

City Council Meeting Minutes

**February 6, 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
Councilmember Keany
Councilmember Chris Leh
Councilmember Susan Loo
Councilmember Ashley Stolzmann***

Absent: ***Mayor Pro Tem Lipton
Councilmember Dennis Maloney***

Staff Present: ***Heather Balsler, City Manager
Kevin Watson, Finance Director
Joe Stevens, Director of Parks & Recreation
Kathy Martin, Recreation Superintendent
Aaron DeJong, Director of Economic Development
Kurt Kowar, Director of Public Works
Rob Zuccaro, Director of Planning & Building Safety
Kristin Dean, Principal Planner
Lisa Ritchie, Associate Planner
Emily Hogan, Assistant to the City Manager
Katie Zoss, Cultural Arts and Special Events Coordinator
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 Keany. All were in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Deb Fahey, 1118 West Enclave Circle, stated she was giving a final report from the Seniors of Louisville which has disbanded and distributed their remaining funds to area groups that support Louisville Seniors including the Sister Carmen Center, Coal Creek Meals on Wheels, and the Louisville Community Food Bank. She said there is now a need to do a budget appropriation or use another non-profit organization as a pass through for the Weigh and Win kiosk at the Rec Center. She also stated there is a need for a task force or group to review the needs of seniors in Louisville.

APPROVAL OF THE CONSENT AGENDA

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

- A. *Approval of Bills***
- B. *Approval of Minutes: January 16, 2018; January 19, 2018; January 23, 2018***
- C. *Approval of Appointment of Peter Geise to the Building Code Board of Appeals***
- D. *Approval of Robert (Mike) Crowe to the Cultural Council***
- E. *Approve February 27 as a Special City Council Meeting***
- F. *Approve Cancellation of March 27, May 22, and July 24 City Council Study Sessions***
- G. *Resolution No. 3, Series 2018 – A Resolution Approving a Business Assistance Agreement with Inovonics Corporation for an Economic Development Project in the City of Louisville***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

None.

CITY MANAGER'S REPORT

City Manager Balsler asked Police Chief Hayes and Fire Chief Willson to review the fatal traffic accident from yesterday. Chief Hayes reported the fatality was a woman crossing from east to west across 95th Street at Hecla Drive near the Kestrel Housing Development. An investigation continues. Chief Willson noted the ambulance staff performed CPR for almost 30 minutes before the victim passed away. Hayes stated that the Police Department will meet with residents of Kestrel to hear safety concerns.

City Manager Balser asked Public Works Director Kowar to report on the plans for traffic improvements in the area. Director Kowar stated there are plans for an underpass located just north of Hecla which is slated to start later in 2018. In addition, a traffic signal is planned at the intersection of Hecla Drive and Hwy. 42 slated for 2019. He stated staff will look for ways to expedite these projects.

Mayor Muckle offered his condolences to the family.

REGULAR BUSINESS

PRESENTATION – LIFE IN LOUISVILLE PHOTO CONTEST AWARDS

Katie Zoss, Cultural Arts & Special Events Coordinator, stated seventeen Front Range residents submitted photographs depicting “Life in Louisville” for the 10th Annual Photography Contest. These photos chronicle events and daily life in Louisville, Colorado from January 1 to December 31, 2017 and, will be added to the City’s archives to serve as a cultural reference for future generations. All images are available for public viewing on the City’s website and may be used for publication by the City and/or outside media. New for this year’s competition, the jurors selected 17 finalist photographs. These photographs were displayed during the Louisville Arts District’s First Friday Art Walk on Friday, February 2nd. Members of the community were invited to cast votes to select a People’s Choice Award Winner. 110 votes were submitted.

Councilmember Keany presented certificates to the winners of each category.

PUBLIC ART POLICY

RESOLUTION NO. 4. SERIES – A RESOLUTION APPROVING THE 2018 PUBLIC ART POLICY

ORDINANCE NO. 1755, SERIES 2018 – AN ORDINANCE AMENDING TITLE 14 OF THE LOUISVILLE MUNICIPAL CODE ADDING A NEW CHAPTER REGARDING PUBLIC ART – 1st READING – SET PUBLIC HEARING 2/20/18

Katie Zoss, Cultural Arts & Special Events Coordinator, stated the goal of the Public Art Policy is to establish a process for the City to manage new and existing public art. It seeks to create a policy that applies best practices for Public Art projects.

The Public Art Policy would create a process by which the City can acquire and manage public art while making sure that placement, general appropriateness, and ongoing maintenance are considered. The policy outlines a process for the City to accept or reject a proposed piece of artwork and a process for appropriate de-accessioning as necessary.

Two versions of the Public Art Policy were presented for discussion. Alternative 1 allows the Louisville Cultural Council (LCC) decisions regarding Public Art to be final. Alternative 2 allows a LCC decision regarding Public Art to be final unless City Council chooses to review the LCC's decision within 30 days. Staff asked City Council to make a recommendation to move forward with Public Art Policy Alternative 1 or Alternative 2.

Councilmember Loo noted the guidelines for alignment and asked if a piece would have to align with all 6 guidelines or only meet some. Zoss stated all six criteria would need to be met. Councilmember Loo noted other communities have had heated conversations about art and she would like this to be very clear.

Councilmember Loo asked if the deaccessioning process is done in order as noted. Zoss stated that is the preferred order and is best practice. Councilmember Loo asked how an artist buys back a piece and how an appraisal is completed. Attorney Light stated the process to value the piece could be laid out in the purchase contract. Councilmember Loo wanted to assure future councils are not put in a controversy by this process.

Councilmember Loo asked if naming a specific staff title should be included or if it should be "City Manager designee." Attorney Light noted it could be written either way.

Councilmember Loo supported Alternative 2 to allow the Council to make a final decision if it wants to and would like the review period lengthened to more than 30 days to allow time in the Council schedule. Attorney Light noted Alternative 2 is a call-up provision allowing Council 30 days to decide if they want to call it up, the review can then be scheduled after 30 days.

Mayor Muckle asked for public comments.

Jennifer Strand, LCC Chair, 911 St. Andrews Lane, stated the policy is meant to be in line with other municipalities policies and be simple. She stated a City Council call up is fine with the LCC, their role is to recommend; if Council would like to be involved in the decision making process that is fine with the LCC. She stated it is important to have a process and rules. It will make the community more vibrant.

Councilmember Keany stated he preferred Alternative 2 with the call up option so Council can take the responsibility on the final decision if needed. He asked if the call-up period should be longer than 30 days. He supported the "designee" language. Attorney Light noted the call up had to be within 30 days but could be scheduled for the review later.

Councilmember Stolzmann noted some numbering issues and asked staff to address those. She asked about the exemptions regarding temporary installations in City buildings and wondered if those need approval. Zoss stated as written this allows successful existing programs to continue without a long review process. Councilmember Stolzmann asked if an exhibit could be reviewed as a whole. Zoss stated it is common for temporary art exhibits to be exempted since they are not owned by the City. Councilmember

Stolzmann felt there should be a way to include those temporary exhibits in the guidelines. Zoss suggested such a review could be done through a policy rather than in the ordinance. Councilmember Stolzmann felt that was fair; the policy should play out in all public art even if in buildings.

Councilmember Stolzmann favored the “designee” language.

Councilmember Leh stated as the liaison to the LCC he appreciated all the work on this and trying to make this both simple and something facilitating public art in the community.

Councilmember Leh supported Alternative 2 to make sure the LCC does not get put in a controversy. He supported the “designee” language and suggested a 45-60 day period for the call-up.

Mayor Muckle stated he supported the call-up option. He stated he doesn’t want the call-up time too long; 30 days should be enough. He supported the “designee” language.

Mayor Muckle summarized the amendments as Alternative 2 and the “city manager or designee” language. Council members discussed the logistics of a 30 day call-up period.

Mayor Muckle moved to continue Resolution No. 4, Series 2018 to the February 20 meeting. Councilmember Loo seconded. Voice vote: all in favor.

Attorney Light introduced Ordinance No.1755, Series 2018 and noted it was before Council on first reading. The ordinance will be published with Alternative 2 and make the city manager the keeper of records and with the 30 day call-up period, Staff will evaluate if that needs to be changed. Staff will also address the numbering issue.

Mayor Muckle moved to approve Ordinance No. 1755, Series 2018 as amended, send it out for publishing and set the public hearing for February 20. Councilmember Keany seconded. Voice vote: all in favor.

RECREATION SENIOR CENTER EXPANSION PROJECT

RESOLUTION NO. 5, SERIES 2018 – A RESOLUTION APPROVING A GRANT AGREEMENT BETWEEN THE CITY OF LOUISVILLE AND THE STATE DEPARTMENT OF LOCAL AFFAIRS FOR THE LOUISVILLE RECREATION/SENIOR CENTER EXPANSION

CONTRACT AMENDMENT #4 FOR RECREATION/SENIOR CENTER AND MEMORY SQUARE POOL CONSTRUCTION PROJECT

Parks and Recreation Director Stevens stated the Department of Local Affairs (DOLA) announced an Energy and Mineral Impact Assistance Fund grant award to the City for \$825,000 for the addition of an approximately 8,600 square foot multi-activity court (MAC)

gymnasium to the Louisville Recreation Senior Center. DOLA funds are provided from state severance tax proceeds. DOLA prepared a grant agreement requiring City Council and DOLA approval. Once the agreement is signed by both parties, the City can execute a contract for the construction of the MAC gymnasium. Stevens reviewed the grant process and how the City got the grant.

Staff recommended City Council approve the grant agreement for \$825,000 from the Colorado Department of Local Affairs and authorize the Mayor to negotiate and approve such revisions to the grant agreement as the Mayor determines necessary or desirable for the protection of the City, so long as the essential terms and conditions of the Grant Agreement are not altered.

Mayor Muckle asked for public comments. None.

Councilmember Keany moved to approve Resolution No. 5, Series 2018 approving the DOLA grant agreement, Councilmember Loo seconded the motion.

Vote: Motion carried by unanimous roll call vote.

Councilmember Loo asked about the ad alternates on the list for the contract noting Council got a request to address the noise issue in the steam room; would this solve that problem. Stevens stated the steam room was not a high priority as construction started. These ad alts are in priority order and will be completed if there is cost savings. If they can't be done in this project they will be put in the capital improvement program. These ad alts would solve the steam room noise problem.

Councilmember Keany moved to approve the Contract Amendment #4 For Recreation/Senior Center and Memory Square Pool Construction Project; Councilmember Leh seconded the motion.

Attorney Light offered a friendly amendment to approve Amendment #4 with Saunders Construction LLC for the MAC gymnasium in the amount of \$1,076,550 and authorize the Mayor to sign amendment #4 contingent on DOLA first signing the DOLA/City contract for the MAC gymnasium grant award and replacement of the existing Recreation/Senior Center swimming pool filter using the voter-approved sales tax revenue for the operation and maintenance in the amount of \$250,000. Motioner and seconder accepted the friendly amendment.

Vote: Motion carried by unanimous roll call vote.

DISCUSSION/DIRECTION/ACTION – NEIGHBORHOOD TRAFFIC MANAGEMENT UPDATE AND PAVEMENT MANAGEMENT CONSIDERATIONS

Director Kowar stated this is an update on progress related to Neighborhood Traffic Management. The topic of traffic management was last discussed at the November 28,

2017 Council meeting. City Council directed staff to begin making noticeable progress related to citizen concerns around traffic management within neighborhoods and more specifically, fix issues related to distracted driving, speeding, and pedestrian safety. To date staff has performed:

- Mockup field trials of calming solutions.
- Began outreach and engagement planning and materials' efforts for the "Little Lou" Campaign
- Coordination with the local schools, Police, and Fire
- Design and cost estimation of solutions.
- Incorporation of solutions as bid alternates into current bid packages.

Staff is providing this update to ensure they are not getting ahead of City Council and to discuss cost considerations related to budgets and the information campaign. A variety of budget options and possible fixes are available.

Director Kowar stated when looking at the big picture the bids for street maintenance and repair come in over budget and to incorporate these ideas an additional \$300,000 dollars would be needed.

Councilmember Loo noted the marketing campaign areas and asked if the neighborhood south of Harper Lake should be added. Kowar stated that could be done. Councilmember Loo would like to make sure the areas with kids' bus stops are included at some point.

Councilmember Loo asked if the campaign materials could include a child of color.

Councilmember Stolzmann asked about location #5 and would like to extend the median to the east and leave the cross walk in the current location. Kowar will look at incorporating the idea. Councilmember Stolzmann asked about Alder Street. Kowar noted red paint would be used to neck down with reflectors bordering the paint.

Councilmember Leh asked if these proposals are likely to work. Director Kowar stated staff looked at a number of configurations and found these to be very effective for pedestrians but do not restrict the access for first responders or snow plows. Staff thinks these will be effective.

