

# ***City Council Meeting Minutes***

**August 7, 2018  
City Hall, Council Chambers  
749 Main Street**

## **5:00 PM – FOCUS GROUP**

**Call to Order** – Mayor Pro Tem Lipton called the meeting to order at 5:04 p.m.

**Roll Call** was taken and the following members were present:

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

**Absent:**                **Mayor Robert Muckle**

**Staff Present:**        **Kathleen Hix, Human Resources Director**  
                              **Tracy Winfree, Interim Parks & Recreation Director**  
                              **Meredyth Muth, City Clerk**

**Others Present:**    **Catherine Tuck Parrish, Novak Consulting**

Members of the City Council met in a focus group session to discuss skills, qualifications, and abilities the Council would like to be considered as the City recruits a new Director of Parks and Recreation.

Parrish stated the focus group time would be used to answer these questions: What is the department doing well; what does the department need to improve on; what traits will make the new director successful; and what should be the new director's priorities in year one.

Councilmember Keany asked if the department might not be too big to manage; should it be divided up. Members discussed if perhaps a deputy director is needed. If the director is strong on recreation perhaps hire a deputy that is strong in open space or parks.

Parrish stated a Parks and Recreation Department is common for municipalities; she noted in the end that organizational structure is for the City Manager to decide.

*What is the department doing well?*

Open Space Councilmember Stolzmann thinks the assets are good. Councilmember Loo stated maintenance is improving. Mayor Pro Tem Lipton stated rule enforcement is improving.

Recreation and Senior Services

Mayor Pro Tem Lipton stated the new construction is going well, staff is showing good work in how to handle new assets and programming. Councilmember Stolzmann noted the strong citizen support for the new building.

Councilmember Maloney stated parks and recreation staff does a good job of keeping the programs running, and they don't create problems; but he feels they could be more proactive.

Parks

Mayor Pro Tem Lipton stated the Heritage Park renovation was good. Councilmember Keany stated the parks are showing their age and need capital to spruce up the facilities. Councilmember Loo stated the Parks Board is moving the needle forward on having a grade card for the parks and having something to measure.

*What can we do better or improve?*

Councilmember Keany would like a director who is proactive, who will make changes in golf and recreation. When looking at the budget, golf and recreation need to generate more business.

Councilmember Loo stated it is important to find the person who can evaluate staff and hire and promote what they need.

Councilmember Keany stated we need to have the right person to empower staff to do things.

Councilmember Loo stated the director needs to be focused on excellence. She would like to see excellence, a culture of service, and fewer excuses. She would like someone who can focus on yes, not why we can't do something. She wants someone who can budget properly, know what things are costing.

Mayor Pro Tem Lipton stated there is lack of focus, need more of a can do attitude. He wants a leader that pushes, motivates staff. We need to motivate staff to be creative,

innovative, identify the gaps, and engage the public to find out what services to provide. Staff needs to provide more leadership to the boards, not just be reactive to boards. We need a balance of staff leadership and not letting boards run away with a topic with no staff interaction. The Recreation Task Force had to push to think outside the box and articulate what was needed. Staff needs to be fully engaged.

Councilmember Stolzmann stated we are very reactive not proactive, we need more maintenance and proactive maintenance. Staff is not necessarily looking at how to generate more revenue or participation. We need to be ahead on our planning. Leadership needs to be able to understand direction from both the public and Council. Councilmember Maloney stated the leadership has been diffused. We need to own the problem and figure out options, costs, and timeframes. He cited the recent issues of the trees at the Rec Center and the Coyote Run slump.

Councilmember Leh stated he wants staff recommendations that show how to move forward; not just discuss things forever. We need leadership on a policy level and staff needs to understand what Council wants them to do. Some programming is mediocre and staff could be more creative. Essentially we are competing with other public and private entities and we need someone who can find and evaluate new ideas. Golf needs to be more entrepreneurial. This new person needs to understand how to be entrepreneurial in a governmental organization. Let staff run with it and also hold them accountable.

*What traits make new director successful?*

Parrish reviewed what she had heard: the person needs experience with entrepreneurial services, how to generate revenue, look at services from a business aspect, have business acumen, and understand revenue and what things cost.

