

City Council Meeting Minutes

**September 17, 2017
City Hall, Council Chambers
749 Main Street
7:00 PM**

Call to Order – Councilmember Keany called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

City Council: ***Councilmember Jay Keany
Councilmember Chris Leh
Councilmember Susan Loo
Councilmember Dennis Maloney
Councilmember Ashley Stolzmann***

Absent ***Mayor Robert Muckle
Mayor Pro Tem Jeff Lipton***

Staff Present: ***Heather Balsler, City Manager
Megan Davis, Deputy City Manager
Kevin Watson, Finance Director
Rob Zuccaro, Planning & Building Safety Director
Kristin Dean, Principal Planner
Emily Hogan, Assistant to the City Manager
Meredyth Muth, City Clerk***

Others Present: ***Kathleen Kelly, City Attorney***

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Councilmember Keany called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Councilmember Loo. All were in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

APPROVAL OF THE CONSENT AGENDA

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

- A. *Approval of Bills***
- B. *Approval of Minutes: August 28, 2018; September 4, 2018***
- C. *Approval of Appointment of Yvonne Danyluck to Recreation Advisory Board***
- D. *Approval of City Attorney Legal Services Contract***
- E. *Approval of Resolution No. 40, Series 2018 – A Resolution Approving an Agreement Between the Northern Colorado Water Conservancy District Acting By and Through Its Southern Water Supply Project Water Activity Enterprise and the City of Louisville for Capacity in the Southern Water Supply Project***
- F. *Approval of Special Meeting on October 4 at 6 pm***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Councilmember Leh gave some words of remembrance in honor of September 11th and particularly thanked first responders for the important work they do.

CITY MANAGER'S REPORT

City Manager Balser welcomed Kathleen Kelly as the new City Attorney.

REGULAR BUSINESS

DISCUSSION/DIRECTION/ACTION – CITY MANAGER'S PROPOSED 2019-2020 OPERATING & CAPITAL BUDGET, 2019 – 2024 CAPITAL IMPROVEMENTS PLAN, AND 2019-2024 LONG-TERM FINANCIAL PLAN – SET PUBLIC HEARING 10/02/17

Councilmember Keany introduced the item. Director Watson stated this will be a high-level overview of the biennial budget six-year capital improvement plan and the six-year long-term financial plan. There will be more detailed discussions at upcoming budget meetings and the public hearing. He reviewed the packet contents including the transmittal letter and the recommended 2019 and 2020 biennial budget by fund which shows we can afford what we are proposing. There is also the proposed budget by Program and the Key Performance Measures (KPIs).

Director Watson reviewed changes in the funds and reporting structure including two significant changes:

1) Creation of a new recreation fund for Recreation Center and Memory Square Pool revenues and expenditures. The hope is to set up a capital asset renewal and replacement reserve that will be restricted to the Recreation and Memory Square Pool assets. To do this we will remove the revenue and expenditures for recreation center and pool out of the General Fund. In the past, the General Fund has covered the deficit for those areas at about 30% of the operating expenditures for the Recreation center and Pool. By creating its own fund the General Fund support will become an inter-fund transfer to the new fund. The capital outlay proposed for the Recreation Center and Memory Square Pool will remain in the Capital Projects fund. Once the Finance Committee is done with their review of the capital assets we may reclassify those assets to the recreation fund and then have an additional transfer from either the General Fund or the Capital Projects Fund.

2) Changes to the golf course fund are needed as it is apparent it may not be able to fund its own operations and it cannot fund its capital needs. To give it the resources it needs to compete with other golf courses we are proposing to remove the capital from the Golf Course Fund and provide an operating support transfer from the General Fund.

Director Watson reviewed the revenue projections noting the sales tax, consumer use tax, auto use tax, and building materials use tax are all affected by the new recreation center sales tax rate so the increases are 4.3% for that. Based upon discussions in August, staff has reduced the sales tax revenue assumption from 4% to 3%. He noted the mill levy will stay steady.

Director Watson reviewed expenditure projections noting the 5% expenditure growth for merit increases and market increase for employees and new FTEs. However there are no specific FTEs in the later years.

He reviewed proposed inter-fund transfers from the General Fund to the Open Space & Parks Fund and the Cemetery Fund which are the historic transfers we have made and now there are two more transfers for the Recreation Fund and Golf Fund. The General Fund is now going to have four recurring transfers to other funds for operations. If the General Fund comes under fiscal stress so will those funds. He noted the first transfer to the Recreation and Golf Funds are higher because it sets up the minimum fund balances for each fund.

He reviewed the long-term financial plan noting the General Fund minimum fund balance is met and increasing above the minimum. He noted there are deficits in the fund in 2022-2024 and later so that will need to be monitored. Open Space & Parks Fund shows it approaching the minimum fund balance in 2024 but he noted without the transfer from the General Fund the Open Space & Parks Fund would not be able to sustain itself. He noted the Capital Project Fund doesn't have a set minimum balance. Staff wanted to leave money in the out years for the fund to allow flexibility in spending. He noted the Utility Fund has healthy reserves.

Director Watson reviewed the budget calendar and upcoming meetings.

City Manager Balser stated this is the first look at the budget and staff is looking for where Council wants additional information and we will do a deep conversation at the October 4 meeting.

Councilmember Loo had questions about the human resources KPIs and wondered where the new FTEs fit in. Director Watson stated that when looking at variable hours it is based on a number of hours not the number of people and that allows departments to have flexibility in managing it. Councilmember Loo stated the numbers were not clear and she would like it clarified at a future meeting.

Councilmember Loo suggested the Property and Evidence and police records technician be full-time, not part-time positions.

Councilmember Stolzmann liked the KPIs shown with revenues and expenditures. She asked for more information on the KPI for pavement condition noting pavement quality is a priority goal to be met by 2021 and it does not look like we are on track to meet that by 2021. For the Transportation Master Plan she feels the down payment/placeholder in the capital fund does not look large enough for the projects we might want to do. She would like more discussion on the stormwater utility increase in 2019; she wants to make sure we aren't charging too much to that fund for two large projects.

Councilmember Stolzmann would like a clear policy on the transfer into the Recreation Fund. If we don't set a policy we will need to have a recurring conversation. She stated she thought the cost would be lower the initial year. She would like more information on renewal and replacement costs for the Recreation Center. She would like to see a fee schedule for the new Recreation Center a look at what the demand will be for the new center. She would like to see the recreation capital projects moved from the Capital Fund to the Recreation Fund. She noted that athletic fields should be in parks program not in the Recreation Fund.

Councilmember Maloney stated this is a solid budget the only issues are policy issues. He would like a policy discussion in the future about the deficits that look to be in the out years in the General Fund. The largest expense is wages and we are anticipating 5% increases. We need to look at the indicators on this, it needs to balance.

Councilmember Maloney would like more discussion on stormwater rates and how the General Fund should be charged for projects. He would like more discussion on how the Recreation Fund and Golf Fund will work. It appears that 30% of the operations of recreation both current and expanded services are covered by the General Fund. Director Watson stated the transfer from General Fund for 2020-2024 is meant to equal exactly the amount of the deficit which is about 20-24%. Staff is proposing to transfer

only what is needed for operations. Councilmember Maloney stated that in 2016 we set a policy to fund only the then current operations not the expanded operations.

Councilmember Maloney agreed there needs to be more discussion on the renewal and replacement schedule and the fee schedule. That needs to be completed before we have further conversations on the golf course funding. He stated he is concerned that we are considering funding the operations and capital for the golf course; that is a policy decision we need to make.

Public Comments – None.

Councilmember Keany stated Councilmembers should send additional questions to staff prior to the public hearing. Councilmember Leh moved to set the public hearing on October 2; Councilmember Stolzmann seconded the motion.

Vote: All in favor.

**DISCUSSION/DIRECTION/ACTION – LETTER TO BOULDER COUNTY STATING
OPPOSITION TO PROPOSED PUBLIC SERVICE COMPANY COMMUNICATIONS
TOWER AT 9001 DILLON ROAD (BOULDER COUNTY DOCKET NUMBER SU-18-
0014 PSC TOWER)**

Planner Dean stated staff is asking for Council's comments for a referral for an application Public Service Company (PSCo) has submitted to Boulder County for a Special Use Review for a 195-foot private communication tower at 9001 Dillon Road. Staff is asking Council if it would like to submit a letter from the Council separate from the referral comments.

Dean stated the property is zoned agriculture and is adjacent to the City boundary and city-owned open space. The property is owned by PSCo. The submittal is for a private communications tower with no co-located items as a part of their advanced technology grid. PSCo stated the tower is meant for faster, more efficient service and better ways to manage outages and allow for more renewable energy on the grid. She reviewed the simulated photos submitted from PSCo. She stated referral comments from staff will include a request for more information and general questions about what alternatives there are.

Dean asked Council if they would like to send a letter separate from the referral letter from staff, what the letter should include, and what process they might want to use for approving such a letter.

Public Comments

Ken Gambon, representing the Coal Creek Ranch Homeowners Association (486 homes), stated the residents of Coal Creek Ranch vehemently oppose the proposed

tower. The HOA does have a meeting set with PSCo to discuss it. The residents have filed many comments with Boulder County registering their opposition. He noted the tower is taller than the Williams Village buildings in Boulder. They would like to know what alternatives there might be; he suggested some other locations further away from homes. He stated residents will be at every County meeting to oppose this and they hope the City Council will support their position.

Maria Nivens, 597 Augusta Lane, stated she has lived in Coal Creek Ranch for 18 years. She stated the property should be rezoned from its Agriculture status as it is surrounded by homes on two sides. PSCo has not given any other options to be considered.

John Ohanesian, 569 Augusta Drive, stated the pole is too close to the community and ugly. No one wants that tower next to their home.

Tom Delorey, 587 August Lane, stated his main concern is that once it is installed then others will want to put their transmitters up there because it is already there and it will become even bigger. He stated he doesn't want it built and wants the City to make sure nothing is ever added if it is built.

Councilmember Stolzmann moved to have staff draft a letter of opposition from Council and that the draft be reviewed by Councilmember Maloney and Councilmember Stolzmann. The letter should state our opposition to the project as it is not compatible with the surrounding area, is not consistent with the Boulder County Comprehensive Plan particularly the protection of view corridors. The tower does not minimize its impact, particularly because of its extraordinary height and it diminishes the aesthetic and environmental quality of the area. Also, there are concerns with the lack of alternative location or design considerations, the lack of additional view analysis and visibility concerns. Councilmember Maloney seconded the motion.

Councilmember Loo stated she supports the motion and asked if the lack of proactive communication with property owners should be included. Councilmember Stolzmann stated she tried to stick to reasons for denial based on the County process. Councilmember Loo would like that item added as a friendly amendment. Councilmember Stolzmann and Councilmember Maloney agreed to the amendment.

Councilmember Stolzmann stated two other items for consideration. 1) Council be ok with Councilmember Stolzmann and Councilmember Maloney attending the Boulder County Planning Commission meeting and making comments consistent with the letter and, 2) giving staff direction to work with the City Attorney for any other legal remedies.

Councilmember Leh thanked the residents for their input. He supports the motion generally and that two members of Council speak at the Boulder County Planning Commission meeting. He stated he has some reticence about researching legal

remedies as it may be premature. He doesn't want to set aside money from budget for that until a decision has been made by the County.

City Attorney Kelly stated a Rule 106 action cannot happen until a ruling has been made by the County, but she can bring information back on that if a decision is made.

Councilmember Stolzmann stated she is not necessarily looking at a Rule 106 issue, but more what other strategies should we consider in this process.

Councilmember Keany stated he also supports the motion and sentiment.

Vote: All in Favor.

Members agreed to Councilmember Stolzmann and Councilmember Maloney attending the Boulder County Planning Commission meeting. Members also agreed staff will look at legal options with the City Attorney.

RESOLUTIONS RELATED TO 2018 STATE AND LOCAL BALLOT MEASURES

RESOLUTION NO. 41, SERIES 2018, A RESOLUTION IN SUPPORT OF PROPOSITION 110 "LET'S GO, COLORADO" FOR TRANSPORTATION IMPROVEMENTS IN THE CITY OF LOUISVILLE AND ACROSS COLORADO

RESOLUTION NO. 42, SERIES 2018 – A RESOLUTION OPPOSING PROPOSITION 109 "FIX OUR DAMN ROADS"

RESOLUTION NO. 43, SERIES 2018 – A RESOLUTION OPPOSING AMENDMENT 74 AMENDING THE COLORADO CONSTITUTION TO LIMIT STATE AND LOCAL GOVERNMENT SERVICES AT A HIGH COST TO TAXPAYERS

RESOLUTION NO. 44, SERIES 2018 – A RESOLUTION SUPPORTING AMENDMENT Y REGARDING A NEW PROCESS FOR CONGRESSIONAL REDISTRICTING IN COLORADO

RESOLUTION NO. 45, SERIES 2018 – A RESOLUTION SUPPORTING AMENDMENT Z REGARDING A NEW PROCESS FOR LEGISLATIVE REDISTRICTING IN COLORADO

RESOLUTION NO. 46, SERIES 2018 – A RESOLUTION SUPPORTING BOULDER COUNTY BALLOT ISSUE 1A REGARDING AN ALTERNATIVE SENTENCING FACILITY AND JAIL MODERNIZATION

Deputy City Manager Davis stated that on September 11, 2018 Council directed staff to bring forward resolutions reflecting the City Council position on six measures that will appear on the November 2018 ballot. Specifically these have impact on the City or

relate to our legislative agenda. These measures include:

1. SUPPORT Proposition 110, Let's Go Colorado
2. OPPOSE Proposition 109, Fix Our Damn Roads
3. OPPOSE Amendment 74, Compensation to Owners for Decreased Property Value Due to State Regulation
4. SUPPORT Amendment Y, Congressional Redistricting
5. SUPPORT Amendment Z, Legislative Redistricting
6. SUPPORT Boulder County 1A, Alternative Sentencing and Jail Modernization

Resolution No. 41, Series 2018 – Deputy City Manager Davis stated this is a resolution in support of Proposition 110 proposition which has specific funding for transportation improvements in Louisville and across Colorado and creates a sales tax to fund the Colorado Department of Transportation.

Public Comments – None.

Councilmember Stolzmann moved to approve Resolution 41; Councilmember Loo seconded.

Vote: All in favor.

Resolution No. 42, Series 2018 – Deputy City Manager Davis stated this is a resolution opposing Proposition 109 which would obligate general fund dollars to be used to bond for transportation projects none of which are in Louisville and does not include any funding for multimodal options. It is in direct conflict with the City's legislative agenda looking for a new funding source for transportation.

Public Comments – None.

Councilmember Maloney moved to approve Resolution 42; Councilmember Loo seconded.

Vote: All in favor.

Resolution No. 43, Series 2018 – Deputy City Manager Davis stated this is a resolution opposing Amendment 74 which would amend the constitution allowing property owners to seek compensation for any action someone feels reduced the fair market value of a parcel. It would impact much of the work local governments function regarding land use, planning, building codes, and transportation. It affectively limits local government's authority to regulate land development and would interfere with our authority to complete transportation projects. This amendment is in direct conflict with the City's legislative agenda.

Public Comment – None.

Councilmember Leh moved to approve Resolution No. 43, Councilmember Stolzmann seconded.

Vote: All in favor.

Resolution No. 44, Series 2018 – Deputy City Manager Davis stated this resolution supports changes to the state constitution creating a new process for how congressional redistricting occurs. This amendment is consistent with our goal to support good governance.

Public Comment – None.

Councilmember Loo moved to approve Resolution No. 44; Councilmember Leh seconded.

Councilmember Maloney stated while he personally supports these he is not sure the Council should weigh in on as it is more on a Federal level. He asked are we weighing in on something that does not have a local impact.

Councilmember Leh stated for him there is nothing more fundamental in governance than proper representation. He added that resource allocation from the Federal government affects us and so then does our representation there.

Councilmember Loo stated there are good arguments on both sides, but as noted last time, we as a City have traditionally stayed out of issues that are not specific to Louisville. While she personally supports these she doesn't think we should be getting into areas we don't need to.

Councilmember Stolzmann stated that now that these two items are before us it might confuse people if we vote no; a no vote will be misconstrued. We should have a policy in place by which we can evaluate future ballot issues. For tonight she will vote in favor so as not to confuse the issue.

Councilmember Keany does personally strongly support these but stated that as a city we dilute our influence if we take a stand on those things not directly impacting our community.

Vote: In favor Councilmember Stolzmann, Councilmember Maloney, and Councilmember Leh; oppose Councilmember Keany and Councilmember Loo. Vote passed 3-2.

Resolution No. 45, Series 2018 – Deputy City Manager Davis stated this is a resolution supporting changes to the state constitution creating a new process for how legislative

redistricting occurs. This amendment is consistent with our goal to support good governance.

Public Comment – None.

Councilmember Leh moved to approve; Councilmember Loo seconded.

Vote: In favor Councilmember Stolzmann, Councilmember Maloney, and Councilmember Leh; oppose Councilmember Keany and Councilmember Loo. Vote passed 3-2.

Resolution No. 46, Series 2018 – Deputy City Manager Davis stated this is a resolution in support of the extension and repurposing of the existing flood sales and use tax for an additional five years to fund jail modernization and alternative sentencing programs.

Public Comments – None.

Councilmember Loo moved to approve the resolution; Councilmember Leh seconded.

Councilmember Maloney stated he will support the issue and the upgrades are needed, but he feels the County Commissioners should be funding through by the General Fund. Health and safety are basic services and they should be paid from the General Fund not new taxes. He does believe in the merits, but the funding mechanism is broken.

Councilmember Stolzmann suggested the issue could be discussed by the Consortium of Cities. Councilmember Leh noted the request and will take it to the Consortium.

Vote: All in favor.

CITY ATTORNEY'S REPORT

City Attorney Kelly stated the Fair Campaigns Practices Act (FCPA) allows Council to adopt positions of advocacy on ballot issues. She stated their office will be sending out a memo to Council and staff with guidance on FCPA rules and the election.

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

Councilmember Loo stated the Sustainability Advisory Board is having the first of the sustainability events on Wednesday, September 26. This one will focus on recycling and composting. She encouraged people to attend.

ADJOURN

Members adjourned at 8:43 pm.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk