

# RECORD OF PROCEEDINGS CITY OF LAFAYETTE

## CITY COUNCIL MEETING January 21, 2020

### **Call to Order**

The January 21, 2020 Lafayette City Council Meeting began at 5:30 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 and Mayor Pro Tem Stephanie Walton; and Councilors JD Mangat, Tonya Briggs, Tim Barnes, Brian Wong, and Chelsea Behanna.

Also present were City Administrator Fritz Sprague, City Clerk Susan Koster, City Attorney Mary Lynn Macsalka, Police Chief Rick Bashor, Public Information Officer/Assistant to the City Administrator Debbie Wilmot, PROS Director Monte Stevenson, Attorney Keith Martin, Recreation & Facilities Superintendent Tammy Tucker, Acting Fire Chief Dan Garrett, Public Works Director Jeff Arthur, and Planning & Building Director Paul Rayl.

### **Adjourn to Executive Session**

At 5:31 p.m. motion was made by Councilor Mangat and seconded by Councilor Barnes to adjourn to executive session according to C.R.S. 24-6-402(4)(d), to discuss specialized details of security arrangements or investigations. The motion passed unanimously.

### **Return to Regular Session**

Mayor Harkins said the executive session was concluded at 6:15 p.m. The participants were Mayor Harkins, Mayor Pro Tem Walton and Councilors Mangat, Behanna, Wong, Briggs, and Barnes. Also attending were City Administrator Sprague, Police Chief Bashor, and City Attorney Macsalka.

Mayor Harkins asked if any person who participated in the executive session believed that any substantial discussion of matters not included in the motions to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law. No one answered in the affirmative.

### **Public Input**

Andrew J. O'Connor said he would drop his lawsuit against the City for a settlement in the amount of \$10,000.

Vicki Uhland asked that the Council Retreat be taped for later broadcast. She made several comments about land use.

### **Municipal Code Amendment / 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 presented the first reading of Ordinance No. 05, Series 2020 / Amending Section 25-101(4)(a) of the Code of Ordinances Regarding the Regulation of Animals. He said, pursuant to direction from Council on January 7, 2020, the ordinance will increase the number of pot-bellied pigs allowed to be kept as pets from one to two. The aggregate number of household pets remains unchanged at 10 per residence.

A motion was made by Councilor Wong and seconded by Councilor Walton to amend Ordinance No. 05, Series 2020, on first reading to further amend Section 25-2 to change the definition of miniature

pot-bellied pig to increase the weight limit to not exceed 150 pounds. The motion passed 4 to 2, with Councilors Barnes and Mangat voting no.

A motion was made by Councilor Wong and seconded by Councilor Walton to approve on first reading Ordinance No. 05, Series 2020, as amended, 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. The motion passed 5 to 1, with Councilor Barnes voting no.

Council requested more information on the breeds of pigs kept as pets, so as to reconsider limitations on height and weight.

### **Second Reading / Ordinance No. 04, Series 2020 / Prairie Dog Permitting Process**

Parks, Open Space, and Golf Director Stevenson and Planning & Building Director Rayl reviewed priorities established by Council at their last meeting and described provisions of the ordinance that were amended by Council for consideration on second reading. Attorney Keith Martin answered Councils' questions about the ordinance.

A motion was made by Councilor Barnes and seconded by Councilor Briggs to amend Section 5 of Ordinance No. 04, Series 2020 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." The motion passed 6 to 1, with Councilor Wong voting no.

A motion was made by Councilor Barnes and seconded by Councilor Briggs to amend Section 5 of Ordinance No 04, Series 2020 (i) to modify the title of Section 25-128, by inserting the term "Separate" before the term "Violation and deleting the term "Penalty"' (i) to delete the text of Section 25-128 in its entirety, and to replace 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." The motion passed 6 to 1, with Councilor Wong voting no.

A motion was made by Councilor Barnes and seconded by Councilor Briggs to add a new Section 12 to Ordinance No. 04, Series 2020 stating upon the effective date of Ordinance No. 04, Series 2020, 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." The motion passed 6 to 1, with Councilor Wong voting no.

A motion was made by Councilor Behanna and seconded by Councilor Briggs *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.* The motion passed 6 to 1, with Councilor Wong voting no.

### **Community Choice Energy Study**

Mayor Harkins said Council consensus was given at the January 7, 2020 meeting to place this resolution on tonight's agenda. She said it is written in support of the Community Choice Energy Study Bill expected to soon be introduced in the state legislature and that it in no way obligates the City to any other commitment.

A motion was made by Mayor Harkins and seconded by Councilor Wong *to pass Resolution No. 2020-07 / Supporting the Studying of Community Choice Energy as an Option for Communities in the State of Colorado.* The motion passed unanimously.

### **Consent Agenda**

Mayor Harkins read the 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.
- K. Contract / Wilson Community Gardens Improvements / Arrow J. Landscaping & Design Inc.
- L. 2020 Open Space and Trails Recommendation to Boulder County
- M. Purchase Orders and Amendments

Item K was pulled from the Consent Agenda for further discussion. A motion was made by Councilor Behanna and seconded by Councilor Walton *to approve the remainder of the Consent Agenda.* The motion passed unanimously.

**Item K.** Parks, Open Space, and Golf Director Stevenson described improvements that are planned at the Wilson Community Garden which hasn't been upgraded since its inception. A motion was made by Mayor Pro Tem Walton and seconded by Councilor Wong *to approve the contract with Arrow J. Landscaping & Design Inc. for Wilson Community Garden Improvements.* The motion passed unanimously.

**Council Appointment**

Councilor Wong said 5 interviews for the Planning Commission vacancy were held on January 13, 2020 and the interview team recommends the appointment of Frank Phillips to the Commission for the remaining term (through June 30, 2022).

A motion was made by Councilor Wong and seconded by Councilor Walton to appoint Frank Phillips to the Planning Commission for a partial term expiring on June 30, 2022. The motion passed unanimously.

**Council Reports**

Councilors agreed upon changes to their Committee and Board Assignments. They discussed the role and expectations of Councilors as liaisons to these groups.

Mayor Harkins alerted Councilors to a presidential executive order which mandates State and local governments provide consent, in writing, to the resettlement of refugees within their jurisdictions. Council expressed interest in providing such consent.

**Adjourn**

The meeting was adjourned at 8:15 p.m.

**CITY OF LAFAYETTE, COLORADO**

**ATTEST**

\_\_\_\_\_  
Mayor Jamie Harkins

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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.