

# ***Local Licensing Authority***

## ***Agenda***

**January 25, 2016  
City Hall, Council Chambers  
749 Main Street  
7:00 PM**

- I. Call to Order**
- II. Roll Call and Introduction of Newly Appointed Member**
- III. Approval of Agenda**
- IV. Action on Minutes – 12/14/15**
- V. Consent Agenda**

The following items on the Local Licensing Authority Agenda are considered routine by the Authority and the Consent Agenda as a whole shall be approved not as individual items, accepted, etc. by motion of the Authority and roll call vote unless the Local Licensing Authority or Authority Member specifically requests such item be considered under “Authority Business”. In such an event the item shall be removed from the “Consent Agenda” and Authority action taken separately on said item in the order appearing on the Agenda. Those items so approved under the heading “Consent Agenda” will appear in the Authority minutes in their proper order.

- A. Designation of Posting Places for Posting Notices for Public Meetings
  - B. Renewal Application/Tastings Permit Renewal – Cabbz, Inc. d/b/a Centennial Wine and Spirits – Retail Liquor Store License – 324 S. McCaslin Blvd.
  - C. Renewal Application – Downtown Dining LLC d/b/a Madera Grill – Hotel and Restaurant Liquor License – 817 Main Street
  - D. Renewal Application - Dillon Companies, Inc., d/b/a King Soopers #13, - 3.2% Retail Beer License (Off Premises) - 1375 S. Boulder Road
- VI. Authority Business**
    - A. Introduction of Police Department Staff

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***City of Louisville***

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- B. Show Cause Hearing – Waterloo Icehouse, Inc. d/b/a Waterloo Icehouse – Tavern Liquor License – 809 Main Street
  - C. 2015 Annual Report
  - D. Election of Officers
- VII. Police Department Report**
- A. Incident Report – Tri-City Elks – 12/4/2015
  - B. Incident Report – Waterloo /Mudrocks – 12/10/2015
- VIII. Secretary’s Report**
- A. Distribution of Open Government and Ethics Pamphlet for 2016
  - B. Attendees at December 13, 2015 Seller/Server Training
- IX. Authority Attorney’s Report**
- X. Authority Comments**
- XI. Discussion Items for Next Meeting – February 22, 2016 @ 7:00 p.m.**
- XII. Adjournment**

## ***Local Licensing Authority***

### ***Meeting Minutes***

**December 14, 2015  
City Hall, Spruce Room  
749 Main Street  
7:00 PM**

**Call to Order** – Chairperson Machado called the meeting to order at 7:00 p.m.

**Roll Call** was taken and the following members were present:

Authority Members Present: Matthew Machado, Tom Tennesen, David Hughes, Marguerite Lipton, John Carlson and Tim Hervey.

Staff Members Present: Melinda Culley – Light Kelly P.C.  
Ben Redard, Police Corporal  
Carol Hanson, Deputy City Clerk

**Approval of Agenda** – Chairperson Machado called for changes to the agenda. Hughes moved to approve the agenda as presented. Carlson seconded. All in favor. Agenda approved.

**Approval of Meeting Minutes** – 10/26/15 – Machado called for any changes to the minutes. Tennesen moved to approve the minutes. Lipton seconded. All in favor. Minutes approved.

**Approval of Consent Agenda** – The following items on the Local Licensing Authority Agenda are considered routine by the Authority and the consent agenda as a whole shall be approved not as individual items, accepted, etc. by motion of the Authority and roll call vote unless the Local Licensing Authority or Authority Member specifically requests such item be considered under “Authority Business”. In such an event the item shall be removed from the “Consent Agenda” and the Authority action taken separately on said item in the order appearing on the Agenda. Those items so approved under the heading “Consent Agenda” will appear in the Authority minutes in their proper order.

- A. Renewal Application – Tokyo, Inc. d/b/a Tokyo Joe’s – Hotel and Restaurant Liquor License – 1116 W. Dillon Road C2-5
- B. Renewal Application – Best Chef Restaurant LLC d/b/a Parma Trattoria Mozzarella Bar – Hotel and Restaurant Liquor License – 1132 W. Dillon Road Unit 1

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#### ***City of Louisville***

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- C. Renewal Application/Manager Change – Blue Parrot Inc. d/b/a Blue Parrot Café – Hotel and Restaurant Liquor License – 640 Main St.
- D. Renewal Application – LSL, LLC d/b/a Melting Pot Restaurant Louisville – Hotel and Restaurant Liquor License – 732 Main St.
- E. Corporate Name Change – Qdoba Restaurant Corporation d/b/a Qdoba Mexican Grill Store #2526 – Hotel and Restaurant Liquor License – 459 S. McCaslin Blvd. Suite 1
- F. Renewal Application – Cane Nero LLC d/b/a Zucca Ristorante – Hotel and Restaurant Liquor License – 808 Main St.
- G. Renewal Application – Eat Drink LLC d/b/a Empire Restaurant and Lounge – Hotel and Restaurant Liquor License – 816 Main St.
- H. Renewal Application – Tao Asian, Inc. d/b/a Bao Asian Fusion & Sushi – Hotel and Restaurant Liquor License – 594 S. McCaslin Blvd.
- I. Change of Corporate Structure – The Noodle Shop Co. – Colorado, Inc. d/b/a Noodles and Company – Hotel and Restaurant Liquor License – 1100 W. Dillon Road #1

Machado called for any changes to the consent agenda. Authority member Tennesen noted he knows the owners of the Empire but it would not influence his vote. Lipton moved to approve the consent agenda. Hughes seconded. All in favor. Consent agenda approved.

### **Authority Business**

- A. Show Cause Hearing – Waterloo Icehouse, Inc. d/b/a Waterloo Icehouse – Tavern Liquor License – 809 Main St. **(CONTINUED TO 1/25/16)**

Chairperson Machado noted this was scheduled for a show cause hearing but had been administratively continued until the January 2016 meeting.

- B. Public Hearing on New Beer and Wine License Application – Coffee House Holdings, Inc. d/b/a Starbucks 5587 – 459 S. McCaslin Blvd.

Machado opened the public hearing on the Beer and Wine liquor license application. Secretary Hanson stated the application was complete and included in the Authority packet. Background checks were conducted by way of the State Master File. The hearing had been posted and published in accordance with state law. There was no reason found to require denial of the application.

Chairperson Machado called for any member disclosures. Authority member Tennesen noted he frequents the Starbucks location and has gotten to know the manager, but felt this would not present any conflicts with his voting on the matter.

Chairperson Machado moved the boundaries of the neighborhood be set as the current boundaries of the City of Louisville. Carlson seconded. Machado called for any objections to the boundaries of the neighborhood being the current city limits of the City of Louisville. Hearing no objections, he moved the entire application be made a part of the record of this hearing. Carlson seconded. All in favor.

Machado called for an applicant presentation.

Brian Proffitt, attorney for the applicant, introduced himself to the Authority. He noted also in attendance were Kelly Kissinger, District Manager for Starbucks and Carol Johnson, representative for Esquire Petitioning.

Chairperson Machado noted he and Mr. Proffitt attended law school together and started their careers with the same group.

Ms. Kissinger and Ms. Johnson took the oath. Mr. Proffitt noted this was a new concept for Starbucks, known as their "evenings" program. He asked Ms. Kissinger to describe the concept. Ms. Kissinger noted Starbucks will increase the food offerings and have beer and wine available from 2 pm to 10 pm. She described the identification procedure; everyone will be asked for ID. The beer and wine will be poured and taken to the customer. She noted the food items would always be available during alcohol service times. The staff will be trained with an alcohol certification class along with online training. All training must be completed before any staff member can serve alcohol. The alcohol will be in locked storage. A separating fence has been added to the patio, because it was a shared patio. Now it will be separate and monitored by Starbucks staff.

Hervey asked if the manager was aware how close Monarch high school is to the establishment. Ms. Kissinger replied yes and noted the staff will be out in the seating area during the alcohol service hours. Mr. Hervey let the applicant know the Louisville Police Department provides alcohol service training.

Hughes asked about the drive through. Ms. Kissinger replied no alcohol service will be allowed in the drive through.

Carlson asked about mobile phone payment. Ms. Kissinger replied there will be none for alcohol at this time. Carlson asked how the Starbucks locations adding alcohol were selected. Ms. Kissinger noted demographics played a part; providing a place for moms and others to gather and have a glass of wine and appetizers.

