

City Council Meeting Minutes

**January 16, 2018
City Hall, Council Chambers
749 Main Street
7:00 PM**

Call to Order – Mayor Muckle called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

City Council: ***Mayor Robert Muckle
Mayor Pro Tem Jeff Lipton
Councilmember Jay Keany
Councilmember Chris Leh
Councilmember Susan Loo
Councilmember Dennis Maloney
Councilmember Ashley Stolzmann***

Staff Present: ***Heather Balsler, City Manager
Kurt Kowar, Director of Public Works
Rob Zuccaro, Director of Planning & Building Safety
Emily Hogan, Assistant to the City Manager
Chris Neves, Director of Information Technology
Dave Hayes, Police Chief
Joe Stevens, Director of Parks and Recreation
Meredyth Muth, City Clerk***

Others Present: ***Sam Light, City Attorney***

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Councilmember Loo. All were in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

APPROVAL OF THE CONSENT AGENDA

Mayor Pro Tem Lipton asked for a modification to the January 2 minutes, regarding the motion regarding the Dog Off Leash Area. Members agreed to the change.

MOTION: Mayor Muckle moved to approve the consent agenda as amended, seconded by Councilmember Keany. All were in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: December 18, 2017 Special Meeting; December 19, 2017; January 2, 2018***
- C. *Approval to Move Tuesday, March 6 City Council Meeting to Monday, March 5***
- D. *Approval of Contract with Veris Environmental, Inc. for Wastewater Treatment Plant Biosolids and Land Application***
- E. *Approval of On Call Geographic Information System and Asset Management System Support Services Contract with Invision GIS, LLC.***
- F. *Approval of Contract with All Current Electric, Inc. for Electrical Inspection Services***
- G. *Approval of Agreement with Spronk Water Engineers, Inc. for 2018 Water Rights Administration***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

None.

CITY MANAGER'S REPORT

City Manager Balser asked Chief Hayes to report on traffic enforcement in school zones. Hayes stated the Department is focusing enforcement in school zones. Speed continues to be a problem in the Monarch school zone; staff is considering additional signage and lights in that school zone. He noted the new cars the Department has purchased will have radar that can be used while moving.

City Manager Balser stated a further update on traffic management is scheduled for the February 6 meeting.

City Manager Balser asked Director Stevens to report on the Coyote Run land slide area. Stevens stated staff has worked with the HOA to close the entry point to the trail on Sagebrush Court. Staff has issued an RFP for monitoring the site. Proposals are due in February and a recommendation will come back to City Council.

REGULAR BUSINESS

DISCUSSION/DIRECTION – 2018 LOUISVILLE BROADBAND NEEDS ASSESSMENT AND FEASIBILITY STUDY REQUEST FOR PROPOSALS

Assistant to the City Manager Emily Hogan stated that in November 2017, voters approved Ballot Measure 2G, re-establishing the City's right to provide high-speed internet services, telecommunications services and/or cable services to residents, businesses, schools, libraries, and other uses, either directly or indirectly with public or private sector partners. The City can now begin to explore a variety of options to meet broadband needs of residents & businesses. \$50,000 was included in the 2018 budget for this study.

She stated the first step is assessing current/future broadband needs of residents & businesses & evaluating the feasibility of business model strategies (i.e. retail, open access provider, municipal partnership, public services, public policy only). Several Colorado municipalities have completed/are completing similar studies including Boulder, Superior, Erie, Loveland, Fort Collins & Windsor. The Louisville Scope of Services from the draft Request for Proposals is a combination of Superior & Erie's scopes.

The study will look at inventory of assets/facilities, City's current network capabilities, existing broadband options/costs, stakeholders, market research for current/future needs, satisfaction with service and willingness to pay for alternative, potential regional partners and service providers, benefits/risks, business models/strategies, conceptual design/cost analysis and financing/funding availability. Once study is complete, consultant will share results with Council in 3rd/4th quarter of 2018. Depending on results, Council may decide to refine options, complete additional analysis for preferred concept and/or solicit additional input from the community.

Mayor Muckle asked for public comments. None.

