Board of Adjustment

Agenda

April 17, 2019
City Hall, Council Chambers
749 Main Street
6:30 PM

I. Call to Order
II. Roll Call
III. Approval of Agenda
IV. Approval of Minutes
  ➢ December 19, 2018
V. Public Comments on Items Not on the Agenda
VI. Regular:
  ➢ 1039 Azure Way – Variance Request - Request for a variance from
    Section 17.12.040 of the Louisville Municipal Code (LMC) Residential
    Estate zone district front yard setback of 30-feet to allow a 2'-4"
    extension to the existing front porch resulting in a front setback of 18-
    feet on the property at 1039 Azure Way. Case VAR-0202-2019 –
    Public Hearing
      • Applicant: Bruce and Cynthia Cleveland
      • Case Manager: Lisa Ritchie, AICP
      ✓ Open Public Hearing
      ✓ Opening Statement by Chair
      ✓ Public Notice and Application Certification
      ✓ Disclosures
      ✓ Staff Presentation and Questions of staff
      ✓ Applicant Presentation and Questions of applicant
      ✓ Public Comment
      ✓ Applicant discussion of public comment, if any
      ✓ Closing statement by staff and applicant and Final questions by board
      ✓ Close public hearing and Board discussion and action

VII. Discussion Items:
  ➢ Election of Officers
  ➢ 2019 Posting Locations
  ➢ 2019 Meeting Dates
  ➢ 2019 Open Government Pamphlet

VIII. Business Items tentatively scheduled for May 15, 2019
IX. Staff Comments
X. Board Comments
XI. Discussion Items for Next Meeting May 15, 2019
XII. Adjourn
Call to Order: Ewy calls the meeting to order at 6:30 PM.

Roll Call is taken and the following members are present:

Board Members Present: John Ewy, Vice Chairman
Lowell Campbell
Jessica Leedy
Rob Levinson
James Stuart

Board Members Absent:

Staff Members Present: Lisa Ritchie, Senior Planner
Elizabeth Schettler, Senior Administrative Assistant

Approval of Agenda:
Stuart moves and Campbell seconds a motion to approve the December 19, 2018 agenda as prepared by Staff. Motion passes by voice vote.

Approval of Minutes:
Stuart moves Levinson seconds a motion to approve the July 18, 2018 minutes. Motion passes by voice vote.

Public Comments on Items not on the Agenda:
None heard.

Regular Business:
  - Applicant: Betty Buffo
Ewy reviews the procedures for the meeting; opens the public hearing; and states there are six criteria which must be met for the board to approve a variance request.

Ewy states that for the requested variance to be approved, four (4) of the five (5) votes would need to be affirmative.

Ewy then states that copies of the criteria are located on the table next to entryway. He asks for verification of proper public notice.

Ritchie verifies the application to be heard this evening is complete, and was mailed to surrounding property owners on November 30, 2018 published in the Boulder Daily Camera on December 2, 2018 and the property was posted on November 30, 2018.

Stuart moves and Levinson seconds a motion that all requirements have been satisfied and the application submitted by the applicants has been properly filed. Motion passes by unanimous voice vote.

Ewy asks if anyone at the hearing has any objections to the hearing procedures he described and asks if there were any other preliminary matters that needed to be taken care of. None are heard.

Conflict of Interest and Disclosure: Ewy asks for disclosures from the board members for any site visits, ex parte communications, and any conflicts of interest or required disclosures on the application.

All Board members indicate they did not have any ex parte communications or any conflicts of interest for the application.

Ewy asks the applicants if they are ready to proceed with the hearing. The applicant(s) indicated they are ready to proceed with the hearing.

Staff Report of Facts and Issues: Ritchie reviews the location of the property, notes the lot sizes for the RE zone district and summarizes the proposal.

Staff Recommendations: Staff finds that all six criteria in Municipal code Section 17.48.110 are met and recommends the Board of Adjustment approval of the variance request.

Board Questions of Staff: None heard.

Applicant Presentation: Applicant: Ron Buffo, 1220 Grant Ave
Buffo gives the board a brief history summary of the property in relation to their family and that it has been owned by them since 1936. Buffo then goes into detail about the lack of alley space for the property; something where other adjacent houses do not have the same problem. He believes the back alley would have been a great access point for the house, but since this house has no alley access, it automatically rules out that option for them. Aesthetically it would not be appealing to have two cars parked in front of the house as well as the topic of then having to have curb cuts be put in. The curb cuts would also be an additional cost to the homeowner, which Buffo expressed that that was not ideal.

**Board Questions of Applicant:**
None heard.

**Public Comment in Favor:**
None heard.

**Public Comment Against:**
None heard.

**Closed Public Hearing and discussion by Board:**
Stuart says the presentation was convincing and understandable. He agrees with Staff’s interpretation of the six criteria. He also mentioned that the curb cuts would take away spaces, which would not benefit the homeowner.

Levinson said he agrees with staff’s presentation and recommendation.

Ewy expresses his favor in of approving variance based on staff’s presentation.

Campbell mentions that in relation to criteria one, there are 15 other properties with similar scenarios. He asked how this property is unique to the other 15 properties.

Ritchie points out that this property is the narrowest of those 15, making it unique to the other properties.

Campbell says that uniqueness is from the narrowness then, not because there are only 15 properties that are in similar scenarios. He also mentions that in criteria one, money is not a hardship. That fact would be irrelevant when evaluating the six criteria.

Ewy mentions that money is not the issue. The issue is taking away parking spaces to the public domain, which would be a negative for the city. His argument for approving the variance is that there is an aesthetic issue for parking in front of the house.

Ritchie agrees with board member Ewy. The intent of the old town overlay is to not allow parking in the front yard. This lot is a unique circumstance for the fact that there is no option to park in the back.

Campbell agrees that parking in the front yard would not be attractive and sees that the applicant is in a unique situation.

Leedy agrees that this property is unique and meets all six criteria.

Motion is made by Stuart to approve 709 Walnut Street, a request for a variance from Section 17.20.020 of the Louisville Municipal Code (LMC) requiring two off-street parking spaces for a new single-family residence. Motion is seconded by Leedy. Roll call vote.
Name | Vote
--- | ---
James Stuart | Yes
Rob Levinson | Yes
Jessica Leedy | Yes
John Ewy | Yes
Lowell Campbell | Yes

Motion passed/failed: Pass

Motion passes 5-0.

Discussion Items:
None heard.

Business Items tentatively scheduled for January 16, 2019:
None heard.

Staff Comments:
Ritchie informs the board that Campbell’s term with the Board of Adjustment is ending in 2018. She expresses her appreciation for his time serving the board. Campbell in response expresses his appreciation for his time serving the board. Ritchie asks the board if they would like to wait on the election of officers until the next 2019 meeting. The board agrees to wait on the election of officers. Ritchie also mentions that the board members should expect more training coming in 2019 for the new members.

Board Comments:
None heard.

Discussion Items for January 16, 2019 Meeting:
None heard.

Adjourn:
Campbell moves and Stuart seconds a motion to adjourn the meeting. Motion passes unanimously by voice vote. Meeting adjourns at 7:16 PM.
CITY OF LOUISVILLE
BOARD OF ADJUSTMENT
STAFF REPORT
April 17, 2019

APPLICANT: Bruce and Cynthia Cleveland
OWNER: Bruce and Cynthia Cleveland
STAFF PLANNER: Lisa Ritchie, Senior Planner
LOCATION: 1039 Azure Way; Lot 2, Paragon Heights
ZONING: Residential Estate (RE)
REQUEST: Case #VAR-0202-2019 – Request for a variance from Section 17.12.040 of the Louisville Municipal Code (LMC) Residential Estate Zone District Requirement for a 30-foot front yard setback to allow a 2’-4” extension to the front porch cover resulting in a front setback of 18’-0” feet.

SUMMARY: The applicant requests a variance from Section 17.12.040 of the Louisville Municipal Code Residential Estate Zone District requirement for a 30-foot front yard setback to allow an 18’-0” front yard setback to construct a 2’-4” extension to the front porch cover. The existing home is setback 20’-4” from the front property line, already encroaching into the 30-foot minimum setback by 9’-8”.
BACKGROUND: The subject property is zoned Residential Estate (RE) and located in the Paragon Heights subdivision, platted in 1963 in Boulder County prior to annexation into the City of Louisville. The subdivision was annexed into the City and zoned RE in 1979. The existing home was constructed in 1981. The RE zone district required a 30-foot front yard setback when the home was constructed, but the home was approved through a building permit that allowed the existing front porch cover to have a 20'-4" front yard setback.

Existing Conditions – 1039 Azure Way
Comparison Area – Front Setbacks on Azure Way
The following image show the neighboring properties along Azure Way. The red line represents an approximation of the 30-foot front setback line to provide a visual comparison of neighborhood conditions. The properties on the south side of Azure Way appear to comply with the front setback. An ILC showed the front setback for the structure at 1026 Azure Way, directly across the street from the subject property, is 30’-6”.

The properties on the north side of Azure Way all exceed the minimum 30-foot front setback. Staff found no documentation of variance approvals for these homes. However, the Paragon Heights plat established a 37’-6” wide transmission line easement and an additional 1’-0” wide easement (shown in blue above) along the rear property lines, which may have been the rationale for allowing these homes to be closer to the front property lines than the minimum setback would allow.

The request is to allow the applicant to construct a new front porch cover that is 2’-4” closer to the front property line than the existing front porch cover, along with other minor changes to the exterior materials on the home. The approval of this request will result in the subject property being closest to the front property line of all the properties along Azure Way.

REVIEW CRITERIA:
The BOA has authority to grant or deny a variance request based on the review criteria found in Municipal Code Sections 17.48.110.B.1-6. Following is staff’s analysis of the criteria with recommended findings on each.

1. That there are unique physical circumstances or conditions such as irregularity, narrowness or shallowness of lot, or exceptional topographical or other physical conditions peculiar to the affected property.