Lipton asked about procedure and what would happen besides logging an incident and not serving a visibly intoxicated person. Ms. Kissinger stated they would make sure the customer was safe, log the incident and call the police if necessary.

Machado asked how long the program for serving alcohol at selected Starbucks had been in place in Colorado. Ms. Kissinger replied it had begun in August of 2015.

Chairperson Machado noted the police department does provide quarterly training and the police department engages with liquor licensees and does a good job of helping them be successful with the alcohol service.

Carol Johnson, Esquire Petitioning, went over the survey procedure and results. In the final analysis of the needs and desires survey, there were 125 signatures in support and 2 opposed. She noted she would be available for any questions.

Mr. Proffitt noted the testimony was concluded. He asked if the surveys needed to be admitted. Authority Attorney Culley noted they were considered part of the application admitted earlier.

Chairperson Machado noted there were no members in the audience to speak either for or against the application.

Mr. Proffitt stated the application is in good order, the applicant is of good moral character and proper procedures have been established by the applicant to serve beer and wine. Survey results show a need and desire for a new beer and wine license. He asked the Authority to approve the license.

Chairperson Machado closed the public hearing and called for Authority comments and discussion. Hearing none, he called for a motion to grant or deny the application.

Tennessee moved the Local Licensing Authority of the City of Louisville find the applicant is of good moral character, the inhabitants of the neighborhood desire the license be granted, the license will meet the reasonable requirements of the neighborhood, all City and State law requirements have been met and, based on these findings, the Local Licensing Authority approve issuance of a beer and wine liquor license for Coffee House Holdings, Inc. d/b/a Starbucks 5587. Carlson seconded. Roll Call Vote: Machado – yes, Tennessee – yes, Hughes – yes, Lipton - yes and Carlson – yes. License approved.

C. Renewal Application – La Revolucion LLC d/b/a La  
Revolucion – Tavern Liquor License – 701 Main Street

Secretary Hanson noted the licensee had paid their City sales tax. Tennessee moved to approve the renewal of the license. Lipton seconded. All in favor.

## **Police Department Reports**

### A. Incident Report - Mudrock's – 8/22/15 (tabled from last meeting)

Chairperson Machado reviewed this incident involved police encountering an apparently intoxicated party outside the establishment. Authority members discussed the incident.

Carlson moved the Authority not move forward with any action on this item. Machado seconded. All in favor.

### B. Incident Report – Tri-City Elks – 9/13/15

Chairperson Machado noted this incident involved a couple encountered by the police who reportedly had been at the establishment. Lipton asked if the video was available. Corporal Redard noted it was not.

Carlson moved to dismiss this matter and not proceed with any action by the Authority. Macado seconded. All in favor.

## **Secretary's Report**

Hanson reported the schedule for 2016 meetings was included in the packet. She noted a Board and Commission open house had been held in October to allow citizens to find out about the different boards.

Hanson announced Ben Redard has been promoted to Sergeant. The Authority expressed their congratulations.

## **Authority Attorney's Report**

No report.

## **Authority Comment and Discussion Items for next meeting**

Lipton asked about the lease for Spice China and the person taking on the responsibility for the lease. Authority Attorney Culley noted the follow up on the lease reported he was simply a guarantor for the lease and had no other interest in the business.

Hughes noted this was his last meeting. He thanked the Authority for the opportunity to serve.

Corporal Redard noted State Liquor Enforcement has been doing checks in Louisville. Two gambling devices were removed from two different establishments. One liquor store had some stock seized because it was not purchased correctly.

Carlson asked if State Enforcement let the Louisville Police Department know they were going to be doing checks in town. Corporal Redard stated he is working closely with them, even going along on some of the checks.

**Adjourn** – Carlson moved to adjourn. Tennessen seconded. All in favor. The meeting was adjourned at 7:51 p.m.

**SUBJECT: APPROVAL OF DESIGNATION OF PLACES FOR POSTING  
NOTICES FOR PUBLIC MEETINGS**

**DATE: JANUARY 25, 2016**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

Section 24-6-402(2)(c) of the Colorado Open Meetings Law requires all public bodies of the City designate the public place or places for posting of notices of public meetings. The designation must be made at the local body's first regular meeting of each calendar year. Staff requests the Authority approve the following locations for the posting of meeting notices for 2014:

- 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

Pursuant to the Home Rule Charter, meeting notices and agendas are also published on the City's web site at [www.LouisvilleCO.gov](http://www.LouisvilleCO.gov).

**RECOMMENDATION:**

Approve designation of posting locations as listed above.

**SUBJECT: RENEWAL APPLICATION/TASTINGS PERMIT – CABBZ, INC.  
D/B/A CENTENNIAL WINE & SPIRITS – RETAIL LIQUOR STORE  
LICENSE – 324 SOUTH MCCASLIN BLVD.**

**DATE: JANUARY 25, 2016**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

The licensee, Cabbz, Inc. d/b/a Centennial Wine and Spirits, has submitted an application for renewal of its Retail Liquor Store License and Tastings Permit located at 324 S. McCaslin Blvd.

The premises are leased and the lease is current and on file.

There were eight employees who attended liquor training in the past year.

Certificate of Good Standing is current and on file.

There were no incidents over the past year that required the filing of a police report.

City of Louisville sales tax account is current.

**RECOMMENDATION:**

Authority approve the application for renewal of a Retail Liquor Store License/Tastings Permit – Cabbz, Inc. d/b/a Centennial Wine and Spirits.

Alternatively, the Authority may set a hearing on the application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION – DOWNTOWN DINING, LLC  
D/B/A MADERA GRILL – 817 MAIN STREET**

**DATE: JANUARY 25, 2016**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

The licensee, Downtown Dining LLC D/B/A Madera Grill, has submitted an application for renewal of its Hotel & Restaurant Liquor License located at 817 Main Street.

The premises are leased and the current lease is on file.

There were 5 employees who attended liquor training in the past year.

Certificate of Good Standing is current and on file.

There were no incidents over the past year that required the filing of a police report.

City of Louisville sales tax account is current.

**RECOMMENDATION:**

Authority approve the renewal application for a Hotel & Restaurant Liquor License for Downtown Dining LLC D/B/A Madera Grill.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION - DILLON COMPANIES, INC.,  
D/B/A KING SOOPERS #13, - 3.2% RETAIL BEER LICENSE  
(OFF PREMISES) - 1375 S. BOULDER ROAD**

**DATE: JANUARY 25, 2016**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

The licensee, Dillon Companies, Inc., d/b/a King Soopers #13 has submitted an application for renewal of its 3.2 Beer License (Off Premises) Liquor License located at 1375 S. Boulder Road.

There were no employees who attended liquor training in the past year.

The lease for the premises is current and on file.

The Corporate Certificate of Good Standing is current and on file.

There were no incidents over the past year that required filing of police reports.

City of Louisville sales tax is current.

**RECOMMENDATION:**

Authority approve the renewal application for a 3.2% Retail Beer License (Off Premises) for Dillon Companies, Inc., d/b/a King Soopers #13, Inc. - 1375 S. Boulder Road.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: POLICE DEPARTMENT STAFF INTRODUCTION**

**DATE: JANUARY 25, 2016**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

Police Chief David Hayes, Administrative Commander Jeff Fisher and Operations Commander Gene McCausey have expressed a desire to meet the Local Licensing Authority and will be present at the meeting.

**SUBJECT:           SHOW CAUSE HEARING – WATERLOO ICEHOUSE, INC,  
D/B/A WATERLOO ICEHOUSE - TAVERN LIQUOR LICENSE  
– 809 MAIN STREET**

**DATE:               JANUARY 25, 2016**

**PRESENTED BY:   CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

A Show Cause Hearing, Waterloo Icehouse, Inc. d/b/a Waterloo Icehouse - Tavern Liquor License – Incident dated 9-5-15

**RECOMMENDATION:**

The Authority may conduct a Show Cause Hearing for the purpose of determining whether the licensee has violated one or more of the laws, or regulations set forth in the Colorado Liquor Code.

# LOUISVILLE LOCAL LICENSING AUTHORITY

## 2015 ANNUAL REPORT



PUBLISHED BY

LOUISVILLE LOCAL LICENSING AUTHORITY

Submitted for review and approval by the LLA and forwarding to Council Members and  
City Manager.

AGENDA ITEM

**VI-C**

## **LOCAL LICENSING AUTHORITY**

### **2015 ANNUAL REPORT**

2015 was a relatively quiet year for the Louisville Local Licensing Authority. Several new licenses were granted without contention. We attribute the high level of compliance in Louisville with state and local licensing laws in large part to responsible licensees, responsible patrons, and the police department and town administration's hands-on approach of encouraging compliance through building and maintaining good working relationships with licensees. We strongly believe this outreach is key to avoiding problems. A few instances of actual or potential noncompliance were addressed by appropriate enforcement or other actions by the Authority, the police department or the town administration, and for the most part these issues were resolved in an effective and satisfactory manner.

The Louisville Police Department, working with other area law enforcement agencies, has continued to provide training to licensees. We have observed a consistent level of participation from our Louisville licensees. The Authority appreciates the Police Department's continued effort to educate and train local licensees. The Authority believes the training and assistance offered to local licensees by the Police Department and Carol Hanson, Deputy City Clerk and Secretary to the Authority, have made a positive impact on licensee compliance with state and local laws.

The Authority would like to recognize its appreciation of the Police Department for their time and commitment to the Authority and the community, particularly Sergeant Ben Redard and Corporal Cristi Gordanier. We would also like to acknowledge the advice and counsel from Melinda Culley, Light Kelly P.C., Attorney for the Authority. Finally, we recognize the invaluable attention to detail and expertise on authority matters of Carol Hanson.

The Authority is fortunate to have the services of these dedicated professionals and board members. In 2016 we look forward to continuing our efforts to maintain and improve licensing, outreach, and enforcement efforts.

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**Matthew Machado**  
**Chairperson**  
**Local Licensing Authority**

## **MEMBERS OF THE AUTHORITY 2015**

Matthew Machado, Chairperson	David Hughes, Vice-Chairperson
John Carlson	Marguerite Lipton
Tom Tennesen	Tim Hervey, Associate

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Attorney to the Authority	Melinda Culley and Sam Light – Light Kelly P.C.
Secretary to the Authority	Carol Hanson, Deputy City Clerk
Police Department Representatives	Ben Redard, Police Sergeant Cristi Gordanier, Police Corporal

## **TRAINING**

The City of Louisville and the City of Lafayette established a shared quarterly training program and successfully continued those joint training sessions through 2015. Four regular training sessions were held during the year. A total of 113 sellers and servers from licensed establishments attended the training sessions, with 90 from Louisville businesses. The Police Department also provided special training for the Downtown Business Association.

## **ACTION ITEMS**

The Authority held ten regularly scheduled meetings in 2015.

In 2015, the Authority renewed 47 liquor licenses. The Authority approved one new Beer and Wine license and two new Hotel and Restaurant liquor licenses in 2015. Approval for transfers of nine liquor licenses were considered and approved. In addition, thirty-four Special Events Permits were issued to nine non-profit organizations. The Authority considered other changes to licenses as they occurred. The Authority continues to work with the downtown restaurants to provide for alcohol service on the street patios.

**The breakdown for the 57 liquor licenses held in the City of Louisville is as follows:**

<b>Hotel &amp; Restaurant</b>	<b>36</b>
<b>Beer &amp; Wine</b>	<b>3</b>
<b>3.2% Beer (Off Premises)</b>	<b>4</b>
<b>Retail Liquor Store</b>	<b>5</b>
<b>Tavern</b>	<b>6</b>
<b>Club</b>	<b>2</b>
<b>Brew-Pub</b>	<b>1</b>

Authority Report 2015 (cont.)

Suspected liquor code violations continue to be reviewed on an individual basis by the Authority as incidents occur. The Authority ordered one Show Cause hearing this year. The hearing has been continued and will be held in January of 2016.

A number of incidents were reviewed and determined to require no further action by the Authority. State Liquor Enforcement checked on many of the liquor license holders over the course of 2015. The Authority continues to encourage license holders to appear before the Authority to discuss questions and concerns either the licensee or the Authority might have and what can be done to avoid problems.

The Authority wishes to extend its gratitude to the Louisville City Council for Council's ongoing support.

Approved by the Louisville Local Licensing Authority this 25<sup>th</sup> day of January 2016.

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Matthew Machado  
Chairperson  
Local Licensing Authority

ATTEST:

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Carol Hanson, Deputy City Clerk

**SUBJECT: ELECTION OF OFFICERS**

**DATE: JANUARY 25, 2016**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

Local Licensing Authority Bylaws (Article III, Section 5) require election of officers at the first meeting of each year. Election of a Chair-person and Vice-Chairperson to serve for one year should take place at this meeting.

**RECOMMENDATION:**

Authority nominates and elects officers for the 2016 calendar year.

**LOUISVILLE POLICE DEPARTMENT  
CRIME & INCIDENT REPORTS**

**TRI-CITY ELKS  
(12/4/15)  
#15-2484**

Police respond to report of a hit and run.

AGENDA ITEM  
**VII-A**

**LOUISVILLE POLICE DEPARTMENT  
CRIME & INCIDENT REPORTS**

**WATERLOO/MUDROCK'S  
(12/11/15)  
#15-2535**

Police conduct a liquor investigation after a DUI incident.

AGENDA ITEM  
**VII-B**

# *Secretary's Report*

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AGENDA ITEM

**VIII**

# Open Government & Ethics Pamphlet 2016



**City Manager's Office  
749 Main Street  
Louisville CO 80027  
[www.LouisvilleCO.gov](http://www.LouisvilleCO.gov)  
[info@LouisvilleCO.gov](mailto:info@LouisvilleCO.gov)  
303.335.4533**

# Table of Contents

<b>Citizen Participation.....</b>	<b>3</b>
<b>Open Meetings .....</b>	<b>4</b>
<b>Executive Sessions .....</b>	<b>5</b>
<b>Ethics .....</b>	<b>5</b>
<b>Other Laws on Citizen Participation.....</b>	<b>7</b>
<b>Public Involvement Policy .....</b>	<b>8</b>

## 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](http://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](http://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](http://www.LouisvilleCO.gov)

You may receive eNotifications of City Council news as well as meeting agendas and summaries of City Council actions. Visit the City's website ([www.LouisvilleCO.gov](http://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](http://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](http://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](mailto: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](http://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
- Golf Course Advisory Board
- Historic Preservation Commission
- Historical Commission
- Housing Authority
- Library Board of Trustees

- Local Licensing Authority
- Open Space Advisory Board
- Parks & Public Landscaping Advisory Board
- Planning Commission
- Revitalization Commission
- Sustainability Advisory Board
- Youth Advisory Board

Information about boards, as well as meeting agendas and schedules for each board, is available on the City’s web-site ([www.LouisvilleCO.gov](http://www.LouisvilleCO.gov)).

Agendas for all Board and Commission meetings are posted a minimum of 72 hours prior to each meeting and are posted at these 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](http://www.LouisvilleCO.gov)

Copies of complete meeting packets containing all agenda-related materials are available at least 72 hours prior to each meeting and may be found at the following locations:

- Louisville Public Library Reference Area, 951 Spruce Street,
- City Clerk’s Office, City Hall, 749 Main Street
- City web site at [www.LouisvilleCO.gov](http://www.LouisvilleCO.gov)

### **Planning Commission**

The Planning Commission evaluates land use proposals against zoning laws and holds public hearings as outlined in City codes. Following a public hearing, the Commission recommends, through a resolution, that the City Council accept or reject a proposal.

- Regular Planning Commission meetings are held at 6:30 PM on the second Thursday of each month. Overflow meetings are scheduled for 6:30 PM on the 4th Thursday of the month as needed, and occasionally Study Sessions are held.
- Regular meetings are broadcast live on Comcast Channel 8 and archived for viewing on the City’s web-site ([www.LouisvilleCO.gov](http://www.LouisvilleCO.gov)).

### **Open Government Training**

All City Council members and members of a permanent Board or Commission are required to participate in at least one City-sponsored open government-related seminar, workshop, or other training program at least once every two years.

## **Open Meetings**

The City follows the Colorado Open Meetings Law (“Sunshine Law”) as well as additional open meet-

ings requirements found in the City’s Home Rule Charter. These rules and practices apply to the City Council and appointed Boards and Commissions (referred to as a “public body” for ease of reference). Important open meetings rules and practices include the following:

### **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
- On the City web site at [www.LouisvilleCO.gov](http://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**

**E**thics 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](http://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](http://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](http://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](http://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.

**Attendees at December 13, 2015 Seller/Server Training**

There were a total of 20 attendees with 13 from Louisville establishments.

Waterloo - 13