) **Special Permit** – “Shall only authorize the permittee to use carbon monoxide as a means of lethal control of prairie dogs, unless such permit is issued pursuant to a valid CDOW permit to capture, hold, transport and relocate prairie dogs for raptor rehabilitation programs.”
Proposed Revisions – Separate Violation

- Sec. 25-128 Separate Violation – “Each prairie dog controlled on property within the City without a special permit or prairie dog control permit issued under this Article shall constitute a separate offense and shall be punishable as a separate offense.”

  - Each prairie dog controlled without a permit would be deemed a separate offense.
Proposed Revisions – Violation of Ordinance

- Chapter 44, Section 11 – “Violations of this ordinance shall be punishable as set forth in Section 1.10(a)(1) of the Code of Ordinances of Lafayette, Colorado.”
  - All violations would be designated as criminal, punishable by fine or imprisonment, or both.
I move that Section 5 of the ordinance be amended to add a new subsection to Section 25-120, which shall read as follows: “The prairie dog control permit issued pursuant to this Article shall only authorize the use of carbon monoxide as a means of lethal control of prairie dogs”; to modify subsection (b) of Section 25-122, by adding a new subparagraph, which shall read as follows: “Shall only authorize the permittee to use carbon monoxide as a means of lethal control of prairie dogs, unless such permit is issued pursuant to a valid CDOW permit to capture, hold, transport and relocate prairie dogs for raptor rehabilitation programs.”
I move (a) that Section 5 of the ordinance be amended: (i) to modify the title of Section 25-128, by inserting the term “Separate” before the term “Violation” and by deleting the term “Penalty”; (ii) to delete the text of Section 25-128 in its entirety, and to replace with the following sentence, which shall read as: “Each prairie dog controlled on property within the city without a special permit or prairie dog control permit issued under this Article shall constitute a separate offense and shall be punishable as a separate offense”; and (b) to add a new Section 11 of the ordinance, to read as follows: “Violations of this ordinance shall be punishable as set forth in Section 1.10(a)(1) of the Code of Ordinances of Lafayette, Colorado.”
I move to add a new Section 12 of the ordinance, which shall read as follows: “Upon the effective date of this ordinance, Ordinance No. 42, Series 2019 extending the moratorium imposed upon the removal and relocation of, and the utilization of lethal control measure for, any black-tailed prairie dogs located on any property within the city is hereby repealed in its entirety.”
Recommended Motion – Second Reading

Move to approve on second reading of Ordinance No. 04, Series 2020, amending Chapter 25 of the Code of Ordinances implementing a prairie dog permit process.
STAFF REPORT

TO: Honorable Mayor Harkins and City Council Members
FROM: Fritz Sprague, City Administrator
DATE: January 21, 2020
SUBJECT: Resolution No. 2020-07 / Supporting the Community Choice Energy Study for Communities in the State of Colorado

**Recommendation:** Council motion to approve Resolution No. 2020-07 Supporting the Community Choice Energy Study for Communities in the State of Colorado

Mayor Harkins received Council consensus to place this resolution on the agenda at the January 7, 2020 Council meeting.

**Attachments:** Resolution No. 2020-07
WHEREAS, the Lafayette community has committed to climate action efforts in support of a
global effort to address climate change, prioritizing efforts to draw down carbon from the
atmosphere and accelerate adaptation and resilience strategies in preparation for intensifying
climate impacts; and

WHEREAS, the City of Lafayette is joined in acting on climate change by a global coalition of
city, state, and national governments and community and private sector leaders who recently
declared or officially acknowledged the existence of a global climate emergency and recognize
the importance of actions to protect and enhance the well-being of current and future generations;
and

WHEREAS, addressing climate change equitably requires a transition from fossil fuels to
emissions-free, renewable energy that is ecologically sustainable for all people, especially those
most impacted by climate change today and those who will be most impacted in the future; and

WHEREAS, Governor Polis' policy initiative, entitled “Roadmap to 100% Renewable Energy by
2040 and Bold Climate Action," supports local commitments to one hundred percent renewable
energy; and

WHEREAS, Lafayette has been a leader in the pursuit of clean and renewable energy and in
2017, the City Council of the City of Lafayette adopted Resolution No. 2017-63, which
committed to the goals of reducing greenhouse gas emissions by 80% below 2005 levels by
2050, and using renewable energy sources to generate all electricity used within the City by
2030; and

WHEREAS, the ability of the majority of Colorado communities to achieve their clean energy
targets within their desired timeframes is currently limited by the energy supply and
decarbonization timeline of the electric utility that serves that community; and the ability to
procure electricity from alternative wholesale suppliers may enable communities to achieve their
energy goals substantially faster and more cost-effectively than the status quo; and

WHEREAS, a local energy model called Community Choice Energy (CCE, also commonly
known as Community Choice Aggregation or CCA) is a potential strategy to expand consumer
choice, lower electricity rates, and meet state and local environmental goals; and
WHEREAS, with CCE, communities may choose their wholesale electricity suppliers while the electricity continues to be delivered by the incumbent utility which, in turn, continues to own and operate its transmission and distribution system, thereby allowing communities to choose among wholesale power suppliers without interfering with non-procurement-related utility operations; and

WHEREAS, CCE is an innovative concept, which some states have already implemented, giving Colorado the opportunity to identify best practices and lessons learned from their experiences; and

WHEREAS, a bill to require the study of CCE was approved by the Colorado General Assembly’s Investor-owned Utility Review Interim Study Committee and is expected to be introduced early in the 2020 legislative session; and

WHEREAS, the bill would authorize two independent studies: (1) a financial and technical feasibility study conducted by an independent consultant and overseen by the Public Utilities Commission (PUC), and (2) a PUC informational proceeding that hears expert testimony and invites input from all interested stakeholders; and

WHEREAS, a formal study of CCE would answer key questions and illuminate the potential benefits and challenges of adapting the CCE model for use in Colorado; and

WHEREAS, the City of Lafayette City Council supports the CCE Study Bill, and finds CCE is complementary to the City’s clean energy goals because it may result in more choice for all communities in Colorado, and ultimately accelerate our state’s and our City’s ability to achieve clean energy goals.

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

1. The City Council of the City of Lafayette declares it is in the public interest to better understand the potential for Community Choice Energy (CCE) in the State of Colorado, and indicates its support for the CCE Study Bill expected to soon be introduced in the state legislature; and

2. The City of Lafayette urges its representatives, and all Colorado legislators, to pass this legislation so that the state and the City may obtain the information needed to determine whether CCE has promise for Colorado’s energy and economic future and is worthy of being considered for implementation in the future; and

3. The adoption of this Resolution in no way suggests that the City of Lafayette would commit to participating in Community Choice Energy should it become an option in the future.
RESOLVED AND PASSED THIS 21st DAY OF JANUARY, 2020

CITY OF LAFAYETTE, COLORADO

___________________________________  
Jamie Harkins, Mayor

ATTEST:

______________________________  
Susan Koster, CMC, City Clerk

APPROVED AS TO FORM:

______________________________  
Mary Lynn Macsalka, City Attorney
RECORD OF PROCEEDINGS
CITY OF LAFAYETTE

CITY COUNCIL MEETING
January 7, 2020

CITY COUNCIL MEETING

Call to Order
The January 7, 2020 meeting of the Lafayette City Council began at 5:32 p.m. in the Council Chamber at Lafayette City Hall, 1290 S. Public Road, Lafayette, Colorado.

Roll Call
Those in attendance included Mayor Jamie Harkins, Mayor Pro Tem Stephanie Walton, and Councilors JD Mangat, Tim Barnes, Tonya Briggs, Chelsea Behanna, and Brian Wong.

Also present were City Administrator Fritz Sprague, City Clerk Susan Koster, City Attorney Dave Williamson, Sustainability Coordinator Tony Raeker, Finance Director Steve McFarland, Police Chief Rick Bashor, Fire Chief Dan Garrett, Public Works Director Jeff Arthur, Assistant City Administrator Roger Caruso, Director of Parks, Recreation, & Open Space Monte Stevenson, Planning & Building Director Paul Rayl, Planning Manager Jana Easley, Public Information Officer Debbie Wilmot, Planner Greg Thomson, Attorney Keith Martin, and Planner Jon Hoffman.

Municipal Code Amendment Discussion / Miniature Pot-bellied Pigs
Councilor Briggs recused herself and left the room due to a conflict of interest pertaining to this issue. Police Chief Bashor described the current ordinance covering household pets, including miniature pot-bellied pigs. He reviewed other jurisdictions’ policies pertaining to the number and weight limit for pigs kept as household pets and made recommendations for possible amendments to Lafayette’s Code. Council provided direction to counsel to prepare an ordinance increasing the number of pigs allowed to 2, and maintaining the aggregate number of household pets permitted per residence at 10. Council consensus was given to direct the City Attorney to prepare an ordinance amending the Municipal Code to allow up to 2 Pot-bellied Pigs, maintain the maximum of 10 animals per household, and limit the weight to 100 pounds per animal.

Public Input
Erin Brinkley-Burgardt, from Hog Haven Farm, spoke in favor of increasing the allowed number of pet pigs to two and asked that the weight limit be removed from the ordinance. Karen Norback spoke in opposition to allowing developers to hire third-party inspectors. She asked Council to ban all prairie dog extermination methods involving blood-thinners. Sue Clavin, pig owner from Colorado Springs, advocated for the allowance of 2 Pot-bellied Pigs and the removal of a weight limit. Andrew J. O’Connor asked the City to settle his lawsuit for $10,000 to avoid further cost to Lafayette taxpayers. Brant Weaver suggested the property at Hwy 287 and South Public Road be re-zoned for use as a public park. Larry Miloshevich spoke in support of the Community Choice Energy bill being proposed in the Colorado House of Representatives. The bill would allow communities to source their own electric energy supply. Kate Christensen said she would like to see the City ban oil and gas drilling or impose very strong regulations, restrictions, fines, and fees.

Public Hearing – SoLa Subdivision Filing No. 5 Replat A
Planning Manager Easley presented the first readings of Ordinance No. 01, Series 2020 / Comprehensive Plan Amendment / Lot 1A, SoLa Subdivision Filing No. 5 Replat A and the first reading of Ordinance No. 02, Series 2020 / Rezoning / Lot 1:; SoLa Subdivision Filing No. 5 Replat A
Manager Easley said Council gave conditional approval to these ordinances in February of 2019. Since then, while the applicant was working on meeting the conditions of approval, the Comp Plan amendment and rezoning change expired. She said the final plan and PUD are ready to record now and recommended Council approval of the amendments to the Comp Plan and Rezoning.

Mayor Harkins opened a public hearing at 5:54 p.m. and invited interested persons to come forward. Vicki Uhland criticized staff for not providing recommendations for denial as well as for approval in staff reports pertaining to land use issues. The mayor closed the hearing at 5:56 p.m.

A motion was made by Mayor Pro Tem Walton and seconded by Councilor Behanna to approve on first reading Ordinance No. 01, Series 2020 / Comprehensive Plan Amendment / Lot 1A, SoLa Subdivision Filing No. 5 Replat A. The motion passed unanimously.

A motion was made by Councilor Wong and seconded by Mayor Pro Tem Walton to approve on first reading Ordinance No. 02, Series 2020 / Rezoning / Lot 1A, SoLa Subdivision Filing No. 5 Replat A. The motion passed unanimously.

Public Hearing – Lot 17, Vista Business Park / East of Horizon Avenue
Planner Thompson described the flex space industrial building proposed for construction on Lot 17, Vista Business Park in the M1/PUD (Industrial) zoning district. He said, in order to accomplish this development, the applicant has applied for a Site Plan/Architectural Review, including traffic and pedestrian circulation, site layout, parking, landscaping, services, and amenities. The PUD Amendment is desired by the applicant to allow concrete retaining walls for better stability.

Planner Thompson presented the first reading of Ordinance No. 03, Series 2020 / Vacating a Utility and Drainage Easement within Lot 17, Vista Business Park; and Accepting the Dedications of a Utility and Drainage Easement, a Drainage Easement, and Emergency Vehicle Access Easement on Lot 17, Vista Business Park. He said the ordinance is necessary to facilitate the development of the site.

Mayor Harkins opened a public hearing at 6:08 p.m. and invited interested persons to come forward. Vicki Uhland spoke in opposition to the staff report not including motions to deny. Mayor Harkins closed the hearing at 6:09.

A motion was made by Mayor Pro Tem Walton and seconded by Councilor Behanna to approve on first reading Ordinance No. 03, Series 2020 vacating the subject utility and drainage easement within Lot 17, Vista Business Park, and accepting a drainage and utility easement, a drainage easement, and an emergency vehicle access easement across a portion of Lot 17, Vista Business Park, finding the submittal requirements have been met and the proposed vacation and dedications comply with the criteria of Sections 26-14-20, 26-19-7, and 26-19-9 of the Lafayette Municipal Code. The motion passed unanimously.

A motion was made by Mayor Pro Tem Walton and seconded by Councilor Mangat to approve the PUD Amendment to allow a concrete retaining wall instead of a dry stack wall with the recommended condition, finding the amendment complies with the requirements and criteria of Section 26-19 of the Lafayette Municipal Code and the Comprehensive Plan’s goals and policies. The motion passed unanimously.

A motion was made by Mayor Pro Tem Walton and seconded by Councilor Wong to approve the Site Plan / Architectural Review for Lot 17, Vista Business Park, subject to the recommended conditions proposed by the
Planning Commission, finding the plan complies with criteria found in Municipal Code Section 26-16-7.1, the submittal requirements of Municipal Code Section 26-17-93, and the architecture is an appropriate scale and will complement surrounding development. The motion passed unanimously.

200 W. Baseline Road Mixed-Use Final Plan and PUD (Cottage Camp Subdivision)
City Attorney Dave Williamson reviewed the process that this proposed development has undergone thus far, including the Planning Commission’s preliminary plan appeal, which was upheld at the Council’s November 19, 2019 meeting. At that meeting Council approved the Planning Commission’s decision with added conditions, including setbacks, and tabled consideration of the Final Plan and PUD to tonight’s meeting to allow the applicant time to address the setback issue. He cautioned Council that they may not revisit the preliminary plan or relitigate the appeal.

Planner Hoffman described the particulars of the proposed development including the location, number of units, density, zoning, and mixed uses. He said the applicants have addressed Council’s concerns about building height and massing along the alley between W. Geneseo Street and W. Baseline Road and will present details of their new plan.

Applicants Matt Gotschall and Architect Eric Hartronft discussed changes made in the final plan to address setback issues on the alley. The new design has been altered to remove balconies on the alley-side of the building. Other considerations proved to be financially unfeasible. The applicants had a professional rendering done of the alley view which they asserted accurately depicts the “feel” of the existing setbacks which have remained unchanged.

Following Council discussion and questions for staff and the applicant, a motion was made by Councilor Mangat and seconded by Mayor Pro Tem Walton to approve the Final Plan, subject to the recommended conditions and recording the Final Plat and Development Agreement within 90 days, finding the proposal complies with Section 26-16-5 of the Lafayette Code of Ordinances, Final Plan purpose and procedure; and Section 26-17-6, application requirements for final plan and final plat submittal. The motion passed 5 to 2, with Councilors Barnes and Briggs voting no.

Prairie Dog Control / Permitting Process
Director of Parks, Recreation, and Open Space Stevenson and Planning and Building Director Rayl presented the first reading of Ordinance No. 04, Series 2020 / Amending Chapter 25 of the Code of Ordinances, implementing a Prairie Dog Control Permit Process. They reviewed exceptions to the regulations and particulars of the proposed legislation applicable to those who wish to acquire a Prairie Dog Control Permit.

The permits would be issued by the Planning Department following approval of an application which demonstrates that a qualifying condition exists. Council directed staff to bring the ordinance back for second reading with amendments including the explicit prohibition of all forms of lethal control except for carbon monoxide, stricter fines for violations of the ordinance, and the ability to waive fees for affordable housing developers.

A motion was made by Councilor Barnes and seconded by Councilor Mangat to approve on first reading Ordinance No 04, Series 2020 / Prairie Dog Permitting Process. The motion passed 5 to 2, with Councilors Briggs and Behanna voting no.
Special Municipal Court Judge Appointment
Councilor Briggs recused herself for this item and left the room. City Attorney Macsalka said Councilor Briggs is a party to a matter that will come before the Lafayette Municipal Court. In order to avoid the appearance of bias on his part, Judge Roger Buchholz (who is appointed by Council) has voluntarily disqualified himself from the proceedings.

A motion was made by Mayor Pro Tem Walton and seconded by Councilor Wong to approve Resolution No. 2020-01 / Appointing Paul D. Basso as Special Municipal Court Judge. The motion passed 6 to 0, with Councilor Briggs having recused herself.

Rate Adjustment for Residential Compost Collection
Sustainability Coordinator Tony Raeker said the rates for residential compost collection change according to the Consumer Price Index on an annual basis. The change compensates the hauler for increases in costs for labor, equipment operation, and fuel.

A motion was made by Mayor Pro Tem Walton and seconded by Councilor Behanna to approve Resolution No. 2020-02 / Amending Exhibit A of the City of Lafayette Fee Schedule Regarding Residential Organics Collection Service Fee. The motion passed unanimously.

Proclamation – Martin Luther King Jr. Day
A motion was made by Councilor Barnes and seconded by Councilor Mangat to approve a proclamation designating January 20, 2020 as Martin Luther King Jr. Day in Lafayette. The motion passed unanimously.

Consent Agenda
Mayor Harkins read the Consent Agenda:

J. Minutes of the December 3, 2019 City Council Meeting
K. Minutes of the December 17, 2019 City Council Meeting
L. Second Reading / Ordinance No. 42, Series 2019 / Extension of the 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
M. Resolution No. 2020-03 / Establishing Posting Places for Notices of Meetings
N. Resolution No. 2020-04 / Surplus City Vehicle / Fire Truck
O. Resolution No. 2019-05 / 4th Amendment to the City Center Economic Development and Real Property Exchange Agreement
P. Contract / Pavement Management Analysis / Infrastructure Management Services
Q. Renewal of Pawn Shop License / EZ Pawn Colorado Inc., dba EZ Pawn Store / 406 South Public Road
R. Purchase Orders and Amendments

Items J, L, and O were removed from the Consent Agenda for further discussion.

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

Item J. Mayor Pro Tem Walton asked that the record be corrected to reflect that she received one vote for Mayor. A motion was made by Mayor Pro Tem Walton and seconded by Councilor Mangat to approve the Minutes of the December 3, 2019 City Council Meeting as amended. The motion passed unanimously.
Item L. Following Council discussion, a motion was made by Mayor Pro Tem Walton and seconded by Councilor Behanna to approve the second reading of Ordinance No. 42, Series 2019 / Extension of the 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. The motion passed unanimously.

Item O. Assistant City Administrator Caruso said allowing developers to hire third-party certified inspectors is a common practice on construction sites in the city. The provision in the economic development agreement with City Center allowing third-party inspections is no different. In fact, the City has approximately three such inspectors under contract who regularly inspect projects as assigned by the Planning Department.

A motion was made by Mayor Pro Tem Walton and seconded by Councilor Briggs to approve Resolution No. 2019-05 / 4th Amendment to the City Center Economic Development and Real Property Exchange Agreement. The motion passed unanimously.

Council Reports
Councilor Wong would like to see motions to deny, as well as motions to approve, provided in the staff reports for land use matters.

Mayor Harkins received Council consensus to place a resolution on the next agenda supporting the Community Choice Energy Study for Communities in the State of Colorado.

Councilors discussed a donation in the memory of former Planning Director Karen Westover. It was noted that she asked that the Historic Preservation Board receive donations. Staff will contact the board to determine if there is a project that would benefit from such a contribution.

Adjourn to Executive Sessions
At 9:15 p.m., a motion was made by Councilor Behanna and seconded by Councilor Briggs to adjourn to Executive Session according to C.R.S. 24-6-402-(4)(a), to discuss the purchase, acquisition, lease, transfer, or sale of real property interests pertaining to properties on Public Road; and according to C.R.S. 24-6-402-(4)(e)(I)) relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators pertaining to properties on Public Road. The motion passed unanimously.

CITY OF LAFAYETTE, COLORADO

ATTEST
Jamie Harkins, 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.
STAFF REPORT

TO: Fritz Sprague, City Administrator
FROM: Monte Stevenson, Parks, Recreation & Open Space Director
DATE: January 21, 2020
SUBJECT: Resolution No. 2020-08 / Amending 2020 Great Outdoors Water Park Fees

Recommendation: Approval of Resolution No. 2020-08 to amend the Bob Burger Recreation Center and the Great Outdoors Waterpark admission fees, effective February 1, 2020.

Background: During the first two years of operations (2018, 2019) The Great Outdoor Waterpark (GOWP) offered two pass choices, a 10 punch pass and an unlimited season pass.

The current fee schedule was set based on feedback received from the community representing a perceived high frequency use of the Waterpark. Over the last two seasons the recreation staff has conducted data analysis of actual pass use. On average, guests who purchased the 10 punch pass used only 5 punches, while season pass holders visited an average of 12 times. Actual usage is lower than anticipated use.

Staff recommends adjusting pass prices to provide a better value based on actual use. Establishing a per-visit punch card rate for the BBRC and the GOWP will allow staff to offer a variety of punch pass cards that provide value to our patrons. Reducing the season pass rate at the GOWP will better align with actual patron use and will also provide a better value.

In 2018 & 2019, The GOWP season pass was sold at a cost of $180 for adults and $135 for youth and seniors. Staff recommends the 2020 GOWP Season Pass be sold at a cost of $150 for adults and $110 for youth and seniors.

Household passes will continue to be offered according to the same structure, where the first household pass is purchased at full price, and each additional pass in the household is discounted 50%.

In 2018 & 2019, punch card visits at The GOWP were valued at $8 for adults and $6 for youth and seniors. Punch card visits at the BBRC were valued at $4.60 for adults and $3.20 for youth and seniors. Staff recommends Council establish these per-visit rates on Exhibit B for 2020. Setting the price at a per-punch rate allows staff to adjust the quantity of visits sold per card in accordance with the established per visit fee.
In summary, the proposal is to lower the Season Pass at GOWP to better align with patron use, providing a better value. Secondly, it is proposed that the punch card at BBRC and GOWP be restructured to a per-punch cost with no proposed increase in the rate.

The following chart from Exhibit B delineates the proposed changes:

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>Current Fee</th>
<th>Proposed Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>BBRC Punch Card – Youth/Senior</td>
<td>$64 per 20 visit card</td>
<td>$3.20 per punch</td>
</tr>
<tr>
<td>BBRC Punch Card – Adult</td>
<td>$92 per 20 visit card</td>
<td>$4.60 per punch</td>
</tr>
<tr>
<td>GOWP Season Pass – Youth/Senior</td>
<td>$135</td>
<td>$110</td>
</tr>
<tr>
<td>GOWP Season Pass – Adult</td>
<td>$180</td>
<td>$150</td>
</tr>
<tr>
<td>GOWP Punch Card – Youth/Senior</td>
<td>Not on Exhibit B</td>
<td>$6 per punch</td>
</tr>
<tr>
<td>GOWP Punch Card – Adult</td>
<td>Not on Exhibit B</td>
<td>$8 per punch</td>
</tr>
</tbody>
</table>

No change is recommended to the daily admission rate at either facility.

**Fiscal Impact:** Increased revenue to 01-101-553085

**Attachments:** Resolution No. 2020-08
WHEREAS, Section 5-4 of the Code of Ordinances of Lafayette (“Code”) provides that City Council shall establish, by resolution, fees for municipal services, goods and programs; and

WHEREAS, such ordinance provides, in accordance with current case law, that the purpose of such fees is to defray the City’s costs of providing the services, goods and programs, and that the amount of the fees shall be reasonably related to the City’s costs; and

WHEREAS, the Parks Recreation and Open Space Department must now establish its 2020 facility admission fee schedule so that such fees may be timely published and distributed to the community; and

WHEREAS, the Parks Recreation and Open Space Department has analyzed the costs to provide its 2020 facility services and developed an admission fee schedule, which fees are reasonably related to the City’s costs to provide such services.

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

Section 1. The 2020 Parks Recreation and Open Space Department Facility Admission Fee Schedule is hereby adopted as attached hereto and made a part of this resolution with such fees to take effect February 1, 2020 and be incorporated into Exhibit B of the City of Lafayette’s General Fee Schedule.

Section 2. All previously adopted Parks Recreation and Open Space Department admission fees shall expire effective midnight on January 31, 2020.


ATTEST:

________________________  Jamie Harkins, Mayor
Susan Koster, CMC, City Clerk

APPROVED AS TO FORM:

________________________
Mary Lynn Macsalka, City Attorney
STAFF REPORT

TO: Fritz Sprague, City Administrator
FROM: Dan Garrett, Acting Fire Chief
DATE: 1/21/2020
SUBJECT: Resolution No. 2020-09 / Approving an Intergovernmental Agreement with the Louisville Fire Protection District for Fire Marshal Services

Recommendation: Approval of Resolution No. 2020-09 authorizing the Mayor to sign the IGA which allows for a seamless transition of Fire Marshal services for the City of Lafayette, and also allowing the City a realistic timeframe to recruit and hire an internal part-time Fire Marshal.

Background:

On 12/10/2020 Rocky Mountain Fire Protection District opted to enact the 30-day termination clause in an IGA that we had established with them related to equipment and personnel sharing. One component of this IGA was the utilization of their Fire Marshal for Fire Marshal services for the City of Lafayette. Due to the short notice of the termination, Louisville Fire Protection District generously offered to fill the Fire Marshal position temporarily to minimize the impact on the City of Lafayette.

An IGA for these services was created and signed by Louisville Fire Protection District’s board president on 1/9/2020. In short, the IGA has a six (6) month term, an hourly rate of $52.89 for services rendered, with a maximum cap of $25,000 set for the term of the IGA.

This IGA allows the City of Lafayette a realistic timeframe to recruit and hire an internal part-time Fire Marshal.

Fiscal Impact:

Will not exceed $25,000

Attachments: Resolution No. 2020-09
CITY OF LAFAYETTE
RESOLUTION NO. 2020-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LAFAYETTE AND THE LOUISVILLE FIRE PROTECTION DISTRICT FOR FIRE MARSHAL SERVICES

WHEREAS, Article XIV, Section 18 (2 (a) of the Constitution of the State of Colorado encourages and authorizes intergovernmental agreements; and

WHEREAS, in accordance with C.R.S. § 29-1-203, municipalities and fire protection districts may cooperate or contract with one another to provide any functions, service, or facility lawfully authorized to each, including the sharing of costs; and

WHEREAS, the City of Lafayette (“Lafayette), acting by and through its Fire Department, and the Louisville Fire Protection District (“District”), are each authorized to provide, and currently provide, fire suppression, fire prevention services, public education, emergency rescue and extrication, hazardous materials mitigation, ambulance and emergency medical services; and

WHEREAS, Lafayette is in need of Fire Marshal services for its Fire Department; and

WHEREAS, the District has a Fire Marshal whose service it is willing to provide to Lafayette subject to the terms and conditions set forth in an intergovernmental agreement.

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

The Intergovernmental Agreement between the City of Lafayette, and the Louisville Fire Protection District for Fire Marshal Services is approved in substantially the same form as the copy attached hereto and made a part of this resolution, and the Mayor is authorized to execute the Intergovernmental Agreement on behalf of the City.

RESOLVED AND PASSED THIS 21st DAY OF JANUARY, 2020

CITY OF LAFAYETTE, COLORADO

_________________________________
Jamie Harkins, Mayor

ATTEST:

_______________________________
Susan Koster, CMC, City Clerk

APPROVED AS TO FORM:

_____________________________
Mary Lynn Macsalka, City Attorney
INTERGOVERNMENTAL AGREEMENT FOR FIRE MARSHAL SERVICES

THIS INTERGOVERNMENTAL AGREEMENT FOR FIRE MARSHAL SERVICES ("Agreement"), effective as of January 1, 2020 ("Effective Date"), is made and entered into by and between the City of Lafayette ("Lafayette"), a Colorado home rule municipality, and the Louisville Fire Protection District, a political subdivision of the State of Colorado ("District"), organized and operated in accordance with C.R.S. § 32-1-101, et seq.

RECITALS

WHEREAS, in accordance with Article XIV, Section 18 of the Colorado Constitution and C.R.S. § 29-1-203, and for Lafayette by its home rule charter, Lafayette and District (collectively the "Parties" or individually a "Party") may contract with one another for the provision of services that each Party is authorized by law to provide; and

WHEREAS, Lafayette is in need of Fire Marshal services for its Fire Department and District has and is willing to provide such services to Lafayette.

NOW, THEREFORE, in consideration of the mutual promises and covenants, the Parties agree as follows:

Section 1. Scope of Services: District hereby agrees to provide Lafayette the Fire Marshal services set forth in the Scope of Services attached as "Exhibit A" ("Fire Marshal Services"), which is made a part of this Agreement.

Section 2. Location and Materials: Lafayette shall provide District with access to all data, documents, information and use of the Lafayette Fire Department Station, to the extent necessary for District to perform the Fire Marshal Services. District shall provide all other labor, equipment, supplies or other goods necessary to perform the Fire Marshal Services.

Section 3. Term: The term of this Agreement shall commence on the Effective Date and shall terminate on June 30, 2020, unless sooner terminated in accordance with this Agreement.

Section 4. Independent Contractor: District shall at all times control the means and manner by which it performs the Fire Marshal Services, subject to Lafayette’s right to monitor and evaluate such work. District shall at all times be and act as an independent contractor and not as an employee of Lafayette. District understands that as an independent contractor it is not entitled to any employee benefits from Lafayette including but not limited to medical or disability insurance or unemployment insurance or workers compensation insurance. District shall be responsible for payment of all taxes, including federal, state and local taxes, arising out of District’s work under this Agreement, including, by way of illustration, but not limitation, federal and state income tax, social security tax, unemployment insurance taxes, and any other taxes or business license fees as required.

Section 5. Compensation/Payment:

A. In consideration of performance of the Fire Marshal Services, Lafayette shall pay District an hourly amount of $52.89 for a total not to exceed $25,000 during the Term of this Agreement.

B. Lafayette will make payment due to District for compensation for completed work within thirty (30) days after invoices submitted by District, which invoice(s) may not be submitted more frequently than monthly. Invoices shall include the basis upon which payment is requested, such as percentage of the duties
completed, or actual time, materials and expenses. Lafayette shall within thirty (30) calendar days submit invoice disputes, if any, to District for resolution by mutual consent of the Parties.

C. Nothing herein shall constitute a multiple fiscal year obligation pursuant to Colorado Constitution, Article X, Section 20. Notwithstanding any other provision of this Agreement, Lafayette’s obligations under this Agreement are subject to the annual appropriation of funds by the City Council of Lafayette. Any failure of a City Council to annually appropriate adequate monies to finance Lafayette’s obligations under this Agreement shall terminate this Agreement at such time as such then-existing appropriations are to be depleted. Notice shall be given promptly to District of any failure to appropriate such adequate monies.

Section 6. Breach; Termination:

A. In the event of a breach by either Party of the terms and conditions of this Agreement, the non-breaching Party may give written notice to the other stating such breach has occurred and give the Party twenty-one (21) calendar days to cure such breach. If the breach is not cured to the reasonable satisfaction of the non-breaching Party, within the stated timeframe, the Party providing the notice may terminate this Agreement. In the event of termination, each Party shall have any remedy or right available at law or equity.

B. Either Party may also terminate this Agreement without cause upon twenty one (21) calendar days written notice to the other Party.

C. Lafayette shall pay the proportionate part of compensation as District shall actually have earned through the date of termination.

Section 7. Insurance: District understands and agrees that it shall have no right of coverage under any and all existing or future Lafayette comprehensive, liability or personal injury insurance policies. District shall provide workers’ compensation insurance to cover obligations imposed by applicable laws for any of District’s employees engaged in the performance of work under this Agreement, and comprehensive automobile liability insurance and general liability insurance with minimum combined single limits of One Million Dollars and No Cents ($1,000,000.00).

Section 8. Colorado Governmental Immunity Act: The Parties are relying on, and neither waives or intends to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities and protections afforded them by the Colorado Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., as from time to time amended, or those otherwise available to the Parties, their officers, officials, employees and volunteers.

Section 9. Colorado Law; Jurisdiction and Venue: This Agreement shall be governed by the laws of the State of Colorado. Jurisdiction and venue for any litigation shall lie exclusively in the District Court for Boulder County.

Section 10. Binding Effect/Non-Assignability: Lafayette and District each binds itself, its successors and assigns, to the other Party to this Agreement with respect to all rights and obligations under this Agreement. Neither Lafayette nor District shall assign or transfer its interest in, or obligations under, this Agreement without the written consent of the other.

Section 11. Severability: If any term, covenant, or condition of this Agreement is deemed by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall remain in full force and effect and be binding upon the Parties.
Section 12. **Entire Agreement:** This Agreement constitutes the entire agreement between the Parties and supersedes all other prior and contemporaneous agreements, representations, and understandings of the Parties regarding the subject matter of this Agreement. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing by the Parties. No representations or warranties whatever are made by any Party to this Agreement except as specifically set forth in this Agreement or in any instrument executed by the Parties pursuant to this Agreement.

Section 13. **Attorney’s Fees, Costs and Expenses:** In any litigation arising from or relating to this Agreement, the prevailing Party shall be awarded its reasonable attorney fees, costs and expenses, including the reasonable attorneys’ fees, costs and expenses incurred in collecting or executing upon any judgment, order or award.

Section 14. **No Waiver:** Delays in enforcement or the waiver of any one or more defaults or breaches of this Agreement by either Party shall not constitute a waiver of any of the other terms or obligations of this Agreement.

Section 15. **Non-Applicability:** As this Agreement does not provide for the temporary assignment of firefighters, and does not involve services necessitated by any conflagration, fire, or other emergency, the Parties agree that C.R.S. §§ 29-5-105 and 107-110 are not applicable to this Agreement.

Section 16. **Notice and Communications:** Any notice to the Parties required under this Agreement shall be in writing and delivered to the person designated below for the Parties at the indicated address unless otherwise designated in writing. A notice required to be given under this Agreement shall only be delivered by United States certified mail, return receipt requested, or by hand delivery. Facsimile and e-mail addresses are provided for convenience only. However, copies of mailed or hand-delivered notices may be sent to the Parties via e-mail or facsimile.

**Lafayette:**
City of Lafayette Fire Department
401 North 111 Street
Lafayette, Colorado 80026
Attn: Dan Garrett
Tel: 303-665-9661
Fax: 303-604-3862
Email: dann@CityofLafayette.com

**District:**
Louisville Fire Protection District
895 Via Appia Way
Louisville Colorado 80027
Attn: John Willson
Tel: 303-666-6595, Ext. 201
Fax: 303-666-7659
Email: jwillson@louisvillefire.com

Section 17. **Execution:** This Agreement may be executed in several counterparts and by facsimile or electronically by PDF, each of which shall be deemed an original and all of which shall constitute one in the same instrument.

IN WITNESS WHEREOF, the Parties have entered into this Agreement as of the Effective Date.

**CITY OF LAFAYETTE:**
Name: Jamie Harkins
Title: Mayor
Date: ____________

**LOUISIVLL FIRE PROTECTION DISTRICT:**
Name: Chris Schmidt
Title: Board President
Date: 1/9/2020

Intergovernmental Agreement for Fire Marshal Services Page 3 of 4
ATTEST:

Susan Koster, CMC, City Clerk

APPROVED AS TO FORM:

Mary Lynn Macsalka, City Attorney
“Exhibit A”
Scope of Services for Fire Marshal

1. Review plans for structural, electrical, plumbing, and mechanical compliance with fire codes, applicable national standards, and fire code related ordinances; review quality of materials and methods of construction used.

2. Review and approve permits, inspect buildings and other structures to determine compliance with fire codes, applicable national standards, and fire code related ordinances; answer inquiries and technical questions.

3. Inspect work in progress to ensure that construction is progressing in accordance with approved plans and specifications and in compliance with fire codes, applicable national standards, and fire code related ordinances; investigate complaints regarding construction; maintain records of inspections.

4. Maintain records and make reports as required. All records and reports generated pursuant to the Intergovernmental Agreement for Fire Marshal Services shall be the property of Lafayette.
STAFF REPORT

TO: Fritz Sprague, City Administrator
FROM: Jana Easley, Planning Manager
DATE: January 21, 2020
SUBJECT: Second Reading / Ordinance No. 01, Series 2020 / Comprehensive Plan Amendment / Lot 1A, SoLa Subdivision Filing No. 5 Replat A
Second Reading / Ordinance No. 02, Series 2020 / Rezoning / Lot 1A, SoLa Subdivision Filing No. 5 Replat A

Recommendation: Approval on Second Reading of Ordinance No. 01, Series 2020, amending the Comprehensive Plan Land Use designation to High Density Residential for Lot 1A, SoLa Subdivision Filing No. 5 Replat A; and approval on Second Reading of Ordinance No. 02, Series 2020, Rezoning to RSR/PUD (Senior and Special Residential/Planned Unit Development) for Lot 1A, SoLa Subdivision Filing No. 5 Replat A.

Background: At a public hearing on January 7, 2020, City Council voted unanimously (7-0) in favor of Ordinance No.01, Series 2020, and Ordinance No. 02, Series 2020, with no changes. These Ordinances amend the Comprehensive Plan Land Use designation to High Density Residential and change the Zoning to RSR/PUD (Senior and Special Residential/Planned Unit Development), respectively, for Lot 1A, SoLa Subdivision Filing No. 5 Replat A.

Proposed Motions: I move the City Council approve on Second Reading Ordinance No. 01, Series 2020, amending the Comprehensive Plan Land Use designation to High Density Residential for Lot 1A, SoLa Subdivision Filing No. 5 Replat A.

I move the City Council approve on Second Reading Ordinance No. 02, Series 2020, changing the Zoning to RSR/PUD (Senior and Special Residential/Planned Unit Development) for Lot 1A, SoLa Subdivision Filing No. 5 Replat A.

Fiscal Impact: Normal fees and charges will apply where applicable.

Attachments:
1 - Ordinance No. 01, Series 2020
2 - Ordinance No. 02, Series 2020
ORDINANCE NO. 01, Series 2020
INTRODUCED BY: MAYOR PRO TEM STEPHANIE WALTON

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN’S LAND USE PLAN FOR CERTAIN LAND, FULLY DESCRIBED HEREIN, KNOWN AS LOT 1A, FILING NO. 5, REPLAT A, SOLA SUBDIVISION FROM INSTITUTIONAL TO HIGH DENSITY RESIDENTIAL

WHEREAS, Sola Inc. is the fee owner of certain real property located within the SoLa-Commercial/Institutional Planned Unit Development ("SoLa PUD"), known as Lot 1A, Filing No. 5, Replat A, SoLa Subdivision (the “Property”); and

WHEREAS, Inland Group, LLC, (the “Applicant”) applied for an amendment to the Comprehensive Plan’s Land Use Plan for the City of Lafayette, amending the land use category for the Property from Institutional to High Density Residential, as more fully described in Exhibit A attached hereto (“Traditions at SoLa Comprehensive Plan Amendment”); and

WHEREAS, the Planning Commission, after a public hearing held on November 28, 2018 and careful consideration of the relevant criteria set forth in Section 26-25.1-1 of the Code of Ordinances of the City of Lafayette (the “Code”), recommended approval of the Traditions at SoLa Comprehensive Plan Amendment to the City Council, subject to City Council approval of an application amending the SoLa PUD, which was submitted by the Applicant to the City; and

WHEREAS, the City Council held a public hearing on January 15, 2019, to consider the Traditions at SoLa Comprehensive Plan Amendment, and on February 5, 2019, approved Ordinance No. 03, Series 2019, amending the Comprehensive Plan’s Land Use Plan for the Property to from Institutional to High Density Residential, subject to approval by City Council of, and the recordation of, the Lot 1A, Filing No. 5, Replat A, SoLa Subdivision PUD Amendment (“PUD Amendment”) within 90 days of City Council approval thereof; and

WHEREAS, on January 15, 2019, City Council approved the PUD Amendment, with conditions, all of which have been met as of November 2019; and

WHEREAS, because it took longer than anticipated for the applicant to finalize financing and to complete necessary vacation and dedication of certain easements affecting the Property, the PUD Amendment was not recorded within the 90-day deadline set by Ordinance No. 03, Series 2019, and, therefore, Ordinance No. 03, Series 2019, lapsed and the Traditions at SoLa Comprehensive Plan Amendment did not take effect; and

WHEREAS, the applicant requests that the Traditions at SoLa Comprehensive Plan Amendment be re-approved; and

WHEREAS, the City Council held a public hearing on January 7, 2020, to consider the Traditions at SoLa Comprehensive Plan Amendment, received and considered public comments, and reviewed the proposal, and found it is in conformance with the Code of Ordinances; and
WHEREAS, the City Council of the City of Lafayette finds that there has not been a substantial change in circumstances related to the Property or the Traditions at SoLa Comprehensive Plan Amendment application since the Planning Commission’s November 2018 hearing and recommendation to Council to approve the requested amendment; and

WHEREAS, City Council finds and determines that the application for the Traditions at SoLa Comprehensive Plan Amendment is complete, that the Applicant has met the requirements and standards set forth in Section 26-25.1-1 of the Code, and that it is in the public interest to amend the Comprehensive Plan’s Land Use Plan for the Property.

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

SECTION 1. Upon the recordation of the Lot 1A, Filing No. 5, Replat A, Sola Subdivision PUD Amendment, the land use designation for that certain real property legally described in Exhibit A, attached hereto and incorporated herein, under the Comprehensive Plan’s Land Use Plan for the City of Lafayette shall be High Density Residential.

SECTION 2. Upon timely compliance with all conditions in Section 1 above, the City Council certifies a change in the Comprehensive Plan’s Land Use Plan for the City of Lafayette for the land described in Section 1 above to High Density Residential.

SECTION 3. City Council directs that a certified copy of this Ordinance be filed with the City Clerk and, further, that the City Clerk index, file and make the Ordinance available to the public.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 7TH DAY OF JANUARY, 2020.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS _____ DAY OF ______________, 2020.

ATTEST:  CITY OF LAFAYETTE, COLORADO

Susan Koster, CMC, City Clerk

Jamie Harkins, Mayor

APPROVED AS TO FORM:

Mary Lynn Macsalka, City Attorney
EXHIBIT A
Traditions at SoLa Comprehensive Plan Amendment

LOT 1A, FILING NO. 5, REPLAT A, SOLA SUBDIVISION

CITY OF LAFAYETTE, COUNTY OF BOULDER, STATE OF COLORADO

CONTAINING 146,318 SQUARE FEET OR 3.359 ACRES, MORE OR LESS.
ORDINANCE NO. 02, Series 2020
INTRODUCED BY: COUNCILOR BRIAN WONG

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, REZONING CERTAIN LAND, FULLY DESCRIBED HEREIN, KNOWN AS LOT 1A, FILING NO. 5, REPLAT A, SOLA SUBDIVISION, FROM COMMUNITY SERVICE BUSINESS (B1) TO SENIOR AND SPECIAL RESIDENTIAL/PLANNED UNIT DEVELOPMENT (RSR/PUD) ZONE DISTRICT

WHEREAS, Sola Inc. is the fee owner of certain real property located within the SoLa-Commercial/Institutional Planned Unit Development (“SoLa PUD”), known as Lot 1A, Filing No. 5, Replat A, SoLa Subdivision, as more fully described and depicted in Exhibit A attached hereto (the “Property”); and

WHEREAS, Inland Group, LLC, (the “Applicant”) applied for the rezoning of the Property from its current zoning of B1 (Community Service Business) to the RSR/PUD (Senior and Special Residential/Planned Unit Development) Zoning District, as more fully described in Exhibit A attached hereto (“Traditions at SoLa Rezoning”); and

WHEREAS, the City Council of the City of Lafayette, Colorado, finds that a proper application for rezoning the Property has been submitted by the Applicant to the City; and

WHEREAS, the Planning Commission, after a Public Hearing on November 28, 2018, and careful consideration of all relevant facts, recommended approval of the rezoning to the City Council, subject to City Council approval of the Lot 1A, Filing No. 5, Replat A, SoLa Subdivision PUD Amendment (“PUD Amendment”) and Comprehensive Plan Amendment submitted by the Applicant; and

WHEREAS, the City Council held a public hearing on January 15, 2019, concerning the zoning request in conformance with the Lafayette Code of Ordinances, and on February 5, 2019, approved Ordinance No. 02, Series 2019, rezoning the Property to the City of Lafayette RSR/PUD (Senior and Special Residential/Planned Unit Development) Zoning District, subject to approval by City Council of, and the recordation of, the PUD Amendment and Comprehensive Plan Amendment within 90 days of the date of City Council approval thereof; and

WHEREAS, on January 15, 2019, City Council approved the PUD Amendment, as well as the Special Use Review and Site Plan / Architectural Review, each with conditions, all of which have been met as of November 2019; and

WHEREAS, because it took longer than anticipated for the applicant to finalize financing and to complete necessary vacation and dedication of certain easements affecting the Property, the PUD Amendment was not recorded within the 90-day deadline set by Ordinance No. 02, Series 2019, and, therefore, Ordinance No. 02, Series 2019, lapsed and became void by operation of its terms and the rezoning did not take effect; and
WHEREAS, the Applicant requests that the rezoning of the Property from the B1 (Community Service Business) Zoning District to the RSR/PUD (Senior and Special Residential/Planned Unit Development) Zoning District be re-approved; and

WHEREAS, the City Council held a public hearing on January 7, 2020, concerning the rezoning request in conformance with the Lafayette Code of Ordinances; and

WHEREAS, the City Council of the City of Lafayette finds that there has not been a substantial change in circumstances related to the Property or the rezoning application since the Planning Commission’s November 2018 hearing and recommendation to Council to approve the requested rezoning; and

WHEREAS, the City Council of the City of Lafayette finds that due to changed or changing conditions in the area of the land for which rezoning is requested, in particular the approval of a development plan for the Property, it is in the public interest and reasonably necessary to rezone the Property to encourage development; and

WHEREAS, the City Council of the City of Lafayette finds that the rezoning is necessary because the use was not anticipated at the time of the adoption of the Comprehensive Plan and the use promotes goals within said plan; and

WHEREAS, the City Council of the City of Lafayette finds and declares that all officers, boards, and the City Council have complied with all applicable provisions of the City Charter, City Ordinances and State Statutes.

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

SECTION 1. Upon the recordation of the Lot 1A, Filing No. 5, Replat A, SoLa Subdivision PUD Amendment and Comprehensive Plan Amendment, the real property described and depicted on Exhibit A, attached hereto and incorporated herein, shall be zoned City of Lafayette RSR/PUD (Senior and Special Residential/Planned Unit Development) Zoning District.

SECTION 2. Upon timely compliance with all conditions in Section 1 above, the City Council certifies a change in the Zoning Map zoning the land described in Section 1 above to City of Lafayette RSR/PUD Zoning District.

SECTION 3. City Council directs that a certified copy of this Ordinance be filed with the City Clerk and further, that the City Clerk index, file and make the Ordinance available to the public.

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, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 7TH DAY OF JANUARY, 2020.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS _____ DAY OF ______________, 2020.

ATTEST:                  CITY OF LAFAYETTE, COLORADO

Susan Koster, CMC, City Clerk                         Jamie Harkins, Mayor

APPROVED AS TO FORM:

Mary Lynn Macsalka, City Attorney
EXHIBIT A
Traditions at SoLa Rezoning

LOT 1A, FILING NO. 5, REPLAT A, SOLA SUBDIVISION
CITY OF LAFAYETTE, COUNTY OF BOULDER, STATE OF COLORADO
CONTAINING 146,318 SQUARE FEET OR 3.359 ACRES, MORE OR LESS.

PROPERTY DESCRIPTION:
LOT 1A OF SOLA SUBDIVISION FILING NO 5 REPLAT A, SITUATED IN THE SOUTH HALF (S1/2) OF SECTION 11, TOWNSHIP ONE SOUTH (T.1.S.), RANGE SIXTY-NINE WEST (R.69W.) OF THE SIXTH PRINCIPAL MERIDIAN (6TH P.M.) CITY OF LAFAYETTE, COUNTY OF BOULDER, STATE OF COLORADO
STAFF REPORT

TO: Fritz Sprague, City Administrator
FROM: Greg Thompson, Senior Planner
DATE: January 21, 2020
SUBJECT: Second Reading / Ordinance No. 03, Series 2020 / Utility and Drainage Easement Vacation / Utility and Drainage, as well as Drainage and Emergency Vehicle Access Easement Dedications / Lot 17, Vista Business Park

**Recommendation:** Approval on Second Reading of Ordinance No. 03, Series 2020, vacating the subject utility and drainage easement within Lot 17, Vista Business Park and dedicating a drainage and utility easement on the east side of the lot, as well as drainage and emergency vehicle access easements through portions of Lot 17, Vista Business Park to facilitate development of the property.

**Background:** Sugarloaf Building Co. is interested in developing a 26,120 sf flex space industrial building on Lot 17, Vista Business Park, which is 1.99 acres. The use is permitted by right. As part of the development of the site, the applicant is requesting to vacate an existing utility and drainage easement on the east side of the lot and dedicate other easements which will facilitate the development of the site. This is required to be done by ordinance.

At their January 7, 2020 meeting, City Council unanimously approved on First Reading the vacation of the existing easement on the east side of the site and accepted the dedication of the three easements to facilitate development of the property.

**Proposed Motions:**
I move the City Council approve on Second Reading Ordinance No. 03, Series 2020 vacating the subject utility and drainage easement within Lot 17, Vista Business Park, finding the vacation complies with Section 26-14-20(c)(2), since the land to be vacated is no longer needed for the public use and convenience. Also, accepting the dedications of a utility and drainage easement, drainage easement, and emergency vehicle access easement on Lot 17 Vista Business Park, finding these easements are in accord with Sections 26-19-7 and 26-19-9, subject to Planning Commission’s condition.

**Fiscal Impact:** Normal fees and charges will apply where applicable.

**Attachments:** Ordinance No. 03, Series 2020, with Exhibits
ORDINANCE NO. 03, SERIES 2020
INTRODUCED BY: MAYOR PRO TEM STEPHANIE WALTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO VACATING A UTILITY AND DRAINAGE EASEMENT WITHIN LOT 17, VISTA BUSINESS PARK; AND ACCEPTING THE DEDICATIONS OF A UTILITY AND DRAINAGE EASEMENT, A DRAINAGE EASEMENT, AND EMERGENCY VEHICLE ACCESS EASEMENT ON LOT 17, VISTA BUSINESS PARK

WHEREAS, the Vista Business Park plat was recorded by the Boulder County Clerk and Recorder on June 27, 2000, and dedicated a 20-foot drainage and utility easement on Lot 17; and

WHEREAS, the location of certain portions of the existing drainage and utility easement within Lot 17 will conflict with the location of the proposed landscaped area, retaining wall, and drive aisle shown on the proposed Site Plan/Architectural Review for the subject property; and

WHEREAS, the owner of Lot 17 proposes that a new drainage and utility easement, as described and depicted on Exhibit B, be dedicated to the City to correspond with the location of proposed waterline and drainage facilities for Lot 17; and

WHEREAS, the owner of Lot 17 proposes to dedicate a new drainage easement to convey stormwater from the west side of the site to the east, as described and depicted on Exhibit C; and

WHEREAS, the owner of Lot 1 proposes to dedicate a new emergency vehicle access easement throughout portions of the site to afford appropriate access for first responders, as described and depicted on Exhibit D; and

WHEREAS, the City believes the proposed new drainage and utility easement will be an acceptable way to accomplish the same public purposes as are served by the easement described in the attached Exhibit A, and the proposed drainage easement and emergency vehicle access easement to be dedicated will accommodate development of the property and provide for appropriate conveyance of stormwater and emergency responder access.

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

Section 1. The City Council finds and determines the drainage and utility easement, as described and depicted on Exhibit A, is no longer necessary for the public use and convenience.

Section 2. That certain drainage and utility easement within Lot 17, Vista Business Park, as depicted and described in Exhibit A, shall be vacated.

Section 3. The dedications of a drainage and utility easement, a drainage easement, and an emergency vehicle access easement over, across, and under certain portions of Lot 17, Vista
Business Park, as such easements are described and depicted on Exhibits B, C, and D attached hereto, respectively, are hereby accepted by the City of Lafayette, subject to the execution and recording of a drainage and utility easement, a drainage easement, and an emergency vehicle access easement granting such easement rights to the City, in a form satisfactory to the City Attorney.

Section 4. City Council directs that a certified copy of this Ordinance be filed with the City Clerk and further, the City Clerk index, file and make the Ordinance available to the public.

Section 5. Upon fulfillment of all of the conditions referenced in Section 3 above, the City Clerk is directed to record a certified copy of this ordinance with the Boulder County Clerk and Recorder’s office, such recordation indicating the effectiveness of the vacation and dedications herein authorized. If all of the conditions of Section 3 of this ordinance are not fulfilled within 90 days after the date of adoption of this ordinance, the vacation and dedications of the easements as provided for in this ordinance shall be void and ineffectual.

Section 6. 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 7. 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 8. 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 9. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 10. This ordinance shall become effective upon the latter of the 10th day following enactment, or the day following final publication of the ordinance.
INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED
THIS 7TH  DAY OF JANUARY, 2020.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS _____  DAY OF _______________, 2020.

ATTEST:      CITY OF LAFAYETTE, COLORADO

Susan Koster, CMC, City Clerk    Jamie Harkins, Mayor

APPROVED AS TO FORM:

Mary Lynn Macsalka, City Attorney

PUBLISHED:

Exhibit A – Easement to be Vacated
Exhibit B – Drainage and Utility Easement to be Dedicated
Exhibit C – Drainage Easement to be Dedicated
Exhibit D – Emergency Vehicle Access Easement to be Dedicated
LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 17, VISTA BUSINESS PARK, A PLAT RECORDED OCTOBER 9, 2000 AT RECEPTION NO. 2085264 OF THE BOULDER COUNTY RECORDS LOCATED IN THE NW 1/4 AND SW1/4 OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SAID LOT 17, WHENCE THE NORTH LINE OF SAID LOT 17 BEARS N90°00'00"W, SAID LINE FORMING THE BASIS OF BEARINGS FOR THIS DESCRIPTION;

THENCE S00°03'14"E, ALONG THE EAST LINE OF SAID LOT 17 A DISTANCE OF 36.25 FEET; THENCE S02°26'40"W, A DISTANCE OF 230.69 FEET; THENCE S00°03'57"E, A DISTANCE OF 93.27 FEET, TO THE SOUTH LINE OF SAID LOT 17; THENCE N90°00'00"W, ALONG SAID SOUTH LINE, A DISTANCE OF 20.00 FEET; THENCE N00°03'57"W, A DISTANCE OF 93.69 FEET; THENCE N02°26'40"E, A DISTANCE OF 230.69 FEET; THENCE N00°03'14"W, DIStANCE OF 35.81 FEET TO THE NORTH LINE OF SAID LOT 17; THENCE S90°00'00"E, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.165 ACRES MORE OR LESS.

A. JOHN BURI P.L.S. #24302
FOR AND ON BEHALF OF
SCOTT, COX & ASSOCIATES, INC.
1530 55TH STREET
BOULDER, COLORADO 80303
303.444.3051
09/19/19
PROJECT NO. 19216C
LEGAL DESCRIPTION

A PARCEL OF LAND BEING THE EAST 20 FEET OF LOT 17, VISTA BUSINESS PARK, A PLAT
RECORDED OCTOBER 9, 2000 AT RECEPTION NO. 2085264 OF THE BOULDER COUNTY
RECORDS LOCATED IN THE NW 1/4 AND SW 1/4 OF SECTION 12, TOWNSHIP 1 SOUTH,
RANGE 69 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, BEING
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SAID LOT 17, WHENCE THE NORTH LINE OF SAID LOT
17 BEARS N90°00'00"W, SAID LINE FORMING THE BASIS OF BEARINGS FOR THIS
DESCRIPTION;

THENCE S00°03'14"E, ALONG THE EAST LINE OF SAID LOT 17 A DISTANCE OF 53.17 FEET;
THENCE S00°02'17"E, ALONG THE EAST LINE OF SAID LOT 17 A DISTANCE OF 306.83 FEET;
TO THE SOUTH LINE OF SAID LOT 17;
THENCE N90°00'00"W, ALONG SAID SOUTH LINE, A DISTANCE OF 20.00 FEET;
THENCE N00°02'17"W, DISTANCE OF 306.83 FEET;
THENCE N00°03'14"W, DISTANCE OF 53.17 FEET TO THE NORTH LINE OF SAID LOT 17;
THENCE S90°00'00"E, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.165 ACRES MORE OR LESS.

A. JOHN BURI P.L.S. #24302
FOR AND ON BEHALF OF
SCOTT, COX & ASSOCIATES, INC.
1530 55TH STREET
BOULDER, COLORADO 80303
303.444.3051
09/19/19
PROJECT NO. 19216C
EXHIBIT C
(PAGE 1 OF 2)

Drainage Easement

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 17, VISTA BUSINESS PARK, A PLAT
RECORDED OCTOBER 9, 2000 AT RECEPTION NO. 2085264 OF THE BOULDER COUNTY
RECORDS LOCATED IN THE NW 1/4 AND SW1/4 OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE
69 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID LOT 17, WHENCE THE NORTH LINE OF SAID
LOT 17 BEARS N90°00'00"W, SAID LINE FORMING THE BASIS OF BEARINGS FOR THIS
DESCRIPTION, THENCE S00°00'00"W, ALONG THE WEST LINE OF SAID LOT 17 A DISTANCE
OF 68.07 FEET TO THE POINT OF BEGINNING;

THENCE N89°59'56"E, A DISTANCE OF 39.49 FEET;
THENCE N00°00'04"W, A DISTANCE OF 44.14 FEET;
THENCE N89°59'56"E, A DISTANCE OF 164.72 FEET;
THENCE N44°56'16"E, A DISTANCE OF 23.69 FEET;
THENCE S00°03'14"E, A DISTANCE OF 40.77 FEET;
THENCE S89°59'56"W, DISTANCE OF 157.47 FEET;
THENCE S00°00'09"E, DISTANCE OF 50.14 FEET;
THENCE S89°59'56"W, A DISTANCE OF 63.49 TO A POINT ON SAID WEST LINE;
THENCE N00°00'01"E ALONG SAID WEST LINE, A DISTANCE OF 30.00 FEET TO THE POINT OF
BEGINNING.

SAID PARCEL CONTAINS 6,884 SQ. FT., 0.158 ACRES MORE OR LESS.

A. JOHN BURI P.L.S. #24302
FOR AND ON BEHALF OF
SCOTT, COX & ASSOCIATES, INC.
1539 55TH STREET
BOULDER, COLORADO 80303
303.444.3051
11/04/19
PROJECT NO. 19216D
EXHIBIT D  
(PAGE 1 OF 3)  
Emergency Vehicle Access Easement

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 17, VISTA BUSINESS PARK, A PLAT 
RECORDED OCTOBER 9, 2000 AT RECEPTION NO. 2085264 OF THE BOULDER COUNTY 
RECORDS LOCATED IN THE NW 1/4 AND SW1/4 OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 
69 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE 
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID LOT 17, WHENCE THE NORTH LINE OF SAID 
LOT 17 BEARS N90°00'00"E, SAID LINE FORMING THE BASIS OF BEARINGS FOR THIS 
DESCRIPTION, THENCE S00°00'00"W, ALONG THE WEST LINE OF SAID LOT 17 A DISTANCE 
OF 98.07 FEET TO THE POINT OF BEGINNING;

THENCE N00°00'00"E ALONG SAID WEST LINE, A DISTANCE OF 30.00 FEET;
THENCE N89°59'56"E, A DISTANCE OF 39.49 FEET;
THENCE N00°00'04"W, A DISTANCE OF 15.07 FEET;
THENCE N89°59'56"E, A DISTANCE OF 170.50 FEET;
THENCE S00°00'00"E, A DISTANCE OF 283.57 FEET;
THENCE 31.42 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL 
ANGLE OF 90°00'00", A RADIUS OF 20.00 FEET AND A CHORD WHICH BEARS S44°59'56"W, A 
DISTANCE OF 28.28 FEET;
THENCE S89°59'56"W, A DISTANCE OF 118.89 FEET;
THENCE 21.46 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL 
ANGLE OF 24°35'25", A RADIUS OF 50.00 FEET AND A CHORD WHICH BEARS N77°42'22"W, A 
DISTANCE OF 21.29 FEET;
THENCE 21.46 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL 
ANGLE OF 24°35'25", A RADIUS OF 50.00 FEET AND A CHORD WHICH BEARS N77°42'22"W, A 
DISTANCE OF 21.29 FEET;
THENCE S89°59'56"W, DISTANCE OF 29.50 FEET TO A POINT ON SAID WEST LINE;
THENCE N00°00'00"E ALONG SAID WEST LINE, DISTANCE OF 24.00 FEET;
THENCE S89°59'56"W, A DISTANCE OF 33.00;
THENCE N00°00'00"E, A DISTANCE OF 225.43;
THENCE S89°59'56"W, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM:

COMMENCING AT THE NW CORNER OF SAID LOT 17, WHENCE THE NORTH LINE OF SAID 
LOT 17 BEARS N90°00'00"W, SAID LINE FORMING THE BASIS OF BEARINGS FOR THIS 
DESCRIPTION, THENCE S00°00'00"W, ALONG THE WEST LINE OF SAID LOT 17 A DISTANCE 
OF 98.07 FEET, THENCE N89°59'56"E, A DISTANCE OF 57.00 FEET TO THE POINT OF 
BEGINNING;

THENCE N89°59'56"E, A DISTANCE OF 30.00 FEET;
THENCE N00°00'04"W, A DISTANCE OF 25.07 FEET;
THENCE N89°59'56"E, A DISTANCE OF 87.00 FEET;
THENCE 23.56 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL 
ANGLE OF 90°00'00", A RADIUS OF 15.00 FEET AND A CHORD WHICH BEARS S45°00'04"E, A 
DISTANCE OF 21.21 FEET;
THENCE S00°00'04"E, A DISTANCE OF 234.57 FEET;
EXHIBIT D
(PAGE 2 OF 3)

THENCE 15.71 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 90°00'00", A RADIUS OF 10.00 FEET AND A CHORD WHICH BEARS S44°59'56"W, A DISTANCE OF 14.14 FEET;
THENCE S89°59'56"W, A DISTANCE OF 122.00 FEET;
THENCE N00°00'700"E, A DISTANCE OF 234.50 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 21,172 SQ. FT., 0.499 ACRES MORE OR LESS.

A. JOHN BURI P.L.S. #24302
FOR AND ON BEHALF OF
SCOTT, COX & ASSOCIATES, INC.
1530 55TH STREET
BOULDER, COLORADO 80303
303.444.3051
11/04/19
PROJECT NO. 19216D
STAFF REPORT

To: Fritz Sprague, City Administrator
From: Jeff Arthur, Public Works Director
       Melanie Asquith, P.E., Water Resource CIP Manager
Date: January 21, 2020
Subject: Notice of Award / Miller Sanitary & Reuse Pipelines / Conroy Excavating, Inc.

Recommendation: Council approval of a Notice of Award to Conroy Excavating, Inc. in the amount of $1,065,817.00 and concurrent approval for construction inspection engineering fees to Merrick & Company in the amount not to exceed $125,000.

Background: The City advertised for bids to construct the Miller Sanitary & Reuse Pipelines project. The project includes two separate pipelines to be constructed along the same alignment.

One of the pipelines is a sewer main extension that will serve the new Silo Subdivision and the Tebo property if developed. It will convey the sewage from the development to the Bullhead Gulch Lift Station located at the northeast corner of his property.

Parallel to the sewer, the City will construct a portion of the master planned Reuse Line. This line, when complete, will transfer reclaimed water from the Water Reclamation Facility to the Goose Haven Reservoir Complex to be stored for strategic release to Boulder Creek. In 2008, a feasibility study was performed to evaluate the ability to capture and store our wastewater plant effluent and release it at times that are most beneficial. Following the viable outcome of the feasibility study, a master plan of the reservoir complex was completed in 2010 that demonstrated an additional 1,100 AF of firm yield water supply could be achieved. Notice to Proceed to construct the reservoir was issued in 2012 and is expected to be completed in 2021. With the extensive length of the pipeline, a 1041 Permit was required from Boulder County. The permit process was completed in 2017. The easements for the pipelines were presented to council and approved in Resolution 2019-75 on November 19, 2019.

Bids for the Miller Sanitary Sewer & Reuse Pipelines were opened publically at 11:00 AM, January 9, 2020 in the Lafayette City Council Chambers. The results are as follows:
<table>
<thead>
<tr>
<th>Contractor</th>
<th>Bid Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conroy Excavating, Inc.</td>
<td>$1,065,817.00</td>
</tr>
<tr>
<td>Brannan Construction Company</td>
<td>$1,106,374.87</td>
</tr>
<tr>
<td>Goodland Construction, Inc.</td>
<td>$1,128,061.00</td>
</tr>
<tr>
<td>Duran Excavating, Inc.</td>
<td>$1,159,921.00</td>
</tr>
<tr>
<td>CGRS, Inc.</td>
<td>$1,386,610.00</td>
</tr>
<tr>
<td>BT Construction, Inc.</td>
<td>$1,391,106.00</td>
</tr>
</tbody>
</table>

All bids were lower than the most current Engineer's Estimate of $1,427,052.63. Merrick & Co. has reviewed references for Conroy Excavating, Inc. Based on the references, City staff and Merrick recommend award.

**Fiscal impact:** The construction and inspection combined will cost $1,190,817. The project will be split between $492,220 from the Water Fund, Construction & Capital Improvements, Capital Outlay, Water Lines 41-701-941000 and $573,597 from the Water Reclamation Fund, Construction & Capital Improvements, Capital Outlay, Site/Facility Improvement 42-701-952200.

Budgeted funds for the Reuse Line in 2019 of $400,000 from the Water Fund will be carried over and added to the $1,200,000 requested Reuse Line monies in 2020. The remaining budget will be used for additional sections of the Reuse Line to be constructed in 2020.

A preliminary budget for the sewer extension was provided in 2018 for use in the 2019 budget request of $320,000. The bid price for the sewer extension came in higher than the 2019 budgeting estimate, but lower than the current Engineer’s estimate for the final design. An additional 2020 budget appropriation of $253,597 has been requested to supplement the budgeted funds in 2019 of $320,000 from the Water Reclamation Fund that will be carried over. The Finance Director will bring these items forward during the 2019-20 budget carryforward process at the 2nd Council meeting in February.

**Attachment:** Location Map
This drawing depicts the proposed route of the Reuse Pipeline.

Location of Pipelines
STAFF REPORT

TO: Fritz Sprague, City Administrator
FROM: Monte Stevenson, Director of Parks, Recreation and Open Space
DATE: January 21, 2020
SUBJECT: Contract / Wilson Community Gardens Improvements / Arrow J Landscape & Design Inc.

Recommendation: Approve contract with Arrow J Landscape & Design, Inc. in the amount of $152,410.65 which includes a 5% contingency of $7,257.65 for improvements to Wilson Community Gardens.

Background: In 2019 City Council allocated $156,000 in account 01-430-9522 for improvements to the Wilson Community Gardens in 2020. Staff conducted a formal bid process and received one bid from Arrow J Landscape & Design, Inc. Staff has noticed over the course of the last couple of years there has been a decline in gardener participation due to the lack of investment in individualized formal plots. With a re-design and upgrade, the intention will be to provide individual plots that gardeners can invest in the soil on an annual basis. Since the inception of the community gardens, no formal upgrade has taken place.

The original bids came in over-budget, with the help of Munding Design staff has reduced the scope of the improvements in order to provide the essential improvements. Should the City decide to phase in the remaining improvements, the current proposal would provide for this opportunity.

Fiscal Impact: $152,410.65 from account 01-430-9522

Attachments:

Wilson Garden Site Plan
Wilson Garden Irrigation Site Plan
STAFF REPORT

To: Fritz Sprague, City Administrator
From: Monte Stevenson, Parks, Recreation & Open Space Director
Date: January 21, 2020
Subject: 2020 Open Space and Trails Recommendation to Boulder County

Recommendation: Approval of the 2020 Open Space and Trails Recommendations to Boulder County as recommended by the Lafayette Open Space Advisory Committee.

Background: Each year Boulder County Parks and Open Space invites the communities of Boulder County to submit requests for future joint Open Space Acquisitions, Trail Projects and GIS Requests. Staff compiled a list of potential joint acquisitions and trail project priorities for the Lafayette Open Space Advisory Committee’s (LOSAC) review. LOSAC has remained active in monitoring real estate prices in and surrounding Lafayette. This is reflected in the 2020 Open Space and Trail requests, and remains in accord with the City’s Parks, Recreation and Open Space Master Plan (PROS), updated in 2019. Staff recommends to LOSAC the following list of priority requests to be reviewed and carried to City Council for approval. After Council approval, requests will be forwarded to Boulder County Parks and Open Space for consideration in February 2020, with responses back to each municipality by May 30th, 2020.

Proposed Open Space Acquisition/Conservation Projects – Listed in Order of Priority

1. Area C from the PROS Plan (approx. acres: 17)

Current agricultural and horse pasture property with good access to Coal Creek, this property is now the highest rated parcel of land from Lafayette’s Parks, Recreation and Open Space Master Plan (PROS). Lafayette Open space partners in annual programming on-site. Lafayette’s interest would be in protecting the property from future development, by working with the landowners initiating conversations surrounding a Conservation Easement over the land, or potentially a Fee Simple purchase. Because this property contains unincorporated land, and is adjacent to jointly owned property of Boulder County and Lafayette, partnering on any future conservation with the county is desired.
2. **Area E from the PROS Plan (approx. acres: 29)**

As South Boulder Road dead ends into the Two Creeks Prairie Open Space, land buffering the creek and potential trail connections exist. Lafayette desires to connect two major trail systems in the BNSF and Coal Creek Trails. These properties provide excellent access and a straight shot utilizing a current power line corridor for a future trail connection to a regional trail system. The property itself has good habitat value and rangeland potential. Partnering with Boulder County to add to the Two Creeks Prairie ecosystem recreation potential is desired.

3. **Area G from PROS Plan (approx. acres: 6)**

These 3 properties together represent an enclave of unincorporated properties in the heart of Lafayette. Anchored on 3 sides by Lafayette open space property at Thomas Organic Farm and Greenlee Wildlife Preserve, these properties represent a valuable buffer to Baseline Rd. and movement corridor for local wildlife in an important region of the city. This land would provide valuable property towards any potential pedestrian/wildlife underpass that has been discussed for this stretch of Baseline Rd. Lafayette desires to work with Boulder County to protect this resource for future opportunities.

4. **Area H from PROS Plan (approx. acres: 30)**

This property lies along Baseline Rd. West of 95th St. Boulder County, Louisville, the City of Boulder, and Lafayette all own Open space property adjacent to 8600 Baseline Rd. The property owners have reached out to inquire about Open Space interests in the property. Lafayette requests that all partners come together to discuss this opportunity in the short term, to gauge potential interest on a CE or Fee Simple purchase. Other opportunities for preservation exist through the annexation process.

5. **Area I from PROS Plan (approx. acres: 65)**

These properties provide a significant connection for City patrons in several large residential areas. Connecting patrons North of Arapahoe Rd. to trails and amenities South into Indian Peaks and the Waneka Lake subdivisions. The City has made great strides toward this effort through public land dedication by obtaining trail corridors that lead to these properties. Lafayette would like to work with Boulder County in potential preservation of these properties through Fee simple, CE, or Trail Easement opportunities, and will continue to look for additional land preservation through Public Land Dedication.

6. **Area M from PROS Plan (approx. acres: 55)**

Lafayette residents have a strong desire to connect to the City of Boulder trail system at Teller Lake. One specific property exist that could bridge the gap to this connection. Lafayette would like to come together with Boulder County and the City of Boulder to inquire about a partnership for acquiring or protecting this property, and make this long overdue connection a reality. Fee Simple, CE, and Trail easements are all options for this parcel.

7. **Area N from the PROS Plan (approx. acres: 19)**

This area has connectivity to the City of Lafayette’s Bullhead Gulch riparian habitat and existing trail corridor, and is just south of the City/County jointly owned Echternacht Property. The City would like to continue the riparian habitat restoration through Bullhead Gulch and additionally utilize the property to connect our trail
system into Echternacht, through current County agriculture land, providing future opportunities for possible connections to the Counties planned Union Pacific Rail Trail to the North. Feedback from the County is requested to ensure this is the preferred route for connecting to the Union Pacific Rail Trail.

8. Area O from PROS Plan (approx. acres: 49)

These properties together form a solid community buffer of Agricultural land between residential and commercial property in the Northwest region of Lafayette. Historical Farmsteads and wildlife habitat and community buffer exist on-site, and Lafayette is interested in preserving all 3 parcels to some degree.

Note: Areas A, B, D and F were recently accomplished through the Waneka Centennial Farm Open Space purchase, in which Boulder County Parks and Open Space participated.

Proposed Lafayette Trail Projects:

1. Trail link across Coal Creek connecting BNSF Rail Trail to the Coal Creek/Rock Creek Trail system.
   Lafayette has completed a new section of Trail along the old BNSF Rail line, the first of its kind connecting Old Town Lafayette. This new trail runs North/South along the eastern edge of Old Town, currently connecting to the Great Park and Rothman Open Space to the North, and 120th St. to the south, with a CDOT approved crossing constructed over Baseline Rd. Heading South and East, working together with Boulder County and property owners along the Coal Creek, Lafayette is interested in connecting over Coal Creek providing trail patrons in Old Town the opportunities to recreate on the Two Creeks Prairie Trail and Open Space. South Boulder Road extension is the area this important trail connection could happen, with County support and partnership.

2. Trail on the western boundary of Esmail, Mayhoffer 15, and Boulder County Land Ventures Open Spaces and the southwestern boundary of Fingru Open Space down to Rock Creek Farm along 104th Street.
   As an approximately two-mile trail this would connect southwest Lafayette to the regional Coal Creek and Rock Creek Farm. This segment forms a nice connection from the Coal Creek Trail to the Carolyn Holmberg Preserve. This addition would allow visitors (from both Louisville, Lafayette and Broomfield) to remain on a trail from popular Coal Creek in order to reach the Stearns Lake trailhead. Lafayette has constructed connections to 104th Street with two one-mile trails that extend and connect to 104th at Mayhoffer 15. This trail will offer additional connections and routes now that these connectors are completed. This is Lafayette’s #2 regional trail priority and we are excited about the TIPS Grant opportunity to work in collaborating with our partners on a timeframe and agreement. This project is currently planned and funded.

3. Lafayette has interest in a trail connecting Teller Farm on City of Boulder Open Space with Lafayette’s trail system north of Arapahoe Road. This connection will also involve the City of Boulder. Currently zero trail connections exist directly between Boulder and Lafayette. This is an important trail that will link the northern portion of the Lafayette’s trail system (and corresponding neighborhoods) to established trail systems to the west at the City of Boulder’s Teller Farm. This East/West community trail link was an area of high community interest during the PROS Master Plan public process.
4. Two Creeks Connector to Broomfield under NW Parkway

This newly identified connector will link the Two Creeks trail under the Northwest Parkway connecting into Broomfield’s trail system near Wild Grass subdivision. This section of trail is in the planning process, and both Boulder County and Broomfield have initiated talks and planning efforts with Lafayette to make this a reality. Projected timeframe is to plan and design in 2020-2021 with proposed construction in 2022. Lafayette, Broomfield and Boulder County together can move this project forward.

5. Bullhead Gulch connector trail to Echternacht Open Space

This trail could allow the rapidly growing residential area adjacent to Arapahoe road more recreational and wildlife viewing opportunities. Potentially connecting up with a future 287 extension trail heading north out of Lafayette. Because of the joint property ownership of land required to make this trail a reality, Boulder County and Lafayette would need to collaborate on specific locations and land uses.

6. 287 Extension Trail

From Diamond Circle in Lafayette along 287, invest in future extension of the 287 multimodal trail, eventually linking up to the Union Pacific Trail planned between Erie and Boulder. Lafayette’s Urban Growth Boundary maintains a finger up highway 287 into the Goose Haven region, and future trails and habitat improvements may be possible in collaboration with Lafayette Public Works Department and Boulder County.

FISCAL IMPACT: All future acquisitions or trail projects funding are subject to Council approval

ATTACHMENTS: Map N and Map P from the PROS Master Plan
To: Fritz Sprague, City Administrator  
From: Steve McFarland, Finance Director  
Date: January 21st, 2020  
Subject: Purchase Order memo

Recommendation: Staff recommends approving requested purchase orders.

Background

Purchase orders are pre-approvals of expenditures in excess of $25,000. In theory, the expenditures have already been approved through the Budget process. However, per Resolution 2019-60, Purchase orders in excess of $100,000 require Council approval.

This is the time of year where there will likely be several large purchase orders for Council’s consideration, many of which are for annual purchases/agreements. As the accounting system has not yet been switched to 2020, we are currently unable to assign specific purchase order numbers.

For Council’s consideration:

- PO # TBD - $250,000.00, Hill Petroleum. Fuel contract for City vehicles. 01-001-1820 (this is an asset line item from which fuel is charged to appropriate departments throughout the year.
- PO # TBD - $202,956.00. Mojo’s Cleaning Services. Janitorial services for City-wide. 01-555-8200.

Attachments/inclusions: None.

Fiscal Impact: There is no fiscal impact beyond what has been previously appropriated for 2020 Budget.
STAFF REPORT

TO: Fritz Sprague, City Administrator
FROM: Jana Easley, Planning Manager
DATE: January 21, 2020
SUBJECT: Planning Commissioner Appointment for Partial Term Ending June 30, 2022

Recommendation: Approve the appointment of Frank Phillips to the Planning Commission.

Background: Planning Commission currently has one vacancy, a partial term vacancy that will expire on June 30, 2022. On January 13, 2020, the Council Interview Committee interviewed five candidates and voted unanimously to recommend to Council the appointment of Frank Phillips for the open Planning Commissioner position.

Proposed Motion: I move the City Council approve the appointment of Frank Phillips to the Planning Commission for the remaining term through June 30, 2022.

Fiscal Impact: None

Attachments:
- Redacted Application Materials
December 16, 2019

Mayor Harkins
City of Lafayette
1290 S. Public Road
Lafayette, CO 80026

Dear Mayor Harkins and Lafayette City Council:

I would like to thank you all for the opportunity to apply for a position on the Lafayette Planning Commission. Please find attached the requested documents. I have extensive experience with planning having held the position in the past.

I hope to contribute my experience, particularly to the new comprehensive plan, to continue to ensure Lafayette’s bright future. I look forward to meeting with you to discuss my qualifications and any other questions you might have.

Respectfully Yours,

Frank Phillips
<table>
<thead>
<tr>
<th>Name</th>
<th><strong>Frank Phillips</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>How long have you lived in Lafayette?</strong></td>
<td>20 years</td>
</tr>
<tr>
<td><strong>1. Why would you like to serve on the Lafayette Planning Commission?</strong></td>
<td>I really enjoyed my time on the Lafayette Planning Commission. I found it mentally challenging and fulfilling. Proper planning and zoning are critical to the healthy growth of a city. With my prior experience I can contribute to making thoughtful planning decisions to help ensure Lafayette’s future.</td>
</tr>
<tr>
<td><strong>2. Have you been a member of other Lafayette boards, commissions, or committees?</strong></td>
<td>Telecommunications committee, Zoning Board of Adjustments, Planning Commissioner, WRAC, Eight years on city council. Involved with other committees including Open Space and Energy Sustainability as council liaison.</td>
</tr>
<tr>
<td><strong>3. Have you had any personal experience in dealing with planning or development? If so, provide a brief statement as to your experience.</strong></td>
<td>Two years as a Planning Commissioner. Eight years on city council. I experienced planning from both a Quasi-Judicial and policy making perspective. I was very involved with the creation of the city’s comprehensive plan approved in 2003.</td>
</tr>
<tr>
<td><strong>4. Describe your history associated with community volunteerism.</strong></td>
<td>I have been a member of the Lafayette Lions Club for fifteen years. I was elected to the Board of Directors of the Lafayette Historical Society, and have also served in that capacity while on city council. I was also a member of the Lafayette Waste Reduction Advisory Committee. Before gaining a position on the planning commission I was on the City of Lafayette Telecommunications Committee and also on the Zoning Board of adjustments. I attend Open Space Volunteer work days with my son and am working on passing my values of volunteerism to him. I think volunteerism is important to the community as it creates a sense of community.</td>
</tr>
<tr>
<td><strong>5. In your opinion, describe Lafayette’s best and worst land development decisions.</strong></td>
<td>I can’t say in my experience that Lafayette has had any bad decisions. Some have not been perfect but compromises are made in the process to ensure legality and fairness to all parties involved. One recent excellent decision was convincing Flatirons Church to relocate to Lafayette market renovating the old Walmart and Albertsons. Their initial location next to Peak to Peak Charter school had poor road access and would have created substantial impacts to the nearby residential neighborhood.</td>
</tr>
<tr>
<td><strong>6. Describe where you see the City of Lafayette in ten years.</strong></td>
<td>I was asked that question eighteen years ago when I applied and was chosen for the planning commission. Having watched the city grow over the past eighteen years and been involved in the decisions to</td>
</tr>
</tbody>
</table>
direct that growth, I don’t believe the city will experience substantial change and certainly non that is negative. Lafayette has a strong sense of self and the citizens desire the feel and caring of a small town environment. What I would expect from a planning perspective is infill in the limited areas Lafayette has for development and in some areas higher density. I would also expect continued significant development of alternative energy resources and energy conservation initiatives. These would involve some revisions of the city planning code.

| 7. As a Planning Commissioner, you will have many opportunities to utilize conflict resolution techniques. Describe a specific incident that demonstrates your skills in this area. | Many come to mind with my experiences with city over the last 18 years, but the consistent theme is really listening to the parties involved, determining the true issue causing the conflict, and crafting a solution all parties can agree to and embrace in an environment of mutual respect. Some times that is simply not possible, and it is important to impart the logic of why a solution is chosen. Those involved may not agree with the decision but will respect that it was given considerable thought and the reasons clearly communicated. |
EDUCATION
MBA, University of Phoenix
MA, Telecommunications, George Washington University
MS, Information Systems Tech., George Washington University
BS, Biology, George Washington University

PROFESSIONAL EXPERIENCE
Boulder Valley School District 10/08 – present
Full time trainer for the transportation department. Hold a CDL Class B License. Train
new drivers on all aspects of driving a school bus and prepare them for their professional
license exam. Certified in all aspects of school bus operation and safety. Instruct in both
classroom and hands on setting. Recommend updates to training material and procedures
including New Driver Handbook and Trainer’s Manual. Competent in the use of MS Office
products including Word, Excel, and PowerPoint.

City of Lafayette City Council Member 11/03 – 11/11
Set legislative agenda for the city. Approve annual city budget. Act as Ombudsman to all
residents of the city of Lafayette. Provide residents with information and assistance in
resolving problems with city services. As Mayor in my last year on council presided over
council meetings and spoke at many public events.

City of Lafayette City Planning Commission Member 11/01 – 11/03
Make recommendations to the City Council on land use issues such as re-zonings,
subdivisions, planned unit developments and site plan/architectural review.

Personalized Management Services: 8/03 – 11/06 (part-time)
Provide bookkeeping and administrative services for residential and HOA property
management using accounting system software.

MCI Worldcom: 10/86 – 11/01
Held middle management positions throughout the company in Information Technology,
Finance, Direct Sales, and Error Operations. Last position held was Manager of budget
and forecasting for Error Operations. Responsibilities included financial management,
project management, contract negotiation and review, vendor management, systems
analysis and design, and business analysis of new opportunities.

Various Small Firms: 9/81 – 10/86
As a Programmer/Analyst/Consultant, analyzed systems and designed software for
applications as diverse as insurance to agriculture. Designed and taught computer
education programs.