Staff finds that the easement that encumbers the rear yards of the properties on the north side of Azure Way is a unique physical circumstance. This could have been the rationale to allow the construction of the homes to exceed the minimum front yard setbacks when originally constructed. **Staff finds the proposal meets this criterion.**

2. That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located.

Staff finds that the homes across the street on Azure Way were constructed in accordance with the 30'-'0" setback, and this unique condition from the transmission line easement does not exist throughout the neighborhood. **Staff finds the proposal meets this criterion.**

3. That because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of Title 17 of the Louisville Municipal Code.

Staff finds that because of the encumbrances from the easements at the rear of the lot, the developable area of the property is significantly limited, resulting the existing encroachment into the front setback. This condition on the property results in the property owner not being able to make reasonable upgrades to the property, such as the proposed front porch cover, in conformity with the front setback requirement. **Staff finds the proposal meets this criterion.**

4. That such unnecessary hardship has not been created by the applicant.

The County approved the plat in 1963 that established the easement encumbrances at the rear of the lot. The existing house was constructed in 1981 out of conformance with the 30-foot front yard setback, prior to when the applicant purchased the property in 2004. The applicant is not responsible for the existing conditions on the property. **Staff finds the proposal meets this criterion.**

5. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.

Staff finds that the proposal would not alter the essential character of the neighborhood by allowing a 2'-4"-foot extension to the existing front porch cover. As noted above, all properties along the north side of Azure Way encroach into the front setback. Staff finds it will not substantially or permanently impair the appropriate use of development of adjacent
property. The requested front porch cover is not enclosed, and will not add substantial mass into the front setback. **Staff finds the proposal meets this criterion.**

6. *That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of Title 17 of the Louisville Municipal Code that is in question.*

The posts for the requested front porch cover extend 5’-10” from the front façade. Staff finds that the requested design is reasonable and is the least modification possible to extend the front porch in a way that improves the functionality of the porch cover. **Staff finds the proposal meets this criterion.**

PUBLIC COMMENTS:
Public comments in the form of emails are included as attachments.

STAFF RECOMMENDATION:
Staff finds the proposal meets all applicable variance criteria in Section 17.48.110 of the LMC, and therefore, recommends approval of the variance request.

BOARD ACTION:
The Board may approve (with or without condition or modification), deny, or continue the application to a future meeting for additional consideration. The Board may also request additional information if they feel it is needed for their proper consideration of the variance application. In approving an application, the Board must find that all six variance criteria, insofar as applicable, have been met. The Board should adopt specific findings for each review criterion in support of any motion.

ATTACHMENTS:
1. Application
2. Paragon Heights subdivision plat
3. Site Plan and Elevations
4. Public Comments
**LAND USE APPLICATION**

**APPLICANT INFORMATION**

- **Firm:**
- **Contact:** Bruce & Cynthia Cleveland
- **Address:** 1039 Azure Way, Louisville, CO 80027
- **Mailing Address:** Same
- **Telephone:** 303-926-5523
- **Fax:**
- **Email:** brucecleveland@comcast.net

**OWNER INFORMATION**

- **Firm:**
- **Contact:** Bruce & Cynthia Cleveland
- **Address:** 1039 Azure Way, Louisville, CO 80027
- **Mailing Address:** Same
- **Telephone:** 303-926-5523
- **Fax:**
- **Email:** brucecleveland@comcast.net

**REPRESENTATIVE INFORMATION**

- **Firm:** Stevenson Designs
- **Contact:** Guy Stevenson
- **Address:** 3073 Lee Hill Dr, Boulder, CO 80302
- **Mailing Address:** Same
- **Telephone:** 303-447-0744
- **Fax:**
- **Email:** guy@d.stevensondesigns.com

**PROPERTY INFORMATION**

- **Common Address:** 1039 Azure Way
- **Legal Description:** Lot 2, Blk 1, Subdivision Paragon Heights
- **Area:** 14,000 Sq. Ft.

**TYPE(S) OF APPLICATION**

- [ ] Annexation
- [ ] Zoning
- [ ] Preliminary Subdivision Plat
- [ ] Final Subdivision Plat
- [ ] Minor Subdivision Plat
- [ ] Preliminary Planned Unit Development (PUD)
- [ ] Final PUD
- [ ] Amended PUD
- [ ] Administrative PUD Amendment
- [ ] Special Review Use (SRU)
- [ ] SRU Amendment
- [ ] SRU Administrative Review
- [ ] Temporary Use Permit
- [ ] CMRS Facility
- [ ] Other (please specify: right-of-way, floodplain, variance, aesthetic, 1041 permit, oil / gas production permit)

**PROJECT INFORMATION**

Summary: Construction of a redesigned porch to be added to the entrance of the home. We are requesting a variance to the 30'-0" front setback of the RE zoned lot.

**SIGNATURES & DATE**

**Applicant:**

**Print:** Bruce E Cleveland

**Owner:** Cynthia J Cleveland

**Print:**

**Representative:**

**Print:**

**CITY STAFF USE ONLY**

- [ ] Fee paid:
- [ ] Check number:
- [ ] Date Received:
City of Louisville Board of Adjustments: Variance Request

Property Address: 1039 Azure Way

Date: April 17, 2019

Variance Request: A variance to the 30-foot front setback of the RE zoned lot to allow a redesigned porch to be added to the entrance of the home. Currently the property is nonconforming and we would like to relocate the porch columns 2 feet closer to the street.

Variance Criteria

1. *That there are unique physical circumstances or conditions such as irregularity, narrowness or shallowness of lot, or exceptional topographical or other physical conditions peculiar to the affected property.*

Criteria is met due to RE zoning of the lot, whereby all homes were constructed prior to the RE designation and therefore are not in compliance with the 30-foot front setback.

2. *That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located.*

The subject property and all others in the Paragon Heights subdivision are, as built, nonconforming to the front setback, which is unusual for the RE zoned district.

3. *That because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this title.*

The physical circumstances do not allow the property to be reasonably developed and conform to the provisions of Title 17 of the LMC. This property currently exceeds the front setback requirements of the RE zoning district and it is reasonable to allow a 2 foot increase to improve the property.

4. *That such unnecessary hardship has not been created by the applicant.*

The existing house was built in 1981 prior to the RE zoning designation. We purchased the home in 2004 and were not involved in the original development of the nonconforming lot conditions.
5. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.

The variance request will allow the construction of a porch, which will be proportional to the scale of the home and consistent with the architecture of the neighboring homes.

6. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions on this title which are in question.

The proposed design will minimally relocate an existing column and add a secondary column to support the redesigned porch. Given the split level design of the home, this is the least modification that will result in an improved function and update to the home.

Thank you in advance for your consideration of this request.

Sincerely,

Bruce and Cynthia Cleveland
I am writing in support of the variance requested by Bruce & Cynthia Cleveland for their home at 1039 Azure Way. The Clevelands have provided drawings and details of the changes they wish to make to their home, and, as a neighbor, I feel these changes are appropriate and will be a positive change.

Best regards,

Yvonne W. Diggins
922 Azure Way
Louisville, CO 80027

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Yvonne W. Diggins
ywdiggins@gmail.com
Dear Cynthia and Bruce,

Thanks for sharing your plans to remodel your house with us. I went over the packet that you dropped off, and it looks as if you have some wonderful ideas for both inside and out. You have obviously given this project a great deal of thought and time in planning.

I think your home is already beautiful the way it is, but the porch addition, as detailed in the drawing included in the packet, will add another dimension and add even more character to the front of the house. It can only be a positive and attractive update. As you mention, the porch would be very consistent with the architectural style of our neighborhood.

Here's hoping everything will come together smoothly on your remodel as presented, and that things will move along quickly, as this is the best time of the year for projects! Please keep us informed; I am really excited to watch the progress as it unfolds!

Susan Gehr
Lisa, 

Forwarding on two support letters to you. The Morris’s live on our street at 985 Azure Way. We told other neighbors to send them directly to you or the planning department email.

Bruce

Begin forwarded message:

From: Cynthia Cleveland <cynthia3cleveland@comcast.net>
Subject: Fwd: 1039 Azure Way Variance
Date: March 28, 2019 at 7:19:45 PM MDT
To: brucecleveland@comcast.net

Dear Cynthia and Bruce,

I am writing in support of your request for a variance to build a front porch on your home. Your home is one of the nicest on the street, and your proposed design of a new front porch and siding will enhance the beauty of your home. Home improvements such as this will add value, not only to your home, but also those in the neighborhood.

All the best,

Lesa Morris
Hello,
We are neighbors of this proposed project and after reviewing the plans and drawings we are in support of this proposal.
Regards,
Jim & Susan Roberts
From: Sharon Szabados [mailto:skszabados@comcast.net]  
Sent: Tuesday, April 2, 2019 1:07 PM  
To: Planning <planning@Louisvilleco.gov>  
Subject: Case Number: VAR-0202-2019

Planning Department:

I fully support approval of the Variance requested for 1039 Azure Way. Case Number: VAR-0202-2019

Sharon Szabados

Neighbor

1836 Continental View Dr.
MEMORANDUM

To: Board of Adjustment Members
From: Department of Planning and Building Safety
Subject: Election of Officers and Appointment of Secretary
Date: April 17, 2019

The Louisville Board of Adjustment (BOA) is required by its Bylaws to annually elect the following officers: Chair, Vice Chair and Secretary. The BOA shall also appoint a City Employee to serve as the Secretary of meeting minutes for the board.

The Bylaws do not establish a formal manner in which to establish officers. However, in the past, the officers and secretary have been elected / appointed either 1) at the first regular meeting in January, or 2) at the first meeting of the BOA after the effective date of appointment of new members of the BOA.

Board of Adjustment Action:
The BOA could either:
1) discuss and take action at this meeting or
2) accept nominations and letters of interest that could then be considered at the next BOA meeting

If the BOA wishes to submit letters of interest or letters of nomination in advance of the meeting, staff could include those in your packets for that meeting. We would need to receive those by end of business fifteen (15) days prior to the meeting in order to forward in your packets.
MEMORANDUM

To: Board of Adjustment Members
From: Department of Planning and Building Safety
Subject: Establish Official Locations for Posting of Public Notice
Date: April 17, 2019

State law requires that each year every municipal board or commission establish the location(s) where the notice of their public meetings will be posted. It is required the location be established at that body’s first regular meeting of the year.

The City’s Home Rule Charter requires that notice of City Council meetings be posted in four locations. The City Attorney and City Manager’s office recommend that other boards and commissions follow the same public notice posting practice.

Consistent with that recommendation, staff is recommending the Board of Adjustment establish for the year 2019 the official locations for posting of Board of Adjustment agendas as follows:

- The Lobby of City Hall, 749 Main Street
- The Louisville Public Library Bulletin Board, 951 Spruce Street
- The Louisville Recreation Center, 900 West Via Appia
- The Police / Municipal Court building, 992 Via Appia
- The City of Louisville website, www.LouisvilleCO.gov
MEMORANDUM

To: Board of Adjustment Members

From: Department of Planning and Building Safety

Subject: 2019 Meeting Dates

Date: April 17, 2019

Regular meetings are held at 6:30 p.m. on the 3rd Wednesday of every month, as needed in Council Chambers, 2nd floor of City Hall (749 Main Street).

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Participation in Government

The City of Louisville encourages citizen involvement and participation in its public policy process. There are many opportunities for citizens to be informed about and participate in City activities and decisions. All meetings of City Council, as well as meetings of appointed Boards and Commissions, are open to the public and include an opportunity for public comments on items not on the agenda. No action or substantive discussion on an item may take place unless that item has been specifically listed as an agenda item for a regular or special meeting. Some opportunities for you to participate include:

Reading and inquiring about City Council activities and agenda items, and attending and speaking on topics of interest at public meetings

City Council Meetings:
- Regular meetings are generally held on the first and third Tuesdays of each month at 7:00 PM in the City Council Chambers, located on the second floor of City Hall, 749 Main Street;
- Study sessions are generally held on the second and fourth Tuesdays of each month at 7:00 PM in the Library Meeting Room, located on the first floor of the Library, 951 Spruce Street;
- Regular meetings are broadcast live on Comcast Cable Channel 8 and copies of the meeting broadcasts are available on DVD in the City Manager’s Office beginning the morning following the meeting;
- Regular meetings are broadcast live and archived for viewing on the City’s website at www.LouisvilleCO.gov.
- Special meetings may be held occasionally on specific topics. Agendas are posted a minimum of 48 hours prior to the meeting.

Meeting agendas for all City Council meetings, other than special meetings, are posted a minimum of 72 hours prior to the meeting at the following locations:
- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street
- City website at www.LouisvilleCO.gov

Meeting packets with all agenda-related materials are available 72 hours prior to each meeting and may be found at these locations:
- Louisville Public Library Reference Area, 951 Spruce Street,
- City Clerk’s Office, City Hall, 749 Main Street,
- City website at www.LouisvilleCO.gov

You may receive e_notifications of City Council news as well as meeting agendas and summaries of City Council actions. Visit the City’s website (www.LouisvilleCO.gov) and look for the eNotification link to register.

After they are approved by the City Council, meeting minutes of all regular and special meetings are available in the City Clerk’s office and on the City’s website (www.LouisvilleCO.gov).

Information about City activities and projects, as well as City Council decisions, is included in the Community Update newsletter, mailed to all City residents and businesses. Information is also often included in the monthly utility bills mailed to City residents.

Communicating Directly with the Mayor and City Council Members

Contact information for the Mayor and City Council members is available at www.LouisvilleCO.gov, as well as at City Hall, the Louisville Public Library, and the Recreation/Senior Center. You may email the Mayor and City Council as a group at CityCouncil@LouisvilleCO.gov.

Mayor’s Town Meetings and City Council Ward Meetings are scheduled periodically. These are informal meetings at which all residents, points of view, and issues are welcome. These meetings are advertised at City facilities and on the City’s website (www.LouisvilleCO.gov).

Mayor or City Council Elections

City Council members are elected from three Wards within the City and serve staggered four-year terms. There are two Council representatives from each ward. The mayor is elected at-large and serves a four-year term. City Council elections are held in November of odd-numbered years. For information about City elections, including running for City Council, please contact the City Clerk’s Office, first floor City Hall, 749 Main Street, or call 303.335.4571.

Serving as an Appointed Member on a City Board or Commission

The City Council makes Board and Commission appointments annually. Some of the City’s Boards and Commissions are advisory, others have some decision-making powers. The City Council refers questions and issues to these appointed officials for input and advice. (Please note the Youth Advisory Board has a separate appointment process.) The City’s Boards and Commissions are:
- Board of Adjustment
- Building Code Board of Appeals
- Cultural Council
- Historic Preservation Commission
- Historical Commission
- Housing Authority
- Library Board of Trustees
- Local Licensing Authority
Regular Meetings
All meetings of three or more members of a public body (or a quorum, whichever is fewer) are open to the public. All meetings of public bodies must be held in public buildings and public facilities accessible to all members of the public.
All meetings must be preceded by proper notice. Agendas and agenda-related materials are posted at least 72 hours in advance of the meeting at the following locations:
- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street
- City web site at www.LouisvilleCO.gov

Study Sessions
Study sessions are also open to the public. However, study sessions have a limited purpose:
- Study sessions are to obtain information and discuss matters in a less formal atmosphere;
- No preliminary or final decision or action may be made or taken at any study session; further, full debate and deliberation of a matter is to be reserved for formal meetings;
If a person believes in good faith that a study session is proceeding contrary to these limitations, he or she may submit a written objection. The presiding officer will then review the objection and determine how the study session should proceed.
Like formal meetings, a written summary of each study session is prepared and is available on the City's website.

Executive Sessions
The City Charter also sets out specific procedures and limitations on the use of executive sessions. These rules, found in Article 5 of the Charter, are intended to further the City policy that the activities of City government be conducted in public to the greatest extent feasible, in order to assure public participation and enhance public accountability. The City’s rules regarding executive sessions include the following:

Timing and Procedures
The City Council and City Boards and Commissions may hold an executive session only at a regular or special meeting.
No formal action of any type, and no informal or “straw” vote, may occur at any executive session. Rather, formal
actions, such as the adoption of a proposed policy, position, rule or other action, may only occur in open session.

Prior to holding an executive session, there must be a public announcement of the request and the legal authority for convening in closed session. There must be a detailed and specific statement as to the topics to be discussed and the reasons for requesting the session.

The request must be approved by a supermajority (two-thirds of the full Council, Board, or Commission). Prior to voting on the request, the clerk reads a statement of the rules pertaining to executive sessions. Once in executive session, the limitations on the session must be discussed and the propriety of the session confirmed. If there are objections and/or concerns over the propriety of the session, those are to be resolved in open session.

Once the session is over, an announcement is made of any procedures that will follow from the session.

Executive sessions are recorded, with access to those tapes limited as provided by state law. Those state laws allow a judge to review the propriety of a session if in a court filing it is shown that there is a reasonable belief that the executive session went beyond its permitted scope. Executive session records are not available outside of a court proceeding.

**Authorized Topics**

For City Council, an executive session may be held only for discussion of the following topics:

- Matters where the information being discussed is required to be kept confidential by federal or state law;
- Certain personnel matters relating to employees directly appointed by the Council, and other personnel matters only upon request of the City Manager or Mayor for informational purposes only;
- Consideration of water rights and real property acquisitions and dispositions, but only as to appraisals and other value estimates and strategy for the acquisition or disposition; and
- Consultation with an attorney representing the City with respect to pending litigation. This includes cases that are actually filed as well as situations where the person requesting the executive session believes in good faith that a lawsuit may result, and allows for discussion of settlement strategies.

The City's Boards and Commissions may only hold an executive session for consultation with its attorney regarding pending litigation.

**Ethics**

Ethics are the foundation of good government. Louisville has adopted its own Code of Ethics, which is found in the City Charter and which applies to elected officials, public body members, and employees. The Louisville Code of Ethics applies in addition to any higher standards in state law. Louisville's position on ethics is perhaps best summarized in the following statement taken from the City Charter:

> Those entrusted with positions in the City government must commit to adhering to the letter and spirit of the Code of Ethics. Only when the people are confident that those in positions of public responsibility are committed to high levels of ethical and moral conduct, will they have faith that their government is acting for the good of the public. This faith in the motives of officers, public body members, and employees is critical for a harmonious and trusting relationship between the City government and the people it serves.

The City's Code of Ethics (Sections 5-6 through 5-17 of the Charter) is summarized in the following paragraphs. While the focus is to provide a general overview of the rules, it is important to note that all persons subject to the Code of Ethics must strive to follow both the letter and the spirit of the Code, so as to avoid not only actual violations, but public perceptions of violations. Indeed, perceptions of violations can have the same negative impact on public trust as actual violations.

**Conflicts of Interest**

One of the most common ethical rules visited in the local government arena is the “conflict of interest rule.” While some technical aspects of the rule are discussed below, the general rule under the Code of Ethics is that if a Council, Board, or Commission member has an “interest” that will be affected by his or her “official action,” then there is a conflict of interest and the member must:

- Disclose the conflict, on the record and with particularity;
- Not participate in the discussion;
- Leave the room; and
- Not attempt to influence others.

An “interest” is a pecuniary, property, or commercial benefit, or any other benefit the primary significance of which is economic gain or the avoidance of economic loss. However, an “interest” does not include any matter conferring similar benefits on all property or persons similarly situated. (Therefore, a City Council member is not prohibited from voting on a sales tax increase or decrease if the member’s only interest is that he or she, like other residents, will be subject to the higher or lower tax.) Additionally, an “interest” does not include a stock interest of less than one percent of the company’s outstanding shares.

The Code of Ethics extends the concept of prohibited interest to persons or entities with whom the member is associated. In particular, an interest of the following persons and entities is also an interest of the member: relatives (including persons related by blood or marriage to certain
degrees, and others); a business in which the member is an officer, director, employee, partner, principal, member, or owner; and a business in which member owns more than one percent of outstanding shares.

The concept of an interest in a business applies to profit and nonprofit corporations, and applies in situations in which the official action would affect a business competitor. Additionally, an interest is deemed to continue for one year after the interest has ceased. Finally, “official action” for purposes of the conflict of interest rule, includes not only legislative actions, but also administrative actions and “quasi-judicial” proceedings where the entity is acting like a judge in applying rules to the specific rights of individuals (such as a variance request or liquor license). Thus, the conflict rules apply essentially to all types of actions a member may take.

Contracts

In addition to its purchasing policies and other rules intended to secure contracts that are in the best interest of the City, the Code of Ethics prohibits various actions regarding contracts. For example, no public body member who has decision-making authority or influence over a City contract can have an interest in the contract, unless the member has complied with the disclosure and recusal rules. Further, members are not to appear before the City on behalf of other entities that hold a City contract, nor are they to solicit or accept employment from a contracting entity if it is related to the member’s action on a contract with that entity.