Councilmember Maloney stated the first issue we need to address is what we do with our facilities and public places. The second is if and how we can help provide residential services. For the first item, we should determine how we provide access to residents in public facilities and how it is authenticated. He would like those two issues separated and the public facility issue addressed first.

Councilmember Stolzmann stated Superior and Erie's study results are helpful. She agreed we should improve public facility internet, not necessarily the authenticating. She stated she is unsure what infrastructure we have today and what partnerships we have. She stated we don't need the full blown feasibility study to answer all of the questions. She would like information on what the current City-owned infrastructure is, what partnerships we have, and how that could lead us to providing middle mile service. She would like to consider what the City is interested in providing, do we want to

address speed, reliability, cost, net neutrality, cell phone coverage, etc. She would like a broader community discussion on what we are trying to accomplish.

Mayor Pro Tem Lipton suggested in the scope of services the stakeholder list should include the school district and other governmental entities. He stated that more generally, the things that are important to him are what policy decisions we can make as a city to foster competition and have additional service providers in the marketplace; and how we can update the land use code to encourage more options.

Councilmember Keany stated he is concerned we may be setting an expectation the City is going to be a broadband provider. He stated we don't have the resources to do that and he doesn't think this is the role of the City. We want to open up speed, content, and availability at public buildings; perhaps even wifi throughout downtown. He is not interested in the City being the broadband provider. He stated perhaps there could be partnering with the private sector and other ways to benefit the businesses in town.

Mayor Muckle agreed with Councilmember Keany that we need to manage the expectations. He is interested in providing high quality service at public spaces, fostering competition, and addressing net neutrality by facilitating private providers. He is interested in the feasibility of what is practical.

Chris Neves, IT Director, stated the City does have a good existing middle mile service and all City facilities are connected with fiber, but there are areas that could use improvement. He stated providing wifi at public places outside is challenging and could be expensive; but we should create a list of where we would like it. We do have robust public service at the Rec Center and the Library already.

Councilmember Loo stated residents are complaining about how Longmont can provide such great service and Louisville does not provide anything at all. There already is an expectation with the public that we should be able to provide better service. Residents want us to attempt to make it better. She also noted that it is more than providing wifi in public buildings; other communities are advertising to businesses that they can provide 5 gig service. We need to look if we are competitive on a commercial basis. We need to clearly state what we can and cannot do. The election created the expectation; now we need to explain to people why we can't do it immediately.

Councilmember Maloney asked if the RFP is predicated on making changes to the land use code. Director Zuccaro stated the zoning code is to facilitate private investment and allow use of the rights of way to put in infrastructure. Councilmember Maloney would like that added to the RFP.

Councilmember Maloney agreed we need to be able to explain this to a lay person. He noted Ft Collins and Longmont have existing conduit in which to build this and we don't.

Councilmember Leh stated whatever we do in the RFP; it would be nice to create a credible threat that we could compete with private industry and to bring to bear what we can to get them to improve their service. We may not want to be a service provider, but there are things we can do to make the marketplace more competitive.

Mayor Muckle asked for specific changes for the RFP other than those noted earlier.

Councilmember Maloney stated he wants to find a solution for how to handle public places regardless of the retail portion of broadband. He stated he would like that to be more delineated.

Mayor Muckle stated Council is comfortable with the RFP and understands the importance of this topic. Staff will make the changes and publish the RFP.

**ORDINANCE NO. 1753, SERIES 2018 – AN ORDINANCE REPEALING AND RE-ENACTING WITH AMENDMENTS ALL CHAPTERS OF TITLE 2 OF THE LOUISVILLE MUNICIPAL CODE TO REFLECT THE PROVISIONS OF THE CITY CHARTER, AND MAKING CERTAIN RELATED AMENDMENTS TO TITLES 1 AND 14 OF THE LOUISVILLE MUNICIPAL CODE – 1st READING, SET PUBLIC HEARING
2/6/18**

City Attorney Light introduced the ordinance by title and stated this is first reading.

Clerk Muth stated the attached ordinance includes changes discussed at the November 28 City Council meeting. She stated staff would like direction on one item. Sec. 2.24.040H states City employees may not serve on a board or commission. Recreation Center staff would like the Council to consider exempting members of the Youth Advisory Board (YAB) from this rule. Frequently members of the YAB desire to work at the Recreation Center as lifeguards and summer camp counselors but cannot pursue employment due to charter restrictions.

Mayor Muckle stated he supports that exception.

Councilmember Keany asked if the Charter allows this. City Attorney Light stated as written the rule is stricter than the Charter requirement that only the City Manager and Department Director's not serve on boards, so Council can make this exception.

Councilmember Keany asked if this should be opened up for other part time or seasonal employees who might want to serve on a board. Councilmember Leh agreed we might want to open this up to other part-time and seasonal staff.

Councilmember Stolzmann stated it should be limited to the YAB; it could cause conflicts of interest with other employees or create the appearance of conflict. Councilmember Loo agreed. She stated a staff member on a board will inevitably be viewed as an expert and that creates a bad situation. Mayor Muckle agreed.

Mayor Muckle moved to approve Ordinance No. 1753, Series 2018 on first reading as amended with an exemption for the Youth Advisory Board, set the public hearing and second reading for February 6, 2018; Councilmember Stolzmann seconded. Voice vote: All in favor.

ORDINANCE NO. 1754, SERIES 2018 – AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE REGARDING MOBILE RETAIL FOOD ESTABLISHMENTS, MOBILE FOOD VEHICLES, MOBILE VENDING CARTS, AND ICE CREAM VENDOR REGULATIONS– 1st READING, SET PUBLIC HEARING 2/6/18

City Attorney Light introduced the ordinance by title on first reading.

Attorney Light noted an update to the ordinance had been made for this meeting. The options given clarify how food trucks can be allowed at the Arts Center and Memory Square Park and in other City rights-of-way in a residential neighborhood.

Councilmember Stolzmann noted generally in the past we wanted to allow the use of food trucks at the Arts Center for private events and at Memory Square for special events. She supports option two which limits the changes to Memory Square as option one may have further unintended consequences we have not thought through.

Councilmember Keany liked option one allowing the use of the rights-of-way at other parks as some residential areas have parks where there is a shelter available for a rental and a food truck might be a good option for catering an event. He noted specifically Keith Helert Park and Annette Brand Park.

Councilmember Leh stated option one may disperse events to other parts of the city.

Public Comments – None.

Councilmember Maloney favored option one as long as there is an allowed or permitted event with the food truck.

Councilmember Stolzmann stated she can support option one but noted it is a change from current process.

Councilmember Keany would like to add language to note it is only allowed with a park rental for a private event. He asked how this affects use of a food truck at a block party. Muth stated this is not addressed in the current block party permit, but that language could be added to the ordinance and permit process.

Councilmember Loo asked how the 150-foot buffer is measured. Zuccaro stated the definition in this version has been clarified to state it is measured from any point on the perimeter of a property or nearest point of food truck to a restaurant.

Mayor Muckle stated he preferred option two, but will support option one.

Attorney Light recommended the following language “Mobile retail food establishments, mobile food vehicles and mobile vending carts are not permitted to operate within city-owned right-of-way, except as follows: Mobile retail food establishments, mobile food vehicles, and mobile vending carts are permitted to operate on rights-of-way that abut a city-owned property as part of a city-permitted special event or private catered event located at the abutting city-owned property and being conducted under a city-issued park or shelter reservation.”

Mayor Muckle moved to approve Ordinance No. 1754, Series 2018 on first reading as amended and set the public hearing and second reading for February 6, 2018; Councilmember Keany seconded. Voice vote: All in favor.

CITY ATTORNEY’S REPORT

None.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

Councilmember Stolzmann distributed some information from DRCOG regarding its legislative positions. She will compare the list to the City’s legislative agenda, if there is agreement between the two she will support; if they are monitoring a bill, she will follow that. She will bring the list to Council periodically to determine if the Council wants her to take a position on any item.

Mayor Pro Tem Lipton stated the DRCOG list is somewhat overreaching; it is hard to make a connection between a legislative interest and the policy benefit. There needs to be a logical nexus between legislative interest and policy for us to support these items.

Councilmember Stolzmann agreed and stated she works hard to make sure this does relate to Louisville’s interests.

ADJOURN

Members adjourned at 8:15 pm.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk