

# ***City Council Meeting Minutes***

**June 5, 2018  
City Hall, Council Chambers  
749 Main Street  
7:00 PM**

**Call to Order** –Mayor Pro Tem Lipton 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 (arrived 7:01 pm)  
Mayor Pro Tem Jeff Lipton  
Councilmember Jay Keany  
Councilmember Chris Leh  
Councilmember Susan Loo  
Councilmember Dennis Maloney  
Councilmember Ashley Stolzmann***

**Staff:**                ***Heather Balsler, City Manager  
Megan Davis, Deputy City Manager  
Kevin Watson, Finance Director  
Kathy Martin, Superintendent of Recreation & Senior  
Services  
Aaron DeJong, Director of Economic Development  
Kurt Kowar, Director of Public Works  
Rob Zuccaro, Director of Planning & Building Safety  
Emily Hogan, Assistant to the City Manager  
Becky Campbell, Interim Director of Library Services  
Chris Neves, Director of Information Technology  
Kathleen Hix, Director of Human Resources  
Meredyth Muth, City Clerk***

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

## **PLEDGE OF ALLEGIANCE**

All rose for the pledge of allegiance.

## **APPROVAL OF AGENDA**

Mayor Pro Tem Lipton called for changes to the agenda, hearing none Mayor Pro Tem Lipton moved to approve the agenda, seconded by Maloney. All in favor.

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

John Willson, Louisville Fire Protection District, reported on the quarterly activities of the fire department including construction at station #2 and reminded everyone of safety tips related to heat exhaustion.

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

Mayor Muckle called for changes to the consent agenda. Members removed item 5e and moved item 5G to be item 8A1. Mayor Muckle moved to approve the agenda as amended, seconded by Mayor Pro Tem Lipton. All in favor.

- A. Approval of Bills**
- B. Approval of Minutes: May 15, 2018**
- C. Approve Cancellation of June 26 Study Session**
- D. Approval of Agreement with CPS HR Consulting for Library & Museum Services Director Recruitment**
- E. Award Bid for 2018 Sanitary Sewer Main Replacement *removed from agenda***
- F. Award Bids for Recreation and Senior Center Expansion Furniture and Fixtures**
- G. Approval of Contract Amendment to the Professional Services Agreement with Perkins + Will (formerly Sink Combs Dethlefs) *moved to regular agenda***
- H. Approval of Resolution No. 28, Series 2018 – A Resolution Approving a Business Assistance Agreement with Atmospheric & Space Technology Research Associates, LLC for an Economic Development Project in the City of Louisville**
- I. Approval of Resolution No. 29, Series 2018 – A Resolution Approving a Business Assistance Agreement with the Allen Company, Inc. for an Economic Development Project in the City of Louisville**
- J. Award Contract Increase with Glacier Construction Company, Inc. for the Construction of the Howard Berry Water Plant Upgrade Project**

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

Mayor Muckle thanked everyone for Touch-a-Truck and the Taste of Louisville. He thanked staff for the recent beam signing ceremony at the Recreation Center.

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

City Manager Balser stated the Memory Square Ribbon Cutting will be Friday, June 8 at 11 am. She stated the Planning Department is hosting an open house on Wednesday (June 6) evening for the wireless code amendment that is in process and the City Manager's Office is hosting an open house on Thursday (June 7) evening for the Broadband Needs Assessment and again on Friday, June 15 from 9-11 am.

## **REGULAR BUSINESS**

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### **ORDINANCE NO. 1759, SERIES 2018 – AN ORDINANCE REPEALING AND REENACTING WITH AMENDMENTS CHAPTER 5.06 OF THE LOUISVILLE MUNICIPAL CODE REGARDING SOLICITORS AND VENDORS – 2nd READING – PUBLIC HEARING (advertised Daily Camera 5/20/18)**

Attorney Light introduced the item by title. Mayor Muckle opened the public hearing for second reading.

City Attorney Light stated Chapter 5.06 of the Louisville Municipal Code (LMC) currently includes a total ban on door to door solicitation. The proposed ordinance will repeal and reenact Chapter 5.06 to remove the total ban. At the May 15 meeting the Council approved a temporary suspension of enforcement of the total ban. As noted this is due to changes in the case law. Staff will bring back some research on other options for Council consideration including possibly instituting a registration or license requirement, a no knock list, identification badges and other options for a curfew as far as what may be permissible in the law.