Gifts and Nepotism

The Code of Ethics, as well as state law, regulates the receipt of gifts. City officials and employees may not solicit or accept a present or future gift, favor, discount, service or other thing of value from a party to a City contract, or from a person seeking to influence an official action. There is an exception for the “occasional nonpecuniary gift” of $15 or less, but this exception does not apply if the gift, no matter how small, may be associated with the official’s or employee’s official action, whether concerning a contract or some other matter. The gift ban also extends to independent contractors who may exercise official actions on behalf of the City.

The Code of Ethics also prohibits common forms of nepotism. For example, no officer, public body member, or employee shall be responsible for employment matters concerning a relative. Nor can he or she influence compensation paid to a relative, and a relative of a current officer, public body member or employee cannot be hired unless certain personnel rules are followed.

Other Ethics Rules of Interest

Like state law, Louisville’s Code of Ethics prohibits the use of non-public information for personal or private gain. It also prohibits acts of advantage or favoritism and, in that regard, prohibits special considerations, use of employee time for personal or private reasons, and use of City vehicles or equipment, except in same manner as available to any other person (or in manner that will substantially benefit City). The City also has a “revolving door” rule that prohibits elected officials from becoming City employees either during their time in office or for two years after leaving office. These and other rules of conduct are found in Section 5–9 of the Code of Ethics.

Disclosure, Enforcement, and Advisory Opinions

The Code of Ethics requires that those holding or running for City Council file a financial disclosure statement with the City Clerk. The statement must include, among other information, the person’s employer and occupation, sources of income, and a list of business and property holdings.

The Code of Ethics provides fair and certain procedures for its enforcement. Complaints of violations may be filed with the City prosecutor; the complaint must be a detailed written and verified statement. If the complaint is against an elected or appointed official, it is forwarded to an independent judge who appoints a special, independent prosecutor for purposes of investigation and appropriate action. If against an employee, the City prosecutor will investigate the complaint and take appropriate action. In all cases, the person who is subject to the complaint is given the opportunity to provide information concerning the complaint.

Finally, the Code allows persons who are subject to the Code to request an advisory opinion if they are uncertain as to applicability of the Code to a particular situation, or as to the definition of terms used in the Code. Such requests are handled by an advisory judge, selected from a panel of independent, disinterested judges who have agreed to provide their services. This device allows persons who are subject to the Code to resolve uncertainty before acting, so that a proper course of conduct may be identified. Any person who requests and acts in accordance with an advisory opinion issued by an advisory judge is not subject to City penalty, unless material facts were omitted or misstated in the request. Advisory opinions are posted for public inspection; the advisory judge may order a delay in posting if the judge determines the delay is in the City’s best interest.

Citizens are encouraged to contact the City Manager’s Office with any questions about the City’s Code of Ethics. A copy of the Code is available at the City’s website (www.LouisvilleCO.gov) and also from the Offices of the City Manager and City Clerk.
Other Laws on Citizen Participation in Government

Preceding sections of this pamphlet describe Louisville’s own practices intended to further citizen participation in government. Those practices are generally intended to further dissemination of information and participation in the governing process. Some other laws of interest regarding citizen participation include:

Initiative and Referendum
The right to petition for municipal legislation is reserved to the citizens by the Colorado Constitution and the City Charter. An initiative is a petition for legislation brought directly by the citizens; a referendum is a petition brought by the citizens to refer to the voters a piece of legislation that has been approved by the City Council. In addition to these two petitioning procedures, the City Council may refer matters directly to the voters in the absence of any petition. Initiative and referendum petitions must concern municipal legislation—as opposed to administrative or other non-legislative matters. By law the City Clerk is the official responsible for many of the activities related to a petition process, such as approval of the petition forms, review of the signed petitions, and consideration of protests and other matters. There are minimum signature requirements for petitions to be moved to the ballot; in Louisville, an initiative petition must be signed by at least five percent of the total number of registered electors. A referendum petition must be signed by at least two and one-half percent of the registered electors.

Public Hearings
In addition to the opportunity afforded at each regular City Council meeting to comment on items not on the agenda, most City Council actions provide opportunity for public comment through a public hearing process. For example, the City Charter provides that a public hearing shall be held on every ordinance before its adoption. This includes opportunities for public comment prior to initial City Council discussion of the ordinance, as well as after Council’s initial discussion but before action. Many actions of the City are required to be taken by ordinance, and thus this device allows for citizen public hearing comments on matters ranging from zoning ordinances to ordinances establishing offenses that are subject to enforcement through the municipal court.

Additionally, federal, state, and/or local law requires a public hearing on a number of matters irrespective of whether an ordinance is involved. For example, a public hearing is held on the City budget, the City Comprehensive Plan and similar plans, and a variety of site-specific or person-specific activities, such as annexations of land into the city, rezonings, special use permits, variances, and new liquor licenses. Anyone may provide comments during these hearings.

Public Records
Access to public records is an important aspect of citizen participation in government. Louisville follows the Colorado Open Records Act (CORA) and the additional public records provisions in the City Charter. In particular, the Charter promotes the liberal construction of public records law, so as to promote the prompt disclosure of City records to citizens at no cost or no greater cost than the actual costs to the City.

The City Clerk is the custodian of the City’s public records, except for financial, personnel, and police records which are handled, respectively, by the Finance, Human Resources, and Police Departments. The City maintains a public policy on access to public records, which include a records request form, a statement of fees, and other guidelines. No fee is charged for the inspection of records. No fee is charged for locating or making records available for copying, except in cases of voluminous requests or dated records, or when the time spent in locating records exceeds two hours. No fees are charged for the first 25 copies requested or for electronic records.

Many records, particularly those related to agenda items for City Council and current Board and Commission meetings, are available directly on the City’s website (www.LouisvilleCO.gov). In addition to posting agenda-related material, the City maintains communication files for the City Council and Planning Commission. These are available for public inspection at the City Clerk’s Office, 749 Main Street.

CORA lists the categories of public records that are not generally open to public inspection. These include, for example, certain personnel records and information, financial and other information about users of city facilities, privileged information, medical records, letters of reference, and other items listed in detail in CORA. When public records are not made available, the custodian will specifically advise the requestor of the reason.

Citizens are encouraged to review the City’s website (www.LouisvilleCo.gov) for information, and to contact the City with any questions regarding City records.

Public Involvement Policy
Public participation is an essential element of the City’s representative form of government. To promote effective public participation City officials, advisory board members, staff and participants should all observe the following guiding principles, roles and responsibilities:

Guiding Principles for Public Involvement
Inclusive not Exclusive - Everyone’s participation is
welcome. Anyone with a known interest in the issue will be identified, invited and encouraged to be involved early in the process.

Voluntary Participation - The process will seek the support of those participants willing to invest the time necessary to make it work.

Purpose Driven - The process will be clearly linked to when and how decisions are made. These links will be communicated to participants.

Time, Financial and Legal Constraints - The process will operate within an appropriate time frame and budget and observe existing legal and regulatory requirements.

Communication - The process and its progress will be communicated to participants and the community at-large using appropriate methods and technologies.

Adaptability - The process will be adaptable so that the level of public involvement is reflective of the magnitude of the issue and the needs of the participants.

Access to Information - The process will provide participants with timely access to all relevant information in an understandable and user-friendly way. Education and training requirements will be considered.

Access to Decision Making - The process will give participants the opportunity to influence decision making.

Respect for Diverse Interests - The process will foster respect for the diverse values, interests and knowledge of those involved.

Accountability - The process will reflect that participants are accountable to both their constituents and to the success of the process.

Evaluation - The success and results of the process will be measured and evaluated.

Roles and Responsibilities - City Council

City Council is ultimately responsible to all the citizens of Louisville and must weigh each of its decisions accordingly. Councilors are responsible to their local constituents under the ward system; however they must carefully consider the concerns expressed by all parties. Council must ultimately meet the needs of the entire community—including current and future generations—and act in the best interests of the City as a whole.

During its review and decision-making process, Council has an obligation to recognize the efforts and activities that have preceded its deliberations. Council should have regard for the public involvement processes that have been completed in support or opposition of projects.

Roles and Responsibilities - City Staff and Advisory Boards

The City should be designed and run to meet the needs and priorities of its citizens. Staff and advisory boards must ensure that the Guiding Principles direct their work. In addition to the responsibilities established by the Guiding Principles, staff and advisory boards are responsible for:

- ensuring that decisions and recommendations reflect the needs and desires of the community as a whole;
- pursuing public involvement with a positive spirit because it helps clarify those needs and desires and also adds value to projects;
- fostering long-term relationships based on respect and trust in all public involvement activities;
- encouraging positive working partnerships;
- ensuring that no participant or group is marginalized or ignored;
- drawing out the silent majority, the voiceless and the disempowered; and being familiar with a variety of public involvement techniques and the strengths and weaknesses of various approaches.

All Participants

The public is also accountable for the public involvement process and for the results it produces. All parties (including Council, advisory boards, staff, proponents, opponents and the public) are responsible for:

- working within the process in a cooperative and civil manner;
- focusing on real issues and not on furthering personal agendas;
- balancing personal concerns with the needs of the community as a whole;
- having realistic expectations;
- participating openly, honestly and constructively, offering ideas, suggestions and alternatives;
- listening carefully and actively considering everyone’s perspectives;
- identifying their concerns and issues early in the process;
- providing their names and contact information if they want direct feedback;
- remembering that no single voice is more important than all others, and that there are diverse opinions to be considered;
- making every effort to work within the project schedule and if this is not possible, discussing this with the proponent without delay;
- recognizing that process schedules may be constrained by external factors such as limited funding, broader project schedules or legislative requirements;
- accepting some responsibility for keeping themselves aware of current issues, making others aware of project activities and soliciting their involvement and input; and
- considering that the quality of the outcome and how that outcome is achieved are both important.

Updated December 2015
This pamphlet is prepared pursuant to the Home Rule Charter of the City of Louisville.

This is a compilation of Articles 4 and 5 of the Charter of the City of Louisville and is available at all times in the City Clerk’s Office, 749 Main Street, Louisville, Colorado, and on the City’s web site at www.LouisvilleCO.gov.

This pamphlet is also provided to every member of a public body (board or commission) at that body’s first meeting each year.