

City Council

Special Meeting Minutes

September 11, 2018
City Hall, Council Chambers
749 Main Street
6:00 PM

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 (arrived 6:15 pm)
 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
 Emily Kropf, Assistant to the City Manager
 Dave Hayes, Police Chief
 Rob Zuccaro, Planning & Building Safety Director
 Kristin Dean, Principal Planner
 Meredyth Muth, City Clerk

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

REAL PROPERTY ACQUISITIONS AND DISPOSITIONS

(Louisville Charter, Section 5-2(c) – Authorized Topics – Consideration of real property acquisitions and dispositions, only as to appraisals and other value estimates and strategy, and C.R.S. 24-6-402(4)(a))

City Attorney Light introduced the agenda item and the City Clerk read the statement required by City Code.

Attorney Light stated Section 5-2(c) of the home rule charter authorizes an executive session for the purpose of consideration of real property acquisitions and dispositions, provided such session is limited to consideration of appraisals and other value estimates and strategy for real property acquisition or disposition. An executive session

for this purpose is also authorized by Section 24-6-402(4)(a) of the Colorado Open Meetings Law.

Attorney Light stated the City Manager is requesting City Council convene an executive session for the purpose of consideration of potential real property dispositions concerning properties in Louisville.

Mayor Muckle moved to go into executive session for the purpose of consideration of potential real property dispositions with regard to property located in Louisville, but only as to appraisals and other value estimates and strategy, and that the executive session include the City Manager, the City Attorney, the Planning Director, and the Economic Development Director; Councilmember Keany seconded the motion. Voice vote passed 6-0.

Members went into executive session at 6:02 pm.

Members returned from executive session at 7:00 pm.

REPORT – DISCUSSION/DIRECTION/ACTION – REAL PROPERTY ACQUISITION AND DISPOSITIONS

City Attorney Light reported the executive session was for matters regarding consideration of real property disposition for property located in Louisville and in that regard the City Council could discuss value estimates and valuation of property for potential disposition. Council provided direction for potential disposition. No action is requested this evening. If the matter moves forward appropriate documentation about disposition will be presented at a future public meeting for Council consideration.

UPDATES FROM SHERIFF PELLE AND REQUEST FOR POSITION ON BOULDER COUNTY BALLOT MEASURE 1A

Mayor Muckle welcomed Sheriff Pelle to talk about County ballot measure 1A, the only County item on this year's ballot. The measure would fund updates to the jail and an alternative sentencing facility. The County is asking voters to approve the continuation of a sales tax of .185%.

The jail is an aging structure with major issues and needs to be updated. There is a shortage of space and it limits the ability for programs for inmates and everyone is double bunked. This would fund an alternative sentencing program from the jail; this has been shown to be a very cost effective way to keep people in jail and out of trouble.

The jail needs dedicated space for mental health programs. This tax would be for five years and would generate \$50M for this project and invest \$30M into an alternative sentencing facility.

Mayor Pro Tem Lipton asked if \$50M would be the total for this project. Sheriff Pelle noted there would be two years for planning and design and then they would use the money collected in those two years to save for the project and not have to bond or borrow against it.

Mayor Muckle asked about bond reform. Sheriff Pelle stated the County is fully behind bond reform and doing many of things to reduce the pre-trial population. He noted the Boulder County Jail is holding many people with charges from other jurisdictions.

Councilmember Maloney asked if this is a new sales tax. Pelle said the tax would be an extension of the flood relief tax that is expiring and replacing it with the exact same amount for the jail. He stated the County simply can't pay for this from the general fund. This is an opportunity to get funding without affecting current tax rates.

Councilmember Leh noted this is not a new problem and it needs to be addressed. He asked about bail reform and if there has been headway in reducing the jail population.

Sheriff Pelle said on some days there used be as much as 80% of the jail population awaiting trial, now it is 50%. He stated they are very cautious about incarceration in Boulder County balancing public safety and keeping in jail only those who need to be in jail.

Councilmember Loo moved for City Council to direct staff to write a resolution in support of ballot issue 1A; Councilmember Leh seconded.

Vote: All in favor.

Councilmember Maloney stated he believes health and safety is our greatest responsibility and this should be the responsibility of the general fund. The commissioners should find a way to pay for this without additional ballot issues.

DISCUSSION/DIRECTION/ACTION – TRANSPORTATION ISSUES AND BALLOT MEASURES

Deputy City Manager Davis stated this covers several issues related to transportation updates and ballot issues.

She stated RTD has recommended service changes to occur in January. RTD looks at their routes across the board and reviews ridership and utilization. RTD is facing financial challenges and having a hard time hiring bus drivers and looking at cuts across the board including in our region. One positive is to extend the 228 route to Kestrel which houses a lot of people who might be transit dependent.

RTD is recommending a significant number of cuts. Our area has proposals of about 4000 hours of service reductions while other parts of the district are seeing increases,

so there is concern in this region. There are cuts to key routes for our neighbors. The largest of which is to the LD which runs from Longmont, Lafayette to Denver without any transfers. This grant funding is coming to an end, instead of reducing service the suggestion is requiring a transfer to Flatiron Flyer (FF) to get to Denver. RTD proposed 3 routes including one through CTC. Louisville is interested in the CTC connection but Lafayette, Longmont and Boulder County are losing service on the LD and the 225. We are regionally working with RTD to get the CTC connection without compromising our neighbor's service. Looking for a solution before January or asking RTD for a delay in implementation.

RTD is having public meetings and Davis encouraged people to attend and share their opinions. Next step is a decision from the RTD board.

Councilmember Loo expressed concern this service doesn't reach the communities to the east that might be providing employees to the CTC. It would be nice to know where people in CTC are coming from and to where they need the connections.

Councilmember Stolzmann noted there is a risk if this CTC route does poorly, RTD may be reluctant to add other services.

Deputy City Manager Davis stated the RTD annual Northwest rail update includes a peak rail service conversation to get numbers to potentially run peak service Denver to Longmont morning and evening. We are continuing to look at this but there hasn't been a lot of momentum with BNSF. RTD is hoping to get some numbers from BNSF, they can't assess feasibility without it. RTD might have more funding available in 2027. RTD stated they are committed to exploring possibilities.

Mayor Pro Tem Lipton stated he was shocked at the numbers for rail service; \$120M up front and \$14M for operations plus BNSF lease costs. He asked if they have a cost per boarding as it would be small number of trains at this point. Councilmember Stolzmann stated the number the County is putting out now, based on a lot of assumptions, is about \$85 per trip.

Mayor Pro Tem Lipton stated someone needs to ask if this is the best or most cost-effective solution. At some point we have to make it cost effective. Outside the issue of equity for Longmont, we need to look at all alternatives.

Councilmember Stolzmann stated the Hwy 119 bus cost is \$500M right now. She felt there is a need to look at the two projects together as a region and determine the best solution. Councilmember Maloney agreed but wanted to see all the studies before having those discussions.

Mayor Pro Tem Lipton asked if money in the proposed transportation tax is dedicated to rail or can it be used for other options. Deputy City Manager Davis stated none of the ballot issue money is dedicated to rail but might have access to others funds for rail.

Councilmember Stolzmann said we need to look at all the available options for transportation.

Transportation Funding

Deputy City Manager Davis stated in 2018 the Colorado General Assembly passed Senate Bill 18-01 that would provide increased funding to local municipalities and CDOT to address the unmet transportation needs around the state. SB18-01 also contemplated a statewide ballot measure for additional funding. In late August, the Secretary of State announced the inclusion on the November 2018 ballot of two statewide ballot measures regarding transportation: Initiative 153 which includes a .62% sales tax increase for transportation and Initiative 167 which requires additional state spending on transportation. In addition, there are several other measures voters will face on the November 2018 ballot which may have an impact on the City.

In July 2018, the CDOT Transportation Commission adopted a list of projects that would utilize bond funds from a new sales tax or state budget funds (depending on if/what ballot issue might pass) for completion; the list includes Highway projects, multimodal projects and statewide programs.

Of the two measures, Initiative 153 is the only measure that would generate new transportation funds vs. utilizing existing state budget funds. The majority of the projects on the CDOT list would depend upon the generation of new tax dollars.

The City of Louisville has one project on the list for the new statewide ballot measure, State Highway 42, which would receive \$20 million of state funds, some of which would require a match, for approximately \$28 million (\$20 million CDOT ballot funding + \$7.8 million required match). The northwest region would also receive significant funding for regional priorities throughout the area through the adopted list of projects, totaling \$915 million (\$705 million + \$210 million match).

In addition, the sales tax ballot measure would generate significant revenues for local governments through the Local Transportation Priorities Fund. If passed, the City is projected to receive more than \$20 million in revenues over the next twenty years in addition to our current HUTF distributions.

Ballot Measures

1. Proposition 110 (formerly referred to as Initiative 153), Transportation Funding, *Let's Go Colorado*

Proposition 110 seeks to raise money for transportation projects with a .62% increase in the state's sales-and-use tax from 2.9% to 3.52% for a 20-year period commencing in 2019. The ballot measure provides for revenues to be allocated 45% to state projects, 40% to municipal and county projects, and 15% to multi-

modal projects. The Colorado Department of Transportation (CDOT) would be able to sell up to \$6 billion in bonds with the tax increase's revenue for statewide roadway improvements while also providing significant new funding for city streets, county roads, transit, and other multi-modal mobility improvements around the state. As outlined above, the City of Louisville would benefit directly from this ballot initiative. CML supports this ballot issue, as does the Metro Mayors Caucus.

Staff recommends the City SUPPORT this measure.

Councilmember Stolzmann noted this would provide funding for statewide transportation issues including I-270. Mayor Muckle agreed this will provide improvements throughout the State not just in Louisville.

Mayor Pro Tem Lipton felt using sales tax for this was regressive. He asked if there was a provision for maintenance. City Manager Davis noted there was a portion going to state highways carved out for maintenance. Mayor Muckle noted there would be toll lane money going toward long term maintenance.

Councilmember Loo moved to direct staff to prepare a resolution for Council consideration to support proposition 110. Councilmember Stolzmann seconded. All in favor.

Councilmember Loo moved for Council to oppose proposition 109, Councilmember Stolzmann seconded. All in favor.

Other ballot measures:

There will be at least six other state-level ballot measures and one local issue that will appear on the November ballot, below are three issues that could directly impact the City. Council may provide direction to staff if there are any other ballot measures that they are interested in taking a position on.

2. Initiative 108/ Amendment 74, Just Compensation for Reduction in Fair Market Value by Government Law or Regulation, Takings

This initiative would change the Colorado Constitution to state any government regulation or action that reduces the fair market value of a private parcel is subject to just compensation. The Colorado Constitution and state statutes already prohibit the taking or damaging of private property for public use without just compensation to the property owner. This is important to the City of Louisville, and all local governments, as the initiative would reduce the ability of local governments to carry forth with land use decisions including zoning and building ordinances, would restrict cities' ability to complete or approve capital projects, and would result in an increase in costly and time-consuming lawsuits. CML and numerous local governments across the state oppose this initiative. Staff recommends the City OPPOSE this measure.

Councilmember Maloney asked if this would include easements and land dedications. Attorney Light stated the language in this goes into the takings provision of the constitution and adds the phrase “or reduced in fair market value by government law or regulation.” This creates the possibility that every act of police power (zoning, subdivision regulations) could be challenged by effect on property value.

Councilmember Stolzmann recommended opposition. She provided examples of how a municipality could get sued for any number of issues. A similar measure passed in Oregon and cost billions to tax payers and was repealed. There are already adequate protections in the takings language, this creates total gridlock for local governments.

Councilmember Stolzmann moved staff come back with a resolution in opposition to Amendment 74, Councilmember Leh seconded.

Councilmember Leh agreed it would lead to many more potential claims and was in favor of continuing with current protections.

All in favor.

3. Amendments Y&Z, *Fair Maps Colorado*

Amendments Y&Z are referred measures from the Colorado General Assembly that relate to Congressional and state legislative redistricting. Amendment Y would create a commission to redraw congressional boundaries after the 2020 census; Amendment Z would do the same for state legislative redistricting. Both amendments received unanimous, bi-partisan support in the legislature, stemming from a broad commitment to an independent commission model that eliminates the role of political leadership and judges and reduces the politics in redistricting. This is important to the City of Louisville and its residents, as a fair redistricting process will help ensure the representation of local communities over partisan politics. The Metro Mayors Caucus is supporting these measures. Staff recommends the City SUPPORT this measure.

Motion: Councilmember Leh moved to bring back a resolution of support of congressional redistricting amendment Y, Councilmember Keany seconded.

Councilmember Stolzmann felt this does not impact our local government directly and while supportive, she would rather not take a position.

Councilmember Leh disagreed and said this does impact us directly by appropriately non-gerrymandered districts, a fundamental right we should be supporting. State and congressional redistricting will affect how we are represented and it is incumbent on us as a part of the larger system to be supportive.

Councilmember Maloney supported this as we want to be represented appropriately. What we take a position on is a good question, when do we weigh in is a good question. We should have a guide when we vote or don't on issues

Councilmember Keany stated it has been fairly rare for Council to take positions on state or county ballot issues. He would err on the side of caution for these.

Mayor Muckle agreed with everyone, but was compelled by the bipartisan nature and the good governance of the issue.

Councilmember Stolzmann stated it was hard to vote on this, she doesn't want a no vote to be construed as no support. It is a good measure; she is just not sure we should take a position when we aren't taking positions on all of the measures. She wanted to stick to those items with direct impact on the City's finances or rule-making ability.

Vote: All in favor.

Motion: Councilmember Leh moved to direct staff to prepare a resolution supporting legislative redistricting amendment Z. Mayor Muckle seconded.

Discussion of motion – none heard.

Vote: All in favor.

DISCUSSION/DIRECTION – 2018 CITIZEN SURVEY

Assistant to the City Manager Hogan noted on May 8th, City Council directed staff to begin the process of drafting the 2018 Citizen Survey and to focus on a variety of policy issues. Following a competitive bid process, the City hired the National Research Center (NRC) to conduct the survey. Staff initiated development of the survey by requesting potential questions from City Council and providing this list to City Council liaisons, Mayor Muckle and Councilmember Leh, and the consultant.

The consultant met with staff and City Council liaisons on June 18th and July 3rd to determine the City's objectives for the 2018 survey, review potential questions and finalize the survey for City Council review. Staff presented the first draft to City Council on July 17th. City Council liaisons, staff and the consultant revised the survey based on Council feedback. Some of the edits made include:

- Removed questions on service satisfaction from key performance indicators
- Removed questions on visitor center for Historical Museum (to be addressed through separate polling)
- Added forced ranking of transportation, sustainability and other City projects
- Added question on maximum tax increase to fund projects
- Added question on pit bull ban

- Added question on herbicide use in high use areas

Staff and City Council liaisons drafted a few additional questions not currently included in the draft survey but which can be added. It should be noted the consultant recommends the survey not exceed 4 pages to maximize response. The potential other questions include: Marijuana Requirements, Noise, Art Venue and a pit bull ban question submitted by a resident.

Mayor Muckle stated the comments from the last Council meeting were taken and changes made. He was sure this did not make everyone completely content, but he would like to move this forward with the hope it addresses most things. It is a good survey and will get us good actionable information.

Councilmember Maloney asked where the pit bull question came from. Hogan stated it was from Council's initial list and interest expressed after that.

Public Comments

Sarah Huth, a 10 year resident in Dutch Creek, noted she was happy to have a question on the pit bull ban. She would like language explaining the vicious dog laws will not be affected by a pit bull ban repeal.

Carol Roberts, Hillsborough North, felt current language in the draft survey is narrow and should be broader to be more about police management of aggressive dogs. Talking to the police department, in the last twenty years there have been 342 citations for vicious dog and 12 for pit bulls. The ban is unnecessary legislation. Research shows breed specific bans do not change any statistics on aggressive dog incidents. Most promising is education of the public for safety around dogs and education for owners. Citizens do support this change and the survey would be a good measure of this.

Councilmember Leh suggested #11 which is a forced ranking question on projects. If councilmembers have others projects to add to the list it could be expanded.

Councilmember Keany stated for #11 and #8 he feels the broadband question is premature without the results of the study about cost. We don't want to create false expectations until we know how and what it would cost.

Mayor Muckle stated space constraints are an issue, but without knowing what it would cost it could be problematic. City Manager Balsler noted there is a broad price included.

Mayor Muckle asked if any of the optional questions should be included.

Councilmember Keany stated the noise question is confusing.

Councilmember Stolzmann stated the overall question is what we are trying to accomplish. Broadband question requires a lot of information as would pit bulls. These would all be good to have a public hearing about because there needs to be a lot more contexts to all of the questions. Most benefit from a public discussion and she didn't think we will get good answers from a poll on most of these. Not sure how Council will use this information.

Mayor Muckle noted by their nature all surveys will require interpretation.

Councilmember Maloney stated in the spring he wanted a survey to ask policy level questions, but what we have now is much bigger than he envisioned with more topics than ever considered. The questions need much more context. He was hoping for a short survey asking about services and government, with three to five about policy. He thinks the forced rankings should include our basic services.

Councilmember Loo agreed she was not comfortable with many of these questions. The original reason she supported it was because there was a forced ranking in the 2016 survey. In discussing the museum there needs to be a realization it will cost money. She wants another forced ranking for a second look about where the museum ranks in the list of everything the residents want.

Councilmember Leh would be interested in knowing if any of these questions are worth asking right now, are there some the group would like to strike entirely. The forced ranking from 2016 included basic services so it could be resurrected. Is it worth doing at all and if the answer is yes, then we need to clearly consider what's in, what's out, and what's missing.

Mayor Pro Tem Lipton agreed we don't know what we want to accomplish with this. Now it is just a wish list of what everyone wants to get support for. There needs to be a new process. He is concerned about questions without context or pricing; tradeoffs aren't listed. We need a lot more information to get informed decisions. Looking at the 2016 survey and it looks like we are still trying to get support for things there is not City support for like museum, arts center, and broadband. We seem to be asking the question until we get the answer we like. He suggested we start over or don't do the survey this year.

Mayor Muckle stated all of the questions on the survey were suggested by Councilmembers so it is frustrating.

Laurie Urban, NRC, noted tonight's questions are good questions. Feedback from Council was applied to this draft. There are places information can be added, can do a rating system as residents generally don't understand how much things cost. Financial tradeoffs are challenging but a survey will give a broader perspective and can give you the pulse of the community even if residents don't have all the details. It is a single data

point that can suggest other ways of getting more in depth information. These questions will get good information that can lead Council to look for more information and input.

Councilmember Loo stated #3 should give an option for “I don’t care”. Question #5 people might mark everything essential and some are opposing views. The whole question is about multi-modal, and the car question is buried. She is worried the questions give residents expectations for projects we cannot fulfill.

Councilmember Stolzmann stated now Council has seen the big picture, perhaps there is a better process to use to get this information such as public hearings or outreach. We need to prioritize and focus. Each topic is important to someone and we don’t have the bandwidth to take on everything so we need to determine what we can take on and some public opportunities to see where people are on those topics. Think about our priorities and scope and use the public process for those.

Councilmember Leh noted the reason we do surveys at all is to find out what the public thinks and we are not entirely comfortable with our own sense of what is going on in the community and public opinion. Council gets information from the public in a lot of ways, and we do it in good faith, but still some information is useful and we can only get from a survey. He wants to make sure we don’t throw something out that is useful because we are frustrated with the whole.

Mayor Pro Tem Lipton said we seem to be in serious disagreement about the project and didn’t think we should try to salvage it tonight.

Councilmember Maloney still thought a policy survey could inform us, but this is not a concise policy survey but an amalgamation of all of our ideas. Transportation questions can be asked during the Transportation Master Plan and Sam’s from the market study. Broadband is too early. There are some easy ways to get this information in other ways and we can do another way.

Mayor Muckle couldn’t justify spending more money and staff time on this right now.

Councilmember Loo asked if another Committee should be appointed to take another look at this.

City Manager Balser stated staff needs clear consensus from the entire Council and asked if this is a priority for everyone to work on. Everyone in the room needs to do this and needs to determine if this is a priority for Council’s time and resources right now.

Mayor Muckle was not sure there would be a better result if forwarded to another Committee. None of the questions were meant to be political, just trying to see if these issues are important to the community and answer some questions. It is clear from the conversation the broadband question is too early in the process. The difference from

what we thought we were trying to achieve and the response is clear. He worried we will have the same experience if we have different people look at it.

Councilmember Leh noted it is only when you see all of it together that it doesn't seem to work. He suggested taking one more step toward finding general consensus on some questions before deciding to just not do the survey this year. He thought some of it was worth trying to salvage.

Motion: Councilmember Stolzmann moved to end work on the survey for now, Councilmember Loo seconded.

Councilmember Stolzmann saw a need to determine where it fits in our priorities and figure out what questions we need to ask.

Mayor Muckle stated he was willing to take one more cut at this for a smaller survey.

Substitute Motion: Councilmember Keany offered a substitute motion to have two members take one more try and bring it back to Council in a slimmed down version. Mayor Muckle seconded.

Mayor Pro Tem Lipton said before we spend too much more time on this there is a need to discuss what we really want to accomplish or if there are other ways to get the information we want.

Councilmember Stolzmann appreciated the effort to save it, but sometimes it is best to cut the losses and move on. That we don't know our goals is a sign we need to refocus. Need more goal setting conversations first.

Substitute motion vote – 3-4 Councilmember Loo, Mayor Pro Tem Lipton, Councilmember Maloney and Councilmember Stolzmann voted no. Motion fails.

Mayor Pro Tem Lipton offered a substitute motion to schedule time to discuss with more clarity what we want to accomplish with the survey and decide if the survey is the best way to accomplish those goals.

Councilmember Leh offered a friendly amendment to clarify to table the survey until there is a discussion about goals and desire to proceed. Councilmember Leh withdrew his amendment.

The vote on the substitute motion would be to have discussion at a future meeting to determine goals and foundational discussion on what we are trying to accomplish.

Councilmember Maloney asked if this would be in 2019 and suggested talking about it when looking at the 2019 work plan and see if it is a priority.

Substitute motion vote: 5-2 Councilmember Loo and Councilmember Stolzmann voted no. Motion passes.

City Manager Balsler thanked staff and the consultant for the work to use as a basis moving forward.

Advanced agenda:

Councilmember Stolzmann would like staff to bring forward a motion to oppose the proposed Xcel tower on Dillon Road. City Manager Balsler stated staff will bring a discussion item next week.

Councilmember Loo said staff should inform Craig Eicher of the meeting for Xcel's perspective if someone wishes to attend. Attorney Light suggested they be asked if they would like to provide written material for the packet.

Councilmember Stolzmann wanted it clear to the community Council is considering opposition.

Councilmember Maloney noted the McCaslin market study would be coming back for discussion on October 16.

ADJOURN

Members adjourned at 9:38 pm.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk