

# ***City Council Meeting Minutes***

**March 5, 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 Chris Leh  
Councilmember Susan Loo  
Councilmember Dennis Maloney  
Councilmember Ashley Stolzmann***

**Absent:**                ***Councilmember Keany***

**Staff Present:**        ***Heather Balsler, City Manager  
Joe Stevens, Director of Parks & Recreation  
Rob Zuccaro, Director of Planning & Building Safety  
Emily Hogan, Assistant to the City Manager  
Katie Baum, Sustainability Specialist  
Becky Campbell, Interim Director of Library Services  
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 Mayor Pro Tem Lipton. All were in favor.

## **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

Fifth graders from Louisville Elementary School's Global Citizens Geography Club stated their support for the removal of plastic bags in Louisville. The students were: Penny Chamberlin, Hannah LeCuyer, Connor Radder, Finnian Baker, Riley Lerner, Nathan Cromie, and Isabelle Schmidt.

Deb Fahey, 1118 West Enclave Circle, added her support for kids' proposal.

### **APPROVAL OF THE CONSENT AGENDA**

MOTION: Mayor Muckle moved to approve the consent agenda, seconded by Councilmember Stolzmann. Voice vote; all in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: February 13, 2018; February 20, 2018***
- C. *Approval of Task Order No. 3 with Dunakilly Management Group Corporation for Owner's Representative for Recreation Senior Center Expansion and Memory Square Swimming Pool Improvements***
- D. *Approval of Proclamation for National Nutrition Month***
- E. *Approval of Appointments of Woody Hipsher and Ingrid Krenz to the Recreation Advisory Board***
- F. *Approval of Appointment of Hank Dalton to the Revitalization Commission***

### **COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA**

None.

### **CITY MANAGER'S REPORT**

City Manager Balser stated Public Works crews installed no pedestrian crossing signs at each corner of Helca Drive and Highway 42 on March 1.

### **REGULAR BUSINESS**

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### **PRESENTATION – SUSTAINABILITY BOARD AND PACE GREEN-BUSINESS RECOGNITION PROGRAM**

Matt Hannon from Boulder County's Partners for a Clean Environment (PACE), and Mark Persichetti from Louisville's Sustainability Advisory Board (SAB) reported on the results of our 2017 Green-Business Recognition Program. Persichetti stated this is the second year of the program and 38 businesses participated. He read the list of those participating and their award levels. Persichetti stated the SAB will recognize these businesses at a March 29 reception.

Hannon stated PACE provides this service to businesses at no cost. It is a County-funded program to help the businesses reduce environmental impact and reduce utility bills and environmental impacts. It includes the Green Biz Tracker program to help businesses track usage as well as reduce their costs.

## **DISCUSSION/DIRECTION – 2-YEAR WORK PLAN FOR SUSTAINABILITY ACTION PLAN**

Assistant to the City Manager Emily Hogan stated that in November 2016, Council approved the Sustainability Action Plan (SAP), which addresses five categories: climate & energy, water, transportation, waste & local food & agriculture. The SAP expresses the desires of the City to make progress towards sustainability (internally in operations of the City and externally in actions of residents and businesses). The intent of the 2-Year Work Plan is to measure the City's progress in pursuing strategies in the SAP & establish recommended actions for continuing work to achieve goals of the SAP.

LSAB reviewed the updated 2-Year Work Plan in January 2018 and recommended a few edits, which were incorporated. The costs for the top recommended actions will be completed within the existing 2018 budget and considered further during the 2019-2020 budget process. The top recommended actions aim to improve energy efficiency, reduce greenhouse gas emissions, increase waste diversion, and educate the public.

Staff recommends Council direct staff to begin implementing the 2-Year Work Plan and its top recommended actions.

Mark Persichetti, 1402 Taft Place and member of the SAB, stated the board supports this program and the recent revisions to the plan. Each section of the plan will be monitored by members of the SAB.

Hogan stated staff received a recent suggested addition to add a priority to work with utility providers to provide a certain percentage of the City's power through alternative sources. Councilmember Maloney asked how that would be worded. Hogan stated it would likely be something like "consider working with utility providers to see what options might be available."

Mayor Pro Tem Lipton stated he supports the recommended actions. He would like the drought landscaping language reworded as a "consider" option.

Councilmember Stolzmann suggested the following amendments:

- Include a requirement that all permitted special events be zero waste. The Mayor supported this change.
- She noted a partnership program Xcel Energy has with some municipalities to find a way to meet each municipality's individual energy goals; they can target energy desires specific to the communities. She asked to include an aspirational

goal to work with Xcel to transition our utilities to more alternative energy. Members supported this addition.

- She noted the City is restarting its scrap metal recycling and the yard clippings drop off site and she would like these added to the list.

Councilmember Maloney stated he would like more consistency where we use “consider” and “require.” He supports consider in most places.

Mayor Muckle moved to approve the two-year work plan as amended. Councilmember Maloney seconded. Voice vote: all in favor.

### **DISCUSSION/DIRECTION/ACTION – COYOTE RUN UPDATE AND PROPOSAL**

Mayor Pro Tem Lipton recused himself from this item as he owns property adjacent to the area under discussion.

Director Joe Stevens reviewed the history of this issue and stated the most recent step has been for staff to solicit proposals to complete some of the work identified in the first report. Staff brought on Terracon Consultants, Inc. to do additional monitoring of the site. With Council’s approval of the contract with Terracon Consultants, Inc., testing will continue at the site and determine more decisively what is happening at the site.

Matt Fielding, Terracon Consultants, stated the slide area has gotten progressively larger over the years. He stated things are moving underneath and if the right fix is not identified it can continue to get worse. The monitoring would tell us at what depth the problems are initiating which is critical. They are seeing movement on the site at the new monitoring locations. The next steps are to determine where it is moving and at what depth and using that data to do slope stability analyses.

Councilmember Loo asked how long they plan to monitor. Fielding stated they plan to monitor until December but it may not take that long to get the information they need to make a recommendation.

Councilmember Loo asked if the previous recommendation for changing the drainage is still on the table. Fielding stated the previous report assumed a failure surface of 10-15 feet deep and without identifying the exact depth of the problem we will not know exactly what will work to solve the problem. Councilmember Loo asked if this monitoring will really give us a good answer. Fielding stated these inclinometers are in set 30 feet into the bedrock and will identify the correct depth.

Councilmember Loo asked if the City is planning to survey the site as noted in the previous report. Fielding stated the slope stability analysis cannot be accurate without the survey and staff has already provided survey information.

Stevens noted the previous report had a number of assumptions that need to be validated by this monitoring.

#### Public Comments

Susan Robertson, 583 Sagebrush, stated she is concerned the previous report stated drainage work should be done at a minimum. She asked if the monitoring results will be public. She would like to know how soon the City can act if movement is imminent. She asked how to keep people out of the area noting the signs are not working to keep people out.

Patricia Duff, 675 West Sagebrush, noted her concern that people cannot sell their homes and that the economic liability is transferred to homeowners. The longer it takes to resolve this issue the more liability there is or the chance someone gets hurt.

Councilmember Stolzmann asked if it would be possible to start dewatering at the same time as doing the monitoring. Fielding stated yes. Councilmember Stolzmann asked if it would detrimentally affect the monitoring. Fielding stated the only issue could be identifying where the groundwater level is originating, but it can be done.

Mayor Muckle asked how quickly they can react if movement is happening. Fielding stated that would depend what the needed fix is and how fast the City could implement it; some fixes are easier to implement than others. He stated the timelines could vary based on getting a contractor on board and getting authorizations.

Councilmember Maloney asked if this data is enough to give a good idea of what will happen. Fielding stated there is a good indication the lower area will continue to move but there is not information on the middle or top ones.

Duff stated the original movement started at the bottom of the hill. She suggested the City may have to over engineer the solution and over spend to prevent future movement, to be safe, and to get ahead of the problem.

Kevin Gebert, 587 West Sagebrush Court, lives in one of the affected houses, stated the City has not acted until he complained. Now three studies have been done but no action has been taken. He stated these houses have no value until this has been fixed. He stated this is not a natural hill. The City approved the hill and is responsible for this.

Councilmember Maloney stated he agrees with the plan to continue monitoring and also begin dewatering at the same time. Fielding stated dewatering is a reasonable step but noted it is not likely to fix the problem on its own.

Councilmember Loo asked what is the best scientific answer we can get for our residents. Fielding stated dewatering may create benefits but it also may change the study; either way the study can continue and he can continue to get more information to give a better answer.

Councilmember Stolzmann stated she would like to see the dewatering happen; it may not work, but it is a good faith effort on the problem. By the time staff can contract for the dewatering Fielding will get a few weeks of good data. She thinks dewatering in conjunction with testing is a good next step.

Members agreed to begin the monitoring and also get bids on dewatering.

Mayor Muckle moved to approve the contract with Terracon; Councilmember Loo second

**Vote:** Motion passed 5-0, Mayor Pro Tem Lipton recused.

Mayor Muckle moved to begin a process to get bids for the dewatering; Councilmember Stolzmann seconded. Voice vote; all in favor.

### **DISCUSSION/DIRECTION/ACTION – OVERDUE FINES FOR CHILDREN’S PRINT MATERIALS**

Interim Director Becky Campbell stated staff and the Library Board of Trustees are recommending the elimination of overdue fines for children’s print materials in support of encouraging and reinforcing reading readiness for all children in our community.