Public Comments

Rachel Fox, 346 S. McKinley Court, stated she and her children cross Bella Vista and Hoover for school. She thanked Council for these efforts. She asked if the red bands at the intersections address drivers going around someone stopped for a pedestrian in the crosswalk. She would like the crosswalks repainted soon and asked about a timeline for the traffic management plan.

Joe Walsh, 1212 Main Street, stated these are important topics and wondered if there is any way residents can help make this a positive campaign and move this forward quickly and help get something more positive than the existing neighborhood signs.

Lana Eisen stated this is very positive and a great way to bridge the gap from the STFD signs to something positive. This is the beginning of a good solution. She asked if there is a plan for the South Boulder Road crossing for kids going to Louisville Middle School.

Audrey Debarros, 839 West Mulberry Street, thanked staff and Council for working on pedestrian and vehicular safety. She supported the areas on Polk and Vista Lane. She asked if bike lane striping can be included in the paving. She asked how pedestrian safety on Highway 42 can be addressed.

Dylan Frusciano, 708 Garfield Avenue, thanked staff for the progress on this project. He noted people recognize there will be tough budget decisions to be made. He stated he will work to get the word out that the STFD campaign has run its course and the City is working on solutions.

Director Kowar stated the plan is to address how to keep cars from passing other cars in crosswalks by adding medians at Bella Vista and Hoover with the other calming items. He noted crosswalks are restriped every two years and staff will look at that neighborhood. He stated South Boulder Road will be addressed by the connectivity project now out to bid for study. A HAWK crossing will be added to Dillon Road at the crossing of the Coal Creek Trail, a new signal at Dillon and 104th, and a new signal at Hwy. 42 and 104th, Hecla and Hwy 42, Short Street and Hwy 42 and an underpass at Hwy 42. Kowar stated bike lanes are added on any street where space allows.

Director Kowar stated staff is looking at the possibility of an interim signal at Kestrel, if it can work before a permanent one is installed.

Mayor Muckle noted more neighborhood conversations are a part of this project and that will continue. He thanked staff for the amount of work accomplished on this project. He stated he is motivated to see if there is a way to fund these this year.

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 – 2ND READING – PUBLIC HEARING (advertised Daily Camera 1/21/18)

Attorney Light introduced the ordinance by title. Mayor Muckle opened the public hearing.

Planner Ritchie stated the proposed ordinance amends Title 17 regarding ice cream vendors, and mobile food vehicles, mobile retail food establishments and mobile vending carts (collectively referred to as food trucks). Staff proposes the following amendments:

- Consolidate the regulations into one section of the Louisville Municipal Code.
- Allow food trucks at the Louisville Recreation and Senior Center.
- Establish the permit requirements for food trucks.
- Clarify the regulations related to ice cream vendors.
- Clarify the regulations related to private catered events.
- Allow food trucks as part of city-sponsored special events, such as Street Faire and the Farmers' Market.

During the 1st reading on January 16, 2018, City Council discussed two options presented by staff regarding food trucks abutting city-owned properties and food trucks associated with city-permitted block parties. Staff included language in the ordinance to address the direction from City Council.

The draft ordinance does not substantially change the intent of the current regulations, rather staff seeks to provide clarity and ease in the day-to-day administration of the food truck regulations. The operational requirements in the current code remain largely unchanged. Staff recommends approval of the ordinance.

Public comment – None.

Mayor Muckle closed public hearing.

Councilmember Keany moved to approve Ordinance No. 1754, Series 2018 as amended for second reading, Councilmember Loo seconded.

Councilmember Stolzmann stated her support for this and thanked staff for identifying the problems in the original ordinance.

Vote: Motion carried by unanimous roll call vote.

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 – 2ND READING – PUBLIC HEARING (advertised Daily Camera 1/21/18)

Attorney Light introduced the ordinance by title. Mayor Muckle opened the public hearing.

Clerk Muth stated as a part of the 2017 Work Plan the City Council asked staff to update Title 2 of the Municipal Code so it aligns with the City Charter and with current practices. This ordinance makes those changes by repealing and reenacting the chapter in its entirety. It also makes some minor changes in Title 1 to bring them in line with the

Charter. City Council reviewed a first draft of this ordinance on November 28. Staff has incorporated feedback from that meeting into this ordinance.

In addition, on first reading January 16, City Council approved a change to Sec. 2.24.040H allowing members of the City's Youth Advisory Board to be City employees. Staff made that change to the ordinance prior to publication. Staff recommends approval of the ordinance.

Attorney Light noted the section on cemeteries can 1) move to title 14 and be renumbered based on the ordinance approved on first reading earlier and retitle 14; 2) move it somewhere else under Title 1, general provisions; or 3) create a new Title 7 for it.

Public comments – None.

Mayor Muckle suggested moving cemeteries to title 14 and simply titling it Parks and Recreation.

Councilmember Loo wondered if just titling it Parks and Recreation got at the complexity of what would be contained in the section. Councilmember Keany suggested "Public Spaces and Recreation."

Councilmember Stolzmann stated the cleanest thing would be to put public art in its own title and does not support a title just for cemeteries. She supported making this 14.24 and having the title vague.

Public Comments – None. Closed public hearing.

Mayor Muckle moved to approve Ordinance No. 1753, Series 2018 with cemeteries in 14.24 with Parks and Recreation as the title. Councilmember Loo second.

Vote: Motion carried by unanimous roll call vote.

RESOLUTION NO. 6, SERIES 2018 – A RESOLUTION APPROVING THE CITY COUNCIL RULES OF PROCEDURE

City Clerk Muth asked for Council consideration of the proposed Rules of Procedure for Council. Council first considered a draft from the Legal Committee in December of 2017. The draft included:

- Meeting Types and Notices
- Executive Session Procedures
- Chair's Discretion and Right of Appeal
- Order of Business
- Public Comments

- Voting
- Ordinance Procedures
- Public Hearings
- Parliamentary Procedure including Motions and Voting
- Meeting Civility

Changes made by the Legal Committee since the December 5 meeting include:

- Clarification on how consent agenda items are handled if the consent agenda is not approved
- A requirement the Rules be reviewed every two years and the initial review to be done within six months of initial approval (required by the approving resolution)
- Clarifying what actions the Council may take
- Adding language regarding motions to reconsider
- Clarifying how many affirmative votes are required to pass specific types of items
- Adding a Table of Common Motions

Mayor Muckle asked for public comments. None.

Mayor Muckle thanked the Legal Committee. Councilmember Keany agreed and said thank you for incorporating comments from previous meetings.

Councilmember Leh moved to adopt Resolution No. 6, Series 2018. Councilmember Loo seconded. Voice vote: All in favor.

**ORDINANCE NO. 1756, SERIES 2018 – AN ORDINANCE AMENDING TITLE 6 OF
THE LOUISVILLE MUNICIPAL CODE REGARDING BEEKEEPING – 1st READING,
SET PUBLIC HEARING 2/6/18**

City Attorney Light introduced the ordinance by title on first reading. Councilmember Keany moved to approve Ordinance No. 1756, Series 2018 on first reading, send it out for publication and set the public hearing and second reading for February 20, 2018; Mayor Muckle seconded.

Councilmember Loo stated she sent questions about the ordinance to Planning staff, City Manager and included City Council in the email. Councilmember Leh noted those questions will provide good discussion points.

Voice vote: All in favor.

CITY ATTORNEY'S REPORT

Attorney Light thanked the Legal Committee for taking the lead on Title 2 and the Rules of Procedure resulting in the approvals at this meeting.

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

Councilmember Loo stated the Parks and Public Landscape Advisory Board voted this week to repeal their original opinion to try to save the trees and approved the removal of the cottonwood trees near the Recreation Center after a second opinion on the trees confirmed the poor state of the trees. She asked if Council would like an agenda item in the future for a budget item to save them.

Mayor Muckle was comfortable with letting the board's decision stand.

Councilmember Stolzmann stated there would likely need to be a conversation about additional planting which could require additional budget.

Councilmember Keany stated the Youth Advisory Board's annual project this year is to recognize the good people do in the community. Boxes will be placed in various city facilities for people to leave notes recognizing acts of kindness and good. Advertising will begin shortly.

Mayor Muckle stated the coalition supporting a transportation initiative in the fall is still unsure if they want to move forward with a ½ cent sales tax ballot question. The Mayors and Commissioners Coalition is working on language to forward to CDOT supporting a fair share to be spent in our corridor.

ADJOURN

Members adjourned at 9:10 pm.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk