

City Council Meeting Minutes

**December 18, 2018
City Hall, Council Chambers
749 Main Street
7:00 PM**

Call to Order – Mayor Muckle called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

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

Absent: ***Councilmember Susan Loo***

Staff Present: ***Heather Balsler, City Manager
Megan Davis, Deputy City Manager
Kevin Watson, Finance Director
Kurt Kowar, Public Works Director
Rob Zuccaro, Planning & Building Safety Director
Lisa Ritchie, Senior Planner
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 Stolzmann. All in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Hank Dalton, 651 St. Andrews Lane, stated he thought the appointments to the Revitalization Commission included one member being publically humiliated. He urged Council to rethink the process so that does not happen again.

APPROVAL OF THE CONSENT AGENDA

MOTION: Mayor Muckle moved to approve the consent agenda, seconded by Councilmember Keany. Mayor Pro Tem Lipton abstained from the consent agenda vote. All were in favor.

- A.** Approval of Bills
- B.** Approval of Minutes: November 27, 2018; December 4, 2018; December 10, 2018; December 11, 2018
- C.** Approval of Distributions for Non-Profit Grant Program for 2019 and 2020 Based on Finance Committee Recommendations
- D.** Approval to Extend Custodial Services Contract with ISS Facility Services Through March 31, 2019
- E.** Approval of Purchase of 14.04 Shares of the Farmers Reservoir and Irrigation Company
- F.** Approval of 2019 City Council Appointments to Boards and Commissions
- G.** Approval of Resolution No. 59, Series 2018 – A Resolution Approving the Fourth Amendment to the Fifth Interim Agreement Between the Municipal Subdistrict, Northern Colorado Water Conservancy District Windy Gap Firming Project Water Activity Enterprise, and the City of Louisville for Participation in the Windy Gap Firming Project
- H.** Approval of Resolution No. 60, Series 2018 – A Resolution Amending Resolutions No. 20, Series 2009; No. 20, Series 2010; No. 2, Series 2012; and No. 4, Series 2014; and Resolution No. 21, Series 2016 Which Implemented Voter-Approved Taxes for Historic Preservation, to Update Administrative Provisions to Reflect 2017 Ballot Issue 2F

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Mayor Muckle noted former Mayor Fauson recently passed away. Herman Fauson was on Council from 1980-1986 and Mayor from 1986-1992. Some significant items during his time as Mayor include the building of the golf course and the recreation center. Mayor Muckle thanked him for his service to the City.

CITY MANAGER'S REPORT

City Manager Balsler stated that in October the arboretum closed the restroom due to cold, it is now powered and open again. She wished everyone happy holidays.

REGULAR BUSINESS

RESOLUTION NO. 61, SERIES 2018 – A RESOLUTION AMENDING THE 2018 BUDGET BY AMENDING APPROPRIATIONS IN THE WATER UTILITY FUND, STORM WATER UTILITY FUND, AND FLEET MANAGEMENT FUND FOR ADDITIONAL APPROPRIATIONS WITHIN SUCH FUNDS – PUBLIC HEARING

Mayor Muckle introduced the item and opened the public hearing. Director Watson stated this resolution would amend the City's 2018 Operating & Capital Budget to do the following:

1. Acquire additional water rights (\$281,000);
2. Purchase a street sweeper (\$270,300); and
3. Replace vehicles damaged by hail storm (\$211,310). Insurance proceeds will cover a significant portion of this additional appropriation. Revenue adjustments will occur in the future and any net loss will be covered by the Fleet Replacement Fund.

Councilmember Maloney noted the Finance Committee has reviewed this amendment and he supports it.

Public Comments – None

Mayor Muckle closed the public hearing.

Councilmember Keany moved to approve Resolution No. 61, Series 2018;
Councilmember Leh seconded the motion.

Councilmember Stolzmann stated she supports this and the water purchase is good for Louisville.

Voice vote: All in favor.

