

**RECORD OF PROCEEDINGS  
CITY OF LAFAYETTE, COLORADO**

**City Council Meeting**  
November 1, 2022

**I. OPENING OF REGULARLY SCHEDULED MEETING**

**Call to Order**

Mayor Mangat called the November 1, 2022 meeting of the Lafayette City Council to order at 5:32pm in the Council Chambers at Lafayette City Hall, 1290 S. Public Road, Lafayette, Colorado. Due to the presence of coronavirus disease 2019 (COVID-19) in Colorado, the meeting was conducted in person and via electronic participation pursuant to the Declaration of Local Disaster Emergency issued by the Mayor of the City of Lafayette on March 17, 2020 and City of Lafayette Resolution No. 2020-23 extending the Declaration until terminated by City Council.

**Roll Call**

Those attending in Council Chambers included Mayor Jaideep (JD) Mangat, Mayor Pro Tem Brian Wong, and Councilors Tim Barnes, Tonya Briggs, Enihs Medrano, Nicole Samson, and Stephanie Walton.

City staff included City Administrator Fritz Sprague, Assistant City Administrator Kady Doelling, City Attorney Mary Lynn Macsalka, City Clerk Lynnette Beck, Police Chief Rick Bashor, Public Works Director Jeff Arthur, Interim Finance Director Devin Billingsley, Planning and Building Director Jeff Brasel, Emergency Medical Services Chief Dan Garrett, Arts and Cultural Resources Program Manager Rachel Hanson, Library Director Melissa Hisel, Human Resources Director Sarab Khalsa, Senior Planner Andrea Mimnaugh, Parks, Recreation, and Open Space Director Monte Stevenson, and Communications Director Debbie Wilmot.

Other participants included Robert Munroe from RMM Advisors, Kevin Schuetz and Casey McCallister from Koda CrossFit, John Suddarth from VanWest Partners, Mark Delgado from dcb Construction Company, Jeff Hee from Traffic Solutions, and Jeff Miller from Husch Blackwell.

**II. PUBLIC INPUT**

**There were no Public Input comments submitted to City Council via email .**

1. Frank Archuleta spoke about racism and discrimination in Lafayette and the Mary Miller family.
2. Zuza Bohley spoke in support of removing the Mary Miller name in Lafayette.
3. Molly McCrosson spoke in support of removing the Mary Miller name in Lafayette.
4. Emma Piller spoke in support of removing the Mary Miller name from commemorative spaces in Lafayette.
5. Andrew Valenzuela spoke about a history of racism in Lafayette.
6. Martina Garcia spoke in support of removing the Mary Miller name in Lafayette.
7. Alfredo Alvarado spoke about diversity and keeping Lafayette a family-friendly town.
8. Gabriela Monge spoke in support of removing the Mary Miller name in Lafayette.

9. Jessica Quintanilla spoke about the racialization of the community, inclusion, and removing the Mary Miller name.
10. Lupita Cardoza spoke about removing the Mary Miller name in Lafayette.

### III. CONSENT AGENDA

- A. October 6, 2022 City Council Meeting Minutes
- B. October 20, 2022 City Council Meeting Minutes
- C. October 24, 2022 City Council Workshop Summary
- D. Second Reading / Ordinance No. 33, Series 2022 / Willoughby Corner / Zoning to High Density Residential (R-4) - Planned Unit Development Zone District and Final Planned Unit Development Plan
- E. Second Reading / Ordinance No. 34, Series 2022 / Willoughby Corner / Authorization to Execute and Record Releases and Covenants in Accordance with the Terms and Conditions of the Community Housing Plan and Affordable Housing Agreement
- F. Change Order No. 1 / RN Civil Construction / 2021 Water Reclamation Facility Improvements Project
- G. Second Amendment to 104th Street Connector Trail Intergovernmental Agreement
- H. Contract / Mojos Cleaning Services, Inc. / City Janitorial Services
- I. Contract / WoodRiver Energy, LLC / City Natural Gas
- J. Boulder County Open Space and Trail Recommendations for 2023

Councilor Samson pulled Item J and asked Director Stevenson about the recommendations.

**A motion was made by Councilor Walton and seconded by Mayor Pro Tem Wong to approve the balance of the Consent Agenda. The motion passed 7-0 .**

**A motion was made by Councilor Samson and seconded by Councilor Briggs to approve the Boulder County Open Space and Trails Recommendations for 2023 . The motion passed 7-0 .**

### IV. PRESENTATIONS

- K. Willoughby Corner Financial Peer Review

Robert Munroe presented comparison metrics, sources of funds, cost per unit and square foot, and financial assistance from the City of Lafayette. Willoughby Corner's higher development costs were primary a result of environmental and operation elections, highly unstable market conditions for construction, a high-level amenity package, and the cost of providing the water required for a project of that size.

City Council asked about the comparison properties referenced in the presentation, overall cost of the project, and water cost assumptions.

## V. STAFF INTRODUCTIONS

### L. Andrea Mimnaugh / Senior Planner

Director Brasel introduced Senior Planner Andrea Mimnaugh. Andrea had a Bachelor of Arts in Music Theory and Performance and a Master of Arts in Geography. She had 30 years of local government experience in historic preservation, and current and long-range planning. Andrea was most recently employed by the City of Littleton for 18 years.

## VI. REGULAR BUSINESS

### M. Items Pertaining to the City of Lafayette 2023 Budget

1. Public Hearing / Resolution No. 2022-53 / Adopting the 2023 Budget and Establishing the Mill Levy [Noticed in the Boulder Daily Camera on October 21, 2022]
2. First Reading / Ordinance No. 35, Series 2022 / 2023 Budget Appropriation

Administrator Sprague reviewed the budget responsibilities and presented the budget philosophy.

Interim Director Billingsley presented the recommended \$100.2M City budget, including a general fund budget of \$47.2M and dedicated fund budget of \$53.0M. He reviewed revenue sources, including sales and use tax, property tax, development related fees, American Rescue Plan Act (ARPA) funds, and funds from the Metropolitan Football Stadium District from the sale of the Denver Broncos football team. Lafayette will receive \$200,000 in Stadium District money to use on "Youth Activity Programs."

Council asked about major differences from the 2022 budget.

Administrator Sprague presented 2023 budget outcomes, an overview of salaries and benefits, and topics of discussion from the October 24, 2022 budget workshop.

Council asked about revenue projections and golf course mowers and discussed the feelings of survey fatigue in the community. Council expressed a desire to have a more in depth discussion about the community survey at a later date.

Director Arthur spoke about transportation projects and the utility enterprises. He reviewed utility bill outcomes, the rate and fee study, cost indices, major capital water projects, and water dedication.

Council asked about the impacts of resident water conservation, projected inflation, future water storage capacity, 2024-2027 transportation funding options, and the 2023 proposed water cash-in-lieu amount.

Administrator Sprague closed the staff presentation with next steps.

### Public Hearing

Mayor Mangat opened the public hearing at 8:26pm. Seeing no speakers, the public hearing was closed at 8:27pm.

**A motion was made by Mayor Pro Tem Wong and seconded by Councilor Samson to approve Resolution No. 2022-53 adopting the 2023 budget and establishing the Mill levy. The motion passed 7-0 .**

**A motion was made by Mayor Pro Tem Wong and seconded by Councilor Briggs to approve on first reading Ordinance No. 35, Series 2022, appropriating funds for the 2023 budget. The motion passed 7-0 .**

Council was in recess from 8:29 to 8:41pm.

N. Items Pertaining to Lot 2 Etna Plaza - Koda Crossfit

1. Public Hearing / Resolution No. 2022-55 / Special Use Review [Noticed in the Boulder Daily Camera on October 21, 2022]
2. Resolution No. 2022-54 / Site Plan - Architectural Review / Lot 2 Etna Plaza - Koda Crossfit Addition

Director Brasel summarized the applicant's request for a 1,445 square foot addition to an existing 4,600 square foot building constructed in 2001. The property was a platted lot addressed as 1230 Etna Drive in the Etna Plaza Subdivision (Lot 2). In addition to the Site Plan/Architectural Review, the applicant was requesting Special Use Review approval for an existing recreational club or facility in the existing commercial building.

Applicant Presentation

Kevin Schuetz and Casey McCallister presented the background of the project, a description of the Crossfit use, comments to date, which included concerns about noise and parking, the building elevations, and landscaping on the site.

Staff Analysis

Staff found that the application met the five Special Use criteria in section 26-15-4 of the Lafayette Code of Ordinances and recommended approval with no conditions.

Staff found that the application met the twenty Site Plan criteria in section 26-16-7.1 related to scale and compatibility, landscaping, design and materials, lighting, and screening, and recommended approval with no conditions.

The Lafayette Planning Commission also recommended approval of the applications with no conditions.

Public Hearing - Special Use Review

Mayor Mangat opened the public hearing at 8:55. Seeing no speakers, the public hearing was closed at 8:55pm.

Council Questions

Council asked about the name Koda.

**A motion was made by Mayor Pro Tem Wong and seconded by Councilor Samson to approve Resolution No. 2022-55 to allow a Special Use on Lot 2 Etna Plaza Subdivision, finding the application complied with the criteria in Section 26-15-4 of the Lafayette Code of Ordinances. The motion passed 7-0 .**

**A motion was made by Councilor Medrano and seconded by Councilor Samson to approve Resolution No. 2022-54 for the Site Plan/Architectural application for Lot 2, Etna Plaza, finding the plan complied with the criteria in Section 26-16-7.1 of the Lafayette Code of Ordinances. The motion passed 7-0 .**

O. Items Pertaining to Lot 2B Cabrini Gardens Replat 2B - Highway 287 Storage

1. Resolution No. 2022-56 / Minor Subdivision / Cabrini Gardens Replat F
2. Public Hearing / Resolution No. 2022-57 / Special Use Review [Noticed in the Boulder Daily Camera on October 21, 2022]
3. Resolution No. 2022-58 / Site Plan - Architectural Review

Director Brasel summarized the applicant's three requests related to a proposal for an indoor storage facility located on the eastern portion of Lot 2B Cabrini Gardens Replat B. The first request was to subdivide Lot 2B Cabrini Drive into two lots. The second was a special use approval to allow a warehousing/mini-storage facility in the zone district. The third was the site plan and architectural approval to construct a 93,000 square foot, 35' tall indoor self-storage facility.

Applicant Presentation

John Suddarth presented market research informing the choice to construct in Lafayette, a timeline of events, Planning Commission conditions, site map, architectural site plan, landscape plan, building elevations, contextual massing analysis, site renderings, traffic analysis summary, fiscal benefit summary, and project benefits.

Staff Analysis

Staff found that the application met the Minor Subdivision criteria in section 26-17-7 of the Lafayette Code of Ordinances and recommended approval of the application and acceptance of the utility easements.

Staff found that the application met the five Special Use criteria in section 26-15-4 of the Lafayette Code of Ordinances and recommended approval with the following three conditions:

1. The minor subdivision is approved.
2. The Special Use Review approval is only applied to the east (1.35 acre) lot created (2F-1).
3. The developer will be required to enter into an indemnification agreement with the City pertaining to potential claims by mineral interest owners if an objection or entry of appearance by a mineral interest owner is received on or before November 11, 2022.

Staff found that the application met the twenty Site Plan criteria in section 26-16-7.1 of the Lafayette Code of Ordinances related to scale and compatibility, landscaping, design and materials, lighting, and screening, and recommended approval with the following four conditions:

1. The applicant submits a trash collection plan.
2. One Electric Vehicle ready facility that serves two spaces is added to the plan.
3. The minor subdivision and Special Use Review are approved, and the Special Use Review and Site Plan/Architectural Review approval is only applied to the east (1.35 acre) lot created (2F-1).
4. Modify the title of the Site Plan/Architectural Review to be Replat F and the associated lot number after minor subdivision approval.

The Lafayette Planning Commission also recommended approval of the applications with the conditions noted above.

#### Public Hearing - Special Use Review

Mayor Mangat opened the public hearing at 9:38pm.

1. Tyler Bray spoke on behalf of his client and current owner of the property, The Salvation Army, in support of the special use review application.

Seeing no further speakers, the public hearing was closed at 9:40pm.

#### Council Questions

Council asked about the proposed lighting, location of trees, trash management plan, selection of the site, potential business uses for a one-acre property, the traffic study, and access and office hours. Council discussed scale and compatibility of the project.

#### Council Deliberations

Council discussed the application and the Special Use Review criteria in Section 26-15-4 of the Code, the scale, massing, and compatibility of the project with the surrounding area, the compatibility of the proposed use and the site plan with the comprehensive plan, and the development's potential impacts on existing developments in the surrounding neighborhood and on anticipated future development in the area.

**A motion was made by Councilor Walton and seconded by Mayor Pro Tem Wong to approve Resolution No. 2022-5 6, finding the Minor Subdivision application for Cabrini Gardens Replat F complied with the criteria of Section 26-17-7 of the Lafayette Code of Ordinances. A roll call vote was taken, and the motion passed 6- 1 with Councilor Samson opposed .**

**A motion was made by Mayor Pro Tem Wong and seconded by Mayor Mangat to approve Resolution No. 2022-5 7, finding the Special Use application complied with the criteria of Section 26-15-4 of the Lafayette Code of Ordinances , with the conditions outlined in the staff report .**

**A motion was made by Councilor Walton and seconded by Mayor Pro Tem Wong to amend the motion to add a condition that access and operation hours be limited to 6am-10pm. A roll call vote was taken, and the amendment passed 7-0 .**

Council discussed the Special Use review criteria related to compatibility with the character of the surrounding area, compatibility with the comprehensive plan, and scale and massing.

Jeff Miller, attorney for the applicant, requested a continuance prior to the vote to allow the applicant to address Council's concerns of massing and scale. There was no Council motion for a continuance.

**A roll call vote was taken on the main motion, as amended, and the motion failed 2-5 with Councilors Barnes, Briggs, Medrano, Samson, and Walton opposed .**

**A motion was made by Councilor Samson and seconded by Councilor Barnes to deny the Special Use Review application subject to Council 's adoption of a resolution of written findings and decision denying the application at the November 15, 2022 City Council meeting. A roll call vote was taken, and the motion passed 5-2 with Mayor Mangat and Mayor Pro Tem Wong opposed .**

**A motion was made by Mayor Pro Tem Wong and seconded by Councilor Walton to postpone to the November 15, 2022 City Council meeting Resolution No. 2022-58 for the Site Plan/Architectural application for Lot 2F-1 Cabrini Gardens Replat F , pending the outcome of Council's vote at the November 15, 2022 meeting on a resolution stating written findings and decision denying the Special Use Review application. A roll call vote was taken, and the motion passed 7-0 .**

## VII. PROCLAMATIONS

P. Extra Mile Day / November 1, 2022

**A motion was made by Councilor Samson and seconded by Mayor Pro Tem Wong to approve the proclamation. The motion passed 7-0 .**

## VIII. COUNCIL APPOINTMENTS

Q. Appointment to the Historic Preservation Board

**A motion was made by Mayor Pro Tem Wong and seconded by Councilor Samson to appoint Tim Adair as a full member of the Historic Preservation Board to serve a four-year term ending August 1, 2026. The motion passed 7-0 .**

R. Appointment to the Human Rights Commission

**A motion was made by Councilor Briggs and seconded by Councilor Walton to reappoint Hannah Fletcher as a regular member of the Human Rights Commission for a three-year term. The Motion passed 7-0 .**

## IX. STAFF REPORTS

S. City Attorney's Report

There was no report from City Attorney Macsalka.

T. City Administrator's Report

There was no report from City Administrator Sprague.

**X. COUNCIL REPORTS**

Councilor Samson asked for a Native American Heritage Month proclamation at the November 15, 2022 meeting.

Councilor Briggs asked Council to consider a ban on the retail sale of kittens, cats, puppies, and dogs in Lafayette. There was interest in having Administrator Sprague discuss this with staff and report back to Councilor Briggs for an update at a future meeting.

**XI. ADJOURN TO EXECUTIVE SESSION**

Pursuant to Colorado Revised Statutes section 24-6-402(4)(b) to confer with the City Attorney for the purposes of receiving legal advice on specific legal questions regarding deferral and waiver of fees and exemption from use tax under Section 30-405.5 of the Lafayette Code of Ordinances pertaining to the Willoughby Corner affordable housing project

**A motion was made by Mayor Mangat and seconded by Councilor Samson to adjourn to executive session pursuant to Colorado Revised Statutes section 24-6-402(4)(b) to confer with the City Attorney for the purposes of receiving legal advice on specific legal questions regarding deferral and waiver of fees and exemption from use tax under Section 30-405.5 of the Lafayette Code of Ordinances pertaining to the Willoughby Corner affordable housing project. The motion passed 7-0 .**

City Council adjourned to executive session at 10:58pm.

Approved the 15<sup>th</sup> day of November, 2022

CITY OF LAFAYETTE, COLORADO

ATTEST

\_\_\_\_\_  
Jaideep Mangat, Mayor

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Lynnette Beck, City Clerk

The minutes herein are a summary of the business conducted at this meeting,  
not a verbatim transcript.