The subprogram goals of Library Services include the directive to practice to reinforce the skills needed for reading readiness with young children so that they are poised to be successful learners when they enter school. For several years, libraries across the country have been discussing eliminating fees on materials and in particular on children’s print materials. Daily fines tend to add up more quickly on children’s books as families check out many books at a time. This can affect lower income families disproportionately. Data shows children who qualify for free or reduced lunch are already at a reading disadvantage.

Staff feels the \$10,000 per year in revenue in overdue fines on these materials seems a modest amount to invest in the reading ability of our children. The Library Board of Trustees (LBoT) also supports the change to these fees.

Public Comments – None.

Councilmember Loo stated she disagrees with this proposal. She noted no other members in the Flatirons Library Consortium (FLC) currently exempt these materials from fines except for Boulder and they have done it for 20 years. 92% of libraries still charge overdue fines; only 5% are not charging for children’s materials. Under the current proposal, taking out the ability to renew, you could go four weeks without fines. At the end of four weeks, you would be sent to a collections agency and charged the full cost of the overdue book. She saw little difference in friendliness between the existing policy and the proposed new one. She added there is no real data equating fine elimination with reading success.

Councilmember Loo proposed a compromise; she moved to have the City eliminate the fines for children's materials when a majority of the members of the FLC formally adopt this. Mayor Pro Tem Lipton seconded.

Councilmember Stolzmann offered a friendly amendment that this should be a Council recommendation to the City Manager, as the City Manager has the authority to do this.

#### Public Comments

Rich Chamberlin, 725 West Birch Court, LBOT, stated libraries generally have very liberal policies on overdue fines. He endorses the policy as originally proposed and noted the impact on the City budget would be minimal and he thinks it will increase circulation of these materials.

Councilmember Maloney stated he supports the compromise motion. He would like to have clarity on which fees are set by the Council and which by the City Manager.

Councilmember Loo stated she would like the Finance Committee to review the fees. City Manager Balsler stated the Finance Committee is looking at fees in the spring.

Mayor Pro Tem Lipton stated he is struggling to see the correlation between fines and the ability of young people to read. There should be some amount of personal responsibility to return books on time. He stated the City Manager should be able to calculate what is an appropriate fine and to be sure fines are cost based; but not to eliminate fines.

Mayor Muckle stated this is a reasonable compromise.

Councilmember Leh stated if the issue is to get people who are underserved to use the library we should think more about how to address that.

Voice vote on amended motion: all in favor.

#### **GAIA ZONING CHANGE, 833 SOUTH BOULDER ROAD**

**ORDINANCE NO. 1757, SERIES 2018 – AN ORDINANCE APPROVING THE  
REZONING OF LOT 1, NEODATA SUBDIVISION, FROM THE OFFICE (O) ZONE  
DISTRICT TO THE BUSINESS OFFICE (BO) ZONE DISTRICT – 1st READING, SET  
PUBLIC HEARING 3/20/18**

**RESOLUTION NO. 14, SERIES 2018 – A RESOLUTION APPROVING A SPECIAL  
REVIEW USE TO ALLOW INDOOR COMMERCIAL AMUSEMENT AND A STUDIO  
FOR PROFESSIONAL USE ON THE PROPERTY AT 833 SOUTH BOULDER ROAD  
CONTINUE TO 3/20/18**

City Attorney Light introduced the ordinance by title on first reading. Mayor Muckle moved to approve Ordinance No. 1757, Series 2018 on first reading, send it out for publication and set the public hearing and second reading for March 20, 2018; Councilmember Stolzmann seconded. Voice vote: all in favor. (Loo absent)

Members continued Resolution No. 14, Series 2018 to March 20.

**ORDINANCE NO. 1758, SERIES 2018 – AN ORDINANCE APPROVING THE VACATION OF A 20-FOOT WIDE UTILITY EASEMENT LOCATED ON LOT 2, CLEMENTINE SUBDIVISION AND LOTS 1B AND 1C CLEMENTINE SUBDIVISION FILING 2 – 1st READING, SET PUBLIC HEARING FOR 3/20/18**

City Attorney Light introduced the ordinance by title on first reading. Mayor Muckle moved to approve Ordinance No. 1758, Series 2018 on first reading, send it out for publication and set the public hearing and second reading for March 20, 2018; Councilmember Stolzmann seconded. Voice vote: All in favor. (Loo absent)

**CITY ATTORNEY'S REPORT**

The City Attorney noted the Council will have open government training next week.

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

None.

**ADJOURN**

Members adjourned at 8:35 pm.

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Robert P. Muckle, Mayor

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Meredyth Muth, City Clerk