RESOLUTION NO. 62, SERIES 2018 – A RESOLUTION APPROVING A SPECIAL REVIEW USE TO ALLOW THE CONSTRUCTION OF AN EXTERIOR COLUMBARIUM (USE GROUP #22) FOR THE PROPERTY AT 506 VIA APPIA

Mayor Muckle introduced the item.

Planner Ritchie stated the applicant, Christ the Servant Lutheran Church, requests approval of a Special Review Use (SRU) to allow an exterior columbarium in a newly constructed courtyard on the northeast side of the existing facility at 506 Via Appia. She noted the additional public comments that have come in since the packet was published were available for reading.

A columbarium is a room or wall with niches for storage of funeral urns and is classified as a Cemetery under the Louisville Municipal Code (LMC). Approval of this application would allow only what is proposed; any changes would require additional approvals. She reviewed the history of the property.

The application, if approved, will not allow burial of human remains rather it will only permit the construction of the columbarium as shown on the SRU plans to hold cremated human remains. The property, and the surrounding neighborhoods are zoned Residential Estate (RE). A cemetery requires approval of a SRU in the RE zone district.

This was originally submitted in September 2017, after meetings with neighbors the applicant submitted a new design and included a trip generation letter that shows no increase in traffic, with which Public Works concurs.

The columbarium will be in a fully enclosed courtyard with a 7'4" foot wall. All access to the columbarium is from inside the Sanctuary, with no access from outside. From the exterior it will match the existing building. The niches for urns are located on the screen walls facing the existing church and are not visible from the exterior of the building. Planner Ritchie showed renderings of the proposed columbarium.

Ritchie stated staff recommends approval of the Special Review Use.

Councilmember Maloney asked if this is a cemetery use or a church use. He noted he thinks when it was external facing it might be more cemetery, but now as it is internal facing it seems more of a church use. Ritchie stated it could have fallen in either category. Staff felt the use as a cemetery was the most appropriate and consistent with the code based on the use, not the design.

Director Zuccaro stated staff looked at many definitions as there is no definition in the LMC but did find this consistent. He noted either way staff would be looking at the design, external impacts, lighting, architecture, etc. They felt cemetery use was the appropriate category when the application was submitted. Ritchie noted either use would have required a Special Review Use hearing.

Mayor Pro Tem Lipton asked if the City Attorney could highlight the federal law affecting this application.

City Attorney Kelly stated the requirements of the Religious Land Use and Institutionalized Persons Act (RLUIPA) prohibit a local government from applying zoning laws and regulations in a way that substantially burdens religious exercise including the use, building or conversion of real property for the purpose of religious assembly without a compelling government interest pursued through the least restrictive means. It also prohibits local governments from treating religious uses less favorably than non-religious assembly and uses. It prohibits local governments from discriminating based

on religion or religious denomination and prohibits local governments from applying zoning laws that unreasonably restrict religious uses within their jurisdictions.

Mayor Pro Tem Lipton asked if this is considered to be a religious use. City Attorney Kelly noted the applicants have framed it as a part of their religious exercise at that site which they want to be able to offer to their congregation.

Councilmember Leh asked how critical the applicant's characterization is. City Attorney Kelly stated it is not determinative, but Council should take it into consideration along with any presentation and public comments. The criteria in the LMC need to be applied as is always the case.

Councilmember Leh stated he is concerned there is some ambiguity in the characterization of the use, church vs. cemetery. He wonders how the lack in clarity in the LMC might affect this application review. He was concerned the lack of clarity could be a problem for the City.

City Attorney Kelly stated the City's use categories require a Special Review for both churches and cemeteries and they have the same criteria.

Councilmember Leh asked if "compelling interest" should be more clear as the public does not necessarily understand that legal term.

City Attorney Kelly stated the compelling interest comes into play if it can be shown that a substantial burden has been placed on the exercise of the religious activity. Then the government must demonstrate that the burden placed on the activity advances a compelling interest in the least restrictive means possible. Courts will look at what burden has been placed on the applicant under the strictest standards. Courts have found that aesthetics and abstract traffic concerns are not compelling interests.

Applicant Presentation

Stephanie Lord, 917 Arapahoe Circle, pastor of Christ the Servant Lutheran Church (CTS), stated this is a remembrance garden which will include the columbarium. She noted cremated remains are inert and do not change over time. She noted each niche has a granite faceplate only accessed by a special tool or key. The congregation has worked for 18 months and learned a lot from their neighbors which is why they changed the design to have the least neighborhood impact and be an internal resource to the church. The location of the columbarium was moved so it is walled in and accessible only through the sanctuary when the church is open, primarily daytime hours. The visible part is the 7'4" wall that matches the building and it will be landscaped.

The church has been at this location for 30 years and this remembrance garden is one percent of the total footprint. The church averages three memorial services per year and she sees no reason to think that will increase.

The pastor noted she understands the emotions around this topic. This location is important to the congregation to show they are not alone in facing death.

Jeff Layman, member of the church and the columbarium committee, stated the goal has always been to be a good neighbor for this project. In the initial conversations with the Planning Department they were advised to have a neighborhood meeting and invited those within 500 feet of the property. The meeting did not go well at all and the church members understood why, the location faced neighbors directly, it was a bad first attempt. The committee went back to the drawing board to come up with the plan here tonight, no homes face the structure, everything is screened by a wall that matches elevations, and juniper trees are added to block it, and the only access is from inside the church.

A second meeting with the neighborhood presented this new design. There was still some opposition, but it was better. The opposition comes down to three things: affecting property values which is hard to verify; the classification as a cemetery – there will only ever be inert ashes; and traffic, there was a traffic impact letter and the church is willing to do a second study if that is helpful. Mr. Layman felt this design addresses the concerns.

Councilmember Leh asked the applicant if they considered any alternative locations other than on the property. Lord stated having it on the property is consistent with their identity and mission.

Public Comments

Anne-Marie Petrie and John Schneider (748 Orchard Court) pooled their speaking time. Anne-Marie Patrie, 748 Orchard Court, long-time resident and member of church, was very excited for the columbarium. She wanted to address concerns of what would happen if the church closed permanently and left the columbarium. Worst case scenario, the regional synod would work to move ashes to a new site as families determine. She did object to classification as cemetery and felt it was too jarring for what the church wants to do with the columbarium. It will not have the appearance of a cemetery. Any fees charged will only be for construction and maintenance. She understood people's discomfort with death, but felt the church might be the best place to deal with that. She noted many churches in surrounding areas have a columbarium on their property.

Maureen Kannischer, 2335 Andrews Drive, Superior, member of CTS stated she wanted to address the emotional side of this conversation. It is important for her to have a columbarium in the same place they worship to be able to recognize those who have passed on. This is part of the religion and how lives are celebrated. It is not going to affect property values or increase traffic or affect the aesthetics of the neighborhood, but it will allow the members to practice their faith in a way that is meaningful.

Lee Fowler, 700 Pine Needle Lane, stated this issue has sparked conversation for him. He stated everyone's own histories will affect how they think of this issue. He asked if there is a more positive or more negative impact from the columbarium.

Dave Chapmen, 700 Pine Needle Lane, asked if anyone on Council belongs to the church. He lives one block from the church. He would like the church to look at other locations, he is concerned it is a business that could be expanded. He asked Council to deny the application.

Sandra Davidson, 897 Cleveland Court, thought her residence was within 500 feet of the church and she did not receive a letter and did not know it was happening. She would not have purchased the property if they knew a cemetery would be there. It will remind her of death. Thinks more than 10% of the neighbors oppose this. She read an article from realtors association that if all other things being equal if near a cemetery lose 12.5% of value. The church should look at other locations and not infringe on her right to peace of mind.

Dan Fox, 566 Spruce Circle, agreed he did not get notice of the plan and thinks it is within 500 feet. He talked to neighbors about this and has deep concerns property values will go down and traffic will increase, He wants want to know what the benefit is to the neighborhood, not to church members who don't live in the area. He opposed the plan.

Gail Hartman, 724 Ponderosa Court, never received notification of the first church meeting but was notified of the second meeting. She urged denial of the application as she felt City staff misinterpreted two criteria; use will be contrary to the general welfare and prosperity of the immediate neighborhood and use will not lend to economic stability to the surrounding area. A cemetery application is not compatible with the neighborhood and contrary to economic value. Realtors will say cemeteries nearby will lower the value of a home. She noted this is a money making venture for the church, and benefits the church not the neighborhood or city. If approved she said the church would come back and ask for many more cremains to be allowed. The Planning Commission members who voted no found it not a compatible use with the neighborhood, others noted items having nothing to do with land use.

Gina Fox, 566 Spruce Circle, stated she lives adjacent to the church and never received notice. She feels this is a disturbing use. She felt Council should not be having this hearing so close to Christmas. Many cultures are uncomfortable buying a house close to a cemetery. There will be increased traffic and people. She was very upset about not receiving notice.

Lu Yu, 720 Pine Needle Lane, counted about 105 households in the neighborhood and there are signatures of more than 50 asking for denial. It is not a few neighbors who are concerned about this. Neighbors do not support this. He didn't think it not being visible

and behind a wall matters, it is still there. He understands this is a land use discussion asking for a variance, he stated it does not meet the code. This is not compatible with surrounding established areas, the development is contrary to the general welfare of the immediate neighborhood. The plan doesn't benefit the neighborhood or contribute to the general welfare or the prosperity of the immediate neighborhood. He asked for denial based on the rules.

Gary Pawlas, 546 Hoptree Court, stated he lives in the neighborhood and asked for support for the project. He noted he has visited a columbarium in Florida where his parents are interred and surrounding housing prices are up 15% the past few years, same with Boulder churches with columbaria. This is really about death and spirituality and people's comfort with that. CTS did change their design based on the neighbors, it now blends in completely with the church. He urged religious freedom to allow our neighbors to express this in a private manner in the columbarium. It is inward facing, accessed through the church, no increase in traffic. He urged support for the church in their expression of religious freedom.

Gustavo Giudice, 1067 Eagle Court, stated he is a Christian but his concern is the financial impact to the community and if there is value to the community.

Jennifer Lorenz, 727 Pine Needle Lane, encouraged review of nonbiased evidence submitted. She felt there should be a neutral application of the code which will not make it a religious case. The rezoning application is for a cemetery and the precedent it would set has far reaching implications in the community. She asked to please take into consideration the multitude of signatures in opposition.

April Mace, 741 Pine Needle Lane, stated the neighbors should not incur financial impacts for the religious practices of the church.

Scott Kanwischer, 2335 Andrews Dr., Superior, church member, stated this is filling the mission of the church and allows the congregation to fulfill their faith from life to death. It is not a money making proposition. He encouraged approval.

Council Comments

Councilmember Maloney asked if the notification process was sufficient. Ritchie stated the first meeting was organized by the church; the City pulls their list from the County Assessor's list and she had no reason to believe there was any error in the mailing. The area for mailing was measured from the property line of the church 500 feet in every direction and includes all properties it might touch.

Councilmember Stolzmann asked if anyone needs to recuse themselves or is a member of the church. No members of Council are members of the Church. Councilmember Stolzmann asked that all information and public comments be formally entered into the record. City Attorney Kelly stated all items already had been entered.

Mayor Pro Tem Lipton asked if a Council member were a member of the church if recusal would be required as a conflict of interest. City Attorney Kelly stated not according to the State conflict of interest laws, but in the spirit of transparency, each Council member should decide if a disclosure were appropriate. Mayor Pro Tem Lipton stated he had no affiliation with this church but was a little uncomfortable with Council members having to disclose church affiliation.

Councilmember Leh asked the applicant if this is a money making proposition as some have described; he asked how the money that comes in would be used; is it related to the cost of the project. Lord stated the church is a non-profit entity and income is dependent on the offerings of the congregation. Currently, she doesn't know the cost for a niche, but the financial plan has the money in a dedicated fund to be used for construction, engraving of the niche and then the maintenance of the columbarium.

Mayor Muckle asked if the remembrance garden will be only for the church members. Lord stated yes, it will be for church members. Originally thought to have it open to others, but changed that after the neighborhood meeting. Mayor Muckle asked if there would be marketing or signage about the columbarium. Lord stated no.

Mayor Muckle asked if approval of this would allow for any expansion or another cemetery on site. Ritchie stated nothing other than what was presented is allowed. It does not set a precedent in town as each application is reviewed on a case by case basis.

Councilmember Keany asked if this is a rezoning application as one commenter stated. Ritchie stated the zoning will stay RE this is only a Special Review Use (SRU).

Mayor Muckle stated the planning commission voted 4-3 finding it met the SRU criteria and staff feels it meets the criteria. People feel strongly for different reasons, but he felt it does meet the criteria. He can't answer the property value question but as it will be unadvertised and behind a wall, he had a hard time understanding how it will affect property values in this situation with this design with no public presence or use. The church's effort to disguise the use made him agree with staff.

Councilmember Stolzmann thanked everyone for their input. She stated some things are allowed by right in zone districts, but others require Special Review which has factors that might need to be considered or mitigated so it would be consistent in the zone district. She stated she does not dispute the designation this is a cemetery by the zoning administrator but there is an appeal process if someone wants. She stated the second criteria is where she has pause; "That such use/development will lend economic stability, compatible with the character of any surrounding established areas". She finds compelling evidence was presented that property values are lower near a cemetery. It has not met criteria two so it does not meet the criteria of the special review.

Councilmember Leh stated this is a difficult conversation. This is a quasi-judicial hearing with rules and evidence. It is not just the LMC but also Federal law that is important here. He stated there are factors that are not relevant, but Criteria 1 and 2 are. Criteria 3 is met by the proposal. Criteria 4 is met; the traffic study shows it will be negligible. Criteria 5 is about pedestrian access and is met. Criteria 1 notes compatibility of the neighborhood; Criteria 2 speaks to economic stability.

Councilmember Leh felt the principal difficulty is the characterization of this as a cemetery, but he thinks it is essential to look beyond the label to what it is: a structure not visible to the community; looks just like the church. Churches are a part of the community and serve a purpose to the community. Whether this use supports the general welfare and economic prosperity is hard to know. The way this looked in the first version faced out and faced homes; the revised version makes it not look like a cemetery. The fact we have to use this word does not make it look like a cemetery. It is a wall to the community with only inert remains on the inside. He found it difficult to believe that will have an adverse impact to property values when you won't know what it is unless you go inside it. He didn't find it contrary to economic prosperity at best it is neutral.

Councilmember Leh didn't think this economic criteria requires adding positive revenue to the city. Ritchie stated the criteria stands on its own, but does not include having to provide revenue for the city. Councilmember Leh stated he feels the criteria is met and didn't think the information provided showed it would decrease property values as opposed to an actual graveyard. Using this label alone he didn't think it will affect property values. At this point he supports the application.

Councilmember Maloney stated the Planning Commission 4-3 vote is because they were deliberative in their process. He thanked the church for amending the original design. The citizen input is both pro and con and taken into consideration. Looking at Criteria 2 he feels this is not a cemetery in a normal sense, it is enclosed within the church building and is very much within the structure of the church. He didn't believe property values will be affected by 12% and agreed with staff it meets criteria 2 and will support the application.

Councilmember Maloney asked how RLIUPA should be considered in the decision-making process. City Attorney Kelly stated the federal law underlies the city's application to the facts of the city criteria. RLIUPA would come into play if the city's application of the facts substantially burdened the practice or expressions of religion or treated a church applicant less favorably than any other applicant. She didn't feel she had heard any of the concerns RLIUPA is there to prevent.

Councilmember Keany thanked the public for their input and interest in this process. After listening to all the information he noted he tried to come to this with an analytical point of view. He agreed with Councilmember Leh that if the application were for a physical cemetery with tombstones it would be different consideration. What is being

asked for is reasonable and the church's redesign was an improvement over the original design. He said he would support it.

Mayor Pro Tem Lipton stated struggling with aspects of this. He thought the impacts will be minor, but felt the concern in not being able to fully understand the impacts. He stated he was not sure this is what was contemplated in the Comp Plan and didn't know if it would be an appropriate use in other neighborhoods. The expectation of neighbors is that this is an RE zone and the creeping use change concerns him. Notwithstanding the fact that as a government we have to support our institutions and need to support their ability to thrive in our community. He was concerned about a lack of information on economic stability; no evidence provided by staff on what impacts this might have on property values and people who have already invested in these neighborhoods. He suspects it won't have much impact but would have liked more information on that. In the absence of that information he felt the burden of proof was on the applicant. We have to objectively apply the criteria but there is some subjectivity.

Public Comments

Gina Fox, 566 Spruce Circle, this is a change in the structure of the neighborhood to add a cemetery and nothing stops them from asking again for more. Notice of this meeting was not reasonable. She wanted to see the list of who got notified. Let's find out the impact on housing values and traffic before it is built. She asked if 1) She can get list of who was notified, it seems arbitrary, 2) How everyone on Council is related to the church, 3) Why the notice sign was so small, 4) What is financial benefit to the community and 5) How many letters in opposition were received.

Lu Wu, 720 Pine Needle Lane, stated the crucial criteria is financial impact. He provided professional opinion this will reduce property values. He felt there is no positive impact from this and the Council should not rush the decision.

Maureen Kanwischer, 2335 Andrew Dr., Superior, CO, agreed using the term cemetery brings tombstones to mind, this is not what the church is doing. That is what will reduce property values, not something like this. She looked for evidence that this affects property values; cemeteries yes, funeral homes yes, columbaria no. This is invisible to those driving by and will not affect property values. CTS is a non-profit institution and this will not be a money making endeavor it will only cover the cost. She noted neighborhood kids use the playground and neighbors use the area, CTS welcomes the neighbors.

Alyssa Burger, Westminster, CO and a member of CTS stated she can't quantify the financial benefit of CTS to the community, but they support meals on wheels, habitat for humanity, Sister Carmen and others. A large amount of money from the church is going back into the community. Members volunteer to take care of the community. She appreciated the worry about property values, but thought Council should consider what CTS has done for the community already.

John Schneider, noted the list the church used for who received mail came from him. He stated he used the County Assessor's map to get the property names. It included both tenants and residents. There was no ill intent.

Jan Zimmerman, 821 Trail Ridge Drive, noted she is near the church, not within the 500-foot and is a church member. The church voluntarily did the neighborhood meetings to be transparent about the project.

Sandy Davidson, 897 Cleveland Court, noted her residence predated the church. She stated the definition of cemetery includes "remains of dead people" and felt this would infringe on her peace of mind.

Jennifer Lorenz noted there is no requirement the church send out notice. It was a courtesy. She asked if the Special Review Use is a rezoning issue. She heard this would not set precedent, believes that is not true. We know for a fact that if go through this process with other sites to be considered, Denver does this. She did not feel Council is following the elements of the code with the definition of the code; there is an obligation to consistently apply the law. Establishment clause and free speech works both ways and should protect both the church and the residents.

Michael Scaer, 701 Church Lane, has lived there 23 years. He asked if this is approved, what will someone looking at a house see on the map. He asked if it would be listed as a cemetery. He talked to a lot of neighbors and understands the concerns but wanted to know what this will look like in 5 years.

Gale Chapman, felt it was safe to say Council and Church members don't live in the neighborhood and aren't impacted by this. He felt there still isn't real information about property values and in the long-term it isn't known.

Mayor closed the public hearing.

Councilmember Stolzmann clarified the comments posted on the wall are only those received since the packet was published and all previous ones were presented to Council in the packet materials. She noted the City does have a mailing requirement for notices. Ritchie stated there were two mailings at least 15 days prior to both Planning Commission and City Council with a map and dates and times of meetings and staff contact information. Anyone can ask to see the list.

Councilmember Stolzmann asked about the size of the sign. Ritchie stated it was the same sign for both notices with updated information.

Councilmember Leh stated regarding criteria 2 and the economic stability piece; he does not want to minimize the property value piece; it is important. He read the criteria and noted the need to be careful from a Council standpoint in requiring some positive

fiscal impact to the community. We don't do that in other circumstances. Then there is the consideration of negative impact or the loss of property value. Councilmember Leh believed the criterion is met. We have to evaluate each piece of evidence ourselves. The realtor noted in the public comments is stating his opinion given how it is phrased and stated. The other information is not about columbaria, it is about cemeteries. There is legitimate concerns about property values and he is weighing that. If denied the church could put urns inside and never tell anyone and it would have the same effect. This design does not appear to have an adverse effect on property values. He noted churches do lend economic stability to the city and to the neighborhood. It is compatible with the existing church. The term cemetery connotes a lot of things for a lot of people.; we still have the same criteria. This project being labeled as a cemetery has driven the debate, but does not drive the decision. He felt the criteria have been met.

Councilmember Stolzmann stated she has not heard any evidence this will contribute to economic stability; that proof is absent. She feels the definition as cemetery was decided and has to be considered as such with the process.

Mayor Pro Tem Lipton made a motion to approve Resolution No. 62, Series 2018; seconded by Councilmember Maloney.

Mayor Muckle asked staff about the changes requested from the Planning Commission. Ritchie stated all Planning Commissions conditions have been met and staff is recommending approval with no conditions.

Discussion of the motion

Mayor Muckle thanked everyone their engagement in this process. He hoped people feel the process is fair and objective.

Mayor Muckle stated he thinks in five years no one will know what is there behind the wall and there is no need for the neighbors to disclose that to prospective home buyers. City Attorney Kelly noted the zoning remains intact and this is not a variance. This is a Special Review Use to allow what is in the application.

Roll Call Vote 4-2. Mayor Pro Tem Lipton and Councilmember Stolzmann voting no.

CITY ATTORNEY'S REPORT

No report.

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

After a 5-minute recess the Mayor reconvened the meeting.

Mayor Pro Tem Lipton asked Council to consider rescheduling the parking garage item and the McCaslin Study to a date other than January 22 as he will be absent. He would like to balance the schedule with Councilors' personal schedules. Mayor Muckle stated it can be discussed.

Councilmember Stolzmann stated this can appear as if the process is being manipulated to achieve outcomes. She understood people need to take vacations but if there is a quorum, items should be heard. There is a need to be careful this doesn't get moved to a night where it appears to be a manipulation.

Mayor Pro Tem Lipton stated his intention is not to be manipulative, he would simply like to be in attendance.

Councilmember Maloney would like the discussion of the work plan to be earlier in the month of January.

Councilmember Maloney reported on the City Manager's evaluation process and stated he and Councilmember Loo are looking at potential facilitators for the process. They anticipate starting the process the first week of January. He thanked Deputy City Manager Davis for her help with this process.

Councilmember Leh agreed he would like the work plan be done in the first week of January.

Mayor Muckle asked for an update on the Mayors Commissioners Coalition. Davis stated preparations are being made to meet with the new congressional member, for the D.C. trip, and for the Northwest Rail action plan.

Mayor Muckle reported on the CC4CA steering Committee meeting and its work on a legislative agenda.

ADJOURN

Members adjourned at 10:02 pm.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk