

# ***City Council Meeting Minutes***

**November 27, 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  
Councilmember Chris Leh  
Councilmember Susan Loo  
Councilmember Dennis Maloney  
Councilmember Ashley Stolzmann***

***Absent:***                ***Mayor Pro Tem Jeff Lipton  
Councilmember Jay Keany***

***Staff Present:***        ***Heather Balsler, City Manager  
Megan Davis, Deputy City Manager  
Kevin Watson, Finance Director  
Aaron DeJong, Economic Development Director  
Kurt Kowar, Public Works Director  
Rob Zuccaro, Planning & Building Safety Director  
Lisa Ritchie, Associate Planner  
Emily Hogan, Assistant to the City Manager  
Katie Baum, Sustainability Specialist  
Meredyth Muth, City Clerk***

***Others Present:***    ***Kathleen Kelly, 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 Maloney. All in favor.

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

Deb Fahey, 1118 Enclave Circle, presented the Council with copies of the executive summary of the White House's recent report on climate change. This covers the expected impacts from climate change. She encouraged the members to read it and use this as a guideline for decision making.

**APPROVAL OF THE CONSENT AGENDA**

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

- A. *Approval of Bills***
- B. *Approval of Minutes: October 30, 2018; November 5, 2018;***
- C. *Approval of Contract Increase Between the City of Louisville and Velocity Constructors for the Construction of the Sid Copeland Water Treatment Plant Plate Settlers Project***
- D. *Approval of Independent Contractor Agreement with WL Contractors, Inc. for Traffic Signal Maintenance Services***
- E. *Approval of Change Order with Ground Engineering for Materials Testing for Recreation Expansion Project***
- F. *Approval of Change Order #17 with Saunders Construction for the Repair and Replacement of the Existing Roof and Appurtenances at the Recreation Center***
- G. *Approval of Resolution No. 52, Series 2018 – A Resolution Approving a Proposed 2019 Operating Plan and Budget of the Main Street Louisville Business Improvement District***

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

None.

**CITY MANAGER'S REPORT**

None.

**REGULAR BUSINESS**

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**VAISALA PUD AMENDMENT, 194 TAYLOR AVENUE**

**ORDINANCE NO. 1765, SERIES 2018 – AN ORDINANCE APPROVING THE VACATION OF A PORTION OF A 30-FOOT WIDE ACCESS EASEMENT LOCATED**

**ON LOTS 3 AND 4, BLOCK 2, THE BUSINESS CENTER AT CTC, REPLAT B – 2nd  
READING, PUBLIC HEARING (advertised *Daily Camera* 11/11/18)**

**RESOLUTION NO. 53, SERIES 2018 – A RESOLUTION APPROVING A FINAL  
SUBDIVISION PLAT TO VACATE AN EXISTING LOT LINE AND AN AMENDMENT  
TO THE FINAL PLANNED UNIT DEVELOPMENT TO ALLOW THE CONSTRUCTION  
OF AN ADDITION TO THE EXISTING BUILDING AND ASSOCIATED SITE  
IMPROVEMENTS ON THE PROPERTY AT 194 TAYLOR AVENUE**

Mayor Muckle introduced the ordinance and resolution and opened the public hearing.

Planner Ritchie stated an updated resolution was presented to Council tonight. This is an easement vacation, replat, and PUD amendment. She reviewed the site noting this plan will vacate an existing lot line to make one lot and vacate an easement that is no longer needed. The plan is for the construction of an addition to an existing building. The plan does exceed the height limit but as it is architectural and does not include floor area it meets the design guidelines. She reviewed the proposed materials; the metal areas are an accent and meet the design guidelines. The proposal includes solar panels on the existing building's roof and walls, this too meets the design guidelines.

The applicant is requesting to defer 96 spaces of parking until such time as it is needed. The applicant notes the parking is not needed for the current use of the building however the PUD will include a note that the City can require the applicant construct the deferred parking at any time.

Ritchie stated the application meets the IDDSG standards with a waiver for the parking and the use of metal is appropriate. Staff recommends approval for both the ordinance and the resolution. The new resolution includes conditions from Public Works.

Councilmember Maloney asked if the deferred parking will meet future needs and how it can be enforced in later years. Ritchie stated this will be tracked on the PUD by a note. It will be checked every time a tenant finish permit or business license is requested. That is checked on every application.

Councilmember Maloney asked how the on-street parking is enforced and if employees are using it. Ritchie noted the owner's association enforces the on-street parking throughout the park. The PUD states the parking needs must be met on site.

Councilmember Stolzmann asked if this meets the 2 spaces per 1000. Ritchie stated yes. Councilmember Stolzmann wonders why this size of a building does not require more parking. Ritchie stated this will be reconfirmed when the interior building permits are reviewed and it is clear how many people the building is serving.

## Applicant Presentation

Kelly Davis, Oz Architecture, stated the applicant is committed to expanding their company in Louisville. They hope to use this building to raise the architecture of the business park to more than just tilt up concrete. He added the materials are designed to give a high end finish to the building.

He stated their intent is to not build more parking than is needed, but rather understand what is really used by their office population. The site does have some large research and development areas that don't house people. In addition, many of their employees travel extensively and are not on site, and many of their employees use alternative transportation. He stated the additional parking can be implemented if requested.

Councilmember Loo asked if the company has reached an agreement with the CTC Owner's Association about the siding. Davis stated they are still in conversations with the Owners Association. Councilmember Loo stated she hopes they can come to an agreement. Ritchie stated if the two groups do not come to an agreement the plans might be revised and come back for Council approval as modified.

Public Comments – None.

Councilmember Stolzmann asked that the IDDSG be included in the meeting record.

Public Comments – None.

Mayor Muckle closed public hearing.

Councilmember Maloney moved to approve Ordinance No. 1765, Series 2018;  
Councilmember Leh seconded the motion

Councilmember Stolzmann stated she supports the motion, the application has good open space dedications and circulation requirements. She supports the applicant meeting the minimum parking requirements with the PUD note should more be needed.

Councilmember Leh stated he also supports the application. It looks like a terrific building and the criteria are met.

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

Councilmember Stolzmann moved to approve Resolution No. 53, Series 2018,  
Councilmember Leh seconded the motion.

**Voice vote:** all in favor.

## **DISCUSSION/DIRECTION – DOWNTOWN PARKING STRUCTURE CONCEPTUAL DESIGN**

Mayor Muckle noted this is an opportunity for the City Council to give feedback on options for parking in downtown. The Council did receive a request from the members of the Revitalization Commission to continue this item.

Councilmember Stolzmann stated she would like to discuss this tonight as it is on the agenda. Many members of the public are interested in this and we owe it to them to consider this and discuss it. This should not be dragged out further. She stated she has opposed and continues to oppose this project on the basis of three things: cost; short and long-term need, including transportation technology changes; and neighborhood character. She stated there has been a parking issue downtown and Council has addressed this by making significant investments by buying additional surface lots, putting in time restrictions, doing better monitoring, and adding capacity. She noted parking is an issue in residential streets near offices, schools, and parks. She stated we need to determine if we are interested in this or not and we should move on and not waste time on this if the answer is no.

Councilmember Loo stated she does support the request for a continuance, traditionally we have always honored such requests. She stated she sees no reason to depart from that tradition; she supports continuing to January 22.

Councilmember Leh concurred with Councilmember Loo. In a small town we can make such allowances for board members who may not be able to attend a Council meeting. It is worthwhile to continue it for that reason. There is no time rush on this.

Councilmember Maloney stated Councilmember Stolzmann has a good point; sometimes we postpone things too long. He stated in this case, however we have an applicant who has asked for a postponement and we should respect the wishes of the applicant. When we do discuss this in January, we should be very clear about what our interest and intent is.

Mayor Muckle stated he supports the continuance. He stated he supported the study to see what this structure would look like. Having seen the designs now he doesn't see how any of the structures are going to have an appearance of small-town character. He supports the continuance to January 22 so the LRC can present.

Councilmember Stolzmann stated she does not feel items should be continued for the illness of an applicant. She does not support delaying this for two months; if it is to be delayed she would like it to be heard in the next few weeks.

Mayor Muckle stated January 22 was chosen to avoid the holidays but other dates can be considered.

Councilmember Loo stated it should not be on December 18 as people will get upset it is too close to the holidays. January 22 makes sense, and January 8 is still close to the holidays.

Councilmember Loo moved to continue the item to January 22. Councilmember Leh seconded the motion.

**Voice vote** 4-1 in favor of the continuance; Councilmember Stolzmann voting no.

### **ADOPTION OF 2019 BUDGET**

**RESOLUTION NO. 54, SERIES 2018 – A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE CITY OF LOUISVILLE, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2019 AND ENDING ON THE LAST DAY OF DECEMBER 2019**

**RESOLUTION NO. 55, SERIES 2018 – ANNUAL APPROPRIATION RESOLUTION FOR THE CITY OF LOUISVILLE FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2019 AND ENDING DECEMBER 31, 2019**

**RESOLUTION NO. 56, SERIES 2018 – A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2018, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE CITY OF LOUISVILLE, COLORADO FOR THE 2019 BUDGET YEAR**

Mayor Muckle stated these three resolutions are the culmination of the budget process for the 2019-20 biennial budget which has included many meetings and lots of discussion to this point. Director Watson stated this is the final step in the budget process. This is the same information as presented on November 5 with one change to remove the support transfer from the General Fund to the Golf Fund per Council directive. Due to the Charter requirements only the 2019 budget is presented tonight for formal adoption; by adopting these resolutions Council is adopting the 2019 budget.

Members thanked Director Watson and staff for their work on the budget.

Public Comments – None

Councilmember Maloney stated this budget process has been very transparent and included good discussions on policy. Mayor Muckle concurred.

Mayor Muckle moved to approve Resolution No. 54, Series 2018; Councilmember Maloney seconded.

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

Mayor Muckle moved to approve Resolution No. 55, Series 2018; Councilmember Maloney seconded.

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

Mayor Muckle moved to approve Resolution No. 56, Series 2018; Councilmember Leh seconded.

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

Mayor Muckle noted this approval is short but it follows dozens of meetings and discussion.

**MUNICIPAL CODE UPDATE REGARDING SOLID WASTE AND HAULER  
LICENSING & REPORTING**

**ORDINANCE NO. 1766, SERIES 2018 – AN ORDINANCE AMENDING CHAPTER 8.64 OF THE LOUISVILLE MUNICIPAL CODE, ENTITLED “RESIDENTIAL REFUSE AND RECYCLING COLLECTION,” TO AMEND AND ADD PROVISIONS REGARDING COLLECTION OF COMPOSTABLE MATERIALS, TO ADD HAULER LICENSING AND REPORTING REQUIREMENTS, AND TO MAKE OTHER AMENDMENTS TO SAID CHAPTER 8.64 – 2<sup>nd</sup> READING, PUBLIC HEARING (advertised *Daily Camera* 11/11/18)**

**INTERGOVERNMENTAL AGREEMENT WITH BOULDER COUNTY FOR WASTE  
HAULER LICENSING AND REPORTING – *continued from 11/27/18***

Mayor Muckle introduced the item and opened the public hearing.

Director Kowar stated this ordinance proposes to allow the City to partner with Boulder County to utilize ReTrac to track solid waste haulage. He stated staff made changes to exclude construction contractors and landscaping companies from the requirement to report based on input from the City Council on 1<sup>st</sup> reading. This program tracks what trash, recycling, and compost is leaving Louisville.

Director Kowar stated a concern came up that it was not clear in the ordinance how the City handles those buildings not serviced by the City’s trash program.

City Attorney Kelly stated the City cannot compel industrial or commercial establishments, or multi-family residents to use City trash service. In addition, the Louisville Municipal Code further exempts HOAs. She suggested the second recital be amended to make this clear.

Councilmember Loo would like a clarification using the same exemptions we have in the code in this ordinance so there is no confusion. Councilmember Maloney stated he supports such an amendment.

Public Comments – None.

Councilmember Maloney stated the ordinance requires HOA's to submit a sworn affidavit showing they provide refuse and recycling services. He asked if it is necessary. Director Kowar stated a simple letter could be sufficient.

Public Comments – None.

Mayor Muckle closed public hearing.

Councilmember Loo concurred with Councilmember Maloney's requests.

Councilmember Stolzmann asked if the changes are clear or if a clean copy should be considered at a later meeting.

Councilmember Loo stated the IGA seems very one-sided in favor of the County. She feels it needs to be more mutually beneficial and have ways for both sides to opt out if desired.

Councilmember Maloney would like to have the ability for either side to terminate the IGA with proper notice. He was concerned that as written the City cannot cancel the IGA if desired.

Mayor Muckle stated he is comfortable approving the items tonight as amended without bringing back clean copies for another discussion.

Councilmember Loo would like to have the item brought back to Council for review with an amended, clean version of the ordinance and the IGA.

Councilmember Stolzmann moved to continue the second reading to January 22.

Mayor Muckle proposed an intervening motion to continue the item to December 4.  
Councilmember Loo seconded intervening motion.

**Voice vote:** all in favor.

**ORDINANCE NO. 1767, SERIES 2018 – AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 3.18 OF THE LOUISVILLE MUNICIPAL CODE AND ADOPTING AN UPDATED SCHEDULE OF DEVELOPMENT IMPACT FEES IMPACT FEE ORDINANCE UPDATE – 2<sup>nd</sup> READING, PUBLIC HEARING (advertised *Daily Camera* 11/11/18)**



City Attorney Kelly introduced the item and Mayor Muckle opened the public hearing.

Director Zuccaro stated this item is before City Council to update the impact fee schedule to adjust the library fee specifically. With repayment of the library bond on December 1, the City needs to remove the debt service payment. He noted there is still a materials impact fee that has been reduced significantly.

Public Comments – None.

Close public hearing.

Councilmember Maloney moved to approve Ordinance No. 1767, Series 2018; Mayor Muckle seconded the motion.

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

#### **RECOMMENDATION FROM BOARD AND COMMISSION APPLICATION REVIEW COMMITTEE REGARDING APPOINTMENTS AND INTERVIEWS**

Clerk Muth stated the City Council appointed Mayor Muckle and Councilmember Leh to review the written applications for board and commission vacancies. The committee met on November 16 to review the applications. In the packet a spreadsheet shows the Committee recommendations that includes appointing some applicants with no interview; discuss the options for the Revitalization Commission; and set interviews for December 10 for those applicants for the Library Board of Trustees who were not appointed to other boards. Interviews can also be held for the Cultural Council applicants if Council would like.

Muth noted any position not filled in December will be reopened for applications in January. City Council will vote on the final board appointments on December 18 and new member terms will begin in January.

Councilmember Leh stated that as usual we have applicants that are unbelievably qualified and interested in spending time to help the City. The Committee feels it is not necessary to interview those applicants where there are obvious appointments but want to interview where it makes sense.

Mayor Muckle stated there are a fair number the Committee recommends appointing without an interview where they feel it is a good fit. The Library Board of Trustees (LBoT) has all good applicants so the Committee feels we need to interview those folks. While the interviews are good, he noted many of the applicants have already served on these boards and have much to offer so an interview won't change how we handle these applicants. For those we recommend for appointment who didn't originally apply for those positions, they did note they would be willing to serve on other boards.

Councilmember Stolzmann thanked all applicants and board members for their service. She noted the wealth of applicants for the LBoT. She noted there are six boards with only one applicant for multiple spots. She would like to readvertise for those six boards for a larger, diverse pool of candidates.

Councilmember Leh stated not having other applicants is not a reason not to appoint the applicants we did get. If any applicant does not have enough votes to be appointed we can go back out; but he worries about opening it up wholesale.

Councilmember Loo supported appointing Mr. Menaker to the LRC. She feels he should be appointed and to not appoint him when other boards have one applicant and we are appointing them is inappropriate. Mr. Menaker has done a great deal for the City and she feels he should be appointed. She noted she has received letters from members of the LRC supporting his reappointment.

Councilmember Stolzmann noted that last year for the Recreation Board there were enough applicants but we turned away people and reopened the pool as Council wanted a different mix of candidates. She does not want to appoint people to the LCC who didn't apply when we are turning down other applicants for that board. This does not give us the best outcome. She thinks we should readvertise for a larger pool of people so we get a better mix of people.

Councilmember Maloney stated the Council should respect the process. He likes the application process as redesigned last year. He asked why the Committee wants to discuss the reappointment of Mr. Menaker.

Mayor Muckle stated he suggested the discussion for two reasons. Mr. Menaker has been a great member of the community, but perhaps is a lightning rod as well. He is also reluctant to appoint him for another 5-year term which would give him 15 years on the board without a new voice.

Councilmember Leh stated he is uncomfortable discussing a single candidate in the absence of an interview of that candidate. He suggested the Council interview Mr. Menaker and then make a decision. If there are not the votes for a candidate to be appointed than it may take care of itself.

Mayor Muckle stated this is just a point of discussion; it can be done however Council chooses.

Councilmember Loo stated there are other board members who have served on a board for longer than 15 years. If he is still providing a valuable service to the community a member should be reappointed. She would like him appointed without an interview.

Councilmember Maloney thinks Council should respect the process, there is one candidate for one position. If any person is not meeting the expectations when on the board he or she can be removed if it is appropriate. There is a good reason to have turnover on a board, and that is up to us to do if it is appropriate. If we aren't going to have term limits than we should put good effort into getting new people on boards. However, we have those who applied and we should appoint those we want and interview those we want.

Councilmember Stolzmann asked if those identified on the spreadsheet as "appointment with no interview" can still be discussed by the Council. Mayor Muckle stated any applicant can be discussed if Council would like to; tonight we only need to decide who to interview.

Councilmember Stolzmann stated she would like to interview the LCC applicants so the process is consistent.

Mayor Muckle asked if anyone wants to interview anyone other than those recommended.

Councilmember Maloney agreed with Councilmember Stolzmann that the LCC members should be interviewed as there are more applicants than spots. Mayor Muckle noted Ms. Layton did not apply specifically for the LCC but has been a strong member of that board so the Committee recommended appointing her to the LCC again.

Councilmember Stolzmann stated that concerns her as there are other applicants for the LCC for whom that was their primary choice.

Councilmember Maloney stated he wants to be consistent in the process. He asked if Ms. Layton was interested on serving on the LCC. Muth stated Ms. Layton had been contacted and she stated she would serve on the LCC or any other board the Council would like to put her on.

Members discussed if more than just the LBoT applicants should be interviewed and if the LCC members should be interviewed.

Councilmember Stolzmann reiterated she has concerns about process and who is recommended for appointment. She suggested the six boards with only one applicant have no appointments made and be reopened.

Mayor Muckle stated the Council can discuss any candidates it wants to. He is reluctant to totally reopen the application process for some boards. He recommended changing Mr. Menaker to "appoint with no interview" and proceed with the rest of the recommendation as is, knowing the Council will discuss the candidates again before appointments are voted on. Councilmember Loo seconded that recommendation.

Councilmember Maloney suggested that for the 2019 work plan the Council discuss if all of the boards are still needed.

Councilmember Stolzmann made a friendly amendment that rather than “appoint with no interview” those applicants be listed as “discuss with no interview.”

Members agreed to that recommendation and will interview the LBoT applicants and discuss the rest of the applicants at the meeting on December 10 and bring a full slate of candidates for a vote on December 18.

### **CITY ATTORNEY’S REPORT**

None.

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

Councilmember Maloney noted Lindsey Parsons from Boulder County reported to the Recreation Advisory Board on their recent survey of seniors in the County. A final report will be coming back in 2019. He would like the survey results to be a discussion item at a study session.

### **ADJOURN**

Members adjourned at 9:02 pm.

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Robert P. Muckle, Mayor

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Meredyth Muth, City Clerk