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

FEBRUARY 4, 2014

A G E N D A

5:30 PM CITY COUNCIL MEETING

Lafayette Library –Meeting Room
775 West Baseline Road

I. OPENING OF REGULARLY SCHEDULED MEETING

Call to Order
Pledge of Allegiance
Roll Call

II. PUBLIC INPUT (The public may address any City business, including Consent Agenda items, for which a public hearing is not scheduled later in the meeting.)

III. MINUTES - Regular Council Meeting of January 21, 2014

IV. ORDINANCE - First Reading / Ordinance No. 03, Series 2014 / Amending the Recreational Marijuana Moratorium for the purposes of allowing existing Medical Marijuana Centers and Medical Marijuana Optional Premises Cultivation Facilities currently licensed by, or with applications under consideration by, the City of Lafayette to apply to the State of Colorado to convert or co-locate, as applicable, to a Recreational Marijuana Establishment.

V. 2014-15 COUNCIL GOALS

VI. ADJOURN

R E C O R D O F P R O C E E D I N G S

CITY OF LAFAYETTE
CITY COUNCIL MEETING

January 21, 2014

Call to Order
The January 21, 2014, regular City Council Meeting began at 5:33 p.m. in the Council Chambers at Lafayette City Hall, located at 1290 S. Public Road in Lafayette, Colorado.

Councilors in attendance included Mayor Christine Berg, Mayor Pro Tem Gustavo Reyna; and Councilors Brad Wiesley, Staci Lupberger, Merrily Mazza, Alexandra Lynch and Tom Dowling.

Also present were City Administrator Gary Klaphake, Community Development Director Phillip Patterson, Police Chief Rick Bashor, City Clerk Susan Koster, Finance Director Wade Nickerson, Public Works Director Doug Short, Special Counsel Jonathan Abramson, City Attorney Dave Williamson, and Director of Parks, Open Space & Golf Monte Stevenson.

Adjourn to Executive Session
A motion was made by Councilor Lupberger and seconded by Councilor Wiesley *to adjourn to Executive Session according to C.R.S. 24-6-402(a), to confer with Special Counsel on specific legal questions pertaining to the Colorado Oil & Gas Association Summons and Complaint*. The motion passed unanimously.

Return to Regular Council Meeting
At 6:51 p.m. Mayor Berg stated that the Executive Session was concluded. The participants in the session were Mayor Berg, Mayor Pro Tem Reyna, Councilors Mazza, Dowling, Lynch, Lupberger and Wiesley. Also present were Special Counsel Abramson, City Attorney Williamson, City Administrator Klaphake and Community Development Director Patterson.

The Mayor asked anyone who participated in the Executive Session who believed that substantial discussion of any matters not included in the motion to go into the session occurred during the session, or that any improper action occurred during the session in violation of the Open Meetings Law, to state their concerns. No concerns were voiced.

Legislative Update
Senator Matt Jones and Representative Mike Foote provided Council with a legislative update, including flood recovery, early childhood education, jobs and energy-related issues.

Presentation
Mayor Berg presented a plaque to Police Chief Rick Bashor in recognition of his 30 years with the City of Lafayette.

Public Input

CFO of Skinny Pineapple, Inc., Brock Hostetter, 943 Vetch Circle spoke in favor of lifting the moratorium on recreational marijuana.

Shawn Coleman, Lobbyist representing Skinny Pineapple, Inc., spoke in favor of lifting the moratorium on medical marijuana.

Owner of Skinny Pineapple Inc., Jan Cole, 2060 Neher Lane (Boulder) spoke in favor of lifting the moratorium on medical marijuana.

Joshua Martinsons, 707 12th Street (Boulder) spoke in favor of lifting the moratorium on recreational marijuana.

Robert Mahler, 675 Princeton Place, spoke in opposition to the proposed clean energy ordinance.

Jeanne Stratton, 503 W. Lucerne Drive, encouraged Council to prioritize energy conservation through the establishment of an on-going sustainability fund.

John Lamb, 590 E. Sutton Circle, spoke in favor of allowing East Boulder County United (EBCU) to enter the Colorado Oil & Gas Association (COGA) lawsuit.

Ann Griffin, 3550 Ryland Way, spoke in support of Lafayette Community Rights.

Cliff Willmeng, 1246 Doric Drive, spoke in favor of lifting the moratorium on retail marijuana and in support of intervention of the EBCU into the lawsuit filed by COGA against the City.

David Fuller, 1227 James Circle, spoke in favor of allowing EBCU to become a party to the lawsuit filed by the COGA.

Cliff Smedley, 707 Merlin Drive, spoke in favor of lifting the retail marijuana moratorium, allowing EBCU to have a voice in the COGA lawsuit and echoed Jeanne Stratton's comments.

Public Hearing

Community Development Director Patterson presented the first reading of Ordinance No. 01, Series, 2014. He said the ordinance vacates an easement to compensate for an encroachment that resulted from a construction error. Mayor Berg opened a public hearing at 8:04 p.m. and invited interested persons to come forward. Seeing no one, she closed the public hearing. A motion was made by Councilor Lynch and seconded by Councilor Wiesley *to approve on first reading Ordinance No. 01, Series 2014 as presented*. The motion passed unanimously.

Consent Agenda

Mayor Berg read the consent agenda:

D. Minutes of the Regular City Council Meeting of January 7, 2014
E. Resolution No. 2014-06 / Establishing the Nonexempt and Permanently Affordable Dwelling Unit Maximums for Calendar Year 2014
F. Resolution No. 2014-07 / Application and Contract for Annually Renewable Right to Use Colorado Big Thompson Water
G. Resolution No. 2014-08 / Surplus City Property
H. Indian Peaks Filing No. 17 Replat E Subdivision / Final Plat
I. Contract / Building Inspector / Certified Construction Services
J. Contract / Stormwater Inspection Services / Aqua Terra Environmental, LLC
K. Contract / GIS Coordinator / InVision GIS LLC
L. Contract / Stormwater Coordinator / CP Compliance, LLC

M. Agreement / Northern Integrated Supply Project 9th Interim Agreement / Northern Colorado Water Conservation District
N. Lease Renewal / Thomas Farm / Isabelle Farm LLC
O. Contract / Design of the Orange Zone West Water Line / Merrick and Company
P. Contract / Water Reclamation Facility to Goose Haven Pipeline Engineering / Merrick & Company
Q. Contract / 111th Street Widening Appraisals / Hagerty and Gerken
R. Contract / Hwy 36 Water Line Crossing / Ames Granite
S. Purchase Orders and Amendments

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

Ordinance
Community Development Director Patterson presented the first reading of Ordinance No. 02, Series 2104. He said the ordinance grants a utility easement to Public Service Company of Colorado to accommodate a new location for their gas line. It is necessary to provide for the expansion of the City Service Center on Avalon Avenue.

A motion was made by Councilor Lynch and seconded by Councilor Wiesley *to approve on first reading Ordinance No. 02, Series 2014 as presented*. The motion passed unanimously.

Council Appointment
A motion was made by Councilor Dowling and seconded by Councilor Lupberger *to appoint Peter Madland to a 3-year term and to reappoint Kent Brown for a 3-year term to the on the Lafayette Energy Sustainability Advisory Committee*. The motion passed unanimously.

Adjourn
The meeting was adjourned at 8:20 p.m.

CITY OF LAFAYETTE, COLORADO

_____
Christine Berg, Mayor

ATTEST

_____
Susan Koster, CMC
City Clerk

[SEAL]

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.

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

To: Gary Klaphake, City Administrator

From: Phillip Patterson, Assistant City Administrator / Community Development Director

Date: January 28, 2014

Subject: First Reading / Ordinance No. 03, Series 2014 / Amending the Recreational Marijuana Moratorium for the purposes of allowing existing Medical Marijuana Centers and Medical Marijuana Optional Premises Cultivation Facilities currently licensed by, or with applications under consideration by, the City of Lafayette to apply to the State of Colorado to convert or co-locate, as applicable, to a Recreational Marijuana Establishment.

Recommendation: Approval of Ordinance No. 03, Series 2014 amending the existing moratorium on Recreational Marijuana Facilities.

Background: Per Council's direction, staff has prepared the attached ordinance to amend Ordinance No. 23, Series 2013 which extended the original moratorium on Recreational Marijuana Facilities until April 1, 2014. The attached ordinance amends the moratorium for the limited purpose of allowing the existing medical marijuana center and medical marijuana optional premises cultivation facilities currently licensed by, or with applications under consideration by, the city to convert or co-locate, as applicable, such businesses to or with a retail marijuana establishment, subject to the City's final adoption of retail marijuana licensing rules and regulations, including all forms and fees.

Fiscal Impact: There are no budgetary impacts associated with these appointments

Attachments:

Ordinance No. 03, Series 2014

ORDINANCE NO. 03 , Series 2014
INTRODUCTED BY: _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AMENDING THE MORATORIUM EXTENDED BY ORDINANCE NO. 23-2013 ON THE SUBMISSION, ACCEPTANCE OR PROCESSING OF APPLICATIONS AND THE LICENSING, PERMITTING, ESTABLISHMENT OR OPERATION OF ANY RECREATIONAL MARIJUANA BUSINESS THAT SELLS, CULTIVATES, MANUFACTURES, PREPARES, PACKAGES, PURCHASES, TESTS, OR OTHERWISE PROVIDES FOR OR ALLOWS THE USE OF MARIJUANA OR MARIJUANA PRODUCTS PURSUANT TO AMENDMENT 64 APPROVED BY THE VOTERS OF THE STATE OF COLORADO AT THE NOVEMBER 6, 2012, GENERAL ELECTION, AND CODIFIED AS ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION, INCLUDING THE USE OF LAND FOR SUCH PURPOSE(S) FOR THE LIMITED PURPOSE OF PERMITTING, TO THE EXTENT ELIGIBLE IN ACCORDANCE WITH THE STATE'S RETAIL MARIJUANA CODE AND ITS RULES AND REGULATIONS, THE EXISTING MEDICAL MARIJUANA CENTERS AND MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION FACILITIES CURRENTLY LICENSED BY, OR WITH APPLICATIONS UNDER CONSIDERATION BY, THE CITY TO CONVERT OR CO-LOCATE, AS APPLICABLE, SUCH BUSINESSES TO OR WITH A RETAIL MARIJUANA ESTABLISHMENT, SUBJECT TO THE CITY'S FINAL ADOPTION OF RETAIL MARIJUANA LICENSING RULES AND REGULATIONS, INCLUDING ALL FORMS AND FEES

WHEREAS, on February 5, 2013, the City enacted Ordinance No. 03-2013, which imposed a moratorium until October 1, 2013, on the submission, acceptance, or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64 approved by the voters of the State of Colorado at the November 6, 2012 general election and codified as Article XVIII, Section 16 of the Colorado Constitution, including the use of land for such purpose(s), in order to permit the City to research and investigate retail marijuana licensing rules and regulations and to develop, if it should so choose, its own licensing scheme for retail marijuana businesses; and

WHEREAS, as a result of the uncertainty caused by the state's failure to address many of the issues brought forth by the state's retail marijuana task force, the lack of comprehensive licensing rules and regulations that had not been fully implemented, assessed and amended as necessary, skepticism about the state's ability to regulate retail marijuana in light of the fact that the duties are performed by the Department of Revenue, whose shortcomings regarding medical marijuana were well documented, the then unresolved matter of federal intervention, and due to concerns regarding the state's funding of its retail marijuana licensing duties many municipalities and counties either opted out of permitting retail marijuana businesses, or enacted or extended moratoriums on such businesses; and

WHEREAS, in consideration of such issues, on September 3, 2013, the City enacted Ordinance No. 23-2013, which extended the existing moratorium until April 1, 2014, on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64 approved by the voters of the State of Colorado at the November 6, 2012 general election and codified as Article XVIII, Section 16 of the Colorado Constitution, including the use of land for such purpose(s) to allow the City to monitor and assess the Department of Revenue's regulatory scheme, the initial operation and regulation of retail marijuana businesses in other jurisdictions, the outcome and impact of the state and local tax ballot questions, and for the City, if it should so choose to develop, investigate, analyze and amend such regulations as necessary to protect the public's health, safety, and welfare.

WHEREAS, the opening of retail marijuana establishments within the state effective January 1, 2014, dramatically altered the scope of the marijuana industry and Council desires to ensure that those medical marijuana establishments currently operating within the City, or those who have pending applications under consideration by the City, can timely transition to retail marijuana establishments.

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

Section 1. The foregoing recitals are incorporated herein and made a part of this ordinance.

Section 2. Ordinance No. 23-2013, extending the moratorium enacted by Ordinance No. 03-2013, on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64 approved by the voters of the State of Colorado at the November 6, 2012 general election and codified as Article XVIII, Section 16 of the Colorado Constitution, including the use of land for such purpose(s), is amended for the limited purpose of permitting, to the extent eligible in accordance with the State's Retail Marijuana Code and its Rules and Regulations, the existing medical marijuana center and medical marijuana optional premises cultivation facilities currently licensed by the city, or with applications under consideration by the city, to convert or co-locate, as applicable, such businesses to or with a retail marijuana establishment, subject to the City's final adoption of retail marijuana licensing rules and regulations, including all forms and fees.

Section 3. All other terms, conditions and restrictions of the moratorium shall remain in full force and effect.

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

Section 9. 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 _____, 2014.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THE _____ DAY OF _____ 2014.

CITY OF LAFAYETTE, COLORADO

_____
Christine Berg, Mayor

ATTEST:

_____
Susan Koster, CMC, City Clerk

APPROVED AS TO FORM:

_____
David S. Williamson, City Attorney