Councilmember Maloney wants someone who will look to provide the programs people want.

Councilmember Stolzmann wants someone with the ability to follow policies set by Council.

Mayor Pro Tem Lipton wants someone who is driven, wants to make things better, a motivator and leader who will push to do more; someone focused and willing to make changes; not someone we have to push to get there.

Councilmember Maloney would like strong organizational leadership.

Councilmember Keany wants someone who empowers staff and takes ownership of things.

Councilmember Loo wants this person to hire people who will go above and beyond, who care about what they do.

Mayor Pro Tem Lipton wants someone who is really engaged, walking the properties, playing in the parks, not just sitting in an office and telling staff what to do.

Councilmember Leh would like someone able to maintain staff morale and who can motivate people appropriately. The above and beyond needs to be continually instilled in everybody.

Councilmember Maloney wants staff to that take pride in what they do. He would like to see organizational leadership that brings energy and instills that all the way through the organization. Everyone needs to know what the mission is.

Councilmember Stolzmann wants someone who can look at tradeoffs and evaluate everything not just what is convenient.

Mayor Pro Tem Lipton wants someone who understands the principles of finance, marketing, and operations of recreation programs and who can promote that with staff.

Councilmember Maloney wants someone who is able to except outside evaluation and look at that as valued input not a threat.

*What are the top priorities for the first year?*

Parrish noted the themes of analyzing the business side of things and setting goals.

Councilmember Stolzmann would like the person to build a business plan for recreation and golf; familiarize himself with the charter and the Open Space Board; do an inventory of facilities.

Mayor Pro Tem Lipton would like an evaluation of the organization and staff. The person should be more visible and provide leadership to Boards and residents.

Councilmember Keany stated to orient self to all City assets, know what we have and be able to address questions.

Members adjourned the focus group at 5:58 pm.

## **6:00 PM – REGULAR MEETING**

**Call to Order** – Mayor Muckle called the meeting to order at 6:00 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**  
                              **Megan Davis, Deputy City Manager**  
                              **Kevin Watson, Finance Director**  
                              **Tracy Winfree, Interim Parks & Recreation Director**  
                              **Ember Brignull, Open Space Manager**  
                              **Aubrey Hilde, Open Space Ranger**  
                              **Kurt Kowar, Public Works Director**  
                              **Rob Zuccaro, Planning & Building Safety Director**  
                              **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 Leh. All in favor.

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

Greg Harms from the Boulder Shelter for the Homeless provided an update on how services are being provided to the homeless in Boulder County. The system used to be focused on emergency services, access to services was not coordinated, and services were not prioritized and based on individual agency approach. The new system focuses on housing, coordinates entry to support prioritization, is based on a coordinated system approach, and creates defined paths tailored to client need and is evaluation-driven.

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

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

#### **A. Approval of Bills**

- B. Approval of Minutes: July 17, 2018**
- C. Approval of Special Meetings on August 14 and August 28 in Place of Study Sessions**
- D. Approval of Appointments of Kyle Brown and Elizabeth Kaufman to the Local Licensing Authority**
- E. Approval of Contract with The Novak Consulting Group for Consulting Services for the City of Louisville Strategic Plan**

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

None.

**CITY MANAGER'S REPORT**

City Manager Balsler reported on Xcel's renewable connect program. Louisville requested 2400 kW and was awarded 500 kW which allowed three facilities to be enrolled. This will take the recreation center and city hall to 100% solar and the police/court building to 48%. The contracts will be brought to Council soon.

Councilmember Maloney asked when hail discussion details will happen. City Manager Balsler stated staff is waiting for the report from our insurance company which we hope to have it in a couple of weeks.

Councilmember Maloney asked about roofing permits. Director Zuccaro stated the department has hired additional staff for inspections and administration staff to keep up with volume. They have over 2000 to date. Staff is trying to keep permit turn around to one week, but at this volume (100+ per day) turn around can't be guaranteed. Staff is making sure inspectors are getting on the roof to see installation, and have enough staff now to do inspections the next day. Once the permits are processed, they are getting inspections done in a timely manner.

Councilmember Maloney stated building is doing a good job, but felt there is a need to set the expectation for the community and get the information.

**REGULAR BUSINESS**

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**ORDINANCE NO. 1760, SERIES 2018 – AN ORDINANCE REPEALING AND RE-ENACTING WITH AMENDMENTS CERTAIN SECTIONS OF TITLES 4 AND 14 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING REGULATION OF CITY OPEN SPACE AND PARKS – 2nd Reading – Public Hearing (advertised *Daily Camera* 7/22/18)**

City Attorney Light introduced the ordinance.

Mayor Muckle opened the public hearing and called for a staff presentation.

Ember Brignull, Open Space Manager, stated these revisions provide a foundation for the ranger program. Some revisions are housekeeping to make the code more transparent, some will help the rangers do their job, some will clarify language to reflect how things are being done, and some will help stay current with best practices.

**Ordinance Objectives:**

1. Clarify and authorize the Ranger-Naturalists to enforce the prohibitions in the parks and open space titles, generally
2. Authorize the Ranger-Naturalists and law enforcement officers to:
  - a. Enforce the prohibitions in the open space title on jointly-owned open space
  - b. And establish that citations issued on jointly-owned open space are returnable to the Louisville Municipal Court (implementation of which will require additional action)
3. Extend the prohibitions in the open space title to:
  - a. The Louisville Cemetery
  - b. Lands recommended to the City Council for designation and zoning as open space by resolution of the Open Space Advisory Board
4. Revise both Open Space and Parks Titles

Councilmember Keany asked for clarifying language on 3b specifying those properties are city-owned, not something owned privately.

Councilmember Stolzmann stated it is our obligation to zone the properties as open space and we should zone them rather than re-write the code. She supported expediting the process of zoning the Open Space properties.

Mayor Pro Tem Lipton expressed concern about 4.04.010 and the phrase about recommended lands for open space. He wants it clear the Council has the authority to enact prohibitions as needed even without Open Space Advisory Board (OSAB) recommendation. Attorney Light noted the intent is to identify the other category of properties that are not yet zoned. This does not hinder Council's authority to enact any rules on City-owned property without or with a recommendation from OSAB.

Mayor Pro Tem Lipton asked about smoking for Coal Creek Golf Course and wondered if that is necessary; could it be prohibited and would it affect revenue. Councilmember Loo felt it is needed, there are lots of smokers on the course.

Councilmember Maloney asked why the change to no smoking in all parks and open space.

Brignull noted in open space it is a fire danger. For the golf course, there was a feeling from staff it was an accepted practice and prohibiting it might affect revenue. For parks

it is a cultural trend for healthy living and healthy spaces and the impacts to others and was supported by the Parks Board.

Councilmember Keany asked if this included vaping. Brignull noted it is included in the definition. Councilmember Keany would like it more specific.

Councilmember Stolzmann would like to use the same definition as in title 8. She noted there are areas where this could be more consistent with the rest of the code.

Councilmember Loo stated there are several areas with unclear language. She would like it sent to Legal Committee.

Councilmember Maloney asked about dogs at Harper Lake and why there is a complete prohibition. Brignull noted it is to protect the drinking water source. Councilmember Loo noted it is also a bird sanctuary.

Councilmember Maloney supported the leash shortening and asked how trail etiquette with leashes across a path is handled. Brignull stated the reduction in leash length is so dog walkers can be responsive to oncoming bikers and pedestrians.

Public Comments – None

Mayor Muckle supported sending the ordinance to Legal Committee to clean up language details.

Councilmember Keany was concerned some of this is very restrictive and may not be family friendly or community oriented. He felt we may need more leniencies and hoped enforcement is community oriented. It doesn't feel like a small town atmosphere; feels heavy handed and enforcement driven.

Councilmember Maloney felt it is important to get the details right. We should zone properties rather than create language in the ordinance to deal with those properties. Perhaps we need more leniencies for smoking in parks.

Mayor Muckle noted there may be a need for more plain language, simplify and consolidate. He agreed with the basic concern of wanting to feel friendly. He felt the language concerning open space not yet zoned can be useful for future purchases.

Motion: Mayor Muckle moved to continue the public hearing to October 16 and ask the Legal Committee to review the document, Councilmember Maloney seconded.

Councilmember Leh would like the Legal Committee to get some direction from Council. He had heard three issues, 1) how worded, consistency 2) family friendly, needs more definition what is wanted 3) land not yet zoned. He asked if Council would like alternatives or something else.



Councilmember Keany thought family friendly is more an enforcement issue, if we need the ability to do this it comes down to how it is handled, more an organizational piece. He would like to have some designated locations available for smoking in the larger parks or ballfields.

Mayor Muckle agreed family friendly is more of an enforcement issue.

Councilmember Stolzmann stated people she had spoken to were not supportive of any smoking in the parks but there was support for smoking cigars on the golf course. We need to zone properties as open space and then enforce on the properties that are zoned and just be straight forward.

There was Council disagreement about the language concerning enforcing on land not yet zoned. Members wanted to continue to move forward with the zoning process. Council asked the Legal Committee to come up with choices.

Regarding the smoking ban: Councilmember Keany would like to allow staff the ability to designate smoking areas in parking areas of parks. Councilmember Maloney was against restricting smoking at all. Councilmember Loo was in favor of Councilmember Keany's recommendation. Councilmember Stolzmann supported no smoking. Councilmember Leh supported allowing staff to designate places where available and if needed. Mayor Pro Tem Lipton supported smoke free parks and in parking lots; it is a health and safety issue.

Council members asked Legal Committee to come back with options.

Vote: All in favor to continue to October 16, 2018.

**ORDINANCE NO. 1761, SERIES 2018 – AN ORDINANCE APPROVING AND AUTHORIZING A PETITION FOR AN AMENDMENT TO THE CITY'S ALLOTMENT CONTRACT WITH THE MUNICIPAL SUBDISTRICT, NORTHERN COLORADO WATER CONSERVANCY DISTRICT TO INCREASE THE CITY'S ALLOTMENT OF WINDY GAP WATER UNITS – 2nd Reading – Public Hearing (advertised *Daily Camera* 7/22/18)**

City Attorney Light introduced the ordinance.

Mayor Muckle opened the public hearing and called for a staff presentation.

Director Kowar stated this was a lease purchase of water shares from Greeley. The City has paid for the shares and this is the formal paperwork to get the shares in our name. Staff recommends approval. The purchase is already in the budget and in the rate models. This is not a new cost to the City and it is in the raw water master plan.

Public comments – None.

Mayor Muckle closed the public hearing.

Councilmember Keany moved to approve Ordinance No. 1761, Series 2018, Councilmember Loo seconded.

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

### **DISCUSSION/DIRECTION – TRANSPORTATION MASTER PLAN GOAL SETTING**

Director Zuccaro stated this is the City's first transportation master plan providing a chance to combine all the policies and prioritize improvements as well as continuing to work with regional partners. Staff has been working with Traffic Engineers, Inc. (TEI) for the last several months, working with regional partners, reviewing information and data. Staff is about to kick off the public participation process and looking to Council for feedback on overarching goals and direction.

Traffic Engineers, Inc. presentation.

Shaída Libhart of TEI stated they have done data collection, plan review and existing conditions analysis. They have looked at the current plans and studies to provide a basis for the TMP. There are many overlapping goals; the TMP will identify linkages to existing plans and provide structure and recommendations to meet goals and assess progress.

They are looking at corridor volumes, a few major corridors carry the majority of vehicles. North-south access is generally most heavily used. The TMP will identify priority corridors and street designs that meet travel needs while providing mobility options. The multimodal network shows the highest activity areas have the greatest gaps in connectivity. Most heavily used corridors for vehicles are also used for transit and biking. Safe connections for people walking and biking between destination and neighborhoods are missing.

The TMP will identify new connections and strategies to better connect mobility options. Looking at safety shows the most heavily used corridors have the greatest number of crashes. Intersections present the greatest safety concern. Crashes involving people walking or biking are mainly along major corridors or in high activity areas. The TMP will look at potential safety improvement strategies for high crash locations.

#### **Potential Outcomes of the TMP**

- A shared vision for mobility options and street design
- An integrated approach for how people can move around the city, including

- walking, biking, driving, and riding transit
- A balanced network that provides for local and regional travel needs
- A comprehensive implementation strategy including projects, policies, and programs
- A prioritized implementation approach to address the shared vision
- The safest Louisville for people of all ages and abilities to travel in

Geoff Carlton of TEI defined the vision, goals, metrics and strategies of the project. Potential goals include:

1. Provide more choices for community access and connectivity to destinations
2. Develop great streets that prioritize transportation options
3. Enhance safety within the transportation network
4. Support regional connections for residents, employees, and visitors.
5. Implement programs that enhance mobility
6. Support development of walkable places

Mr. Carlton reviewed next steps which includes completing the existing conditions analysis. Then public outreach will identify community needs and barriers, community priorities and refine vision and goals.

#### Public comments

Audrey DeBarros, 839 West Mulberry St., thanked Council for this project and was excited the City will have opportunity to set priorities to better compete for funding. In regard to the goals, she suggested thinking about movement of people in a more meaningful way, include social equity in the plan with other modes of transportation, consider cost effectiveness and technology changes, add sustainability as a goal.

Mayor Pro Tem Lipton stated 1) he would like consideration of time efficiency within and without the city, not necessarily want to slow everything down, some accommodation for this 2) walkability is a great goal, but given our land use patterns as a community this may not serve everybody's needs all the time and it may ignore other things we need to do and 3) he would like a goal added on supporting and enhancing economic sustainability.

Councilmember Stolzmann said in the presentation she heard a theme of consolidating past plans, building on past plans, etc. She noted the Council may want to depart from past plans or make changes and there is a need to keep that in mind.

Mr. Carlton noted this is a fresh look and part of this is to challenge how old decisions were made and what has changed.

Councilmember Stolzmann supported proposed goal 1 and wants to include more bike lanes and facilities but make sure to utilize all options to separate bikes and cars, not

just put bikes on streets. Mr. Carlton agreed the design system for a bicycle network needs to work for people of all ages and abilities.

Councilmember Stolzmann thought the goal 2 language could be clearer. She does want safe and good options, but travel times are still key. Mr. Carlton noted they would be trying to tailor the needs of the community at street level.

Councilmember Stolzmann supports calling out; economic sustainability, sustainability, technology, social equity and movement of people specifically in the goals. Mayor Muckle agreed.

Councilmember Loo stated this appears very car unfriendly which is really what people use. She feels Louisville is a suburban car-oriented community. We need to engage those people who are drivers. Multimodal is great, but shouldn't be at the expense of travel time.

Director Zuccaro stated TEI was picked because they have strong technical engineering and technical planning and staff has been communicating to them that we want a strong focus on vehicular traffic working well without excess planning lingo and mistrust. If we are missing something Council should tell us.

Councilmember Maloney would like the McCaslin area to be looked at for possible changes and how that affects transportation in that area. He agrees past plans should be considered but not geared to a certain result. Economic development and sustainability are important considerations in the process. This needs to be attached to the sustainability master plan as well.

Mr. Carlton noted they are talking to the folks doing the market study and will be taking a fresh look at all the transportation issues and considering the values as determined by Council and the community.

Councilmember Leh noted his frustration with public participation formulas seen in the past. There is a need to get the people who are really impacted, safety concerned groups, disabled and senior populations, the business community and larger employers. They need to be sure to include the McCaslin area. Think strategically and skeptically.

Councilmember Loo felt the key is to include the concerns of average folks.

Mayor Muckle stated it is clear this is a fresh take and an important project.

### **BUILDING PERMIT FEE REVIEW**

Director Zuccaro noted staff was asked to review the building department fee structure and the costs to operate. Staff began by asking four main questions:

1. What are all cost factors for operating Building Safety program

2. Are current fees aligned with costs
3. How do we compare to other jurisdictions
4. Considerations for adjusting fees in the future

The review of the costs included personnel, consultants, vehicles, facilities, operations, insurance, and software. We reviewed how fees are collected and the fee table and compared costs to other jurisdictions.

### **Building Permit Fee Review**

#### Findings and Recommendations:

- Current fees aligned with costs:
- Fees within range of other regional jurisdictions
- No immediate adjustments to fees recommended – consider inflationary adjustments
- New technology should improve customer service and efficiency, but could increase costs

Councilmember Loo stated it was good to know our costs are right in the ballpark with everyone else.

Councilmember Maloney asked Finance Director Watson if he had reviewed and had confidence in the numbers. Director Watson stated he did review the methodology and it did appear reasonable.

Councilmember Maloney stated we need to be covering our costs and that is our fiduciary duty. He asked if building fee incentives on a BAP (Business Assistance Package) are collected and refunded. Director Watson stated we book the gross revenue and have offsetting accounts for the BAP payment revenue so we can look at both the gross and the net amounts. Councilmember Maloney stated we are reducing revenue to cover the costs of building fees with BAPs and philosophically he has an issue with that. There should be a funding source identified, likely the General Fund, that is not reducing building revenues. Mayor Muckle agreed and said the scale of the effect on building revenues is also useful information.

Councilmember Stolzmann agreed revenue for BAPs should be accounted for somehow without charging other permit pullers.

Mayor Pro Tem Lipton agreed BAPs need to be accounted for another way. He would like more analysis of the BAPs and their impact on the fees, perhaps this is the wrong source of revenue for this.

Councilmember Stolzmann suggested the Finance Committee address the BAP questions before fees are set this year. City Manager Balser will bring that back for specific direction.

Consensus: the model is working and will continue to review it as needed.

**CONTRACT BETWEEN THE CITY OF LOUISVILLE AND HYDROMAX USA AND VELOCITY PLANT SERVICES FOR THE LOUISVILLE PIPELINE ASSESSMENT PROJECT**

Director Kowar stated this contract is to inspect the pipeline that brings water from Eldorado Springs to the City. The pipeline is very old and the current condition is unknown. The first priority was to determine an area to inspect and utilize as a pilot project to see if the technology is a good value and producing good results. This project is specialized and Hydromax is recommended as sole source since two previous RFQ's came back with very high costs. Staff worked with Hydromax to determine access points and only one bid was received on that contract so staff is recommending Velocity as the best contract for the access points.

Councilmember Maloney asked how the audio physics will inspect the pipeline. Director Kowar stated the technology helps to calculate the weaker areas in the pipes. We are also pulling out pipe in the area for another project so can calibrate results with that pipe. This is a pilot program to see if it works.

Mayor Muckle moved City Council award Hydromax USA the inspection of the Louisville Pipeline in the amount of \$114,125, authorize staff to execute change orders up to \$22,900; Councilmember Keany seconded.

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

Mayor Muckle moved City Council award Velocity Plant Services the associated work to facilitate the inspection of Louisville Pipeline in the amount of \$57,300, authorize staff to execute change orders up to \$17,200; Councilmember Keany seconded.

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

**ORDINANCE NO. 1762, SERIES 2018 – AN ORDINANCE APPROVING THE VACATION OF A 30-FOOT WIDE DRAINAGE AND UTILITY EASEMENT LOCATED ON LOTS 1 AND 2, COLORADO TECHNOLOGICAL CENTER FILING NO. 2 REPLAT A, DEDICATED BY THE PLAT OF COLORADO TECHNOLOGICAL CENTER FILING NO. 2 (ALLEN COMPANY) – 1<sup>st</sup> READING, SET PUBLIC HEARING 8/21/18**

City Attorney Light introduced the ordinance by title on first reading. Mayor Muckle moved to approve Ordinance No. 1762, Series 2018 on first reading, send it out for publication, and set the public hearing and second reading for August 21, 2018; Councilmember Loo seconded.

Voice vote: All in favor.

**ORDINANCE NO. 1763, SERIES 2018 – AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE REGARDING WIRELESS FACILITIES – 1<sup>st</sup> READING, SET PUBLIC HEARING 9/4/18**

City Attorney Light introduced the ordinance by title on first reading. Mayor Muckle moved to approve Ordinance No. 1763, Series 2018 on first reading, send it out for publication, and set the public hearing and second reading for September 4, 2018; Councilmember Loo seconded.

Voice vote: All in favor.

**ORDINANCE NO. 1764, SERIES 2018 – AN ORDINANCE ADOPTING BY REFERENCE THE 2018 INTERNATIONAL BUILDING CODE, 2018 INTERNATIONAL RESIDENTIAL CODE, 2018 INTERNATIONAL MECHANICAL CODE, 2018 INTERNATIONAL FUEL GAS CODE, 2018 INTERNATIONAL FIRE CODE, 2018 INTERNATIONAL EXISTING BUILDING CODE, 2018 INTERNATIONAL PLUMBING CODE, 2018 INTERNATIONAL ENERGY CONSERVATION CODE, 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS – 1<sup>st</sup> READING, SET PUBLIC HEARING 9/4/18**

City Attorney Light introduced the ordinance by title on first reading. Mayor Muckle moved to approve Ordinance No. 1764, Series 2018 on first reading, send it out for publication, and set the public hearing and second reading for September 4, 2018; Councilmember Leh seconded.

Mayor Pro Tem Lipton stated previously when the City made changes like this many people were surprised with the consequences of these changes, particularly how it may trigger other improvement requirements or costs to meet these codes. He would like to know the fiscal impacts on property owners of implementing these changes and if it triggers other requirements for them to meet.

Councilmember Loo asked why we skipped one edition between 2012 to 2018.

Voice vote: All in favor.

**EXECUTIVE SESSION**

**CITY MANAGER SEMI-ANNUAL EVALUATION Louisville Code of Ethics, Section 5-2(b), CRS 24-6-402(4)(f) – Authorized topics**

**PENDING LITIGATION (Louisville Charter, Section 5-2(d) – Authorized Topics – Consultation with an attorney representing the City with respect to pending litigation, and C.R.S. 24-6-402(4)(b))**

The City Clerk read the statement required by City Code.

Attorney Light stated Section 5-2(b) of the home rule charter authorizes an executive session for the purpose of discussion of certain personnel matters. For this agenda item, the Mayor is requesting an executive session for the purpose of conducting a semi-annual performance review of the City Manager, as authorized by Charter Section 5-2(b). An executive session for such purposes is also authorized by C.R.S. 24-6-402(4)(f).

Attorney Light stated Section 5-2(d) of the home rule charter authorizes an executive session for the purpose of consultation with an attorney representing the City with respect to pending litigation, which includes both actual pending lawsuits as well as situations where the person requesting the session believes in good faith that a lawsuit may result. An executive session for this purpose is also authorized by C.R.S. Section 24-6-402(4)(b) of the Colorado Open Meetings Law.

Regarding the first request, the Mayor is requesting City Council convene an executive session for the purpose of conducting a semi-annual performance review of the City Manager.

Mayor Muckle moved to go into executive session for the purpose of conducting a semi-annual performance review of the City Manager, and that the executive session include the City Manager and City Attorney. Councilmember Leh seconded.

Voice vote: all in favor.

For the second request, the City Manager and City Attorney are requesting an executive session for consultation with the City Attorney regarding pending litigation, which in this case does not involve any pending lawsuits but a situation where a lawsuit against the City may result. City Attorney Light joined in the request stating he believes the situation that is the topic of discussion is of such a nature that legal action may result.

Mayor Muckle moved to go into executive session for the purpose of consultation with the City Attorney with respect to pending litigation and the executive session include the City Manager and City Attorney. Councilmember Leh seconded the motion.

Voice vote: all in favor.

Adjourned to executive session at 8:38 pm.

Returned from executive session at 10:30 pm.

**REPORT – DISCUSSION/DIRECTION/ACTION – CITY MANAGER SEMI-ANNUAL  
EVALUATION & PENDING LITIGATION**



Attorney Light confirmed for the record the purpose of the executive session was the semi-annual review of the City Manager and a pending litigation matter. Members had discussion of the matters but no further action is needed tonight.

**CITY ATTORNEY'S REPORT**

None.

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

Mayor Muckle stated he had attended his first Steering Committee meeting of CC4CA.

**ADJOURN**

Members adjourned at 10:43 pm.

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Robert P. Muckle, Mayor

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Meredyth Muth, City Clerk