This ordinance does leave in place the prohibition against solicitation when a “No Solicitation” or “No Trespassing” sign is posted as well the prohibition against solicitors knowingly making false or deceptive statements to obtain an invitation to visit private premises.

Councilmember Loo asked for clarification about how political canvassing is handled under this change. Attorney Light stated campaigning is protected free speech however a person must leave the premises if asked to leave. Councilmember Leh asked if that is true if the home has a “No Solicitation” or “No Trespassing” sign posted. Attorney Light stated political speech is exempt and you are allowed to knock on the door even if there is a no trespassing sign.

Chief Hayes stated the Department has had very few complaints on this issue and typically they are after the fact after the person is gone.

Councilmember Maloney asked if no trespassing signs posted for a large area such as an entire neighborhood are enforceable. Attorney Light stated case law is trending towards not favoring such signs. He stated that within a covenant controlled community the sidewalks are still public.

Mayor Pro Tem Lipton asked if this applies to office buildings. Attorney Light stated the ordinance allows for a no soliciting or no trespassing sign on any residential or office building. Mayor Pro Tem Lipton asked if simply leaving a flyer is allowed or considered soliciting. City Attorney Light stated the ordinance does not address bill posting.

#### Public Comments

Deb Fahey, 1118 West Enclave Circle, asked if a no trespassing sign posted at the edge of the sidewalk would prohibit someone from entering her yard or her driveway. City Attorney Light stated it should but it depends on if someone adheres to that.

Mayor Muckle closed the public hearing.

Mayor Pro Tem Lipton moved to approve Ordinance No. 1759, Series 2018, Mayor Muckle seconded the motion.

**Vote:** Motion carried by unanimous roll call vote.

Attorney Light stated staff will bring back options for further amendments to the ordinance and continue to monitor the Federal District Court case regarding Castle Rock.

#### ***Approval of Contract Amendment to the Professional Services Agreement with Perkins + Will (formerly Sink Combs Dethlefs)***

Superintendent Kathy Martin stated that in May staff received a request from Perkins + Will listing out eleven ways in which the scope of work has changed since the contract was signed for preliminary and final design services for the recreation center expansion. Martin added Perkins + Will have been very helpful for staff in applying for and receiving the DOLA and HPC grants. She noted the project began at the conceptual design stage and moved through design and construction and Perkins + Will has provided support and additional services for a variety of projects. She stated there is funding to cover this amendment in the budget within soft costs.

Mayor Pro Tem Lipton stated he realizes there are change orders in projects like this and it is in the normal process but he stated he was disappointed there was not better itemization of the costs listed in the change order. He would like a detailed list of the costs for transparency and he would have liked a heads up from staff earlier in the process.

Councilmember Maloney agreed with Mayor Pro Tem Lipton. He is happy with the project and progress, however he is concerned about process and he would expect more detailed change orders to be presented at the time of implementation for known

costs at the time they happened. He stated he supports the project but is concerned about the process.

Councilmember Loo stated if contractors underbid projects the city should not be held accountable. She would also like a line item detail of what each of these items cost. She would like to postpone or continue the item until we have that detail.

Public Comments – None

Councilmember Stolzmann stated she is concerned about the process and asked Perkins + Will if at any point in time did any staff member state or imply that additional funds would be paid for these services. Chris Kastelic of Perkins + Will stated no one stated or implied that. Councilmember Stolzmann stated some of these items seem routine and others probably should have been added to the scope of work when they were happening. She doesn't want contractors underbidding projects to get the contract and then adding on costs at the end.

Kastelic stated they would provide a detailed list. He stated they probably have approached this the wrong way. They were adapting and changing on the fly and didn't keep a running tally, but should have done that. He agreed they should have been asking for the changes along the way.

Mayor Pro Tem Lipton asked if Council does approve this do they anticipate additional costs. Kastelic stated this request should cover costs through the completion of the job.

Mayor Pro Tem Lipton asked if they are anticipating additional change orders similar to this with other contractors on the project. Martin stated Stevens can approve routine change orders with Saunders for construction. In addition, there are still significant contingency funds available on both the owner and the contractor side so we feel we are in a good position financially.

Mayor Pro Tem Lipton asked if this could be continued to June 19 and have the vendor bring back more detailed information for review. If that information seems reasonable it will likely get approved.

Mayor Muckle stated the project has been well-managed and going well and these costs do seem reasonable. He agreed itemization would be helpful.

Councilmember Leh stated without an itemized list he can't approve this.

Mayor Muckle moved to continue this item to the June 19<sup>th</sup> meeting. Mayor Pro Tem Lipton seconded the motion.

Councilmember Stolzmann stated she does not support this change and will vote against the item when it comes back as she feels the work needs to be completed

within the contracted amount and should have been addressed at the time the work was added.

**Vote** motion to continue to 6/19 passed by 5-2; Councilmembers Stolzmann and Leh voting no.

**RESOLUTION NO. 30, SERIES 2018 – A RESOLUTION AMENDING THE 2018 BUDGET BY AMENDING APPROPRIATIONS IN THE GENERAL FUND, OPEN SPACE & PARKS FUND, CONSERVATION TRUST – LOTTERY FUND, PEG FEE FUND, HISTORIC PRESERVATION FUND, CAPITAL PROJECTS FUND, RECREATION CENTER CONSTRUCTION FUND, WATER UTILITY FUND, WASTEWATER UTILITY FUND, STORM WATER UTILITY FUND, AND GOLF COURSE FUND, FOR CARRY FORWARD OF APPROPRIATIONS, ADDITIONAL APPROPRIATIONS WITHIN SUCH FUNDS, AND CORRECTED APPROPRIATIONS WITHIN SUCH FUNDS AND ADJUSTING BUDGETED REVENUE IN THE GENERAL FUND, OPEN SPACE & PARKS FUND, PEG FEE FUND, HISTORIC PRESERVATION FUND, CAPITAL PROJECTS FUND, IMPACT FEE FUND, RECREATION CENTER CONSTRUCTION FUND, WATER UTILITY FUND, AND WASTEWATER UTILITY FUND – PUBLIC HEARING (advertised Daily Camera 06/01/2018)**

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

Director Watson stated staff requests these amendments to 1) carry-forward unused appropriations from 2017 to 2018 for projects that Council approved for 2017 but, for various reasons, staff needed to extend work on the projects or purchases into 2018. 2) Adopt other adjustments to the 2018 expenditure budget. These adjustments are for items that staff did not anticipate, or were not measureable, at the time Council adopted the original 2018 budget. 3) Adjust the revenue budget for delayed grants on delayed projects, for new revenue estimates, and for new revenue sources that staff did not anticipate, or were not measureable, at the time Council adopted the original 2018 budget.

Director Watson stated the Council Communication includes a narrative for each line item to explain each.

He stated that all funds, except the Conservation Trust-Lottery fund are projected to retain adequate levels of reserves through 2018. The temporary shortfall in the Conservation Trust-Lottery Fund will be addressed during the upcoming budget process. He added the Finance Committee reviewed the proposed amendment at their May 22 meeting.

Councilmember Maloney, chair of the Finance Committee, stated the Committee agreed with these changes. He added the Committee did ask for detail on when items were

originally approved so everyone knows how long projects are being carried forward. He stated he supports the amendments.

Mayor Pro Tem Lipton asked which of the items on the expenditure list have not been discussed already with Council. Director Watson stated he will get back to Council with details.

Public Comments – None

Councilmember Stolzmann stated she reviewed the list of items Mayor Pro Tem Lipton asked about and the changes are very minor. City Manager Balser stated all of the larger items have been discussed with Council previously.

Mayor Pro Tem Lipton moved to approved Resolution No. 30, Series 2018; seconded by Mayor Muckle.

**Vote:** Motion carried by unanimous roll call.

#### **DISCUSSION/DIRECTION – STRATEGIES FOR COMMUNITY ENGAGEMENT**

Assistant to the City Manager Hogan stated that as part of 2018 Work Plan, Council requested that staff review its current communications practices & develop updated strategies for public engagement (social media, technology, etc.). She reviewed the goals of the program and the variety of communications tools staff currently uses. Hogan highlighted the results of a 2014 Task Force on Public Outreach and other community feedback.

Hogan noted the decentralized approach currently used for communications and how other cities handle communications. She reviewed possible new positions for the program and their costs. She noted options such as a mobile application to reach citizens, possibly creating a web site for local businesses, and financial reporting tools for transparency.

Hogan stated staff is seeking direction on existing communications/engagement and potential improvements. She added the recommendations will be further discussed during the 2019/2020 budget process.

Public Comments - None

Mayor Muckle stated he has been very happy with the mapping options the Planning staff has created on our web site. This information is great for people coming to us for information. He likes the idea of having something similar for financial reporting. He also likes the idea of a mobile application; many people would utilize that.

Councilmember Loo stated she finds it difficult to find information on the web site, particularly old information. The searching does not seem to be intuitive. She added a lot of people watch on Channel 8 and the picture and audio should be upgraded. She doesn't find Engage Louisville to be that useful and the results aren't particularly scientific. She stated the City should perhaps partner with the Chamber to make them the source for promoting local events and businesses. All of it is very expensive and we are a town of 20,000. We could do a better job for less money.

Mayor Pro Tem Lipton agreed we have a lot of information but it can be hard to find. If people want something specific they can call staff for help, but to develop the tools to search for anything and everything is not practical. The search engine is weak and could be improved. He disagreed that social media is the tool to use to push out information. We need more just in time notifications and emergency information; not to bother people with everything but to push out what people need to know. Resources are going to be the issue and it will require budget investment for this. Citizens expect us to do better with communication and social media and we need to meet those expectations. This is not an issue for most residents, either because it is too hard or because they are happy with what they can find. The newsletter is used by many people; we should consider doing an additional one and make it nicer.

Councilmember Maloney agreed the newsletter has a huge following. We need a city-wide strategy, now it is a bit fractured. We already have a lot of good information but need to keep it up to date. We have a lot of good resources but need to coordinate it.

Councilmember Leh stated it would be great to be able to provide information to the people who need it and different portions of the public need different information. We should ask more specific questions about communications in the citizen survey. Social media may not be the right way to go. We ought to be thinking about the variety of populations who may not have access to information easily. We need a strategy to get the right information to the right people at the right time.

Councilmember Keany stated the City might want to use NextDoor to get out information. We should use our existing tools better. We asked for comparisons to cities with similar revenue not just size. He stated he doesn't get a lot of complaints from people on this issue.

Councilmember Stolzmann stated the newsletter popularity should be built on and it should be made more visually appealing. We should consider doing an e-newsletter. She doesn't feel Envision Louisville is very effective or useful. She likes how we are promoting special events from various groups and cross promoting when possible. Perhaps we should reorganize communications staff to be more effective rather than add more staff. She noted perhaps we can use the radio station with better content. Staff needs to be sure the web site contact information is active and people are checking the emails. She stated ward meetings are very useful for in-person contacts and perhaps Council should have more of them, perhaps two or three times per year.



Mayor Muckle stated we should improve existing tools. He likes the idea of a user-friendly mobile application with ways for people to submit information to the City.

Mayor Pro Tem Lipton agreed a mobile application is needed. We need to make it easier for people to reach us as well. We need a vision and to be strategic. He asked what municipalities are considered leaders in the area and what are they doing? Perhaps we need to budget some funds in the short term to jump start the effort.

Councilmember Maloney stated most people use the phone for most things so we need to be able to push and pull information on a mobile platform. It is an investment in future technology.

Councilmember Loo stated we need to be sure to not leave behind the part of the community who isn't technically astute. She noted the Erie website has a lot of impact. Councilmember Stolzmann would like to know from Erie how many people use their Open Budget item on their web site.

Councilmember Stolzmann stated the options are dependent on budget. A web site redesign is difficult and we should spend time on finding out what we want on it. She stated perhaps we need to reorganize exiting staff.

City Manager Balsler stated staff will take this information back and determine next steps. She added there are resource questions that can't be met with reorganization and we need to be realistic about resources and expectations. Some of this will be informed by the strategic plan. Staff will bring information back and ask for direction.

#### **DISCUSSION/DIRECTION – ECONOMIC PROSPERITY PROGRAM**

Director DeJong reviewed the goals of the economic prosperity program including to promote a thriving business climate, being a point of contact for businesses, employer recruitment, and business retention. He added staff serves as a facilitator between the City and businesses and other agencies and local businesses and acts as the main point of contact with businesses at City Hall to help them through our processes. He reviewed how he works with primary employers for recruitment and retention as well as how he works on retail recruitment and retention. He detailed work with brokers and owners, how the business assistance program functions, and his work with the Urban Renewal Authority and the Business Retention and Development board.

He asked Council for direction on the current services provided by the department, any desired changes, and long-term strategies.

Public Comments – None

Mayor Muckle stated the time at the International Convention of Shopping Centers conference is a good opportunity for the City to meet with commercial brokers.

Councilmember Loo asked if a better economic development web site would help. Director DeJong stated the web site is usually not how contacts are made, it is more interpersonal, but making the site more self-service would be helpful.

Councilmember Loo asked if there are things we should be doing that we are not. Director DeJong stated communication with the business community (primary employers and retailers) could be improved.

Councilmember Maloney asked what the general sense is of the attraction ability of Louisville. Director DeJong stated our population densities are not at a level to facilitate growth for most national retailers. Councilmember Maloney stated he would like more information on the return on investment of the BAP program and how we can communicate that information to the public better.

Mayor Muckle noted at ICSC they heard from many who are looking for locations here but cannot find a location. Director DeJong stated the real estate demands are difficult now with our building inventory and the right locations that stores want.

Mayor Pro Tem Lipton stated we have positioned ourselves in a challenging situation as a community. We don't want increases in population, we have transportation and housing challenges, and we don't want to change the character. We need to be realistic of what to expect in the office and retail areas. The retail market is changing and we cannot fix that. We have some great successes but McCaslin is a real challenge. The market is changing but as a community we don't want to change; that has created structural barriers in zoning, infrastructure, and a lack of housing. We need to be realistic about what we can get and it won't be the large retailers we used to get. He asked for more detail on our strategy for McCaslin Boulevard and what our options are. We seem to be stymied there and we need to work through this and get traction. Retail is diminishing and we need to think more about entertainment areas that people now want.

Councilmember Stolzmann asked about the BRaD survey and stated she would like surveying of all the businesses, a much larger group to be more statistically valid with a better margin of error. She added she would like some questions from other departments for the survey to get feedback. She would like more positive marketing such as our low tax rate and water rates for the next business forum.

Councilmember Keany stated it appears that CTC is doing really well, but Centennial Valley is not so successful so he wonders why the differences. Director DeJong stated CTC really has a great product type for this area that people want for the types of businesses that want to locate here (high tech, aerospace, manufacturing). Centennial Valley is more of an office product with amenities and we compete with other similar

areas with office products so there is more competition for those spaces in Boulder County and nearby. Councilmember Keany asked if there is a hybrid office/industrial product that would work in Centennial Valley. Director DeJong stated there are some office flex type buildings that are meeting the need of small assembly type spaces.

Councilmember Keany noted there are lots of small holes that are vacant in our retail spaces. He wonders why, is it not viable, are there landlord issues, is it location, do the sites need up grading, etc. How do we market those or help market those? Director DeJong stated we don't have a lot of vacancies, but there are some long standing property owners who are happy to leave spaces empty rather than lower rates. There is usually more than one issue with those empty spaces (location, parking, rents, access etc.) They are transitioning albeit slowly and are being occupied.

Mayor Pro Tem Lipton agreed we need to communicate positive things more such as fees in particular. We don't tell that story well.

Mayor Muckle added it is sometimes ok to have some vacancies available for future uses that we don't anticipate now.

City Manager Balser stated staff will take the feedback and follow up with Council.

### **CITY ATTORNEY'S REPORT**

Attorney Light stated the amicus brief was filed in the Martinez case. He added his office will not be attending the June 19 meeting.

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

None.

### **ADJOURN**

Members adjourned at 9:45 pm.

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Robert P. Muckle, Mayor

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Meredyth Muth, City Clerk