

# ***City Council Meeting Minutes***

**June 19, 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 Ashley Stolzmann***

***Absent:***                    ***Councilmember Jay Keany  
Councilmember Dennis Maloney***

***Staff Present:***        ***Heather Balsler, City Manager  
Megan Davis, Deputy City Manager  
Joe Stevens, Parks & Recreation Director  
Kathy Martin, Recreation Superintendent  
Katie Beasley, Senior Services Supervisor  
Kurt Kowar, Public Works Director  
Joliette Woodson, Civil Engineer III  
Meredyth Muth, City Clerk***

## **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 Leh. All were in favor.

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

Deb Fahey, 1118 West Enclave Circle, stated Gov. Hickenlooper recently made a statement about how governments at all levels can get involved in climate change mitigation. She encouraged the City to maintain its sustainability efforts.

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

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

- A. Approval of Bills**
- B. Approval of Minutes: June 5, 2018**
- C. Approve Special Meeting for July 12 at 1 pm**
- D. Award Bid for 2018 Sanitary Sewer Main Replacement**

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

Mayor Muckle noted many residents sustained property damage from yesterday's hail.

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

City Manager Balsler stated the Building Department has created an expedited process for roof repair permits to address the damage from yesterday's hail storm. It includes the ability for contractors to start work by posting a pending permit letter. She reminded property owners to be sure their contractors are licensed with the Building Department. She added the City suffered hail damage as well including to the golf course, to multiple vehicles, and at various buildings. Staff is working through the insurance process.

### **REGULAR BUSINESS**

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### **DISCUSSION/DIRECTION/ACTION – CONTRACT AMENDMENT WITH PERKINS + WILL FOR RECREATION/SENIOR CENTER AND MEMORY SQUARE POOL EXPANSION**

Director Stevens stated this item is consideration of a request from Perkins + Will for an additional \$145,000 for work on the Recreation Center and Memory Square Pool expansion project. This item was carried forward from the previous council meeting. Staff provided additional information in the packet. He noted Perkins + Will was the the lowest proposal when bids were taken on this project, and even with these additional funds it would have been the second lowest bid at the time. He added that many assumptions were made in the construction contracts and we didn't know the amount of work and redesign that would be needed.

Councilmember Leh stated the additional detail helped him understand the issues. He stated Task #3 included multiple contract amendments and totaled \$52,000 which appears to be 340 hours of work. He asked why so many hours were needed and why that wouldn't have been anticipated.

Chris Kastelic, Perkins + Will, stated four additional bid packages were released in an effort to gain time in the schedule and to make the phasing work. When we do this we have to create an entire bid package of new drawings and answer questions from contractors. We don't always know how much time this will take when we first release the packages. We put in a considerable amount of work on those bid packages to value engineer them to meet the guaranteed maximum price (GMP). He added that multiple submittals to the Building Department and answering multiple series of questions from the Building Department added additional work that was unanticipated.

Councilmember Leh stated task #4 was 190 hours of work and he asked why that is being added now and was not included in the original price. Kastelic stated that included multiple rounds of submissions to various agencies and multiple bid packages each which were not anticipated in the original bid. Tasks 3 and 4 were the product of a complicated renovation/addition across multiple projects in multiple phases that were not anticipated, however it did help us stay on schedule and get a more complete GMP.

Mayor Pro Tem Lipton stated his greatest concern is the internal controls on the project. He stated the changes of scope or change orders should include soft costs from Perkins + Will. When we ask for additional work to be done on the part of consultants we should get change orders at the time and not get them at the end of the project. He asked if there anything still hanging out there on this project that we might get charged for.

Director Stevens stated he doesn't foresee additional expenses. We may have surprises when start renovating the existing building but we think we have enough in contingency to cover that. He noted there was damage to the roof of the Senior Center in the hail yesterday so that may require some changes we were not anticipating.

Mayor Pro Tem Lipton asked Director Kowar what internal controls we have on contracts. When we ask for additional work what will trigger a change order; do we let the project continue and catch up later or do we address it as it happens. Kowar stated staff generally tries to work within the context of the project; there are controls and we expect people to tell us if we are adding to the scope of work and how much that is going to cost. In general, we want all costs up front and in most projects that happens.

Councilmember Loo stated the report says the City's process added time and difficulty to the project. She asked if our process is more complex than other cities. Kastelic stated he can't speak to how the building department operates. This was a complex process for submitting the documents for review. He stated it was less the department than the complexity of the process and how it required multiple submissions.

Public Comments – None.

Councilmember Stolzmann stated employees have reported they don't appreciate it when people don't meet the rules or aren't held accountable. It is the responsibility of the Council to be judicious and not always make exceptions to the rules. She noted the bid process for this contract was done completely and that with these additional costs, the total cost takes the price higher than the next lowest bidder; so if we approve this it is not fair to the next bidder. She stated the contract specifically lays out how change orders would be handled and those were to be documented in writing before payment was promised. That did not happen. She stated she doesn't support this request.

Mayor Pro Tem Lipton commented that he is concerned about the process. The design team has done a great job but this is an anomaly that he is concerned about. We should have stronger controls in place and he would like to see that improved for future projects. He stated he is amenable to additional compensation but perhaps less than requested. The cumulative effect of all of the changes is large and they should have been handled at the time they occurred.

Councilmember Leh agreed with Mayor Pro Tem Lipton. He stated he was also concerned about the magnitude of the changes. He stated there is fault on both sides. He suggested paying 2/3 of the requested costs but not all of it.

Councilmember Loo stated she too read the contract, but she thinks this is an anomaly; there is fault on both sides. She stated when you look at total scope of project and the total work that has been done, she could make an exception this time. She would be in favor of paying the entire amount with a promise no one will come back later for more. She stated she did feel blindsided by the request.

Mayor Pro Tem Lipton asked Kastelic if this is approved does he anticipate coming back to ask for additional funds. Kastelic stated he doesn't foresee it happening again.

Mayor Muckle agreed with Councilmember Loo regarding full payment. He stated the work has been really good and their ability to keep the project going has been important. He agreed we need to have good controls to avoid this again.

Councilmember Stolzmann pointed to the contract saying section 4.3.2 of the contract speaks to avoiding delays in construction and proceeding with work to keep the project on track; this is addressed in the contract and was not followed so she is not sympathetic to that argument. She stated she feels Councilmembers are being arbitrary by not following the contract. She stated someone should report on how much money is being spent outside of the a guaranteed maximum price because Council is trying to be nice. She would like to show people the lowest bid the City accepted is now not the lowest and we are spending more. She stated many of the items for payment that people are calling extraordinary are really routine items and should not cost us more. She stated she is very frustrated with this.

Mayor Pro Tem Lipton stated he disagreed with Councilmember Stolzmann stating it is a reasonable consideration that whoever was the second lowest bidder would likely also have had to make the same changes and also asked for more money. He stated you cannot conclude the second lowest would have been less expensive at this point.

Mayor Pro Tem Lipton moved to pay 75% (\$109,000) of the amount with the stipulation the design team not ask for more. Mayor Muckle seconded the motion.

Councilmember Leh stated he agrees more than disagrees with Councilmember Stolzmann but he stated the responsibility should lie with staff to be extra careful. He stated he reluctantly supports this as a practical matter.

**Roll call vote:** Motion passed 4-1; Councilmember Stolzmann voting no.

### **DISCUSSION/DIRECTION – IDENTIFICATION OF SERVICES FOR SENIORS**

Director Stevens stated the department partners closely with over 30 agencies to provide services for the seniors in the community. He noted that includes services in both recreation and golf. He added the City provides employment opportunities for seniors and currently has a total of 65 employees over 60. He noted affordable housing in the region and in Louisville is a challenge for seniors.

Katie Beasley, Senior Services Supervisor, gave a program overview highlighting day trips, special events, health and wellness programs and classes, a drop in meal program, and resource information. She noted the resource coordinator saw over 243 seniors with questions about resources last year; the lunch program served 173 people over 9100 meals in 2017; and the silver sneakers program accounts for over 49,000 check-ins at the Recreation Center each year. The department partners with the Library for many programs including hosting a book club. They also partner with the police department/code enforcement to get help for seniors with various code issues.

Beasley stated the Boulder County Age Well document is currently being updated and will be completed by the end of the year to allow the Boulder County Area Agency on Aging (BCAAA) to get State and Federal funding. It is updated every four years and includes input from a survey given to seniors throughout the County.

Councilmember Leh asked how Senior Services will be included in the Transportation Master Plan. Beasley stated typically transportation and housing are addressed in the Age Well document. Councilmember Leh stated the survey will be important will help inform us about what the seniors really want and need for services from the City.

Councilmember Leh stated he has heard some concern there is no longer a senior board. He asked if the City needs a board for seniors or do we adequately address

senior representation as is. Beasley stated Senior Services has an open door policy and any senior can come in at any time and get a response from staff. The new Recreation Advisory Board has two members who are seniors to help representation. She stated there are ways for senior to have a voice right now.

Councilmember Leh stated he is struck by how many seniors in Ward 1 in their 70s and 80s are still in their homes. He wonders how we are getting information and involvement from that population; he asked how we can better involve those people. Beasley stated the resource coordinator does work with homebound seniors and/or their caregivers and she is able to ask the County for additional resources if it is warranted. She noted staff does make home visits to see what is needed; she feels we are doing well with outreach and finding those residents who need assistance.

Mayor Pro Tem Lipton stated as a user of the Rec Center you can see how busy it is during the day at the Senior Center and how much the seniors use the Rec Center. There is a good intermingling of generations and it is fun to watch. He asked if staff has a vision yet for the additional space the Senior Center will have with the expansion.

Beasley stated staff has gotten input from residents and seniors on this and everyone is excited for new programs; staff is looking at more activities in the evening for younger seniors who might be working. There will be additional senior fitness programs and there will be new a games room to allow for more drop-in use. Staff is also looking into expanding Senior Center hours with an additional staff member.

Mayor Pro Tem Lipton asked what collaboration exists between Louisville, Superior, Lafayette, and Boulder County; do they have senior centers. Beasley stated Superior does not have its own facility; Lafayette does have a standalone senior center. She noted Louisville may attract a younger senior with the recreation programs we offer. She stated staff from the municipalities meet bimonthly and collaborate on regional issues.

Councilmember Loo asked how the Age Well plan will work with the Transportation Master Plan. Additionally for housing, this is a good opportunity to it. If we don't address these issues in the Age Well plan, we need to address them elsewhere.

Beasley stated housing and transportation can be addressed in Age Well. Deputy City Manager Davis added the Transportation Master Plan will include outreach and engagement specifically to the senior community to get input specific to their experiences. She added the county wide housing strategy is moving forward again and it will include information on senior affordable housing.

#### Public Comments

Sandy Stewart, 649 Augusta Drive and co-chair of the Agency on Area Aging, stated Louisville is the only community without a senior board and the City should have a process to decide if we need one.

Deb Fahey, 1118 West Enclave Circle, stated everyone benefits with better transportation design for pedestrians. She stated we need better snow removal for people with mobility issues. She added Boulder County has over 63,000 seniors and 2/3 of which are not low income; they may not need the free lunch program but perhaps a lecture series. She noted the senior population is increasing. While the Recreation Center provides recreational opportunities we need more for seniors who don't come during the day and want evening activities. She stated the new space at the senior center only brings it back to its original size. She would like a task force to see if Louisville needs a senior board.

Mayor Muckle stated this is a gap analysis and he stated he learned we are already doing most things and offering most services. He is interested in seeing the survey results and wants to fold meeting the needs of seniors into the rest of the work we do including transportation, trails, parks, streets, etc. We need to stay engaged in countywide affordable housing discussion.

Mayor Pro Tem Lipton stated he wants to be open-minded but is struggling a bit to understand what we should be doing that we are not doing. He stated adding a new board increases work load and at this point that is challenging. He would like to see the expansion finish up and see how we will be using the space. He stated we need to look at this from a service perspective rather than a facility perspective and it is premature to discuss a board until we understand what the gaps are. We may need more services rather than governance and boards, but he is willing to discuss this after 2018.

Councilmember Leh stated he is concerned we are the only municipality without a board. The survey will inform this discussion but he wonders if there is any cost to us if we don't do something in the meantime.

Mayor Muckle stated a board may be a good thing, but the survey and the assessments in the Age Well plan need to be evaluated. We should let that process run its course.

Councilmember Leh stated he wants us to be intentional and have seniors on all of our boards. He asked Stewart his perspective on what is the best way to do that. Stewart stated a board should be there to lighten the load not increase work load. Stewart recommended a task force to determine what to do and how to do it.

Mayor Pro Tem Lipton stated we do need age diversity on our boards and commissions. He noted all boards do have one or more senior member. Councilmember Loo agreed and added we have a lot of representation on City Council.

Councilmember Leh stated maybe we don't need to wait for the survey to determine how to move forward. We need a task force sooner or later to figure out what we ought to do moving forward. There is something lost if people feel they aren't represented.

Mayor Muckle stated it is clear we want input from seniors and this could be added to the work plan.

Councilmember Loo stated she is not getting a lot of complaints about senior issues or problems. She hasn't gotten the impression seniors don't feel represented. She is not sure seniors as a group need more attention compared to other age groups. She said we need to understand what problem we are trying to solve.

Mayor Muckle clearly we offer a great deal of programs already and will continue this conversation at a later date.

### **DISCUSSION/DIRECTION/ACTION – STATE HIGHWAY 42 UNDERPASS DESIGN**

Joliette Woodson, Civil Engineer, stated the Highway 42 underpass connects North End and Steele Ranch and fills a gap in the larger trail network. She reviewed the history of the project including multiple utility conflicts and some anticipated drainage costs required to remove stormwater from the Goodhue Ditch.

Mayor Muckle asked if these utility issues can be addressed in a reasonable time frame. Woodson stated the utility fixes shouldn't affect the schedule.

Woodson noted the project does require the acquisition of some property and replatting of one property. Staff has taken input from the Open Space Board and the Parks Board and also held a public meeting at Kestrel for resident input. At this time staff is requesting direction on the design and the landscaping.

Scott Belonger, Loris and Associates, reviewed the trail layout noting it is a key component of the lake to lake trail. It includes sidewalk connections to Kestrel and to Summit View Drive and is an ADA compliant design. He reviewed the design and landscape options.

Woodson stated public input was fairly split on the design options and consistent on the landscaping for the hybrid option that has additional landscaping. She noted the public also requested a trail on the east side of Highway 42 which is estimated at between \$50,000 -100,000. She stated building this sidewalk may be difficult given the grade at that location and it likely would then be taken out and redone during the Highway 42 improvements that are anticipated.

Councilmember Stolzmann asked if there is a way to build a temporary trail before the Highway 42 improvements. Kowar stated staff will need to do more research on that.

Councilmember Stolzmann moved to support design option 2 and the landscape hybrid option. She asked staff to also get more information about including a trail on the east side of the street. Mayor Muckle seconded. Councilmember Loo offered a friendly



amendment to include the City's logo on the underpass design. Councilmember Stolzmann and Mayor Muckle accepted the amendment.

Mayor Muckle stated the trail on the east side would be a good addition if possible. Mayor Pro Tem Lipton stated he would prefer adding the trail connectivity more than adding landscaping that needs to be maintained.

Voice vote: All in favor.

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

None.

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

Mayor Pro Tem Lipton reported that at the Open Space Board meeting staff made a presentation about removing encroachments in the open space. He would like an update from city manager about the timing so Council knows what the process is as they are likely to get calls from residents.

City Manager Balsler stated the plan is to start sending letters to property owners starting the 2<sup>nd</sup> week in July. Property owners will get a certified letter and people will get a reasonable amount of time to fix the issues. When there is a more detailed schedule, staff will let Council know.

Councilmember Stolzmann stated DRCOG has moved their offices to 1001 17<sup>th</sup> Street.

Councilmember Leh stated he and the Mayor are continuing work on the citizen survey.

Councilmember Loo stated the Parks board is currently working on median maintenance and improvements and will be taking input on the issue on July 19.

### **ADJOURN**

Members adjourned at 9:28 pm.

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Robert P. Muckle, Mayor

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Meredyth Muth, City Clerk