

City Council

Meeting Minutes

August 20, 2019
City Hall, Council Chambers
749 Main Street
7:00 PM

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

Roll Call was taken and the following members were present:

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

Staff Present: **Heather Balsler, City Manager**
 Megan Davis, Deputy City Manager
 Kathleen Hix, Human Resources Director
 Rob Zuccaro, Planning & Building Safety Director
 Meredyth Muth, City Clerk

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

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Councilmember Maloney. All in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Heather Wiegand, 1240 Jefferson Avenue, stated people are frequently running the stop sign at Jefferson Avenue and Lafayette Street; she would like the City to have more enforcement in the area. She stated Pirates Park is heavily used after dark and she is concerned what is taking place as there is very poor lighting there. Lastly, she stated cars

frequently don't stop for pedestrians in the blinking cross walks on Via Appia and she would like more enforcement.

APPROVAL OF THE CONSENT AGENDA

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

- A. Approval of Bills
- B. Approval of Minutes: July 30, 2019; August 6, 2019
- C. Approval of Proclamation for Indigenous People's Day
- D. Approval of Resolution No. 26, Series 2019 – A Resolution Authorizing the Assignment of the City's Private Activity Bond Allocation for 2019 to the Housing Authority of the County of Boulder, Colorado; Providing Other Details in Connection Therewith; and Providing and Effective Date
- E. Approval of Agreement with 9555 Paradise Lane for Water Service

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Mayor Muckle stated the weekend's Louisville criterium bike race was well received.

CITY MANAGER'S REPORT

City Manager Balser stated the transition to Republic Trash continues. Tonight is the first of four neighborhood meetings for people to meet their new trash provider. The final public meeting for the Transportation Master Plan is August 22 at 7 pm; she encouraged people to attend. She reminded everyone of the upcoming Fall Festival events.

REGULAR BUSINESS

RESOLUTION NO. 27, SERIES 2019 – A RESOLUTION APPROVING A ONE-YEAR EXTENSION TO THE 824 SOUTH STREET/957 MAIN STREET PLANNED UNIT DEVELOPMENT AND AN AMENDMENT TO THE SPECIAL REVIEW USE FOR OUTDOOR SALES OF RETAIL GOODS AND EATING AND DRINKING ESTABLISHMENTS

Mayor Muckle introduced the item and opened the public hearing. Director Zuccaro stated this is a request for a one-year PUD extension and amendment to the Special Review Use (SRU). He reviewed the existing property at 824 South and the previously approved PUD. The property has new owners who would like to extend the outdoor area slightly and change the residential piece to a commercial use. He showed the originally approved plan and the new plans to compare.

Director Zuccaro stated there are notes on the PUD that outdoor amplified music shall be prohibited and night time hours of operation for the outdoor dining areas shall not extend past 12 am.

Staff recommends approval for both the one-year PUD extension and the SRU with the two conditions originally on the PUD.

Councilmember Maloney noted taking away the residential portion removes the buffer with the residential neighbors and he asked if that was a cause for concern. Director Zuccaro stated noise and lighting are the concerns and staff feels these are addressed by the notes on the PUD. In addition, staff did not receive any written comments on the application from the neighbors.

Councilmember Stolzmann asked if the parking requirements are met on site and if not, what the fee is. Director Zuccaro stated the PUD does not meet the minimum number of spaces and the developer will have to make a payment in lieu for the parking needs. Director Zuccaro stated the charges would be at the current cost of the spaces.

Erik Hartronft, architect, stated the owner is ready to pull the building permit as soon as all approvals are met. The new owner is planning to use the new commercial site at the rear of the property and will be looking for a tenant for the remainder of the building.

Barbie Iglasias, owner, stated she plans to use the smaller area as a healthy to go food business that will run probably 7 am – 7 pm with some limited seating between the two building areas.

Public Comments – None

Mayor Muckle closed the public hearing

Mayor Pro Tem Lipton moved to approve the resolution; seconded by Councilmember Loo.

Voice vote – all in favor.

ORDINANCE NO. 1780, SERIES 2019 – AN ORDINANCE AMENDING CHAPTER 3.20 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING THE APPEALS PROCESS FOR TAX DECISIONS – 2ND READING, PUBLIC HEARING (advertised *Daily Camera* 8/11/19)

Kelly introduced the item by title. Mayor Muckle opened the public hearing.

City Attorney Kelly stated state statute provides for two avenues for an appeal for tax hearings. It was recently found that Louisville's code does not have two options; this ordinance brings our rules into conformance with state statute. The amendments provide an option for a review by the Executive Director of the Colorado Department of Revenue

of a final decision of the City and further appeal to district court. The process allows the applicant to determine which route they would like to take.

Public Comments – None

Public Comments – None.

Closed the public hearing.

Councilmember Leh moved to approve the ordinance, seconded by Councilmember Stolzmann.

Vote: Motion carried by unanimous roll call vote.

DISCUSSION/DIRECTION – CITY COUNCIL SALARY SURVEY

Director Hix stated staff does an annual survey of all positions in the City including City Council and Mayor. Staff recommends increasing the Mayor's salary by \$54 per month to bring the salary up to the average of the market at \$1,164 per month. Mayor Pro Tem and City Council Members' salaries are above the average of the market and therefore no increase is recommended. She stated staff is seeking direction on any changes Council would like to make to the process and the proposed increase to the Mayor's salary; some have mentioned an automatic adjustment be built in.

Councilmember Keany stated this issue tends to be ignored for long periods of time and it should be reviewed regularly. He would like a policy or ordinance requiring review every two years so salaries are kept up to date.

Mayor Muckle stated changes should not be automatic, but should be reviewed by Council every two years for public discussion. Councilmember Leh agreed. Mayor Pro Tem Lipton stated it should be done biannually or annually with all other salary reviews either by policy or by practice.

Councilmember Maloney stated the he supports an annual review process just like we do for staff and make changes when needed. Councilmember Keany agreed.

Public Comments – None.

Mayor Muckle asked if everyone supports making the changes for the mayor's salary and include a council salary survey with the annual process as a practice.

Councilmember Stolzmann stated she supports this process.

Councilmember Leh stated he prefers the process be codified rather than just a policy or practice just to be as transparent as possible.

Councilmember Stolzmann disagreed as she thinks there might be years when Council might want to not do a review and could have good reasons for it so it should be a practice. Councilmember Loo agreed it doesn't need to be codified.

The consensus was for an annual review practice and adjustment to the Mayor's salary.

ORDINANCE NO. 1781, SERIES 2019 – AN ORDINANCE AMENDING THE CENTENNIAL VALLEY GENERAL DEVELOPMENT PLAN (GDP) CONCERNING ALLOWED USES, HEIGHTS, DENSITIES, AND OTHER DEVELOPMENT PROVISIONS FOR LOTS 2 AND 3, CENTENNIAL VALLEY PARCEL O, 7TH FILING – 1ST READING, SET PUBLIC HEARING 9/3/19

City Attorney Kelly introduced the ordinance by title. Mayor Muckle moved to approve this on first reading and set the public hearing for 8/20/19; seconded by Councilmember Maloney.

Councilmember Stolzmann asked if the Finance Committee has reviewed this and if they have comments on the hybrid fiscal model that was used. Director Zuccaro stated Council and Finance Committee looked at both fiscal models last year and agreed on a policy on when to run each model and what would be the standard assumptions in each model. The policy was that on a General Development Plan (GDP) amendment we could run either the direct/hybrid or the marginal cost model depending on the scope. In this case the direct/hybrid model was used not the full marginal cost model.

Councilmember Stolzmann asked for screen shots of the assumption tabs to have additional information to illustrate the cost side of the equation.

Councilmember Keany asked if the church buys the property would only the portion of the building used by the church be tax exempt. Director Zuccaro stated that his understanding is that only the portion used by the tax exempt entity would be tax exempt.

Councilmember Leh stated his concern that the City needs to be careful with questions that may run afoul of the federal rules that relate to churches and development.

Councilmember Stolzmann stated she would like a range of realistic projections for the parcel depending on the level of development to help understand the economic return.

Voice vote, all in favor.

ORDINANCE NO. 1782, SERIES 2019 – AN ORDINANCE AMENDING TITLE 2 OF THE MUNICIPAL CODE TO ADDRESS MUNICIPAL CAMPAIGN VIOLATIONS AND COMPLAINTS – 1ST READING, SET PUBLIC HEARING 9/3/19

City Attorney Kelly introduced the ordinance by title. Mayor Muckle moved to approve this on first reading and set the public hearing for 8/20/19; seconded by Mayor Pro Tem Lipton.

Voice vote, all in favor.

CITY ATTORNEY'S REPORT

None.

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

Mayor Muckle asked staff to follow up with the Police Department regarding the public comments earlier in the evening.

Councilmember Stolzmann stated DRCOG received a presentation on bus rapid transit noting the report shows it favors high trip service in highly populated areas so there are questions about equity for all of the metro area. She noted RTD is rethinking how they provide service.

Councilmember Stolzmann stated she went to the Republic trash event this evening and it was a great event with good information for residents.

Mayor Muckle moved for Council to start the meeting on August 27 at 6 pm to accommodate an executive session. All in favor.

Councilmember Maloney invited everyone to review the Finance Committee packet from last week noting sales tax is flattening out and is below projections. This will be of concern in the budget discussion.

Deputy City Manager Davis stated staff is looking to schedule a joint meeting with the Superior Board of Trustees to discuss the airport noise report. Council has two dates to choose from.

ADJOURN

Members adjourned at 8:03 pm.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk