

City Council

Agenda

Tuesday, September 17, 2019

City Hall

749 Main Street

7:00 PM

**Note: The time frames assigned to agenda items are estimates for guidance only.
Agenda items may be heard earlier or later than the listed time slot.**

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Council requests that public comments be limited to 3 minutes. When several people wish to speak on the same position on a given item, Council requests they select a spokesperson to state that position.

5. CONSENT AGENDA

The following items on the City Council Agenda are considered routine by the City Manager and shall be approved, adopted, accepted, etc., by motion of the City Council and roll call vote unless the Mayor or a City Council person specifically requests that such item be considered under "Regular Business." In such an event the item shall be removed from the "Consent Agenda" and Council 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 Council Minutes in their proper order.

A. Approval of Bills

B. Approval of Minutes: August 27, 2019; September 3, 2019

C. Approval of the First Amendment to the Agreement with the Humane Society of Boulder Valley, Inc. for Animal Impoundment Services

D. Approval of Resolution No. 30, Series 2019 – A Resolution Approving the 2019-2020 Contract for Project Edge and Other Mental Health and Elder Services with Community Reach Center

E. Approval of Proclamation for Constitution Week

F. Approval of Resolution No. 31, Series 2019 – A Resolution Approving a Preservation and Restoration Grant for the Harney House Located at 620 Grant Avenue

G. Approval of Changes to the City Council October Meeting Schedule

H. Approval of Purchase of Truck Mounted High Pressure Sewer Cleaner

Citizen Information

If you wish to speak at the City Council meeting, please fill out a sign-up card and present it to the City Clerk.

Persons with disabilities planning to attend the meeting who need sign language interpretation, assisted listening systems, Braille, taped material, or special transportation, should contact the City Manager's Office at 303 335-4533. A forty-eight-hour notice is requested.

City of Louisville

City Council 749 Main Street Louisville CO 80027
303.335.4536 (phone) 303.335.4550 (fax) www.LouisvilleCO.gov

6. COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA (Council general comments are scheduled at the end of the Agenda.)

7. CITY MANAGER'S REPORT

8. REGULAR BUSINESS

7:15 – 8:00 PM

A. ORDINANCE NO. 1783, SERIES 2019 – AN ORDINANCE AMENDING CHAPTER 17.68 OF THE LOUISVILLE MUNICIPAL CODE TO REQUIRE OIL AND GAS OPERATOR REGISTRATION – 1ST AND FINAL READING – PUBLIC HEARING – Adoption as Emergency Ordinance

- i. AN EMERGENCY ORDINANCE AMENDING CHAPTER 17.68 OF THE LOUISVILLE MUNICIPAL CODE TO REQUIRE OIL AND GAS OPERATOR REGISTRATION AND TO PROVIDE FOR A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, OR APPROVAL OF ANY LAND USE APPLICATIONS, OR ISSUANCE OF ANY SPECIAL USE PERMIT, RELATED TO THE USE OF PROPERTY WITHIN THE CITY FOR OIL AND GAS EXPLORATION, EXTRACTION, AND RELATED ACTIVITIES UPON RECEIPT OF AN OPERATOR REGISTRATION**

OR

- ii. AN EMERGENCY ORDINANCE AMENDING CHAPTER 17.68 OF THE LOUISVILLE MUNICIPAL CODE TO REQUIRE OIL AND GAS OPERATOR REGISTRATION**

- Mayor Opens Public Hearing
- Staff Presentation
- Public Comments (Please limit to three minutes each)
- Council Questions & Comments
- Additional Public Comments
- Mayor Closes Public Hearing
- Action

- 8:00 – 8:15 PM **B. RESOLUTION NO. 10, SERIES 2019 – A RESOLUTION APPROVING THE PROPERTY TAX INCREMENT REBATE AGREEMENT WITH 712 MAIN LLC AND 722 MAIN LLC PURSUANT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE LOUISVILLE REVITALIZATION COMMISSION AND THE CITY OF LOUISVILLE – *continued from 3/19/19 & 6/11/19* – staff recommends continuance to 11/4/19**
- Staff Presentation
 - Public Comments (Please limit to three minutes each)
 - Council Questions & Comments
 - Action
- 8:15 – 8:45 PM **C. DISCUSSION/DIRECTION – CITY COUNCIL POSITION ON PROPOSITION CC**
- Staff Presentation
 - Public Comments (Please limit to three minutes each)
 - Council Questions & Comments
 - Action
- 8:45 – 9:00 PM **D. DISCUSSION/DIRECTION/ACTION – CONTRACT BETWEEN THE CITY OF LOUISVILLE AND GLACIER CONSTRUCTION CO., INC. FOR THE CONSTRUCTION OF AND THE APPROVAL OF CONSTRUCTION MANAGEMENT SERVICE ADDENDUM FOR THE SID COPELAND WATER TREATMENT PLANT ON-SITE CHLORINE GENERATION IMPROVEMENTS PROJECT**
- Staff Presentation
 - Public Comments (Please limit to three minutes each)
 - Council Questions & Comments
 - Action
- 9:00 – 9:05 PM **E. ORDINANCE NO. 1784, SERIES 2019 – AN ORDINANCE AMENDING CHAPTER 2.08 OF THE LOUISVILLE MUNICIPAL CODE REGARDING THE MAYOR’S SALARY – 1st READING, SET PUBLIC HEARING 10/1/19**
- City Attorney Introduction
 - Action

9. CITY ATTORNEY’S REPORT

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

11. ADJOURN

08/29/2019 09:39
kreaged

City of Louisville, CO
DETAIL INVOICE LIST

P 1
apwarrnt

CASH ACCOUNT: 001000 101001

WARRANT: 082919 08/29/2019

VENDOR	VENDOR NAME	PURPOSE	AMOUNT
14154	ALLSTREAM	SEP 19 PHONE CIRCUITS	938.52
14164	ALPINE BANK	#5300177601 SOLAR LEASE	5,429.18
14164	ALPINE BANK	#5300089001 SOLAR PANEL L	3,986.70
11298	DELTA DENTAL OF COLORADO	#007562-0000 SEP 19 EMPLO	13,422.36
5255	FAMILY SUPPORT REGISTRY	Payroll Run 1 - Warrant 0	312.49
13817	ISRAEL ALVARADO	FALL FESTIVAL ENTERTAINME	200.00
14105	JAY STERN	FALL FESTIVAL ENTERTAINME	250.00
6455	KAISER PERMANENTE	05920-01-16 SEP 19 EMPLOY	145,945.30
14793	KIM BAKER	EXPENSE REPORT 8/14-8/20/	110.61
9750	LEGALSHIELD	#22554 SEP 19 EMPLOYEE PR	367.80
7735	LINCOLN FINANCIAL GROUP	000010008469 SEP 19 LIFE/	7,079.02
7735	LINCOLN FINANCIAL GROUP	000010008469 SEP 19 LTD P	3,683.22
5178	PETTY CASH - KATHY MARTIN	PETTY CASH RSC	357.62
14442	THOA PHAM	TUITION REIMBURSEMENT	914.48
8442	VISION SERVICE PLAN	12 059727 0001 SEP 19 EMP	2,876.96
=====		=====	=====
15 INVOICES		WARRANT TOTAL	185,874.26
=====		=====	=====

09/05/2019 10:29
kreaged

City of Louisville, CO
DETAIL INVOICE LIST

P 1
apwarrnt

CASH ACCOUNT: 001000 101001

WARRANT: 090519 09/05/2019

VENDOR	VENDOR NAME	PURPOSE	AMOUNT
12905	EDWARD ARAGONI	FALL FESTIVAL ENTERTAINME	800.00
99999	DANIEL MONTGOMERY	UTILITY REFUND 116 VISTA	164.63
99999	JEROEN & DIANE KOORNWINDER	UTILITY REFUND 563 W LIND	153.73
14834	PETERSON APPRAISAL COMPANY	RETAINER MAYHOFFER APPRAI	2,500.00
11345	SAGE AND SAVORY CATERING	COUNCIL DINNER 8/27/19	264.00
=====			
	5 INVOICES	WARRANT TOTAL	3,882.36
=====			

09/12/2019 08:06
kreaged

City of Louisville, CO
DETAIL INVOICE LIST

P 1
apwarrnt

CASH ACCOUNT: 001000 101001		WARRANT: 091719	09/17/2019
VENDOR	VENDOR NAME	PURPOSE	AMOUNT
6866 4	RIVERS EQUIPMENT	DOOR SHOCK UNIT 3420	46.11
6866 4	RIVERS EQUIPMENT	GEAR CASE UNIT 5384	1,920.43
14121	ACUSHNET COMPANY	Resale Merchandise	951.46
14121	ACUSHNET COMPANY	Resale Merchandise	433.94
9751	ADAMS COUNTY	ACADEMY TUITION MEJIA, PE	13,600.00
5001	BACKFLOW TECH	BACKFLOW CERTIFICATIONS W	985.00
5001	BACKFLOW TECH	BACKFLOW CERTIFICATIONS	997.22
14140	BLUE RIVER FORESTRY & TREE CAR	STUMP GRINDING	1,900.00
640	BOULDER COUNTY	AUG 19 BOULDER COUNTY USE	26,954.62
640	BOULDER COUNTY	BUSINESS CARDS PD	16.43
8371	BOULDER VALLEY SCHOOL DISTRICT	STREET FAIRE SHUTTLE 8/2/	200.99
8371	BOULDER VALLEY SCHOOL DISTRICT	STREET FAIRE SHUTTLE 8/9/	327.74
8371	BOULDER VALLEY SCHOOL DISTRICT	SUMMER CAMP FIELD TRIP 6/	373.57
8371	BOULDER VALLEY SCHOOL DISTRICT	SUMMER CAMP FIELD TRIP 6/	369.99
8371	BOULDER VALLEY SCHOOL DISTRICT	SUMMER CAMP FIELD TRIP 6/	309.86
8371	BOULDER VALLEY SCHOOL DISTRICT	SUMMER CAMP FIELD TRIP 6/	354.27
8371	BOULDER VALLEY SCHOOL DISTRICT	SUMMER CAMP FIELD TRIP 7/	476.65
8371	BOULDER VALLEY SCHOOL DISTRICT	SUMMER CAMP FIELD TRIP 7/	363.90
8371	BOULDER VALLEY SCHOOL DISTRICT	SUMMER CAMP FIELD TRIP 7/	282.11
8371	BOULDER VALLEY SCHOOL DISTRICT	SUMMER CAMP FIELD TRIP 7/	393.33
8371	BOULDER VALLEY SCHOOL DISTRICT	SUMMER CAMP FIELD TRIP 7/	217.15
7706	BRANNAN SAND & GRAVEL CO LLC	2019 Asphalt	67.50
7706	BRANNAN SAND & GRAVEL CO LLC	2019 Asphalt	137.25
7706	BRANNAN SAND & GRAVEL CO LLC	2019 Road Base	1,307.82
9838	BRIGHTVIEW LANDSCAPE SERVICES	Downtown Floral Display S	1,625.00
13344	BROWNS HILL ENGINEERING & CONT	TRANSMITTER MANIFOLDS WTP	1,944.20
14461	C & R ELECTRICAL CONTRACTORS I	TROUBLESHOOT BALLFIELD LI	396.00
14461	C & R ELECTRICAL CONTRACTORS I	TROUBLESHOOT SKATE PARK I	88.00
935	CENTENNIAL PRINTING CO	BUSINESS CARDS DEWITZ	62.00
935	CENTENNIAL PRINTING CO	ENVELOPES CITY CLERK	285.00
10773	CENTRIC ELEVATOR CORP	SEP 19 ELEVATOR MAINT CH	306.18
10773	CENTRIC ELEVATOR CORP	SEP 19 ELEVATOR MAINT LIB	511.33
10773	CENTRIC ELEVATOR CORP	SEP 19 ELEVATOR MAINT RSC	300.96
10773	CENTRIC ELEVATOR CORP	SEP 19 ELEVATOR MAINT PC	274.42
14592	CF LESSEE LOB	CEC SOLAR LEASE #1133	9,105.22

09/12/2019 08:06
kreaged

City of Louisville, CO
DETAIL INVOICE LIST

P 2
apwarrnt

CASH ACCOUNT: 001000 101001

WARRANT: 091719 09/17/2019

VENDOR	VENDOR NAME	PURPOSE	AMOUNT
13964	CHANDLER ASSET MANAGEMENT	AUG 19 INVESTMENT FEES	2,195.63
14405	CHEER CENTRAL INC	CONTRACTOR FEES CHEER	329.00
2220	CHEMTRADE CHEMICALS US LLC	Alum Sulfate NWTP	4,563.23
2220	CHEMTRADE CHEMICALS US LLC	Alum Sulfate SWTP	4,568.75
14427	CHRISTINE STANDEFER	CONTRACTOR FEES TRI TRAIN	117.60
4785	CINTAS CORPORATION #66	UNIFORM RENTAL WWTP	50.64
4785	CINTAS CORPORATION #66	UNIFORM RENTAL WWTP	50.64
4785	CINTAS CORPORATION #66	UNIFORM RENTAL WWTP	50.64
4785	CINTAS CORPORATION #66	UNIFORM RENTAL WWTP	50.64
4785	CINTAS CORPORATION #66	UNIFORM RENTAL WWTP	50.64
4785	CINTAS CORPORATION #66	UNIFORM RENTAL WWTP	50.64
4785	CINTAS CORPORATION #66	UNIFORM RENTAL WWTP	50.64
4785	CINTAS CORPORATION #66	UNIFORM RENTAL WTP	227.24
4785	CINTAS CORPORATION #66	UNIFORM RENTAL WTP	227.24
4785	CINTAS CORPORATION #66	UNIFORM RENTAL WTP	227.24
4785	CINTAS CORPORATION #66	UNIFORM RENTAL WTP	227.24
4785	CINTAS CORPORATION #66	UNIFORM RENTAL WTP	227.24
4785	CINTAS CORPORATION #66	UNIFORM RENTAL WTP	227.24
4785	CINTAS CORPORATION #66	UNIFORM RENTAL WTP	226.08
1120	COLORADO ANALYTICAL LABORATORI	LAB ANALYSIS FEES WTP	17.50
1120	COLORADO ANALYTICAL LABORATORI	LAB ANALYSIS FEES WTP	86.30
1120	COLORADO ANALYTICAL LABORATORI	LAB ANALYSIS FEES WTP	157.50
1120	COLORADO ANALYTICAL LABORATORI	LAB ANALYSIS FEES WTP	157.50
1120	COLORADO ANALYTICAL LABORATORI	LAB ANALYSIS FEES WTP	766.00
1120	COLORADO ANALYTICAL LABORATORI	LAB ANALYSIS FEES WTP	157.50
1120	COLORADO ANALYTICAL LABORATORI	LAB ANALYSIS FEES WTP	174.00
11471	COLORADO STATE PATROL ACADEMY	CSP DRIVING TRACK POST TR	1,500.00
14009	COMPLETE MAILING SOLUTIONS INC	POSTAGE MACHINE MAINT CON	497.00
12041	CORE ELECTRIC INC	LIGHTING REPAIR CS	2,295.00
13370	CRIBARI LAW FIRM, PC	AUG 19 PROSECUTING ATTORN	3,570.75
14680	CWA CONSULTING SERVICES LLC	Local Limits Re-evaluatio	2,316.00
11476	DBC IRRIGATION SUPPLY	BALLFIELD IRRIGATION PARK	393.33
11476	DBC IRRIGATION SUPPLY	BALLFIELD IRRIGATION PARK	907.40
14836	DENVER INDUSTRIAL PUMPS INC	LOWER POND PUMP	2,262.20
14469	DESIGNSCAPES COLORADO	Median Landscape Renovati	12,350.00
14825	DIAMOND STANDARD EVENTS LLC	LABOR DAY PARADE EVENT ST	149.34

09/12/2019 08:06
kreaged

City of Louisville, CO
DETAIL INVOICE LIST

P 3
apwarrnt

CASH ACCOUNT: 001000 101001

WARRANT: 091719 09/17/2019

VENDOR	VENDOR NAME	PURPOSE	AMOUNT
1505	DPC INDUSTRIES INC	SODIUM BICARBONATE WWTP	1,470.00
1505	DPC INDUSTRIES INC	SODIUM HYPOCHLORITE WWTP	674.48
14367	DUNAKILLY MANAGEMENT GROUP COR	Owner's Rep RSC Expansion	375.00
14367	DUNAKILLY MANAGEMENT GROUP COR	Additional Project Manage	1,062.50
14691	EEG ENTERPRISES INC	CHANNEL 8 CLOSED CAPTIONI	299.00
11468	EMPLOYERS COUNCIL SERVICES INC	INVESTIGATIONS IN THE WOR	345.00
6761	FARIS MACHINERY CO	REPAIR UNIT 3426	2,326.12
12270	FASTENAL COMPANY	WIRE ROPE CLIPS WTP	355.86
13916	FERGUSON WATERWORKS	2019 Utility Parts	1,017.00
13916	FERGUSON WATERWORKS	2019 Utility Parts	441.72
14083	GOLF AND SPORT SOLUTIONS LLC	Resurface Sports Complex	77,235.77
2310	GRAINGER	HARDWARE CS	38.51
2310	GRAINGER	SEALED LEAD ACID BATTERY	223.44
2310	GRAINGER	LED DRIVER CH	21.15
2310	GRAINGER	HVAC FILTERS & V-BELTS RS	493.39
2310	GRAINGER	HVAC AIR FILTERS CS	1,021.30
2310	GRAINGER	MAGNETIC POST LEVEL CH	8.10
2310	GRAINGER	HOSES WTP	650.93
2310	GRAINGER	SECURITY SIGNS WTP	49.14
2310	GRAINGER	PENS WTP	33.89
2310	GRAINGER	DOOR STRIP WTP	133.16
14837	GRATHWOHL CREATIVE LLC	JULY 4TH EVENT PLANNING	420.00
14837	GRATHWOHL CREATIVE LLC	FALL FESTIVAL EVENT PLANN	3,996.80
14576	GREEN LANDSCAPE SOLUTIONS LLC	Landscape Maint Front St	550.00
14576	GREEN LANDSCAPE SOLUTIONS LLC	PAVER ADJUSTMENTS	1,482.11
246	GREEN MILL SPORTSMAN CLUB	RANGE USE	450.00
2340	GREEN SPOT INC	OAK TREE REPLACEMENT	1,050.00
2405	HACH COMPANY	PH PROBE WTP	2,349.36
2415	HARCROS CHEMICALS INC	Salt NWTP	465.50
2415	HARCROS CHEMICALS INC	Salt SWTP	380.00
2475	HILL PETROLEUM	Fuel Golf Course	413.66
11267	INSIDE OUT HEALTH AND FITNESS	CONTRACTOR FEES 20027-1,	365.40

09/12/2019 08:06
kreated

City of Louisville, CO
DETAIL INVOICE LIST

P 4
apwarrnt

CASH ACCOUNT: 001000 101001

WARRANT: 091719 09/17/2019

VENDOR	VENDOR NAME	PURPOSE	AMOUNT
14048	INTERFACE COMMUNICATIONS COMPA	PHONE LINE CABLING SWTP	346.20
2700	J & S CONTRACTORS SUPPLY	VEHICLE BREAK-IN HAZARD S	160.81
2700	J & S CONTRACTORS SUPPLY	VEHICLE BREAK-IN HAZARD S	239.64
14239	JC GOLF ACCESSORIES	Golf Gifts	310.44
14239	JC GOLF ACCESSORIES	Resale Merchandise	90.24
2780	KAISER LOCK & KEY SERVICE INC	LOCK SERVICE PC	760.16
2360	KELLY PC	AUG 19 LEGAL SERVICES	33,234.75
14766	KENNEDY/JENKS CONSULTANTS INC	FOG Consulting Services	217.10
2815	KENZ & LESLIE DISTRIBUTING CO	VEHICLE FLUIDS	289.50
14336	KRISTAN K WHEELER	SEP 19 MUNICIPAL JUDGE SE	2,600.00
11075	LEFT HAND TREE & LANDSCAPE LLC	TREE PRUNING	1,309.00
13782	LEXISNEXIS RISK DATA MANAGEMEN	INFORMATION SEARCHES	340.75
3070	LL JOHNSON DISTRIBUTING CO	Toro Groundsmaster 4500-D	69,342.69
5432	LOUISVILLE FIRE PROTECTION DIS	AUG 19 FIRE DISTRICT FEES	6,910.00
13429	MANPOWER	TEMPORARY LABOR GCM	1,526.86
13429	MANPOWER	TEMPORARY LABOR GCM	1,470.15
14290	MILE HIGH TURFGRASS LLC	GREEN AERATION TINES	1,029.00
14768	MOJOS CLEANING SERVICES INC	PARKS JANITORIAL SERVICE	3,150.00
14768	MOJOS CLEANING SERVICES INC	SEP 19 JANITORIAL SERVICE	31,590.00
6168	MOTION & FLOW CONTROL PRODUCTS	PARTS UNIT 3426	59.72
6168	MOTION & FLOW CONTROL PRODUCTS	WASHBAY NOZZLE	20.76
11061	MOUNTAIN PEAK CONTROLS INC	NORTH END LIFT ALARM REPA	250.00
14649	MURRAYSMITH INC	SWQMP Consultant	3,722.50
3630	NORTH STAR WINDOW CLEANING	WINDOW CLEANING RSC	2,375.00
3630	NORTH STAR WINDOW CLEANING	WINDOW CLEANING MUS	55.00
3630	NORTH STAR WINDOW CLEANING	WINDOW CLEANING PC	340.00
3630	NORTH STAR WINDOW CLEANING	WINDOW CLEANING PC	340.00
3630	NORTH STAR WINDOW CLEANING	WINDOW CLEANING LIB	2,260.00
3630	NORTH STAR WINDOW CLEANING	WINDOW CLEANING CH	380.00
3630	NORTH STAR WINDOW CLEANING	WINDOW CLEANING RSC	180.00
14648	OCCUPATIONAL HEALTH CENTERS OF	PHYSICALS	276.00

09/12/2019 08:06
kcreaged

City of Louisville, CO
DETAIL INVOICE LIST

P 5
apwarrnt

CASH ACCOUNT: 001000 101001 WARRANT: 091719 09/17/2019

VENDOR	VENDOR NAME	PURPOSE	AMOUNT
11261	OFFICESCAPES	FF&E RSC EXPANSION	3,010.76
99999	KARIANE BREDEN	ACTIVITY REFUND	40.00
99999	ITALK GLOBAL COMMUNICATIONS IN	DUPLICATE CITY LICENSE FE	25.00
99999	GERALD MCNUTT	2019 SENIOR WATER REBATE	100.00
99999	DIAMOND EXCAVATING	BULK WATER METER REFUND	2,100.00
99999	ROCHE CONSTRUCTORS	BULK WATER METER REFUND	1,804.12
99999	CABLECOM LLC	BULK WATER METER REFUND	2,500.00
99999	AMY SCHEFF	CHILDRENS PROGRAM 10/2/19	100.00
14348	PCS GROUP INC	Design Services Miner's F	2,452.50
14144	PING INC	Resale Merchandise	86.51
14675	POINT AND PAY LLC	JUL 19 POINT & PAY FEES	3,770.96
700	PRAIRIE MOUNTAIN MEDIA	DISPOSAL OF FOUND PROPERT	21.00
14160	PRECISE MRM LLC	GPS SOFTWARE & POOLED DAT	154.95
14160	PRECISE MRM LLC	GPS SOFTWARE & POOLED DAT	176.71
14027	PROFORCE LAW ENFORCEMENT	TASER CARTRIDGES	719.00
12840	QUALITY WATER BIOSYSTEMS INC	AERATION PUMP & FIELD CON	1,341.00
14584	RADIO RESOURCE INC	FALL FESTIVAL RADIO RENTA	117.00
8024	RC SPECIAL EVENTS	FALL FESTIVAL EQUIP RENTA	2,379.38
13893	REBECCA TSUI	CONTRACTOR FEES TAI CHI	868.00
14804	RESPEC COMPANY LLC	Stormwater MS4 Review	1,687.50
14804	RESPEC COMPANY LLC	ECS Consulting Services	8,920.92
13935	ROCKY MOUNTAIN MUSIC INC	FALL FESTIVAL ENTERTAINME	1,800.00
13644	SCHULTZ INDUSTRIES INC	2019 Landscape Maintenanc	27,932.59
11395	SHRED-IT USA LLC	SHRED SERVICE RSC	130.86
14207	SMALL AXE TREE CARE	TREE PRUNING	1,440.00
14612	SOME LIKE IT GREEN	JUL 19 PLANT SERVICE	80.00
13673	STERLING TALENT SOLUTIONS	BACKGROUND CHECKS	288.80
13399	SUSTAINABLE TRAFFIC SOLUTIONS	Hecla Signal Design and C	405.00
13399	SUSTAINABLE TRAFFIC SOLUTIONS	SHORT ST DESIGN ADDENDUM	135.00

09/12/2019 08:06
kcreaged

City of Louisville, CO
DETAIL INVOICE LIST

P 6
apwarrnt

CASH ACCOUNT: 001000 101001

WARRANT: 091719 09/17/2019

VENDOR	VENDOR NAME	PURPOSE	AMOUNT
14276	SWEET SPOT CAFE LLC	COLO PUBLIC DEFENDERS 9/7	936.33
14276	SWEET SPOT CAFE LLC	COUPLES SCRAMBLE 8/16/19	816.00
1111	TISCHLERBISE INC	Fiscal Impact Analysis Co	3,680.00
14441	TLC HARDWOOD FLOOR LLC	Hardwood Floor Resurfacin	8,273.32
14353	TRANSPARENT INFORMATION SERVIC	BACKGROUND CHECKS	361.25
11442	TRAVIS PAINTING & RESTORATION	TOUCH UP PAINTING RSC	2,450.00
4765	UNCC	AUG 19 LOCATES #48760	586.46
14532	UNITED REFRIGERATION INC	HVAC FILTERS GCM	52.92
6509	USA BLUEBOOK	MARKING FLAGS OPS	446.22
6509	USA BLUEBOOK	RUST-OLEUM INVERTED PAINT	612.28
6509	USA BLUEBOOK	RUST-OLEUM INVERTED PAINT	308.19
14446	VECTOR DISEASE CONTROL	2019 Mosquito Control Ser	1,706.70
13851	VELOCITY PLANT SERVICES LLC	LATERAL DITCH PIPE REPAIR	1,284.40
13891	VERIS ENVIRONMENTAL LLC	Biosolids Hauling	2,071.70
13891	VERIS ENVIRONMENTAL LLC	Biosolids Hauling	2,974.47
13891	VERIS ENVIRONMENTAL LLC	Biosolids Hauling	679.14
13891	VERIS ENVIRONMENTAL LLC	Biosolids Hauling	1,492.26
13891	VERIS ENVIRONMENTAL LLC	Biosolids Hauling	2,243.78
14373	WEIFIELD GROUP CONTRACTING INC	LOWER POND POWER REPAIR	602.50
9511	WESTERN PAPER DISTRIBUTORS INC	JANITORIAL SUPPLIES LIB	611.33
9511	WESTERN PAPER DISTRIBUTORS INC	JANITORIAL SUPPLIES LIB	78.44
9511	WESTERN PAPER DISTRIBUTORS INC	JANITORIAL SUPPLIES RSC	2,014.91
9511	WESTERN PAPER DISTRIBUTORS INC	JANITORIAL SUPPLIES CH	289.49
9511	WESTERN PAPER DISTRIBUTORS INC	JANITORIAL SUPPLIES AC	118.16
9511	WESTERN PAPER DISTRIBUTORS INC	JANITORIAL SUPPLIES WWTP	46.40
9511	WESTERN PAPER DISTRIBUTORS INC	JANITORIAL SUPPLIES PC	313.76
9511	WESTERN PAPER DISTRIBUTORS INC	JANITORIAL SUPPLIES PC	83.06
9511	WESTERN PAPER DISTRIBUTORS INC	JANITORIAL SUPPLIES CS	226.80
9511	WESTERN PAPER DISTRIBUTORS INC	JANITORIAL SUPPLIES GEN	300.00
9511	WESTERN PAPER DISTRIBUTORS INC	JANITORIAL SUPPLIES GEN	30.00
9511	WESTERN PAPER DISTRIBUTORS INC	JANITORIAL SUPPLIES GC	205.14
9511	WESTERN PAPER DISTRIBUTORS INC	JANITORIAL SUPPLIES GC	216.44
9511	WESTERN PAPER DISTRIBUTORS INC	JANITORIAL SUPPLIES GC	169.68
5115	WL CONTRACTORS INC	Solar School Zone Flasher	21,640.00
5115	WL CONTRACTORS INC	Aug 19 Traffic Signal Mai	3,467.60
10884	WORD OF MOUTH CATERING INC	SR MEAL PROGRAM 8/29-9/6/	1,602.00

09/12/2019 08:06
kreaged

City of Louisville, CO
DETAIL INVOICE LIST

P 7
apwarrnt

CASH ACCOUNT: 001000 101001

WARRANT: 091719 09/17/2019

VENDOR	VENDOR NAME	PURPOSE	AMOUNT
12155	X-STREAM CLEAN	LOCKER ROOM CLEANING	250.00
14050	YBA SHIRTS INC	YOUTH SOCCER JERSEYS	2,230.00
13790	ZAYO GROUP LLC	SEP 19 INTERNET SERVICE	783.00
=====			
	202 INVOICES	WARRANT TOTAL	505,577.43
=====			

CITY OF LOUISVILLE
PURCHASE CARD SUMMARY
STATEMENT PERIOD 07/20/19 - 08/20/19

SUPPLIER	SUPPLIER LOCATION	CARDHOLDER	DEPARTMENT	TRANS DATE	AMOUNT
1000BULBS.COM	800-624-4488	PHIL LIND	FACILITIES	08/05/2019	245.55
4 RIVERS EQUIPMENT	GREELEY	DRUSILLA TIEBEN	PARKS	08/06/2019	185.92
4IMPRINT	877-4467746	KATHY MARTIN	REC CENTER	08/08/2019	1,276.72
88050 AMC GROUP SALES	8884404262	AMANDA PERERA	REC CENTER	07/23/2019	434.95
ABC-NV	913-8954600	MARC DENNY	WASTEWATER	08/16/2019	100.00
ABC-NV	913-8954600	THOMAS CZAJKA	OPERATIONS	08/02/2019	100.00
ACCO BRANDS DIRECT	800-5655396	DAWN BURGESS	CITY MANAGER	07/24/2019	19.99
ACT*ACTIVE-NETWORK	877-228-4881	JACQUELYN RAMSEY	REC CENTER	08/12/2019	89.95
ACZ LABORATORIES, INC	STEAMBOAT SPR	JUSTIN ELKINS	WASTEWATER	08/01/2019	247.00
ACZ LABORATORIES, INC	STEAMBOAT SPR	JUSTIN ELKINS	WASTEWATER	07/31/2019	234.20
AFFORDABLE FIRE AND SA	720-5964663	SAM WHITE	GOLF COURSE	08/01/2019	360.00
AIRGAS CENTRAL	TULSA	BENJAMIN FRANCISCO	OPERATIONS	08/16/2019	185.75
AIRGAS CENTRAL	TULSA	DAVID DEAN	GOLF COURSE	08/14/2019	70.61
AIRGAS CENTRAL	TULSA	DAVID DEAN	GOLF COURSE	07/26/2019	68.83
AIRHEAD SPORTS GROUP	303-733-3722	JAMES VAUGHAN	REC CENTER	08/09/2019	487.40
ALAMO RENT-A-CAR	DULLES	CHRISTOPHER HUMPHREYS	POLICE	07/25/2019	275.24
ALARM PROCESSING CENTE	AURORA	JIM GILBERT	PARKS	07/19/2019	744.28
ALLDATA CORP #8601	ELK GROVE	MASON THOMPSON	OPERATIONS	08/02/2019	125.00
AMAZON.COM*MA0IC0522 A	AMZN.COM/BILL	JILL SIEWERT	LIBRARY	07/31/2019	36.32
AMAZON.COM*MA38D36F1 A	AMZN.COM/BILL	JAMES VAUGHAN	REC CENTER	08/08/2019	55.98
AMAZON.COM*MA6WR0R22 A	AMZN.COM/BILL	PATRICIA MORGAN	REC CENTER	08/11/2019	62.38
AMERICAN LEAK DETECTIO	LONGMONT	MICHAEL CLEVELAND	OPERATIONS	08/12/2019	225.00
AMERICAN NATIONAL STAN	NEW YORK	CHAD ROOT	BUILDING SAFETY	08/08/2019	47.84
AMERICAN PLANNING A	3124319100	ROBERT ZUCCARO	PLANNING	08/15/2019	759.00
AMERICAN PLANNING A	3124319100	LISA RITCHIE	PLANNING	07/26/2019	514.00
AMERICAN RED CROSS	800-733-2767	DANIEL BIDLEMEN	REC CENTER	08/02/2019	27.13
AMZN MKTP US	AMZN.COM/BILL	PAULA KNAPEK	HUMAN RESOURCES	08/12/2019	-36.98
AMZN MKTP US	AMZN.COM/BILL	DANIEL WOOLDRIDGE	IT	08/08/2019	-185.99
AMZN MKTP US	AMZN.COM/BILL	CONNOR POWERS	GOLF COURSE	08/07/2019	-36.67
AMZN MKTP US	AMZN.COM/BILL	CHERYL KELLER	POLICE	08/01/2019	-478.00
AMZN MKTP US*MA00B4JT2	AMZN.COM/BILL	TERRELL PHILLIPS	WATER	07/24/2019	495.81
AMZN MKTP US*MA0124IQ1	AMZN.COM/BILL	MEREDITH KRAUTLER-KLEMI	REC CENTER	08/13/2019	35.00
AMZN MKTP US*MA06D4QJ2	AMZN.COM/BILL	PATRICIA MORGAN	REC CENTER	08/04/2019	32.88
AMZN MKTP US*MA08D6V00	AMZN.COM/BILL	DANIEL WOOLDRIDGE	IT	08/09/2019	211.53
AMZN MKTP US*MA1M19EY1	AMZN.COM/BILL	CHERYL KELLER	POLICE	07/30/2019	322.79
AMZN MKTP US*MA1NM2KC0	AMZN.COM/BILL	PATRICIA MORGAN	REC CENTER	08/17/2019	7.99
AMZN MKTP US*MA2BP8D50	AMZN.COM/BILL	DAVID DEAN	GOLF COURSE	08/14/2019	120.90
AMZN MKTP US*MA2HY7Z31	AMZN.COM/BILL	PATRICIA MORGAN	REC CENTER	07/24/2019	9.50

SUPPLIER	SUPPLIER LOCATION	CARDHOLDER	DEPARTMENT	TRANS DATE	AMOUNT
AMZN MKTP US*MA2NO3PD2	AMZN.COM/BILL	TERRELL PHILLIPS	WATER	07/29/2019	48.94
AMZN MKTP US*MA2P07U42	AMZN.COM/BILL	PAULA KNAPEK	HUMAN RESOURCES	08/08/2019	248.93
AMZN MKTP US*MA3446BA1	AMZN.COM/BILL	JILL SIEWERT	LIBRARY	08/06/2019	32.49
AMZN MKTP US*MA3GJ6K52	AMZN.COM/BILL	DANIEL WOOLDRIDGE	IT	08/06/2019	185.99
AMZN MKTP US*MA3JS3792	AMZN.COM/BILL	AMANDA PERERA	REC CENTER	08/08/2019	45.74
AMZN MKTP US*MA3R68VO0	AMZN.COM/BILL	JAMES VAUGHAN	REC CENTER	08/08/2019	10.99
AMZN MKTP US*MA43H5R61	AMZN.COM/BILL	DAVID DEAN	GOLF COURSE	08/14/2019	39.39
AMZN MKTP US*MA4OW85W1	AMZN.COM/BILL	JILL SIEWERT	LIBRARY	08/05/2019	35.92
AMZN MKTP US*MA5J47621	AMZN.COM/BILL	JAMES VAUGHAN	REC CENTER	08/08/2019	139.90
AMZN MKTP US*MA6NI8Z50	AMZN.COM/BILL	KERRY HOLLE	PUBLIC WORKS	07/31/2019	18.44
AMZN MKTP US*MA6WR04W0	AMZN.COM/BILL	ERIN OWEN	LIBRARY	07/29/2019	163.78
AMZN MKTP US*MA6YV5742	AMZN.COM/BILL	ELIZABETH SCHESSLER	PLANNING	08/07/2019	28.20
AMZN MKTP US*MA7WT5RG1	AMZN.COM/BILL	JILL SIEWERT	LIBRARY	08/14/2019	35.90
AMZN MKTP US*MA8FC7BY1	AMZN.COM/BILL	JILL SIEWERT	LIBRARY	08/05/2019	59.23
AMZN MKTP US*MA8J24QN0	AMZN.COM/BILL	JEFFREY FISHER	POLICE	08/13/2019	52.00
AMZN MKTP US*MA90J58O0	AMZN.COM/BILL	MEREDITH KRAUTLER-KLEMI	REC CENTER	08/13/2019	47.32
AMZN MKTP US*MA90X7LH1	AMZN.COM/BILL	PATRICIA MORGAN	REC CENTER	07/23/2019	56.30
AMZN MKTP US*MA99T1W71	AMZN.COM/BILL	MEREDITH KRAUTLER-KLEMI	REC CENTER	08/14/2019	861.27
AMZN MKTP US*MA9BD6JH1	AMZN.COM/BILL	PATRICIA MORGAN	REC CENTER	07/26/2019	28.50
AMZN MKTP US*MA9ED7Z00	AMZN.COM/BILL	JILL SIEWERT	LIBRARY	07/31/2019	6.24
AMZN MKTP US*MA9FD5721	AMZN.COM/BILL	MEREDYTH MUTH	CITY MANAGER	08/12/2019	570.84
AMZN MKTP US*MA9LG7P02	AMZN.COM/BILL	JILL SIEWERT	LIBRARY	07/29/2019	29.92
AMZN MKTP US*MA9PH0ME0	AMZN.COM/BILL	JEN KENNEY	POLICE	08/10/2019	18.98
AMZN MKTP US*MA9V84WT1	AMZN.COM/BILL	MEREDITH KRAUTLER-KLEMI	REC CENTER	08/14/2019	31.76
AMZN MKTP US*MH2UI69I0	AMZN.COM/BILL	KERRY HOLLE	PUBLIC WORKS	07/23/2019	17.98
AMZN MKTP US*MH6J067X0	AMZN.COM/BILL	BRIDGET BACON	LIBRARY	07/22/2019	72.76
AMZN MKTP US*MH8BO3RB0	AMZN.COM/BILL	PATRICIA MORGAN	REC CENTER	07/24/2019	57.96
AMZN MKTP US*MO0FJ8FJ2	AMZN.COM/BILL	KERRY HOLLE	PUBLIC WORKS	08/14/2019	77.42
AMZN MKTP US*MO0RX3JG2	AMZN.COM/BILL	PATRICIA MORGAN	REC CENTER	08/19/2019	124.68
AMZN MKTP US*MO2EC0JC2	AMZN.COM/BILL	PATRICIA MORGAN	REC CENTER	08/19/2019	89.99
AMZN MKTP US*MO32L9FA1	AMZN.COM/BILL	PATRICIA MORGAN	REC CENTER	08/17/2019	10.95
AMZN MKTP US*MO60E1LW1	AMZN.COM/BILL	BRIDGET BACON	LIBRARY	08/19/2019	79.52
AMZN MKTP US*MO8Y95Z81	AMZN.COM/BILL	TERRELL PHILLIPS	WATER	08/19/2019	36.50
AMZN MKTP US*MO9EE8OF2	AMZN.COM/BILL	JILL SIEWERT	LIBRARY	08/13/2019	14.96
APL*ITUNES.COM/BILL	866-712-7753	LANA FAUVER	REC CENTER	07/31/2019	9.99
ARAMARK UNIFORM	800-504-0328	JULIE SEYDEL	REC CENTER	08/12/2019	484.00
ARROW STAGE LINES QPS	402-7311900	KATIE TOFTE	REC CENTER	08/16/2019	623.00
ARROW STAGE LINES QPS	402-7311900	KATIE TOFTE	REC CENTER	08/16/2019	623.00
ARROW STAGE LINES QPS	402-7311900	KATIE TOFTE	REC CENTER	08/02/2019	623.00
ARROW STAGE LINES QPS	402-7311900	KATIE TOFTE	REC CENTER	07/26/2019	623.00
ARROW STAGE LINES QPS	402-7311900	KATIE TOFTE	REC CENTER	07/23/2019	623.00
ARROWHEAD AWARDS	BOULDER	DEAN JOHNSON	PARKS	08/12/2019	269.00

SUPPLIER	SUPPLIER LOCATION	CARDHOLDER	DEPARTMENT	TRANS DATE	AMOUNT
ARROWHEAD AWARDS	BOULDER	ROBERT ZUCCARO	PLANNING	07/23/2019	925.20
ARROWHEAD AWARDS	303-447-9407	DAWN BURGESS	CITY MANAGER	07/19/2019	27.00
AMAZON PRIME	AMZN.COM/BILL	PAMELA LEMON	REC CENTER	08/14/2019	123.34
AMAZON.COM	AMZN.COM/BILL	JILL SIEWERT	LIBRARY	08/14/2019	-1.59
AMAZON.COM	AMZN.COM/BILL	JILL SIEWERT	LIBRARY	08/11/2019	-80.95
AMAZON.COM	AMZN.COM/BILL	TERRELL PHILLIPS	WATER	08/11/2019	-42.60
AMAZON.COM*MA0NY2P10	AMZN.COM/BILL	JILL SIEWERT	LIBRARY	08/06/2019	9.99
AMAZON.COM*MA1XW8X40	AMZN.COM/BILL	JILL SIEWERT	LIBRARY	08/07/2019	13.21
AMAZON.COM*MA3UM4Y92	AMZN.COM/BILL	JILL SIEWERT	LIBRARY	08/12/2019	40.43
AMAZON.COM*MA4ST6LH0	AMZN.COM/BILL	TERRELL PHILLIPS	WATER	07/30/2019	29.04
AMAZON.COM*MA4V680Q0	AMZN.COM/BILL	JILL SIEWERT	LIBRARY	08/06/2019	80.95
AMAZON.COM*MA6E67881	AMZN.COM/BILL	TERRELL PHILLIPS	WATER	08/07/2019	42.60
AMAZON.COM*MA8FU6S51	AMZN.COM/BILL	JAMES VAUGHAN	REC CENTER	08/08/2019	22.08
AMAZON.COM*MH6IA9II0	AMZN.COM/BILL	PATRICIA MORGAN	REC CENTER	07/25/2019	214.16
AMAZON.COM*MO4TP4NC2	AMZN.COM/BILL	KERRY HOLLE	PUBLIC WORKS	08/17/2019	199.69
AMAZON.COM*MO6VK4ZJ2	AMZN.COM/BILL	JILL SIEWERT	LIBRARY	08/16/2019	16.26
AMAZON.COM*MO9S43OV2	AMZN.COM/BILL	JILL SIEWERT	LIBRARY	08/14/2019	29.27
ARVADA ARMY NAVY SURPL	ARVADA	BRIAN GARDUNO	OPERATIONS	08/06/2019	79.00
B2B PRIME*MA2RS7SU0	AMZN.COM/BILL	DRUSILLA TIEBEN	PARKS	08/15/2019	123.34
BACKDROP EXPRESS	251-457-2388	PEGGY JONES	REC CENTER	07/30/2019	169.26
BARR LAKE STATE PRK HP	BRIGHTON	JACQUELYN RAMSEY	REC CENTER	07/31/2019	8.00
BIG AIR JUMPERS	303-579-5028	AMANDA PERERA	REC CENTER	07/30/2019	542.00
BK TIRE	FREDERICK	MASON THOMPSON	OPERATIONS	08/06/2019	427.20
BK TIRE	FREDERICK	MASON THOMPSON	OPERATIONS	07/30/2019	516.70
BK TIRE	FREDERICK	MASON THOMPSON	OPERATIONS	07/26/2019	513.44
BK TIRE	FREDERICK	MASON THOMPSON	OPERATIONS	07/26/2019	362.80
BLACKJACK PIZZA OF LOU	LOUISVILLE	PAUL BORTH	REC CENTER	08/12/2019	204.34
BLACKJACK PIZZA OF LOU	LOUISVILLE	MICHAEL CLEVELAND	OPERATIONS	07/19/2019	53.93
BOBCAT COMMERCE CITY	COMMERCE CITY	MASON THOMPSON	OPERATIONS	07/30/2019	567.02
BOULDER LUMBER COMPANY	BOULDER	NICHOLAS POTOPCHUK	PARKS	08/15/2019	894.82
BOULDER PARKING-CAGID	BOULDER	LISA RITCHIE	PLANNING	07/26/2019	3.75
BROWNELLS INC	641-6235401	MIKE MILLER	POLICE	07/29/2019	324.88
BUFFALO BRAND SEED LLC	GREELEY	DAVID DEAN	GOLF COURSE	08/15/2019	581.25
BUTTERFLY PAVILION	WESTMINSTER	AMANDA PERERA	REC CENTER	07/31/2019	303.85
CAB STORE THORNTON, CO	THORNTON	ERIK SWIATEK	PARKS	08/16/2019	119.98
CANVA* 02403-11103922	8778877815	GLORIA HANDYSIDE	CITY MANAGER	08/01/2019	12.95
CAROUSEL OF HAPPINESS	NEDERLAND	KATIE TOFTE	REC CENTER	08/10/2019	8.00
CENTENNIAL PRINTING CO	303-6650388	JIM GILBERT	PARKS	07/22/2019	435.93
CENTENNIAL PRINTING CO	303-6650388	DAWN BURGESS	CITY MANAGER	07/19/2019	42.00
CENTURYLINK/SPEEDPAY	800-244-1111	DIANE M KREAGER	FINANCE	07/29/2019	2,107.81
CITY OF LONGMONT	303-7744756	KATHY MARTIN	REC CENTER	08/01/2019	1,504.00
CLIC	3034221150	KRISTEN BODINE	LIBRARY	08/07/2019	66.00

SUPPLIER	SUPPLIER LOCATION	CARDHOLDER	DEPARTMENT	TRANS DATE	AMOUNT
CLUB PROPHET SYSTEMS	724-2740380	SAM WHITE	GOLF COURSE	08/05/2019	628.30
CNS NOTARY	9705811805	JEN KENNEY	POLICE	07/19/2019	45.00
CO EVENT REGISTRATION	3035343468	REMY RODRIGUES	IT	08/12/2019	103.00
CO EVENT REGISTRATION	3035343468	CHRISTOPHER NEVES	IT	08/07/2019	103.00
COLORADO ANALYTICAL	BRIGHTON	MARC DENNY	WASTEWATER	08/16/2019	99.00
COLORADO ANALYTICAL	BRIGHTON	MARC DENNY	WASTEWATER	08/15/2019	244.80
COLORADO ANALYTICAL	BRIGHTON	MARC DENNY	WASTEWATER	07/31/2019	626.10
COLORADO ANALYTICAL	BRIGHTON	MARC DENNY	WASTEWATER	07/31/2019	172.80
COLORADO ANALYTICAL	BRIGHTON	MARC DENNY	WASTEWATER	07/31/2019	244.80
COLORADO ANALYTICAL	BRIGHTON	MARC DENNY	WASTEWATER	07/31/2019	186.30
COLORADO ANALYTICAL	BRIGHTON	MARC DENNY	WASTEWATER	07/31/2019	92.40
COLORADO ANALYTICAL	BRIGHTON	MARC DENNY	WASTEWATER	07/31/2019	154.80
COLORADO ANALYTICAL	BRIGHTON	MARC DENNY	WASTEWATER	07/31/2019	299.70
COLORADO ANALYTICAL	BRIGHTON	MARC DENNY	WASTEWATER	07/31/2019	99.00
COLORADO CHAPTER OF TH	303-9877554	RANDY DEWITZ	BUILDING SAFETY	07/31/2019	36.05
COLORADO CWP	719-545-6748	MARC DENNY	WASTEWATER	08/01/2019	50.00
COLORADO GOLF AND TURF	LITTLETON	CONNOR POWERS	GOLF COURSE	08/13/2019	48.84
COLORADO GOLF ASSN	303-3664653	SAM WHITE	GOLF COURSE	07/31/2019	280.00
COLORADO GOLF ASSN	303-3664653	SAM WHITE	GOLF COURSE	07/31/2019	99.21
COLORADO OPEN SPACE	7208550501	EMBER K BRIGNULL	PARKS	07/31/2019	160.00
COLORADO OPEN SPACE	7208550501	NICHOLAS POTOPCHUK	PARKS	07/31/2019	160.00
COLORADO OPEN SPACE	7208550501	CATHERINE JEPSON	PARKS	07/31/2019	160.00
COLORADO OPEN SPACE	7208550501	AUBREY HILTE	PARKS	07/24/2019	160.00
COLORADO PARKS AND REC	DENVER	KATHY MARTIN	REC CENTER	08/06/2019	260.00
COLORADO PREMIER GARAG	303-4585600	MARC DENNY	WASTEWATER	08/07/2019	175.00
COLORADO SYMPHONY ORCH	3033082470	KATIE TOFTE	REC CENTER	07/18/2019	200.00
COMCAST CABLE COMM	800-COMCAST	KATHERINE ZOSS	CITY MANAGER	08/13/2019	109.95
COMCAST CABLE COMM	800-COMCAST	JIM GILBERT	PARKS	07/28/2019	402.05
COMCAST DENVER CS 1X	800-266-2278	JILL SIEWERT	LIBRARY	08/08/2019	298.45
COMCAST DENVER CS 1X	800-266-2278	DIANE M KREAGER	FINANCE	08/03/2019	33.93
CORNER STORE 0652	LOUISVILLE	MICHAEL CLEVELAND	OPERATIONS	07/18/2019	19.69
CPI*COLEPARMERINSTRUMT	800-323-4340	MARC DENNY	WASTEWATER	08/02/2019	98.53
CPI*COLEPARMERINSTRUMT	800-323-4340	MARC DENNY	WASTEWATER	07/20/2019	98.53
CPS DISTRIBUTORS	WESTMINSTER	DANIEL PEER	PARKS	08/08/2019	631.46
CPS DISTRIBUTORS	WESTMINSTER	DAVID DEAN	GOLF COURSE	08/08/2019	68.75
CPS DISTRIBUTORS	BOULDER	DANIEL PEER	PARKS	08/07/2019	47.67
CPS DISTRIBUTORS	BOULDER	MATT LOOMIS	PARKS	08/06/2019	29.90
CPS DISTRIBUTORS	WESTMINSTER	MATT LOOMIS	PARKS	07/30/2019	107.23
CUBOULDERCAREERSERVICE	13037356577	KIRSTIE AMBROSE-HARLEY	HUMAN RESOURCES	07/22/2019	300.00
CUSTOM FENCE & SUPPLY	303-651-5700	ANDY ELLIS	PARKS	07/19/2019	185.00
CVENT* COLORADO GFOA	7032263500	DIANE M KREAGER	FINANCE	08/13/2019	125.00
CVENT* COLORADO GFOA	7032263500	DIANE M KREAGER	FINANCE	08/13/2019	125.00

SUPPLIER	SUPPLIER LOCATION	CARDHOLDER	DEPARTMENT	TRANS DATE	AMOUNT
CVENT* COLORADO GFOA	7032263500	DIANE M KREAGER	FINANCE	08/13/2019	75.00
CVENT* COLORADO GFOA	7032263500	DIANE M KREAGER	FINANCE	08/09/2019	75.00
CVENT* COLORADO GFOA	7032263500	DIANE M KREAGER	FINANCE	08/09/2019	250.00
DAILY CAMERA	3034443444	CHERYL KELLER	POLICE	07/23/2019	13.89
DBC IRRIGATION SUPPLY	BROOMFIELD	MATT LOOMIS	PARKS	08/13/2019	126.45
DBC IRRIGATION SUPPLY	BROOMFIELD	BRADLEY AUSTIN	PARKS	08/12/2019	293.63
DBC IRRIGATION SUPPLY	BROOMFIELD	DANIEL PEER	PARKS	08/06/2019	785.34
DBC IRRIGATION SUPPLY	BROOMFIELD	DAVID ALDERS	PARKS	08/05/2019	100.42
DBC IRRIGATION SUPPLY	BROOMFIELD	DANIEL PEER	PARKS	08/05/2019	89.76
DBC IRRIGATION SUPPLY	BROOMFIELD	MATT LOOMIS	PARKS	07/30/2019	260.62
DBC IRRIGATION SUPPLY	BROOMFIELD	DANIEL PEER	PARKS	07/29/2019	324.59
DBC IRRIGATION SUPPLY	BROOMFIELD	MATT LOOMIS	PARKS	07/26/2019	103.83
DBC IRRIGATION SUPPLY	BROOMFIELD	MATT LOOMIS	PARKS	07/25/2019	245.35
DBC IRRIGATION SUPPLY	BROOMFIELD	DAVID ALDERS	PARKS	07/23/2019	739.19
DBC IRRIGATION SUPPLY	BROOMFIELD	MATT LOOMIS	PARKS	07/23/2019	93.67
DENCOL SUPPLY COMPANY	DENVER	BENJAMIN FRANCISCO	OPERATIONS	07/31/2019	334.94
DENVER POST CIRCULATIO	3038323232	JILL SIEWERT	LIBRARY	07/22/2019	754.00
DISCOUNTSCH 8006272829	800-482-5846	LANA FAUVER	REC CENTER	07/30/2019	126.42
DOUBLE HAPPY	LOUISVILLE	DAWN BURGESS	CITY MANAGER	08/05/2019	50.00
DRI*WWW.SHAREIT.INFO	ELEMENT5.INFO	MASON THOMPSON	OPERATIONS	08/14/2019	499.00
DRONEINSURANCE #11	7272016718	KURT KOWAR	PUBLIC WORKS	08/01/2019	10.48
DROPBOX*62J99XPS6GF7	DB.TT/CHELP	GINGER CROSS	GOLF COURSE	08/03/2019	119.88
DROPBOX*R13GGS4545VG	DROPBOX.COM	EMILY KROPF	CITY MANAGER	08/18/2019	11.99
DTV*DIRECTV SERVICE	800-347-3288	DAVID BARIL	GOLF COURSE	08/11/2019	395.96
E 470 EXPRESS TOLLS	303-5373470	DIANE M KREAGER	FINANCE	08/02/2019	4.30
E 470 EXPRESS TOLLS	303-5373470	DIANE M KREAGER	FINANCE	08/02/2019	2.05
EASY PICKER GOLF PRODU	LEHIGH ACRES	SAM WHITE	GOLF COURSE	07/30/2019	129.52
EB 20TH ANNUAL COLORA	8014137200	GREG VENETTE	WATER	08/05/2019	50.00
ECO CYCLE - MOTO	BOULDER	SAM WHITE	GOLF COURSE	07/24/2019	15.00
ENGINEER SUPPLY LLC	800-591-8907	KERRY HOLLE	PUBLIC WORKS	07/30/2019	76.24
EXTENDED STAY	301-869-9814	CHRISTOPHER HUMPHREYS	POLICE	07/26/2019	-48.00
EXTENDED STAY	301-869-9814	CHRISTOPHER HUMPHREYS	POLICE	07/07/2019	367.96
FACEBK WE723K6FN2	MENLO PARK	GINGER CROSS	GOLF COURSE	07/31/2019	9.60
FASTENAL COMPANY 01COB	507-453-8920	MASON THOMPSON	OPERATIONS	08/16/2019	76.19
FASTENAL COMPANY 01COB	507-453-8920	MASON THOMPSON	OPERATIONS	08/14/2019	23.60
FASTENAL COMPANY 01COB	507-453-8920	MASON THOMPSON	OPERATIONS	08/12/2019	32.38
FASTENAL COMPANY 01COB	LAFAYETTE	JAMES VAUGHAN	REC CENTER	08/07/2019	24.64
FASTENAL COMPANY 01COB	507-453-8920	MASON THOMPSON	OPERATIONS	08/06/2019	32.33
FASTENAL COMPANY 01COB	507-453-8920	MASON THOMPSON	OPERATIONS	08/01/2019	-27.60
FASTENAL COMPANY 01COB	507-453-8920	MARC DENNY	WASTEWATER	07/31/2019	34.52
FASTENAL COMPANY 01COB	LAFAYETTE	CONNOR POWERS	GOLF COURSE	07/31/2019	102.24
FASTENAL COMPANY 01COB	507-453-8920	CONNOR POWERS	GOLF COURSE	07/26/2019	25.56

SUPPLIER	SUPPLIER LOCATION	CARDHOLDER	DEPARTMENT	TRANS DATE	AMOUNT
FASTENAL COMPANY 01COB	507-453-8920	MASON THOMPSON	OPERATIONS	07/25/2019	136.51
FASTENAL COMPANY 01COB	507-453-8920	VICKIE ILKO	OPERATIONS	07/23/2019	88.70
FASTENAL COMPANY 01COB	507-453-8920	VICKIE ILKO	OPERATIONS	07/23/2019	16.67
FASTENAL COMPANY 01COB	LAFAYETTE	CONNOR POWERS	GOLF COURSE	07/22/2019	78.81
FASTENAL COMPANY 01COB	LAFAYETTE	DAKOTA DUNN	PARKS	07/22/2019	10.65
FASTENAL COMPANY 01COB	507-453-8920	VICKIE ILKO	OPERATIONS	07/18/2019	117.65
FASTENAL COMPANY 01COB	507-453-8920	VICKIE ILKO	OPERATIONS	07/18/2019	-172.59
FEDEX 98362662	180-0463333	SAM WHITE	GOLF COURSE	07/31/2019	112.34
FEDEX OFFIC74200007427	LOUISVILLE	MEGAN DAVIS	CITY MANAGER	08/14/2019	30.00
FIRST CHOICE-BOYER S C	303-9649400	DAWN BURGESS	CITY MANAGER	08/06/2019	114.20
FIRST CHOICE-BOYER S C	303-9649400	DAWN BURGESS	CITY MANAGER	08/06/2019	69.12
FIRST CHOICE-BOYER S C	303-9649400	DAWN BURGESS	CITY MANAGER	08/06/2019	94.92
FIRST CHOICE-BOYER S C	303-9649400	DAWN BURGESS	CITY MANAGER	08/06/2019	56.65
FIRST CHOICE-BOYER S C	303-9649400	SAM WHITE	GOLF COURSE	07/26/2019	358.50
FMH MATERIAL HANDLING	DENVER	MARC DENNY	WASTEWATER	07/26/2019	756.44
FS COM INC	2532773058	DANIEL WOOLDRIDGE	IT	08/16/2019	208.38
G & G EQUIPMENT	FREDERICK	AARON GRANT	PARKS	08/06/2019	49.78
G & G EQUIPMENT	FREDERICK	DAKOTA DUNN	PARKS	07/23/2019	483.31
GENERAL AIR SERVICE &	BOULDER	MASON THOMPSON	OPERATIONS	08/06/2019	107.07
GENESIS EDUCATION INC	3604226764	LANA FAUVER	REC CENTER	07/31/2019	30.25
GOLF CART KING	AUSTIN	DAVID BARIL	GOLF COURSE	08/14/2019	60.93
GOLF SPORT SOLUTIONS L	LA SALLE	DAVID DEAN	GOLF COURSE	08/08/2019	419.06
GOLF SPORT SOLUTIONS L	LA SALLE	DAVID DEAN	GOLF COURSE	08/06/2019	786.14
GOLF SPORT SOLUTIONS L	LA SALLE	DAVID DEAN	GOLF COURSE	07/31/2019	829.71
GOVERNMENT FINANCE OFF	CHICAGO	DIANE M KREAGER	FINANCE	08/07/2019	530.00
GRAINGER	877-2022594	MARC DENNY	WASTEWATER	08/15/2019	86.52
GRAINGER	877-2022594	MARC DENNY	WASTEWATER	08/09/2019	28.84
GRAINGER	877-2022594	MARC DENNY	WASTEWATER	08/02/2019	1.66
GRAINGER	877-2022594	MARC DENNY	WASTEWATER	07/25/2019	142.62
GRAINGER	877-2022594	MARC DENNY	WASTEWATER	07/23/2019	6.69
GREEN CO2 SYSTEMS	FORT COLLINS	PAUL BORTH	REC CENTER	08/07/2019	949.47
GREEN CO2 SYSTEMS	FORT COLLINS	PAUL BORTH	REC CENTER	08/06/2019	666.79
GTI GOLF CARS	COMMERCE CITY	CONNOR POWERS	GOLF COURSE	08/06/2019	312.87
HACH COMPANY	LOVELAND	MARC DENNY	WASTEWATER	08/01/2019	52.59
HACH COMPANY	LOVELAND	MARC DENNY	WASTEWATER	07/25/2019	43.29
HACH COMPANY	LOVELAND	MARC DENNY	WASTEWATER	07/19/2019	153.69
ID ENHANCEMENTS, INC.	8433329720	JAMES SCHWENGLER	IT	07/30/2019	-560.59
ID ENHANCEMENTS, INC.	8433329720	JAMES SCHWENGLER	IT	07/29/2019	560.59
IDENTOGO - TSA HME	BILLERICA	VICKIE ILKO	OPERATIONS	08/06/2019	86.50
INKACE.COM	7038682930	JORGE CALDERON	FACILITIES	08/14/2019	21.45
INT*IN *1-2-1 MARKETIN	407-3954701	DAVID BARIL	GOLF COURSE	08/02/2019	199.00
INT*IN *CALIBER EQUIPM	804-7984333	CONNOR POWERS	GOLF COURSE	08/13/2019	280.32

SUPPLIER	SUPPLIER LOCATION	CARDHOLDER	DEPARTMENT	TRANS DATE	AMOUNT
INT*IN *CLEAN DESIGNS,	303-9698288	DIANE EVANS	REC CENTER	07/23/2019	183.45
INT*IN *ELIFEGUARD, IN	321-4333630	JAMES VAUGHAN	REC CENTER	07/24/2019	42.43
INT*IN *ETG SYSTEMS, I	303-5870962	DANIEL WOOLDRIDGE	IT	07/29/2019	57.60
INTERMOUNTAIN SAFETY	GOLDEN	KATHLEEN D LORENZO	PARKS	07/23/2019	90.85
IR INDUSTRIAL	DAVIDSON	JAMES VAUGHAN	REC CENTER	08/03/2019	50.00
INSTANT IMPRINTS LOUIS	LOUISVILLE	KATIE BAUM	CITY MANAGER	08/07/2019	87.50
INSTANT IMPRINTS LOUIS	LOUISVILLE	KATHY MARTIN	REC CENTER	08/05/2019	1,001.26
J P COOKE CO	402-3427175	CAROL HANSON	CITY CLERK	08/01/2019	184.00
JAX RANCH & HOME	LAFAYETTE	NICHOLAS POTOPCHUK	PARKS	08/15/2019	11.99
JAX RANCH & HOME	LAFAYETTE	CATHERINE JEPSON	PARKS	08/14/2019	2.40
JAX RANCH & HOME	LAFAYETTE	MICHAEL TOWERS	PARKS	08/12/2019	33.98
JAX RANCH & HOME	LAFAYETTE	KEN MATHEWS	OPERATIONS	08/06/2019	45.33
JAX RANCH & HOME	LAFAYETTE	VICKIE ILKO	OPERATIONS	08/05/2019	23.98
JAX RANCH & HOME	LAFAYETTE	NICHOLAS POTOPCHUK	PARKS	08/05/2019	138.27
JAX RANCH & HOME	LAFAYETTE	NICHOLAS POTOPCHUK	PARKS	07/29/2019	7.85
JAX RANCH & HOME	LAFAYETTE	ERIK SWIATEK	PARKS	07/23/2019	13.98
JAX RANCH & HOME	LAFAYETTE	MIKE KARBGINSKY	FACILITIES	07/22/2019	7.09
JC GOLF ACCESSORIES	303-7817881	SAM WHITE	GOLF COURSE	07/30/2019	111.95
JC GOLF ACCESSORIES	303-7817881	SAM WHITE	GOLF COURSE	07/30/2019	253.96
JIMMY JOHNS - 2668	LOUISVILLE	BENJAMIN FRANCISCO	OPERATIONS	07/19/2019	31.65
JLC GOLF	416-298-6265	SAM WHITE	GOLF COURSE	08/14/2019	233.00
KBS GOLF SHAFTS	303-444-2226	DAVID BARIL	GOLF COURSE	08/15/2019	47.36
KENT SPORTS	8187259720	SAM WHITE	GOLF COURSE	08/06/2019	217.90
KEYSTONE RESV	9704964971	DAWN BURGESS	CITY MANAGER	08/09/2019	97.58
KING SOOPERS #0013	LOUISVILLE	JILL SIEWERT	LIBRARY	08/19/2019	32.34
KING SOOPERS #0013	LOUISVILLE	PATRICIA MORGAN	REC CENTER	08/17/2019	5.00
KING SOOPERS #0013	LOUISVILLE	KERRY HOLLE	PUBLIC WORKS	08/14/2019	34.98
KING SOOPERS #0013	LOUISVILLE	PEGGY JONES	REC CENTER	08/14/2019	45.96
KING SOOPERS #0013	LOUISVILLE	PEGGY JONES	REC CENTER	08/14/2019	6.67
KING SOOPERS #0013	LOUISVILLE	GREG VENETTE	WATER	08/12/2019	41.16
KING SOOPERS #0013	LOUISVILLE	DAWN BURGESS	CITY MANAGER	08/09/2019	6.47
KING SOOPERS #0013	LOUISVILLE	DAWN BURGESS	CITY MANAGER	08/08/2019	151.43
KING SOOPERS #0013	LOUISVILLE	DAWN BURGESS	CITY MANAGER	08/07/2019	214.75
KING SOOPERS #0013	LOUISVILLE	MEREDITH KRAUTLER-KLEMI	REC CENTER	08/07/2019	568.80
KING SOOPERS #0013	LOUISVILLE	KATHLEEN HIX	HUMAN RESOURCES	08/07/2019	10.90
KING SOOPERS #0013	LOUISVILLE	KERRY HOLLE	PUBLIC WORKS	07/31/2019	89.04
KING SOOPERS #0013	LOUISVILLE	KIRSTIE AMBROSE-HARLEY	HUMAN RESOURCES	07/30/2019	14.17
KING SOOPERS #0013	LOUISVILLE	ANGELA NORENE	OPERATIONS	07/25/2019	51.80
KING SOOPERS #0013	LOUISVILLE	AMANDA PERERA	REC CENTER	07/24/2019	20.96
KING SOOPERS #0013	LOUISVILLE	CHAD ROOT	BUILDING SAFETY	07/23/2019	122.80
KING SOOPERS #0013	LOUISVILLE	PATRICIA MORGAN	REC CENTER	07/22/2019	157.33
KING SOOPERS #0013	LOUISVILLE	LARISSA COX	REC CENTER	07/21/2019	43.57

SUPPLIER	SUPPLIER LOCATION	CARDHOLDER	DEPARTMENT	TRANS DATE	AMOUNT
KING SOOPERS #5033	877-415-4647	PATRICIA MORGAN	REC CENTER	08/04/2019	223.22
KINSMAN GARDEN CO., I	215-7665613	KATIE BAUM	CITY MANAGER	08/08/2019	416.90
KULLY SUPPLY	8005185388	MIKE KARBGINSKY	FACILITIES	08/09/2019	201.76
KYLE PIERCE MATCO	CONIFER	AARON GRANT	PARKS	08/06/2019	57.95
LAKE RESTORATION-INTER	ROGERS	MARC DENNY	WASTEWATER	07/23/2019	108.00
LAMARS DONUTS-	LOUISVILLE	CHRISTOPHER HUMPHREYS	POLICE	08/14/2019	9.89
LAMARS DONUTS-	LOUISVILLE	DAVID D HAYES	POLICE	08/12/2019	21.98
LAMARS DONUTS-	LOUISVILLE	DAVID D HAYES	POLICE	07/22/2019	32.97
LEWAN TECHNOLOGY	DENVER	DIANE M KREAGER	FINANCE	08/09/2019	77.17
LEWAN TECHNOLOGY	DENVER	DIANE M KREAGER	FINANCE	08/09/2019	691.73
LEWAN TECHNOLOGY	DENVER	DIANE M KREAGER	FINANCE	08/09/2019	961.67
LEWAN TECHNOLOGY	DENVER	DIANE M KREAGER	FINANCE	08/09/2019	1,639.00
LL JOHNSON DIST CO	DENVER	DRUSILLA TIEBEN	PARKS	08/14/2019	209.92
LL JOHNSON DIST CO	DENVER	CONNOR POWERS	GOLF COURSE	08/07/2019	87.85
LL JOHNSON DIST CO	DENVER	CONNOR POWERS	GOLF COURSE	08/07/2019	123.61
LL JOHNSON DIST CO	DENVER	CONNOR POWERS	GOLF COURSE	08/07/2019	471.90
LL JOHNSON DIST CO	DENVER	CONNOR POWERS	GOLF COURSE	08/07/2019	620.65
LL JOHNSON DIST CO	DENVER	CONNOR POWERS	GOLF COURSE	08/07/2019	.66
LL JOHNSON DIST CO	DENVER	CONNOR POWERS	GOLF COURSE	08/07/2019	184.14
LL JOHNSON DIST CO	DENVER	CONNOR POWERS	GOLF COURSE	08/07/2019	79.26
LL JOHNSON DIST CO	DENVER	CONNOR POWERS	GOLF COURSE	08/07/2019	289.63
LL JOHNSON DIST CO	DENVER	CONNOR POWERS	GOLF COURSE	08/07/2019	90.86
LL JOHNSON DIST CO	DENVER	CONNOR POWERS	GOLF COURSE	08/07/2019	254.00
LL JOHNSON DIST CO	DENVER	CONNOR POWERS	GOLF COURSE	08/07/2019	103.64
LL JOHNSON DIST CO	DENVER	CONNOR POWERS	GOLF COURSE	08/07/2019	181.71
LL JOHNSON DIST CO	DENVER	DAVID DEAN	GOLF COURSE	07/25/2019	54.43
LL JOHNSON DIST CO	DENVER	DAVID DEAN	GOLF COURSE	07/25/2019	103.64
LL JOHNSON DIST CO	DENVER	DAVID DEAN	GOLF COURSE	07/25/2019	181.71
LMUS	6308285949	LINDSEY WITTY	REC CENTER	08/06/2019	529.00
LOGMEIN*GOTOMEETING	LOGMEIN.COM	JEFFREY FISHER	POLICE	08/05/2019	49.00
LOWES #00220*	LOUISVILLE	ROBERT ZUCCARO	PLANNING	08/16/2019	30.80
LOWES #00220*	LOUISVILLE	CHRIS LICHTY	PARKS	08/14/2019	8.56
LOWES #00220*	LOUISVILLE	BRADLEY AUSTIN	PARKS	08/13/2019	19.16
LOWES #00220*	LOUISVILLE	BOB BERNHARDT	PARKS	08/13/2019	18.36
LOWES #00220*	LOUISVILLE	KATHLEEN D LORENZO	PARKS	08/13/2019	7.98
LOWES #00220*	LOUISVILLE	CONNOR POWERS	GOLF COURSE	08/09/2019	20.33
LOWES #00220*	LOUISVILLE	DAVID DEAN	GOLF COURSE	08/09/2019	6.35
LOWES #00220*	LOUISVILLE	PHIL LIND	FACILITIES	08/09/2019	140.09
LOWES #00220*	LOUISVILLE	KERRY KRAMER	PARKS	08/08/2019	9.60
LOWES #00220*	LOUISVILLE	DAVID BARIL	GOLF COURSE	08/08/2019	10.14
LOWES #00220*	LOUISVILLE	NICHOLAS POTOPCHUK	PARKS	08/07/2019	19.74
LOWES #00220*	LOUISVILLE	DANIEL PEER	PARKS	08/06/2019	49.96

SUPPLIER	SUPPLIER LOCATION	CARDHOLDER	DEPARTMENT	TRANS DATE	AMOUNT
LOWES #00220*	LOUISVILLE	PHIL LIND	FACILITIES	08/06/2019	34.88
LOWES #00220*	LOUISVILLE	PHIL LIND	FACILITIES	08/02/2019	94.68
LOWES #00220*	LOUISVILLE	BRIAN GARDUNO	OPERATIONS	08/02/2019	89.23
LOWES #00220*	LOUISVILLE	PHIL LIND	FACILITIES	07/29/2019	40.99
LOWES #00220*	LOUISVILLE	PHIL LIND	FACILITIES	07/29/2019	-38.94
LOWES #00220*	LOUISVILLE	DAVID BARIL	GOLF COURSE	07/28/2019	32.98
LOWES #00220*	LOUISVILLE	KATHLEEN D LORENZO	PARKS	07/27/2019	7.92
LOWES #00220*	LOUISVILLE	DESHAUN BECERRIL	OPERATIONS	07/25/2019	35.88
LOWES #00220*	LOUISVILLE	PHIL LIND	FACILITIES	07/25/2019	51.98
LOWES #00220*	LOUISVILLE	MICHAEL TOWERS	PARKS	07/23/2019	43.05
LOWES #00220*	LOUISVILLE	DAVID BARIL	GOLF COURSE	07/23/2019	44.54
LOWES #00220*	LOUISVILLE	PHIL LIND	FACILITIES	07/23/2019	17.94
LOWES #00220*	LOUISVILLE	PHIL LIND	FACILITIES	07/22/2019	113.84
LOWES #00220*	LOUISVILLE	ERIK SWIATEK	PARKS	07/19/2019	11.26
LOWES #00220*	LOUISVILLE	PHIL LIND	FACILITIES	07/19/2019	30.96
LOWES #00220*	LOUISVILLE	MARYANN DORNFELD	PARKS	07/19/2019	139.40
LOWES #00220*	LOUISVILLE	BOB BERNHARDT	PARKS	07/19/2019	7.48
LOWES #01989*	WESTMINSTER	DAVID DEAN	GOLF COURSE	07/23/2019	184.00
MAD GREENS - CATERING	GOLDEN	KERRY HOLLE	PUBLIC WORKS	08/15/2019	269.00
MAILCHIMP *MONTHLY	MAILCHIMP.COM	EMILY KROPF	CITY MANAGER	08/18/2019	153.00
MARCOS PIZZA - 6005	SUPERIOR	CHERYL KELLER	POLICE	08/15/2019	83.06
MCGUCKIN HARDWARE	BOULDER	PHIL LIND	FACILITIES	08/19/2019	2.99
MCGUCKIN HARDWARE	BOULDER	PHIL LIND	FACILITIES	08/07/2019	100.87
MICHAELS STORES 2059	SUPERIOR	JILL SIEWERT	LIBRARY	07/25/2019	23.96
MILE HIGH TURFGRASS LL	3039880969	CONNOR POWERS	GOLF COURSE	08/09/2019	288.73
MILE HIGH TURFGRASS LL	3039880969	DAVID DEAN	GOLF COURSE	07/25/2019	733.03
MSFT * E05008SMVV	MSFT AZURE	DANIEL WOOLDRIDGE	IT	08/01/2019	112.71
MTNSTATEEM	3038395177	DAWN BURGESS	CITY MANAGER	07/18/2019	199.00
MTNSTATEEM	3038395177	DAWN BURGESS	CITY MANAGER	07/18/2019	199.00
MESSAGE MEDIA	SAN FRANCISCO	EMILY KROPF	CITY MANAGER	08/14/2019	100.00
NAPA AUTO PART 0026903	LOUISVILLE	DIANE M KREAGER	FINANCE	08/19/2019	1,989.93
NAPA AUTO PART 0026903	LOUISVILLE	DIANE M KREAGER	FINANCE	08/19/2019	389.76
NAPA AUTO PART 0026903	LOUISVILLE	MICHAEL TOWERS	PARKS	08/15/2019	59.88
NAPA AUTO PART 0026903	LOUISVILLE	MICHAEL TOWERS	PARKS	08/14/2019	3.32
NAPA AUTO PART 0026903	LOUISVILLE	MARC DENNY	WASTEWATER	08/14/2019	47.21
NAPA AUTO PART 0026903	LOUISVILLE	DAVID ALDERS	PARKS	07/25/2019	9.66
NASRO	8883162776	CHRISTOPHER HUMPHREYS	POLICE	08/01/2019	495.00
NPC*NEW PIG CORP	800-468-4647	MARC DENNY	WASTEWATER	07/25/2019	458.10
NSC*NORTHERN SAFETY CO	800-631-1246	ANGELA NORENE	OPERATIONS	07/25/2019	124.62
O MEARA FORD	NORTHGLENN	MASON THOMPSON	OPERATIONS	08/13/2019	285.88
OFFICE DEPOT #1080	800-463-3768	DAVID BARIL	GOLF COURSE	08/01/2019	307.98
OFFICE DEPOT #1080	800-463-3768	ELIZABETH SCHETTLER	PLANNING	07/19/2019	54.66

SUPPLIER	SUPPLIER LOCATION	CARDHOLDER	DEPARTMENT	TRANS DATE	AMOUNT
OFFICEMAX/DEPOT 6616	SUPERIOR	JEN KENNEY	POLICE	07/19/2019	54.99
OFFICESCAPES OF DENVE	3035741115	ERIN OWEN	LIBRARY	08/15/2019	802.01
OLD SANTA FE MEXICAN G	LOUISVILLE	JEFFREY FISHER	POLICE	07/30/2019	35.82
PARKER STORE LOUISVILL	LOUISVILLE	DAVID ALDERS	PARKS	08/07/2019	20.49
PARKER STORE LOUISVILL	LOUISVILLE	VICKIE ILKO	OPERATIONS	07/22/2019	362.92
PARTY CITY 3201	WESTMINSTER	PAMELA LEMON	REC CENTER	08/16/2019	38.97
PARTY CITY 890	LONGMONT	GLORIA HANDYSIDE	CITY MANAGER	08/16/2019	29.99
PAYFLOW/PAYPAL	8888839770	DIANE M KREAGER	FINANCE	08/02/2019	19.95
PAYFLOW/PAYPAL	8888839770	DIANE M KREAGER	FINANCE	08/02/2019	59.95
PAYPAL *CGUSLOG	4029357733	DAVID BARIL	GOLF COURSE	07/31/2019	75.00
PAYPAL *ELECTRICALP	4029357733	MARC DENNY	WASTEWATER	07/29/2019	32.50
PAYPAL *GOVERNMENTJ	4029357733	PAULA KNAPEK	HUMAN RESOURCES	08/05/2019	99.00
PAYPAL *INDIGOWATER	4029357733	GREG VENETTE	WATER	08/12/2019	30.00
PAYPAL *INDIGOWATER	4029357733	JUSTIN ELKINS	WASTEWATER	08/01/2019	50.00
PAYPAL *INDIGOWATER	4029357733	JUSTIN ELKINS	WASTEWATER	07/22/2019	180.00
PAYPAL *JRS5MA	4029357733	DAVID BARIL	GOLF COURSE	08/03/2019	207.48
PING INC	6026875000	SAM WHITE	GOLF COURSE	07/31/2019	14.59
PIONEER SAND CO 15	BROOMFIELD	MICHAEL TOWERS	PARKS	07/29/2019	10.00
PIONEER SAND CO HQ	COLORADO SPRI	DAVID DEAN	GOLF COURSE	07/23/2019	269.69
PLASTICS INC	303-2892557	GREG VENETTE	WATER	08/01/2019	136.55
PLUG N PAY INC	800-945-2538	JULIE SEYDEL	REC CENTER	08/05/2019	231.15
PRAIRIE MOUNTAIN MEDIA	8884549588	DAVID D HAYES	POLICE	08/16/2019	70.40
PRAIRIE MOUNTAIN MEDIA	8884549588	DIANE M KREAGER	FINANCE	08/08/2019	2,176.26
PUBLIC WORKS-PRKG METR	DENVER	MEGAN DAVIS	CITY MANAGER	08/14/2019	1.75
PUBLIC WORKS-PRKG METR	DENVER	MEGAN DAVIS	CITY MANAGER	07/22/2019	2.00
PUSH PEDAL PULL-CORPOR	6055752136	LINDSEY WITTY	REC CENTER	07/29/2019	550.00
PET SCOOP, INC. / PET	303-202-1899	DRUSILLA TIEBEN	PARKS	08/01/2019	540.00
QDOBA 2526	SUPERIOR	CHRIS LICHTY	PARKS	08/14/2019	7.71
RED ROBIN NO 127	BRIGHTON	MICHAEL MCINTOSH	POLICE	08/17/2019	45.28
RED*CROSS TRNG & PROD	800-733-2767	DANIEL BIDLEMEN	REC CENTER	08/05/2019	360.00
RESIDENCE INN	BRECKENRIDGE	RANDY DEWITZ	BUILDING SAFETY	08/01/2019	199.85
RMWEA	3033942022	MARC DENNY	WASTEWATER	08/14/2019	35.00
ROADSAFE 3101	401-2534600	KERRY KRAMER	PARKS	08/16/2019	51.74
ROADSAFE 3101	401-2534600	VICKIE ILKO	OPERATIONS	07/31/2019	879.83
S&S WORLDWIDE, INC.	COLCHESTER	LANA FAUVER	REC CENTER	08/15/2019	17.24
S&S WORLDWIDE, INC.	COLCHESTER	LANA FAUVER	REC CENTER	08/02/2019	937.74
SAFEWAY #2812	LOUISVILLE	PATRICIA MORGAN	REC CENTER	08/17/2019	13.92
SAFEWAY #2812	LOUISVILLE	PAUL BORTH	REC CENTER	08/11/2019	70.79
SAFEWAY #2812	LOUISVILLE	KIM CONTINI	REC CENTER	08/02/2019	41.20
SAFEWAY #2812	LOUISVILLE	JACQUELYN RAMSEY	REC CENTER	08/01/2019	5.18
SAFEWAY #2812	LOUISVILLE	PATRICIA MORGAN	REC CENTER	07/31/2019	-.15
SAFEWAY #2812	LOUISVILLE	PATRICIA MORGAN	REC CENTER	07/24/2019	4.14

SUPPLIER	SUPPLIER LOCATION	CARDHOLDER	DEPARTMENT	TRANS DATE	AMOUNT
SAFEWAY #2812	LOUISVILLE	JEN KENNEY	POLICE	07/22/2019	8.99
SAFEWAY #2812	LOUISVILLE	PAMELA LEMON	REC CENTER	07/22/2019	5.99
SAFEWAY #2812	LOUISVILLE	AMANDA PERERA	REC CENTER	07/18/2019	15.98
SCHICKPRINT	LAKESWOOD	SAM WHITE	GOLF COURSE	08/08/2019	62.50
SHRED-IT	8666474733	DIANE M KREAGER	FINANCE	08/05/2019	30.00
SHRED-IT	8666474733	CHERYL KELLER	POLICE	08/01/2019	30.00
SITEONE LANDSCAPE SUPP	BROOMFIELD	DAVID DEAN	GOLF COURSE	08/13/2019	127.56
SITEONE LANDSCAPE SUPP	BROOMFIELD	NORMAN MERLO	GOLF COURSE	08/12/2019	390.20
SITEONE LANDSCAPE SUPP	BROOMFIELD	NORMAN MERLO	GOLF COURSE	07/29/2019	975.00
SITEONE LANDSCAPE SUPP	BROOMFIELD	DAVID DEAN	GOLF COURSE	07/25/2019	330.00
SITEONE LANDSCAPE SUPP	BROOMFIELD	NORMAN MERLO	GOLF COURSE	07/24/2019	407.55
SITEONE LANDSCAPE SUPP	BROOMFIELD	MICHAEL TOWERS	PARKS	07/19/2019	423.76
SMK*SURVEYMONKEY.COM	971-2445555	KATHLEEN HIX	HUMAN RESOURCES	08/03/2019	384.00
SOS REGISTRATION FEE	3038606962	KERRY HOLLE	PUBLIC WORKS	07/19/2019	10.00
SOURCE OFFICE - VITAL	GOLDEN	JIM GILBERT	PARKS	08/13/2019	93.08
SOURCE OFFICE - VITAL	GOLDEN	ANGELA NORENE	OPERATIONS	07/31/2019	449.82
SP * BUSINESS 21 PUBLI	4844909200	KATHLEEN HIX	HUMAN RESOURCES	07/30/2019	319.20
SPORTLINE OF ARVADA	ARVADA	KATIE BEASLEY	REC CENTER	07/31/2019	234.00
SPOTHERO 844-356-8054	8443568054	KATIE TOFTE	REC CENTER	08/16/2019	8.00
SQ *SQ *BOULDER CPR, L	GOSQ.COM	KEN MATHEWS	OPERATIONS	08/10/2019	100.00
SQ *SQ *MASSAGE THERAP	GOSQ.COM	LINDSEY WITTY	REC CENTER	08/07/2019	160.00
SQU*SQ *ADVANCED CARE	THORNTON	AMANDA PERERA	REC CENTER	07/29/2019	1,092.00
SQU*SQ *B.O.B.S. DINER	LOUISVILLE	DAVID D HAYES	POLICE	07/30/2019	23.82
SQU*SQ *HAYSTACK MOUNT	LONGMONT	KATIE TOFTE	REC CENTER	08/14/2019	220.00
SQU*SQ *ISA ROCKY MOUN	WESTMINSTER	CHRIS LICHTY	PARKS	07/25/2019	175.00
STAPLS7222084256001001	877-8267755	CHERYL KELLER	POLICE	07/30/2019	-50.89
STAPLS7222409662000001	877-8267755	CHERYL KELLER	POLICE	07/24/2019	106.09
STAPLS7222435780000001	COPPELL	CHERYL KELLER	POLICE	08/15/2019	9.39
STAPLS7223049133000001	877-8267755	DIANE M KREAGER	FINANCE	08/06/2019	84.34
STAPLS7223049570000001	877-8267755	DIANE M KREAGER	FINANCE	08/06/2019	405.44
STAPLS7223506189000001	877-8267755	CHERYL KELLER	POLICE	08/15/2019	171.84
STAPLS7223507821000003	877-8267755	CHERYL KELLER	POLICE	08/15/2019	3.33
STAR CRANE & HOIST	6168925500	GREG VENETTE	WATER	08/08/2019	608.40
STARBUCKS STORE 05587	LOUISVILLE	PATRICIA MORGAN	REC CENTER	08/01/2019	12.95
STEAMBOAT CENTRAL RES	STEAMBOAT SPR	NICHOLAS POTOPCHUK	PARKS	07/31/2019	119.20
STEAMBOAT CENTRAL RES	STEAMBOAT SPR	EMBER K BRIGNULL	PARKS	07/31/2019	119.20
STEAMBOAT CENTRAL RES	STEAMBOAT SPR	AUBREY HILTE	PARKS	07/31/2019	119.20
SUBWAY 00348953	LOUISVILLE	KATHLEEN HIX	HUMAN RESOURCES	07/30/2019	207.75
SUMMIT GOLF BRANDS, IN	203-9261881	SAM WHITE	GOLF COURSE	08/06/2019	236.00
SUPPLY.COM	6784868510	JAMES VAUGHAN	REC CENTER	08/09/2019	158.25
SUPPLY.COM	6784868510	JAMES VAUGHAN	REC CENTER	07/25/2019	158.75
SVM*TERMINIX INTL	800-8376464	MARC DENNY	WASTEWATER	07/30/2019	132.00

SUPPLIER	SUPPLIER LOCATION	CARDHOLDER	DEPARTMENT	TRANS DATE	AMOUNT
SVM*TERMINIX INTL	800-8376464	ANGELA NORENE	OPERATIONS	07/26/2019	65.00
SWEET SPOT CAFE	LOUISVILLE	DAVID BARIL	GOLF COURSE	08/08/2019	238.02
SWEET SPOT CAFE	LOUISVILLE	HEATHER BALSER	CITY MANAGER	07/24/2019	104.63
TARGET 00017699	SUPERIOR	LANA FAUVER	REC CENTER	08/19/2019	105.01
TARGET 00017699	SUPERIOR	KRISTEN PORTER	REC CENTER	08/18/2019	53.00
TARGET 00017699	SUPERIOR	MEREDITH KRAUTLER-KLEMI	REC CENTER	08/07/2019	219.89
TARGET.COM *	800-591-3869	JILL SIEWERT	LIBRARY	08/11/2019	10.00
TARGET.COM *	800-591-3869	JILL SIEWERT	LIBRARY	08/10/2019	25.98
TASER INTERNATIONAL	8888273788	RICKY BLACKNEY	POLICE	08/18/2019	270.00
TBS WESTERN REGION	949-2674200	AMANDA PERERA	REC CENTER	08/02/2019	242.50
TBS WESTERN REGION	949-2674200	AMANDA PERERA	REC CENTER	08/02/2019	685.75
TEAMMATES COMMERCIAL I	3036395885	DRUSILLA TIEBEN	PARKS	07/19/2019	858.00
THE BUSINESS JOURNALS	8004863289	JILL SIEWERT	LIBRARY	08/02/2019	125.00
THE HOME DEPOT #1506	LOUISVILLE	JAMES VAUGHAN	REC CENTER	08/17/2019	29.94
THE HOME DEPOT #1506	LOUISVILLE	MICHAEL TOWERS	PARKS	08/15/2019	6.97
THE HOME DEPOT #1506	LOUISVILLE	JAMES VAUGHAN	REC CENTER	08/15/2019	31.86
THE HOME DEPOT #1506	LOUISVILLE	NICHOLAS POTOPCHUK	PARKS	08/14/2019	8.91
THE HOME DEPOT #1506	LOUISVILLE	MIKE KARBGINSKY	FACILITIES	08/14/2019	29.88
THE HOME DEPOT #1506	LOUISVILLE	MATT LOOMIS	PARKS	08/14/2019	6.60
THE HOME DEPOT #1506	LOUISVILLE	KERRY KRAMER	PARKS	08/13/2019	9.94
THE HOME DEPOT #1506	LOUISVILLE	MIKE KARBGINSKY	FACILITIES	08/13/2019	56.42
THE HOME DEPOT #1506	LOUISVILLE	MATT LOOMIS	PARKS	08/13/2019	15.94
THE HOME DEPOT #1506	LOUISVILLE	GREG VENETTE	WATER	08/09/2019	72.14
THE HOME DEPOT #1506	LOUISVILLE	AARON GRANT	PARKS	08/07/2019	25.98
THE HOME DEPOT #1506	LOUISVILLE	KERRY KRAMER	PARKS	08/05/2019	29.97
THE HOME DEPOT #1506	LOUISVILLE	KERRY KRAMER	PARKS	08/05/2019	35.72
THE HOME DEPOT #1506	LOUISVILLE	KERRY KRAMER	PARKS	08/05/2019	-15.97
THE HOME DEPOT #1506	LOUISVILLE	KATHY MARTIN	REC CENTER	08/05/2019	4.93
THE HOME DEPOT #1506	LOUISVILLE	DESHAUN BECERRIL	OPERATIONS	08/05/2019	172.08
THE HOME DEPOT #1506	LOUISVILLE	JAMES VAUGHAN	REC CENTER	08/03/2019	10.20
THE HOME DEPOT #1506	LOUISVILLE	JAMES VAUGHAN	REC CENTER	08/02/2019	19.97
THE HOME DEPOT #1506	LOUISVILLE	JAMES VAUGHAN	REC CENTER	08/02/2019	48.22
THE HOME DEPOT #1506	LOUISVILLE	JAMES VAUGHAN	REC CENTER	08/02/2019	48.67
THE HOME DEPOT #1506	LOUISVILLE	JACK MANIAN	OPERATIONS	08/02/2019	14.68
THE HOME DEPOT #1506	LOUISVILLE	VICKIE ILKO	OPERATIONS	08/01/2019	44.38
THE HOME DEPOT #1506	LOUISVILLE	KERRY KRAMER	PARKS	08/01/2019	3.92
THE HOME DEPOT #1506	LOUISVILLE	JAMES VAUGHAN	REC CENTER	08/01/2019	35.93
THE HOME DEPOT #1506	LOUISVILLE	JAMES VAUGHAN	REC CENTER	07/31/2019	40.05
THE HOME DEPOT #1506	LOUISVILLE	BENJAMIN FRANCISCO	OPERATIONS	07/31/2019	145.75
THE HOME DEPOT #1506	LOUISVILLE	BRIAN GARDUNO	OPERATIONS	07/31/2019	19.63
THE HOME DEPOT #1506	LOUISVILLE	NICHOLAS POTOPCHUK	PARKS	07/30/2019	3.97
THE HOME DEPOT #1506	LOUISVILLE	CHAD ROOT	BUILDING SAFETY	07/29/2019	50.91

SUPPLIER	SUPPLIER LOCATION	CARDHOLDER	DEPARTMENT	TRANS DATE	AMOUNT
THE HOME DEPOT #1506	LOUISVILLE	CATHERINE JEPSON	PARKS	07/26/2019	9.97
THE HOME DEPOT #1506	LOUISVILLE	JACK MANIAN	OPERATIONS	07/26/2019	34.46
THE HOME DEPOT #1506	LOUISVILLE	MATT LOOMIS	PARKS	07/26/2019	7.98
THE HOME DEPOT #1506	LOUISVILLE	MATT LOOMIS	PARKS	07/26/2019	8.30
THE HOME DEPOT #1506	LOUISVILLE	MARC DENNY	WASTEWATER	07/26/2019	50.02
THE HOME DEPOT #1506	LOUISVILLE	JAMES VAUGHAN	REC CENTER	07/25/2019	7.45
THE HOME DEPOT #1506	LOUISVILLE	MIKE KARBGINSKY	FACILITIES	07/25/2019	8.02
THE HOME DEPOT #1506	LOUISVILLE	JAMES VAUGHAN	REC CENTER	07/24/2019	9.98
THE HOME DEPOT #1506	LOUISVILLE	DAVID ALDERS	PARKS	07/24/2019	11.55
THE HOME DEPOT #1506	LOUISVILLE	MARC DENNY	WASTEWATER	07/23/2019	44.96
THE HOME DEPOT #1506	LOUISVILLE	VICKIE ILKO	OPERATIONS	07/23/2019	7.47
THE HOME DEPOT #1506	LOUISVILLE	JACK MANIAN	OPERATIONS	07/19/2019	19.80
THE HOME DEPOT #1506	LOUISVILLE	DANIEL WOOLDRIDGE	IT	07/19/2019	37.49
THE HOME DEPOT #1506	LOUISVILLE	JAMES VAUGHAN	REC CENTER	07/18/2019	33.82
THE HOME DEPOT #1506	LOUISVILLE	CATHERINE JEPSON	PARKS	07/18/2019	8.38
THE HOME DEPOT #1524	BROOMFIELD	MATT LOOMIS	PARKS	07/30/2019	7.94
THE HOME DEPOT 1506	LOUISVILLE	GREG VENETTE	WATER	08/12/2019	230.57
THE HOME DEPOT 1506	LOUISVILLE	JAMES VAUGHAN	REC CENTER	08/09/2019	238.77
THE HOME DEPOT 1506	LOUISVILLE	DANIEL PEER	PARKS	08/02/2019	81.30
THE HOME DEPOT 1506	LOUISVILLE	NICHOLAS POTOPCHUK	PARKS	07/24/2019	98.60
THE SERENITY SHOPPE	LONE TREE	MEGAN DAVIS	CITY MANAGER	07/25/2019	49.99
TOKYO JOES LOUISVILLE	LOUISVILLE	MICHAEL MCINTOSH	POLICE	07/31/2019	36.70
TOWN OF SUPERIOR	3034993675	DRUSILLA TIEBEN	PARKS	08/05/2019	13.37
TRI STATE OIL	CHEYENNE	GREG VENETTE	WATER	08/02/2019	275.00
TST* LEVEN DELI	DENVER	DAVID D HAYES	POLICE	07/23/2019	31.04
TST* LULU S BBQ	LOUISVILLE	CHRISTOPHER HUMPHREYS	POLICE	07/31/2019	31.20
TST* MUDROCK S TAP & T	LOUISVILLE	AMANDA PERERA	REC CENTER	07/31/2019	195.28
TST* THE HUCKLEBERRY	LOUISVILLE	KATHY MARTIN	REC CENTER	07/23/2019	34.50
TYLOHELO	3202863336	MIKE KARBGINSKY	FACILITIES	08/13/2019	22.13
TYLOHELO	3202863336	MIKE KARBGINSKY	FACILITIES	08/13/2019	190.00
TYLOHELO	3202863336	MIKE KARBGINSKY	FACILITIES	08/12/2019	1,000.00
TYLOHELO	3202863336	JAMES VAUGHAN	REC CENTER	07/19/2019	310.17
U.S. KIDS GOLF - OUTLE	770-4413077	SAM WHITE	GOLF COURSE	07/30/2019	153.49
ULINE *SHIP SUPPLIES	800-295-5510	VICKIE ILKO	OPERATIONS	08/01/2019	25.91
UNITED SITE SERVICE	508-594-2564	SAM WHITE	GOLF COURSE	07/25/2019	187.31
UNITED SITE SERVICE	508-594-2564	SAM WHITE	GOLF COURSE	07/22/2019	164.95
UPS*1ZPT994G4320002215	800-811-1648	ERICA BERZINS	POLICE	07/27/2019	15.15
UPS*290721A395M	800-811-1648	ERICA BERZINS	POLICE	07/27/2019	5.80
US AUTOFORCE	920-730-7187	CONNOR POWERS	GOLF COURSE	08/07/2019	61.32
US AUTOFORCE	920-730-7187	CONNOR POWERS	GOLF COURSE	07/31/2019	159.53
USA BLUE BOOK	8004939876	KEN MATHEWS	OPERATIONS	08/12/2019	234.20
USPS PO 0756700237	SUPERIOR	SAM WHITE	GOLF COURSE	08/15/2019	7.18

SUPPLIER	SUPPLIER LOCATION	CARDHOLDER	DEPARTMENT	TRANS DATE	AMOUNT
VANQUEST TOUGH-BUILT G	19492168880	JEFFREY FISHER	POLICE	08/05/2019	643.81
VENNGAGE.COM	TORONTO	EMILY KROPF	CITY MANAGER	08/15/2019	19.00
VZWRSS*MY VZ VB P	800-922-0204	DIANE M KREAGER	FINANCE	08/03/2019	3,071.14
VZWRSS*MY VZ VB P	800-922-0204	DIANE M KREAGER	FINANCE	07/23/2019	929.96
VZWRSS*MY VZ VB P	800-922-0204	DIANE M KREAGER	FINANCE	07/23/2019	978.86
VZWRSS*PRPAY AUTOPAY	888-294-6804	CRAIG DUFFIN	PUBLIC WORKS	08/05/2019	20.00
WAL-MART #1045	LAFAYETTE	KERRY KRAMER	PARKS	07/31/2019	39.88
WAL-MART #1045	LAFAYETTE	JACQUELYN RAMSEY	REC CENTER	07/29/2019	27.73
WALGREENS #11327	LONGMONT	JACQUELYN RAMSEY	REC CENTER	08/02/2019	11.88
WALGREENS #7006	SUPERIOR	JACQUELYN RAMSEY	REC CENTER	08/01/2019	11.61
WALGREENS #7006	SUPERIOR	JACQUELYN RAMSEY	REC CENTER	08/01/2019	11.88
WALGREENS #7006	SUPERIOR	AMANDA PERERA	REC CENTER	07/30/2019	27.88
WALMART.COM	8009666546	CATHERINE JEPSON	PARKS	08/03/2019	20.97
WATERLOO ICEHOUSE	LOUISVILLE	CHRISTOPHER NEVES	IT	08/06/2019	38.78
WATERSAFETY	8009877238	JAMES VAUGHAN	REC CENTER	08/16/2019	245.48
WAWA 8639 00086397	CHANTILLY	CHRISTOPHER HUMPHREYS	POLICE	07/25/2019	55.16
WAYFAIR*WAYFAIR	WAYFAIR.COM	CATHERINE JEPSON	PARKS	08/05/2019	107.99
WEST MARINE #400	800-937-2628	GREG VENETTE	WATER	07/26/2019	508.92
WEST MARINE #400	800-937-2628	GREG VENETTE	WATER	07/26/2019	44.88
WEST MARINE #400	800-937-2628	GREG VENETTE	WATER	07/26/2019	226.20
WESTERN PAPER DISTRIBU	DENVER	SAM WHITE	GOLF COURSE	08/14/2019	402.58
WICKHAM TRACTOR	LONGMONT	BENJAMIN FRANCISCO	OPERATIONS	08/05/2019	6.06
WM SUPERCENTER #1045	LAFAYETTE	KATIE MEYER	REC CENTER	08/13/2019	28.50
WM SUPERCENTER #1045	LAFAYETTE	DRUSILLA TIEBEN	PARKS	07/26/2019	11.88
WM SUPERCENTER #5341	BROOMFIELD	LINDSEY WITTY	REC CENTER	08/15/2019	69.78
WWW.PREDICTEE.COM	9292899870	SAM WHITE	GOLF COURSE	08/13/2019	299.00
ZORO TOOLS INC	855-2899676	MARC DENNY	WASTEWATER	08/10/2019	77.40
ZORO TOOLS INC	855-2899676	MARC DENNY	WASTEWATER	08/03/2019	33.44
ZORO TOOLS INC	855-2899676	MARC DENNY	WASTEWATER	07/27/2019	145.32
ZORO TOOLS INC	855-2899676	MARC DENNY	WASTEWATER	07/27/2019	102.27
EBAY 800-456-3229	SAN JOSE	DAVID BARIL	GOLF COURSE	07/31/2019	111.98
EBAY 800-456-3229	SAN JOSE	DAVID BARIL	GOLF COURSE	07/31/2019	48.98
		DAVID DEAN	GOLF COURSE	08/19/2019	-39.00
TOTAL					\$ 103,526.56

CITY OF LOUISVILLE

EXPENDITURE APPROVALS \$25,000.00 - \$99,999.99

AUGUST 2019

DATE	P.O. #	VENDOR	DESCRIPTION	AMOUNT
8/22/2019	2019210	L.L. Johnson Distributing Co	Toro Groundmaster 4500-D Mower	\$69,342.69
			<i>This mower is being purchased based on the Parks equipment replacement schedule under the MAPO contract.</i>	

City Council Meeting Minutes

**August 27, 2019
City Hall, Council Chambers
749 Main Street
6:00 PM**

Call to Order – Mayor Muckle called the meeting to order at 6:00 p.m. The following members were present:

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

Absent: **Councilmember Chris Leh**

Staff Present: **Heather Balsler, City Manager**
 Megan Davis, Deputy City Manager
 Kevin Watson, Finance Director
 Nathan Mosely, Parks, Recreation, & Open Space Director
 Kurt Kowar, Public Works Director
 Rob Zuccaro, Planning & Building Safety Director
 Sharon Nemechek, Library Director
 Dave Hayes, Police Chief
 Chris Neves, Information Technology Director
 Meredyth Muth, City Clerk

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

UPDATE – MEDIAN LANDSCAPE RENOVATION PROJECT

Director Mosley stated this is an update prior to finalizing costs and designs for the project to improve the overall functioning of the medians. He reviewed the project goals: improve irrigation, replace and reduce maintenance where we can, and have more of a corridor identity. Each corridor has its own theme.

Director Mosley stated tree replacement will be a priority particularly the ash trees and the impact of the emerald ash borer infestation. The Parks and Public Landscaping Board

has recommended tree replacement be done in a way to retain the canopy while at the same time planting new trees to take over rather than a wholesale removal of ash trees.

Councilmember Maloney wanted to make sure the site lines are kept safe for drivers to be able to see pedestrians. Mayor Muckle added that the plantings near the pedestrian crossings need to be low enough to allow drivers to see pedestrians.

Members discussed some pros and cons related to the planting choices.

Councilmember Stolzmann stated she prefers keeping some of the ash trees while allowing new ones to grow rather than an immediate removal. Mayor Muckle agreed we shouldn't remove ash trees until they are diseased and must be removed. Members agreed with that process.

Councilmember Loo asked for more bee friendly plants and flowering or colorful trees. Councilmember Stolzmann stated she gets requests for fruit trees as well.

Director Mosley reviewed next steps to finalize design and pricing. Work will begin next month for about eight weeks and continue again in 2020.

DISCUSSION/DIRECTION – CAPITAL BUDGET AND PROJECTS UPDATE

Director Kowar gave an update on the BNSF Steel Ranch underpass. He stated BNSF is now requiring the track be kept open during construction which requires a bypass of the construction area. This bypass is estimated to be a \$2.8M additional cost to the project. The new cost is almost \$6M with all of BNSF's requirements.

Director Kowar reviewed some alternative trail connections that could be considered.

City Manager Balsler added that some of these connections will be addressed in the TMP. She added that the \$6M price tag is not settled and it could increase based on BNSF and their unwillingness to work with the City.

Director Kowar stated they did inquire about an at-grade crossing and BNSF stated they will not consider one.

Councilmember Keany stated he has spoken with the Takoda Metro District about their previous \$250K donation to this project. He stated Takoda residents are looking for alternative uses for their funding. They are wondering about using it to improve pedestrian connections at South Boulder Road and Main Street or improvements to Cowboy Park. They want to make sure that money benefits Steel Ranch.

Councilmember Loo asked what drainage improvements are needed in the area that Urban Drainage is contributing for. Director Kowar stated drainage improvements are still needed and we can still use their funding to make improvements without the underpass.

City Manager Balser stated staff needs direction if we are keeping the underpass in the budget or not. Councilmember Loo and Councilmember Keany are supportive of not doing the underpass.

Mayor Muckle supported shelving the project until a later date when we might get better news from BNSF. He is reluctant to build other improvements in the area that will make us not want to build the underpass later.

City Manager Balser stated we now have some funding in the 2020 budget dedicated to the underpass. Staff can remove that and look at alternatives.

Councilmember Stolzmann agreed the underpass is cost prohibitive at this time and there might be better locations for this crossing. She stated she would like to see more pedestrian improvements at Main Street and South Boulder Road and at the Eisenhower and South Boulder Road crossing.

Deputy City Manager Davis stated staff is working on the Eisenhower crossing but with all of the design and approval processes it is unlikely we can start construction on it prior to end the 2020.

Councilmember Stolzmann noted residents really want underpasses not at grade crossings on South Boulder Road. City Manager Balser stated funding and priorities for all of these projects will be discussed with the Transportation Master Plan (TMP) in October.

Councilmember Loo stated the underpasses are so expensive particularly at South Boulder Road and Main Street; it is unrealistic to think we can pay for that.

Mayor Pro Tem Lipton stated residents want some things done sooner than later. We can start with good at-grade improvements and that doesn't preclude us from doing greater things later. We should do some things quickly to make an impact on the community now.

Members agreed to remove that underpass from the current budget and look at alternatives. City Manager Balser stated the TMP prioritization discussion will impact the choice for projects. Staff will also continue to look at expediting projects.

Members briefly discussed the proposed Pine Street bikeway proposal in the TMP. In general Council was not supportive of this. Staff will remove the concept from the TMP when presented to City Council for action.

Members reviewed the projects proposed for removal from the 2020 CIP. They had no changes.

EXECUTIVE SESSION

REAL PROPERTY ACQUISITIONS AND DISPOSITIONS

(Louisville Charter, Section 5-2(c) – Authorized Topics – Consideration of real property acquisitions and dispositions, only as to appraisals and other value estimates and strategy, and C.R.S. 24-6-402(4)(a)).

City Attorney Kelly introduced the request for executive session stating the City Manager is requesting an Executive Session for the purpose of consideration of potential property acquisition and disposition in Louisville.

The City Clerk read Section 2.180.130 of the Louisville Municipal Code which outlines the topics permitted for discussion in an executive session.

City Attorney Kelly stated the authority to conduct this executive session is in the Home Rule Charter Section 5-2(c) for Council to discuss potential real property acquisitions and dispositions, with regard to properties in Louisville, but only as to appraisals and other value estimates and strategy, and in C.R.S. 24-6-402(4)(a). The request involves potential acquisition of real property.

MOTION: Mayor Muckle moved the City Council adjourn to executive session for the purpose of consideration of potential real property acquisitions and dispositions, with regard to properties in Louisville, but only as to appraisals and other value estimates and strategy; and the executive session include the City Council, City Manager, Deputy City Manager, City Attorney, Planning Director, and Parks, Recreation & Open Space Director. Seconded by Councilmember Stolzmann.

Vote: Motion carried by unanimous roll call vote.

The City Council adjourned to executive session at 7:18 pm.

The City Council meeting reconvened at 7:43 pm.

REPORT – DISCUSSION/DIRECTION/ACTION – REAL PROPERTY DISPOSITION AND ACQUISITIONS

City Attorney Kelly reported that while in the executive session City Council discussed a matter concerning real property acquisitions. No specific action is requested for follow up at this time.

ADVANCED AGENDA & IDENTIFICATION OF FUTURE AGENDA ITEMS

Members reviewed the advanced agenda.

ADJOURN

Members adjourned at 7:50 pm.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk

City Council

Meeting Minutes

September 3, 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 (arrived 7:02 pm)
 Councilmember Susan Loo
 Councilmember Dennis Maloney
 Councilmember Ashley Stolzmann

Staff Present: *Heather Balsler, City Manager*
 Megan Davis, Deputy City Manager
 Kevin Watson, Finance Director
 Rob Zuccaro, Planning & Building Safety Director
 Lisa Ritchie, Senior Planner
 Meredyth Muth, City Clerk

Others Present: *Kathleen Kelly, City Attorney*

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle moved to reverse items 8a and 8b on the agenda; Councilmember Loo seconded the motion. Voice vote: all in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

APPROVAL OF THE CONSENT AGENDA

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

- A. Approval of Bills**
- B. Approval of Minutes: August 20, 2019**
- C. Approval of City Council Special Meetings on September 10 and September 24**
- D. Approval of Resolution No. 28, Series 2019 – A Resolution Approving the Eighth Amendment to the Intergovernmental Agreement for Collection of County Use Tax Between Boulder County and the City of Louisville**

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Mayor Muckle thanked everyone for a great Labor Day Parade.

CITY MANAGER’S REPORT

City Manager Balser thanked the citizens and staff for a successful Labor Day event.

REGULAR BUSINESS

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 – 2ND READING, PUBLIC HEARING (advertised *Daily Camera* 8/25/19)

City Attorney Kelly introduced the item by title. Mayor Muckle stated Director Zuccaro had an update for tonight. Director Zuccaro stated both property owners were in contact with staff today and have asked Council table the ordinance. Many conditions have changed since this process started and those property owners would like to continue discussions with staff to determine how to move the process forward.

Mayor Muckle moved to table Ordinance 1781, Series 2019 Mayor Pro Tem Lipton seconded the motion.

Councilmember Stolzmann stated she would like to hear from the public in attendance. Mayor Muckle noted if Council votes to table this, it will not go forward as is. Councilmember Stolzmann agreed, but wanted to give people a chance to speak.

Vote on motion to table.

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

Director Zuccaro noted this could come back at a future quasi-judicial hearing and Council should be thoughtful about taking comment outside of a quasi-judicial hearing. City Attorney Kelly added that with it being tabled, comments taken tonight would be similar to those taken during a pre-application period. Mayor Pro Tem Lipton stated he did not want to do anything that might be prejudicial later on.

Members discussed the various options related to an application that is still quasi-judicial and whether tabling it removed it from that process.

Councilmember Maloney stated comments tonight may be speculative about something that might happen and added this item could come back to a different council. Councilmember Loo and Councilmember Keany agreed.

A majority agreed to not take comments.

Mayor Muckle stated with tabling the item there is no set time for any further discussion or consideration. If any new proposal and ordinance come to Council it would all be done with proper notice again.

Councilmember Leh stated he understands people may be frustrated with this direction, but taking comments now would be taking comments on a proposal that no longer exists.

Councilmember Stolzmann stated public notices had been made that there would be comments tonight, so she understands how people are frustrated. She noted the City is both the applicant and the decision maker here, so she would prefer comments, but understands why that is not being done. She encouraged people to send comments to Council if they would like to get comments to Council.

Director Zuccaro stated that by tabling the ordinance it is still active so all comments would still need to be limited to a public hearing.

Councilmember Loo asked about the advantages and disadvantages of withdrawing the application.

Director Zuccaro stated withdrawal would clarify the application was closed and the quasi-judicial process is done.

City Attorney Kelly stated her understanding was the application was not moving forward in its current form. If that is not the intent, the quasi-judicial status would remain in effect as long as there was an active planning case.

MOTION: Mayor Muckle stated his intent was to end this planning process for this application. He moved to withdraw the application. Councilmember Keany seconded the motion.

 **Voice Vote:** all in favor.

RESOLUTION NO. 29, SERIES 2019 – A RESOLUTION APPROVING A FINAL PLANNED UNIT DEVELOPMENT TO ALLOW CONSTRUCTION OF A 23,000 SQUARE FOOT STRUCTURE AND ASSOCIATED SITE IMPROVEMENTS AND APPROVAL OF A SPECIAL REVIEW USE TO ALLOW USE GROUP 59: HEALTH OR ATHLETIC CLUB ON LOT 3, BLOCK 5, COLORADO TECHNOLOGICAL CENTER FILING 1 AT 1776 BOXELDER STREET

Mayor Muckle introduced the item and opened the public hearing.

Planner Ritchie stated this is a request for a Planned Unit Development (PUD) to allow the construction of a 23,000 sf structure and associated site improvements and a Special Review Use (SRU) to allow Use Group 59: Health or Athletic Club. The building is to be a volleyball facility. She reviewed the property and site plan which includes underground detention.

She stated the application does not include any waivers and meets all provisions in the IDDSG. Parking is adequate to operate as a training facility, but may not be able to accommodate events. The owner is pursuing conversations with neighboring properties to secure an agreement for those uses. She stated the PUD includes a note regarding how parking requirements will be met if changes are made to the property.

Staff recommends approval of Resolution No. 29, Series 2019.

Councilmember Stolzmann asked if the underground detention reaches capacity where does it overflow. Ritchie stated it outfalls ultimately into a storm pipe at the rear of the property. Councilmember Stolzmann asked if overflow would be on this property or neighboring. Ritchie stated it is likely the structure itself would fill up. It is designed to meet all of the minimum drainage requirements. The applicant understands it will require more maintenance

Public Comments – None.

Motion: Mayor Pro Tem Lipton moved to approve Resolution No. 29, Series 2019; Councilmember Keany second.

Councilmember Stolzmann stated she is in favor of this but she noted this is an industrial park and many industrial chemicals are being used. From time to time she hears from folks who feel this type of use is not compatible with the surrounding area. She feels it is a

compatible use but people need to realize this is an industrial park. This is a secondary use in the area, not the primary use.

Mayor Muckle closed the public hearing.

Voice Vote: All in favor.

**ORDINANCE NO. 1779, SERIES 2019 – AN ORDINANCE ADOPTING A NEW SIGN CODE FOR THE CITY OF LOUISVILLE – 2ND READING, PUBLIC HEARING
(advertised *Daily Camera* 7/28/19)**

City Attorney Kelly introduced the ordinance by title. Mayor Muckle opened the public hearing.

Planner Ritchie stated this is consideration of a complete new sign code. The current sign code regulations live in five different documents and it is confusing for people. This consolidates them into one document. This also addresses issues from a recent Supreme Court ruling. The City is only allowed to regulate time, place and manner, not content.

The proposed code should also reduce the number of similar waivers being requested.

She reviewed the public input and feedback they have taken over the previous year. In general, this is what they have heard:

- Moderately larger and more flexible allowances
- High quality signage is important
- Location and context of the property is an important consideration
- Murals and sandwich boards outside of downtown
- Low interest for electronic message centers.

Section 1 of the draft sign code contains General Provisions:

- Stated intent for consistency with the 1st amendment guarantee of free speech
- Additional discussion related to prevention of sign clutter
- Nonconforming sign and enforcement regulations
- The following prohibited signs were added:
 - Teardrop banner, inflatable signs, additional clarification on other types.
- Provisions to allow a property owner to install signs under the new Sign Code rather than what was approved on a PUD, provided all signs come into conformance with the new Sign Code, including those on a multi-tenant or multi-property PUD

Section 2 addresses Approval Procedure:

- Requirements to obtain a sign permit
- Exemptions from sign permit
- Provisions for administrative approval of minor modifications of up to 10%
- Additional clarification and process for Iconic and Landmark signs

New PUD waiver criteria for signs

Section 3 contains General Regulations:

Residential Areas

- Single-family
- Multi-family
- Institutional

Commercial Areas

- Single and multi-tenant Commercial
- Single and multi-tenant Office

Industrial Areas

- Single and multi-tenant

Mixed-Use Areas

- Arterial and non-arterial frontage
- Single and multi-tenant sites

Downtown

- Single and multi-tenant sites

It also covers

- How signs are measured
- How signs are illuminated
- Internal illumination standards
- External illumination standards – downcast only
 - Other design considerations
- High quality
- Treatment of raceways and conduit
- Compatibility with site, architecture and

Electronic message centers (EMCs) would be allowed by right for gas stations, menu board signs, kiosks, all others have to justify use on the PUD.

Section 4 - Permanent Signs

Staff evaluated all current regulations, typical approved waiver requests, other regional communities' regulations and industry best practice. Section 4 includes regulation for all sign types in all areas of the City:

Residential areas – single family, multi-family, Institutional uses

Commercial areas – primary, secondary and US 36 frontages. Scale of development, slightly larger and more flexible locations, single tenant or multi-tenant and office categories.

Ritchie noted some proposed changes from the packet include increasing the size for US 36 oriented signs; flexibility for some sign types; and revised language allows illumination for window signs.

Ritchie stated minor changes to the downtown sign code include awning sign measurement and area; additional flexibility on canopy sign design; allowing any color halo light rather than white or yellow only; and excludes properties on the east side of the railroad tracks where the mixed use standards apply.

One substantial change would allow murals beyond downtown in commercial and mixed use areas, but not in residential areas.

Section 5 – Temporary Signs

Ritchie noted the City cannot regulate sign type based on the purpose of the sign, there are now types of signs; banners, site signs, yard signs and window signs with time, place and manner for those temporary signs. Sandwich board signs allowed in downtown but in other areas must stay on private property.

Councilmember Leh asked about the signs people put in the street concerning children at play. Ritchie noted technically those would not be allowed if they are on public property.

Ritchie stated staff did not draft new language for temporary signs, but that can be added if Council is interested.

Marijuana signs are addressed in the municipal code in Title 5 which requires signage to contain only the business name and trademark. City Council can require this as a compelling governmental interest.

Mayor Pro Tem Lipton stated the ordinance requires compliance with the sign code in anything that requires a building permit. He was concerned we are requiring businesses to upgrade their signs if they are pulling a permit for something completely different. He wanted to make sure a renovation would not trigger having to get a new sign. Director Zuccaro said the ordinance would not trigger that.

 Mayor Pro Tem Lipton asked about how sandwich boards affect ADA compliance for sidewalk clearance. Ritchie noted the code is clear how much clearance is required so it then becomes an enforcement issue.

Mayor Pro Tem Lipton was concerned the use of the electronic message centers may be too restrictive. Ritchie stated in the early drafts more were allowed with certain restrictions. After feedback from Planning Commission, Business Retention and Development Committee and the Downtown Business Association staff felt it was too lenient to leave it as a use by right.

Councilmember Leh stated we are trying to balance the values of small town character with the rights of businesses and their first amendment rights. He noted complaints about signs are more numerous than we would want to admit. We get complaints about who is cited and who isn't so it is critical we are fair and consistent.

Councilmember Leh asked about the marijuana sign rules and if these are likely to be challenged. City Attorney Kelly stated these are in line with the state rules.

Councilmember Leh asked on the electronic message centers if the standard gives sufficient guidance for staff. Planner Ritchie noted there could be language similar to that used in the PUD waiver if Council preferred. Councilmember Leh said he was seeking clarity and noted the sign installation language could be clarified.

Councilmember Stolzmann stated the murals require a permit and she asked if Council would consider the permit not require a fee as a way to encourage public art.

Councilmember Stolzmann stated she understands “open house” real estate signs are not allowed on public property under the code. If we allow some we have to allow all. But she asked if Council would consider having a time window when signs could be placed in the right of way. Ritchie stated Council could craft language for allowances for certain times or days.

Councilmember Stolzmann asked how temporary signs in windows are enforced and how new rules are enforced. Director Zuccaro stated there will be a period of education for this with brochures and contacts with people followed by courtesy notices slowly getting to code enforcement issuing citations. What is important is that enforcement be done equally throughout the City.

Councilmember Stolzmann stated she supports the electronic message centers as written. She has gotten many comments on sandwich boards downtown but she currently supports the language to only allow them in front of businesses.

Councilmember Loo asked why it was determined not to regulate murals in a residential area. Ritchie stated there is current case law which could be problematic for the City to regulate these in residential uses.

Councilmember Loo asked about the number of murals allowed and if that meant all sides of a building. Ritchie noted that could be clarified to indicate not on a street facing facade.

Councilmember Loo asked about yard signs and asked that the political sign section be clarified. Director Zuccaro stated Council can limit the number of signs per property if it wants to.

Councilmember Maloney liked the electronic message and sandwich board regulations as written.

Councilmember Keany stated the electronic signs are fine as written if it keeps them from being distracting. He would like to see a limit on how many yard signs are allowed per property and suggested five per frontage.

Councilmember Leh asked if the City can impose that kind of restriction on this kind of speech. City Attorney Kelly suggested if Council wants to make a substantive change it should be run by the specialized legal counsel retained for this project.

Director Zuccaro noted all of the other temporary sign categories have a number limitation.

Public Comments

Jill Midgley, 3068 W. 11th Avenue, Broomfield, stated she is a real estate agent in town and she would like to have some ability to have open house signs on surrounding streets to point people to the house. She stated she needs signs to get people into the houses.

Alicia Miller, 827 Trail Ridge Drive, a real estate agent, stated limits for days and times would be fair but strategically placed directional signs are helpful and necessary for real estate. Window signs can be great and give a nice community feel.

Caleb Dickinson, 721 Grant Ave., stated it can be too strict if kids can't have a lemonade stand or the like. Sometimes the temporary signs are helpful and Council should consider some opportunity for them.

Elayne Oligschlaeger, 1021 Turnberry Cir, does business open houses twice a year and would like the ability to have temporary signs to get people to her house.

Councilmember Leh stated he would support some allowances for temporary signs. He asked staff bring to back a proposal.

Councilmember Leh asked for more clarity on the references to federal and state laws and the first amendment as well as the phrase about being more restrictive.

Councilmember Stolzmann stated currently signs are not allowed in the public right of way so what you see now is not allowed. The proposal is to keep that. She would support some amount of signage under certain rules. She supports the modification for the changes to US 36 facing signs.

Councilmember Loo stated allowing signs with certain rules will mean some will not comply and some will always break the rules and we don't have the ability to enforce that. This could encourage people to go nuts with signs in the right of way for the weekends and could detract from our natural areas. She noted she gets complaints about people who are already breaking the rules. Enforcement could be an issue if signs were allowed on certain days and times.

Councilmember Keany stated he is not in favor of allowing signs in rights of way as people will abuse it. There is a way for people to put out signs on private property, but

allowing them in the right of way is not a reasonable way to do this. There is a solution by allowing signs on private property.

Councilmember Keany suggested limiting the number of signs per yard and not to make it unlimited. There should be a reasonable limit set. Some members did not agree.

Mayor Muckle stated he supports an allowance for temporary signs under very specific rules. Councilmember Stolzmann stated it should be clear where signs could be allowed and maybe start very regulated and can open up if want to. Also she would like to know if the police department can enforce this. Councilmember Keany suggested limiting the number per business or intersection.

Councilmember Loo stated she supports not allowing in the public right of way. She supports it as written. Councilmember Maloney agreed.

Mayor Pro Tem Lipton would like suggestions from staff on how we might be able to address this for real estate agents.

Councilmember Leh would like some options to consider. Mayor Pro Tem Lipton agreed. He wondered if there was a way to have a pilot program

Members all supported the change to US 36 signs.

Councilmember Stolzmann asked if Council would consider charging no fee for mural permits. Councilmember Maloney stated we should charge enough for reimbursing staff time. Councilmember Stolzmann stated she would prefer no charge as a way to encourage art.

Mayor Pro Tem Lipton agreed with Councilmember Maloney, if it costs the City resources to review these and there should be a fee. It can be established through the fee schedule each year.

Councilmember Leh agreed with Councilmember Stolzmann that there should be no fee when there is already a first amendment issue here. He worries these regulations may be overly burdensome and hard to enforce.

Director Zuccaro stated one option is to make it a minimal fee that can be determined with the fee schedule. Members agreed to this.

Mayor Pro Tem Lipton asked about commercial yard signs and if there are any rules. Director Zuccaro stated off premise signs are not allowed; he added home occupation signs are not allowed. Staff will do more research.

Public Comments

Caleb Dickinson, 721 Grant, stated he understands the concerns about allowing use of the right of way and enforcement. He stated allowing it under a certain time frame is simply a time when there is no enforcement compared to the rest of the time. If you make it too complicated it will be hard to enforce.

Mayor Muckle moved to continue the item until October 15, Councilmember Keany second.

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 – 2ND READING, PUBLIC HEARING (advertised *Daily Camera* 8/25/19)

City Attorney Kelly introduced the ordinance by title. Mayor Muckle opened the public hearing.

City Clerk Muth stated during the 2019 legislative session, the Colorado General Assembly enacted a bill amending the Fair Campaigns Practices Act (FCPA) to provide that any complaint arising out of a municipal campaign finance matter must be exclusively filed with the Clerk of the applicable municipality. As complaints were previously handled by the Secretary of State's Office, the City currently has no rules or process in place to handle such a complaint. The proposed ordinance would create a process for handling campaign finance complaints.

As drafted the ordinance includes the following:

- A process and timeline for a third party complaint to be filed with the City Clerk and a process whereby the City Clerk can file a complaint.
- A process for review of such a complaint
- The allowance for a complaint to be cured in a set timeframe
- If appropriate, a process and timeline for a hearing officer to hold an informal hearing on such a complaint and make a ruling
- The establishment of civil fines for not adhering to campaign finance rules, not to exceed \$999 for any one election cycle

Muth stated having clear and enforceable rules which all residents and candidates understand is imperative to the election process. Staff recommends approval of the ordinance.

Muth added if approved tonight, the ordinance will be in place prior to the first campaign finance reporting deadline for the 2019 election and would be used to address any 2019 FCPA complaints.

Councilmember Stolzmann asked how the fine not to exceed \$999 was determined. City Clerk Muth noted staff looked at a variety of rules from other municipalities. Generally the idea is you want to encourage people to run for office and not be overly concerned about the possibility of heavy fines if they make a mistake. This ordinance allows for all mistakes to be cured without a fine.

Public Comments – None

Councilmember Stolzmann wondered whether there should be some ability to allow the judge to impose jail time. Councilmember Leh proposed adding potential jail time of 364 days. Mayor Muckle also felt it was serious but was not supportive of jail time.

City Attorney Kelly reminded Council these hearings would not be in municipal court. If Council desires to have there be the possibility of jail time, the ordinance would need to be rewritten to be heard in the municipal court.

Councilmember Leh withdrew his suggestion of jail time. Mayor Pro Tem Lipton suggested removing the \$999 limit to allow the cumulative fine to go higher. Councilmember Maloney felt removing the limit made sense. There is already opportunity to remediate. It only goes higher if remediation is not done.

Mayor Muckle closed the public hearing.

 Mayor Pro Tem Lipton moved to approve Ordinance No. 1782, Series 2019 as amended to remove the \$999 limit on the fine, Councilmember Stolzmann seconded.

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

**DISCUSSION/DIRECTION – CITY MANAGER’S RECOMMENDED BUDGET FOR
2020, INCLUDING UPDATED CAPITAL IMPROVEMENTS PLAN FOR 2019-2024 &
UPDATED LONG-TERM FINANCIAL PLAN FOR 2019-2024 – SET PUBLIC HEARING
10/01/19**

Director Watson stated this is the first presentation of the budget, many more meetings with details to come. The 2020 budget was published in the biennial budget and this is a review of the proposed changes. This includes updated revenue estimates and assumptions, expenditure estimates and target, capital improvement plan, interfund transfer projects and long-term financial plan. The preliminary net assessed valuation for 2019 increased 8.3% over 2018 and sales tax revenue is projected at a 2% year-over-year growth in 2019 and 1.5% for both 2020 and 2021.

Director Watson reviewed expenditure estimates and targets including wage and benefit projections and proposed expenditure additions. He noted proposed changes to the Capital Improvements Plan which includes the June 4 budget amendment and some

other recommended increases and deletions. He added the interfund transfers have been updated based on the consumer price index.

He reviewed the long-term financial plan noting this budget keeps the fund balances above targets for the out years. He noted the golf course fund may need to be addressed as it is funding the operations but not the capital and renewals. This will need to be discussed in the budget process.

Mayor Pro Tem Lipton stated in general there appears to be a fundamental imbalance with revenues and expenses in the next few years and it is being covered by fund balances. It does not look sustainable. 2020 may be okay, but we cannot depend on this long term.

Councilmember Maloney agreed the expenses exceed revenue over the next six years. He would like to see a proposal to address this. The expenses need to be addressed.

Councilmember Maloney stated for the Rec Center he would like to see the Rec Fund pay for its own renewal and replacement. For golf he thinks the numbers look too high and they should be reviewed given the poor numbers early in this year.

Councilmember Maloney would like the 6-year staffing plan included in this discussion.

Councilmember Maloney noted large fund balances in the utility fund and felt there is a need to look at that and the rates.

Mayor Muckle stated the Finance Committee agreed to the conservative 1.5% sales tax projection but the Council should weigh in if they don't agree.

Mayor Muckle agreed with the need to see the six-year staffing plan. City Manager Balsler stated at this point we are not considering additional staffing past 2020 due to budget constraints.

Mayor Muckle noted the recreation numbers look good, but we are still making the full transfer from the general fund. It would be great if by 2021 that is not needed.

Mayor Muckle suggested not asking for too much work on the long-term plan in the second year of the biennial budget. That should happen next year.

Mayor Pro Tem Lipton stated the 2021-22 budget might require a new budgeting process. He noted sales tax is likely to decline and the projections should be conservative. On the Rec Center he would like to see a reduction in the general fund contribution in future years but that will be a decision for future councils.

Councilmember Loo asked if the budget is predicated on the TABOR question concerning the recreation center tax passing. Director Watson stated yes.

Councilmember Stolzmann stated we need to adjust recurring expenditures this year to address exceeding revenues. We do have some large one-time expenditures we need to spend, but the rest should be addressed.

Councilmember Stolzmann stated the money in the utility fund is to fund a large project in 2026 and this balance shows the smoothing Council wanted in the rates.

Councilmember Stolzmann suggested three things she would like considered 1) targets for renewable energy which should be less than \$30K per year 2) a sign for LCC for summer concerts and 3) funding to update the fiscal model.

Mayor Muckle noted discussions will continue at future meetings.

CITY ATTORNEY'S REPORT

None.

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

Councilmember Stolzmann stated DRCOG will be having a discussion of Proposition CC which would work towards de-Brucing the state and would affect transportation funding. She would like Council discussion on this so she knows our position before their discussion.

ADJOURN

Members adjourned at 10:25 pm.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk

SUBJECT: APPROVAL OF THE FIRST AMENDMENT TO THE AGREEMENT WITH THE HUMANE SOCIETY OF BOULDER VALLEY, INC. FOR ANIMAL IMPOUNDMENT SERVICES

DATE: SEPTEMBER 17, 2019

PRESENTED BY: DAVID HAYES, CHIEF OF POLICE

SUMMARY:

Staff requests City Council approve the attached amendment to the City’s contract with the Humane Society of Boulder Valley for animal impound services to extend the term to December 31, 2022, and to set fourth annual contract fees for the years 2020, 2021, and 2022.

FISCAL IMPACT:

- 2020 - \$10,965
- 2021 - \$11,240
- 2022 - \$11,520

PROGRAM/SUB-PROGRAM IMPACT:

The goals of code enforcement subprogram include the handling of stray animals. This provides a location for impounding of animals without the City building its own shelter.

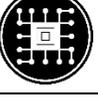
RECOMMENDATION:

Approve amendment.

ATTACHMENT(S):

1. Amendment

STRATEGIC PLAN IMPACT:

<input checked="" type="checkbox"/>		Financial Stewardship & Asset Management	<input checked="" type="checkbox"/>		Reliable Core Services
<input type="checkbox"/>		Vibrant Economic Climate	<input type="checkbox"/>		Quality Programs & Amenities
<input type="checkbox"/>		Engaged Community	<input type="checkbox"/>		Healthy Workforce
<input type="checkbox"/>		Supportive Technology	<input checked="" type="checkbox"/>		Collaborative Regional Partner

FIRST AMENDMENT TO AGREEMENT FOR ANIMAL IMPOUNDMENT SERVICES

THIS FIRST AMENDMENT TO AGREEMENT FOR ANIMAL IMPOUNDMENT SERVICES (“First Amendment”) is made and entered into this 17th day of September, 2019, by and between the **CITY OF LOUISVILLE**, a Colorado home rule municipal corporation (the “City”), and **THE HUMANE SOCIETY OF BOULDER VALLEY, INC.** a Colorado nonprofit corporation (the “Humane Society”), referred to jointly hereinafter as the “Parties.”

RECITALS

WHEREAS, the Parties previously entered into that certain Agreement for Animal Impoundment Services dated April 5, 2016 (“Agreement”), pursuant to which Agreement the City engaged the Humane Society for the purpose of providing animal impoundment services; and

WHEREAS, the Agreement will expire by its terms on December 31, 2019; and

WHEREAS, the Parties by this First Amendment desire to amend the Agreement to extend the term to December 31, 2022, and to set forth annual contract fees for the years 2020, 2021, and 2022.

NOW THEREFORE, for and in consideration of the mutual covenants and agreements set forth herein, the parties agree as follows:

1. Section 2 of the Agreement is amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

2. **Term of Agreement.** This Agreement shall be effective as of January 1, 2016 and shall terminate on December 31, 2022 ~~2020~~, unless it is sooner terminated as provided herein, or is renewed or extended by written agreement of the Parties.

2. Section 7 of the Agreement is amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

7. **Compensation for Services.** The City agrees to pay the Humane Society an annual fee for coverage of all services under contract except as specified in Sections 6(c), 6(d), and 6(e). The annual fee is as follows: \$8,280 for 2016, \$9,360 for 2017, \$10,440 for 2018, ~~and~~ \$10,750 for 2019, \$10,965 for 2020, \$11,240 for 2021, and \$11,520 for 2022. The Humane Society will bill on a quarterly basis and the City will pay the Humane Society within 30 days of receipt of the invoice.

3. The Agreement, as amended by this First Amendment, is hereby ratified and confirmed and shall remain in full force and effect and binding upon the City of Louisville and The Humane Society of Boulder Valley, Inc. in accordance with its terms. Capitalized terms not defined herein shall have the meaning set forth in the Agreement.

IN WITNESS WHEREOF, the parties have caused this First Amendment to Agreement for Animal Impoundment Services to be duly executed and delivered as of the date first above written.

CITY OF LOUISVILLE

By: _____
Robert P. Muckle, Mayor

ATTEST:

By: _____
Meredyth Muth, City Clerk

**THE HUMANE SOCIETY OF BOULDER VALLEY,
INC.**

By _____
Chief Executive Officer

**SUBJECT: APPROVAL OF RESOLUTION NO. 30, SERIES 2019 – A
RESOLUTION APPROVING THE 2019 – 2020 CONTRACT FOR
PROJECT EDGE AND OTHER MENTAL HEALTH AND ELDER
SERVICES WITH COMMUNITY REACH CENTER**

DATE: SEPTEMBER 17, 2019

PRESENTED BY: DAVID HAYES, CHIEF OF POLICE

SUMMARY:

The City of Louisville received a one-year grant from the Colorado Department of Local Affairs (DOLA) for the Peace Officers Mental Health Support Grant Program. This program will provide for clinicians, and associated costs, to assist Police Officers in providing assistance with mental health issues to individuals in the Louisville community. This grant will also provide psychological services for Louisville police officers as well as outside training for officers regarding assisting those with mental illness. Calls regarding mental health issues continue to increase both in number as well as complexity.

The Department has selected the Community Reach Center of Adams County to provide these services to the Community. The services are specified in the attached contract.

FISCAL IMPACT:

The total cost for these enhanced services is \$125,039 which is funded by the DOLA grant.

PROGRAM/SUB-PROGRAM IMPACT:

The goals of the public safety and justice program include maintaining safety through community engagement. This contract assists the department by providing better trained officers to assist those with mental illness.

RECOMMENDATION:

Approve resolution and contract with Community Reach.

ATTACHMENT(S):

1. Resolution No. 30, Series 2019
2. Contract

STRATEGIC PLAN IMPACT:

<input type="checkbox"/>	 Financial Stewardship & Asset Management	<input type="checkbox"/>	 Reliable Core Services
<input type="checkbox"/>	 Vibrant Economic Climate	<input type="checkbox"/>	 Quality Programs & Amenities
<input type="checkbox"/>	 Engaged Community	<input checked="" type="checkbox"/>	 Healthy Workforce
<input type="checkbox"/>	 Supportive Technology	<input checked="" type="checkbox"/>	 Collaborative Regional Partner

**RESOLUTION NO. 30
SERIES 2019**

**A RESOLUTION APPROVING THE 2019-2020 CONTRACT FOR PROJECT EDGE
AND OTHER MENTAL HEALTH AND ELDER SERVICES WITH COMMUNITY
REACH CENTER**

WHEREAS, the City desires to engage the services of Community Reach Center (“Contractor”) to provide Louisville residents with Early Diversion Get Engaged (EDGE) services and other mental health and elder services; and

WHEREAS, the proposed contract sets forth the terms of the parties’ agreement regarding the services to be provided by Contractor and the City’s payment therefore; and

WHEREAS, the City Council by this Resolution desires to approve the contract.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. That certain 2019-2020 Contract for Project EDGE Services and Other Mental Health and Elder Services (“Contract”), between the City of Louisville and Community Reach Center, a copy of which Contract accompanies this Resolution, is hereby approved.

Section 2. The Mayor and City Clerk are hereby authorized to execute the Contract, and the Mayor is hereby further authorized to negotiate and approve such revisions to the Contract as the Mayor determines are necessary or desirable for the protection of the City, so long as the essential terms and conditions of the Contract are not altered.

PASSED AND ADOPTED this 17th day of September, 2019.

Robert P. Muckle, Mayor

ATTEST:

Meredyth Muth, City Clerk

**2019-2020 CONTRACT FOR PROJECT EDGE
AND OTHER MENTAL HEALTH AND ELDER SERVICES
BETWEEN THE CITY OF LOUISVILLE
AND COMMUNITY REACH CENTER**

THIS Contract is made and entered into by and between the City of Louisville, a Colorado municipal corporation (City), and **Community Reach Center** (Contractor) (individually “the Party” and collectively “the Parties”).

WHEREAS, Contractor is a non-profit Community Mental Health Center that provides the services stated in **Attachment A** to the City of Louisville community; and

WHEREAS, in order for Contractor to function properly and provide important human services to the City of Louisville community and Police Department, it is necessary to provide funds to Contractor for its services which are deemed to be both desirable and essential for the immediate protection and preservation of the public health, safety, and general welfare of the citizens of Louisville and Louisville Police Department; and

WHEREAS the Contractor provides Project Early Diversion Get Engaged (EDGE) services, other Mental Health and Elder Services, and services to the to the City and Police Department.

NOW, THEREFORE, in order to serve an important public purpose and provide necessary services for the benefit of the City and its Community, the City and the Contractor mutually agree as follows:

TERM: The term of this Contract is from October 1, 2019 through September 30, 2020.

DUTIES AND PAYMENT: The Contractor agrees to provide the services listed in **Attachment A** (“Services”). The City has authorized up to \$110,039.33 (the maximum amount) in its 2019-2020 budget to fund the services described in this Contract. Contractor shall invoice the City monthly for services rendered and expenses incurred during the previous month, with payment due within 30 days of receipt of invoice, unless the Services or documentation therefor are unsatisfactory. The invoice shall document the Services provided during the preceding month, identifying by work category and subcategory the work and tasks performed and such other information as may be required by the City. The City shall not pay mileage and other reimbursable expenses, unless such expenses are (1) clearly set forth in **Attachment B**, and (2) necessary for performance of the Services. It is the understanding of the Parties that the payments identified herein shall constitute the maximum total compensation payable by the City for the Services identified herein and provided by the Contractor.

REPORTING REQUIREMENTS: The Contractor agrees to provide reports as outlined in Attachment A to the City’s Chief of Police or his/her designee. These reports will contain complete and accurate statements of services rendered and will be signed by the Contractor.

RELIABILITY OF REPORTS: Contractor represents that all information Contractor has provided or will provide to the City is true and correct, and that the City can rely on such information in

modifying, making payments, or taking any other action concerning this Contract. Any false or misleading material information or omission provided or caused by Contractor is just cause for the City to terminate this Contract and to pursue any other available remedies against the Contractor.

AUDIT: The City reserves the right to conduct an audit of all records related to this Contract should the City have concerns about the Contractor's performance of the services listed in **Attachment A**.

INTEGRATED AGREEMENT AND AMENDMENTS: This Contract is an integration of the entire understanding of the parties with respect to the matters set forth herein. This Contract cannot be altered or amended except in writing, and signed by duly authorized representatives of the respective parties. This Contract incorporates by reference the attachments checked below:

X Attachment A (Scope of Services)

X Attachment B (Budget)

STATUS OF CONTRACTOR: The Contractor shall perform all services under this Contract as an independent contractor and not as an agent or employee of the City. It is mutually agreed and understood that nothing contained in this Contract is intended or shall be construed as in any way establishing the relationship of co-partners or joint ventures between the parties hereto, or as construing the Contractor, including its agents and employees, as an agent of the City. The Contractor shall remain an independent and separate entity. The Contractor shall not be supervised by any employee or official of the City, except for work place etiquette and prioritizing calls for service as defined by the Chief of Police or his/her designee, nor will the Contractor exercise supervision over any employee or official of the City. The Contractor shall not represent that Contractor is an employee or agent of the City in any capacity. **The Contractor is not entitled to City workers' compensation benefits and is obligated to pay federal and state income tax on money earned pursuant to this Contract, if applicable.**

PERSONNEL: The Contractor agrees to provide competent personnel with expertise in the delivery of the scheduled services to achieve and maintain a highly professional and competent level of services. Contractor will include designated Louisville Police Staff in the selection of Clinician assigned to the City of Louisville, and will consult with the Louisville Police Chief or his/her designee prior to placing or removing Clinician(s) in this assignment.

INSURANCE: Contractor must carry those insurance coverages noted below:

- A general liability policy with limits no less than \$1,000,000 per occurrence; \$2,000,000,
- A workers' compensation insurance policy covering all employees and complying with state law,
- An automobile liability insurance policy covering bodily injury and property damage with limits of no less than \$1,000,000 per occurrence.

Before the effective date of this Contract, the Contractor shall present to the City a certificate showing it has the required policies in effect. Any variance to these insurance provisions must be

approved in writing by the City's Risk Manager and will become incorporated as an addendum to this Contract.

The Contractor shall not cancel, materially change, or fail to renew insurance coverages. Contractor shall notify the City of Louisville, 749 Main Street, Louisville, CO 80027 of any material reduction or exhaustion of aggregate limits. In the event any policy is canceled or has a material reduction of aggregate limits before final payment by City to Contractor, Contractor shall immediately procure other insurance sufficient to maintain the insurance requirements of this Agreement. Failure to maintain insurance or procure replacement insurance is grounds for termination of this Contract.

Nothing contained in these insurance requirements is to be construed as limiting the extent of the Contractor's responsibility for payment of damages resulting from Contractor's operation under this Contract.

CERTIFICATE OF INSURANCE: As evidence of the insurance coverages required by this Contract, prior to the effective date of this Contract, Contractor shall furnish a certificate of insurance to:

City of Louisville

The general and automobile liability certificate(s) will name the City, its officers, agents and employees as Additional Insureds. Insurance coverages required under this Contract shall be obtained from insurance companies authorized to do business in the State of Colorado.

INDEMNITY: The Contractor shall fully indemnify and hold the City harmless from all claims, actions, suits, liability, losses, costs, expenses and/or damages of any kind whatsoever which may occur to or be suffered by any person (including, but not limited to the Contractor, its agents, employees, contractors, tenants, invitees, licensees, successors or assigns) arising out of or in connection with its use and occupation of any City facilities and/or any activities undertaken pursuant to this Contract. Upon commencement of any such suit or action against the City, the Contractor shall provide prompt notice to the City, and shall defend the same at its own cost and expense. If a judgment shall be rendered against the City in such an action or suit, Contractor shall fully satisfy the judgment within ninety (90) days after the same has been conclusively determined.

TERMINATION: This Contract may be terminated at the sole discretion of the City for any violation by the Contractor of any of the terms and conditions of this Contract, including the reduction or discontinuance of the services listed in Attachment A. This Contract shall be subject to termination by either party in the event of the failure of the other party to perform any of the terms herein set forth. In such event, written notice shall be given to the other and if the conditions of noncompliance specified in such notice is not corrected within 30 days of the date of such notice, this Contract shall be terminated and of no further effect at the option of the party not in default of the terms herein contained. Notice shall be mailed to the respective parties at the following addresses unless written notice of change of address is given:

City
City of Louisville

Contractor
Community Reach Center

Police Department
949 Main Street
Louisville, Colorado 80027
Attn. Chief Dave Hayes

1870 West 122nd Avenue, Suite 100
Westminster, CO 80234
Attn: Rick Doucet, CEO

PROVISIONS CONSTRUED AS TO FAIR MEANING: The provisions of this Contract shall be construed as to their fair meanings, and not for or against any party based upon any attribution to such party as the source of the language in question.

HEADINGS FOR CONVENIENCE: All headings, captions and titles are for convenience and reference only, and of no meaning in the interpretation or effect of this Contract.

COMPLIANCE WITH ORDINANCES AND REGULATIONS: The Contractor shall perform all obligations under this Contract in strict compliance with all federal, state, and City laws, rules, statutes, charter provisions, ordinances, and regulations applicable to the performance of the Contractor's services under this Contract, and specifically, shall not discriminate against any person on the basis of age, ancestry, color, creed, sex, race, religion, national origin, disability, or as otherwise prohibited by law.

VERIFICATION OF LAWFUL PRESENCE: Without limiting the provisions of the previous paragraph, the Contractor shall verify the lawful presence in the United States of each natural person eighteen years of age or older who applies for state or local public benefits or for federal public benefits for the applicant, prior to providing the benefits, as required by Article 76.5 of Title 24 of the Colorado Revised Statutes, Restrictions on Public Benefits, C.R.S. 24-76.5-101, et seq. The Contractor shall verify the lawful presence in the United States of each such applicant by requiring the applicant to: 1) produce (i) a valid Colorado driver's license or a Colorado identification card, issued pursuant to Article 2 of Title 42, C.R.S.; or (ii) a United States military card or a military dependent's identification card; or (iii) a United States Coast Guard merchant mariner card; or (iv) a Native American tribal document; and 2) execute an affidavit stating: (i) that he or she is a United States citizen or legal permanent resident; or (ii) that he or she is otherwise lawfully present in the United States, and is authorized to work in the United States, pursuant to federal law.

For an applicant who has executed an affidavit stating that he or she is an alien lawfully present in the United States, the Contractor shall verify the applicant's lawful presence for federal public benefits or state or local public benefits through the federal Systematic Alien Verification of Entitlement Program, (the "Save Program"), operated by the United States Department of Homeland Security or a successor program designated by the United States Department of Homeland Security. Until such verification of lawful presence is made, the affidavit may be presumed to be proof of lawful presence for purposes of this section.

If the Contractor is unable to use the Save Program after reasonable efforts are made to use the Program, Contractor shall request the City to verify the lawful presence of the applicant through the Save Program.

Contractor may request in writing that the City determine if verification of lawful presence of an applicant is not required because of one or more of the exceptions to the verification requirement contained at section 24-76.5-103(3), C.R.S. Upon such request, the City shall, in its sole discretion, determine if one or more of the exceptions apply and such determination shall be binding upon the Contractor.

NO IMPLIED REPRESENTATIONS: No representations, agreements, covenants, warranties, or certifications, express or implied, shall exist as between the parties, except as specifically set forth in this Contract.

NO THIRD PARTY BENEFICIARIES: None of the terms or conditions in this Contract shall give or allow any claim, benefit, or right of action by any third person not a party hereto. Any person other than the City or the Contractor receiving services or benefits under this Contract shall be only an incidental beneficiary.

FINANCIAL OBLIGATIONS OF CITY: All financial obligations of the City under this Contract are contingent upon appropriation, budgeting, and availability of specific funds to discharge such obligations. Nothing in this Contract shall be deemed a pledge of the City's credit, or a payment guarantee by the City to the Contractor. If appropriated funds are not available, both parties shall be relieved of their obligations hereunder.

WAIVER: No waiver of any breach or default under this Contract shall be a waiver of any other or subsequent breach or default.

SEVERABILITY: Invalidation of any specific provisions of this Contract shall not affect the validity of any other provision of this Contract.

GOVERNING LAW: This Contract shall be governed and construed in accordance with the laws of the State of Colorado as well as applicable Federal laws, regulations, and policies. Should such laws be amended as to modify this Agreement, such Amendment shall be incorporated herein and be immediately effective between the Parties.

AUTHORITY: The parties warrant that they have taken all actions necessary or required by their own procedures, bylaws, or applicable law, to authorize their respective signatories to sign this Contract for them and to bind them to its terms.

UNLAWFUL EMPLOYEES, CONTRACTORS AND SUBCONTRACTORS: Contractor shall not knowingly employ or contract with an illegal alien to perform work under this Contract. Contractor shall not knowingly contract with a subcontractor that (a) knowingly employs or contracts with an illegal alien to perform work under this Contract or (b) fails to certify to the Contractor that the subcontractor will not knowingly employ or contract with an illegal alien to perform work under this Contract.

CONFIRMATION REGARDING ILLEGAL ALIENS: The Contractor has confirmed the employment eligibility of all employees newly hired for employment to perform work under this

Contract through participation in either the E-verify program administered jointly by the United States Department of Homeland Security and the Social Security Administration or the employment verification program of the Colorado Department of Labor & Employment.

LIMITATION REGARDING E-VERIFY PROGRAM: Contractor shall not use either E-verify or Colorado Department of Labor & Employment program procedures to undertake pre-employment screening of job applicants while performing this Contract.

DUTY TO TERMINATE A SUBCONTRACT; EXCEPTIONS: If Contractor obtains actual knowledge that a subcontractor performing work under this Contract knowingly employs or contracts with an illegal alien, the Contractor shall, unless the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien:

(a) notify the subcontractor and the City within three days that the Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and

(b) terminate the subcontract with the subcontractor if, within three days of receiving notice that the Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien, the subcontractor does not stop employing or contracting with the illegal alien.

DUTY TO COMPLY WITH STATE INVESTIGATION: The Contractor shall comply with any reasonable request of the Colorado Department of Labor and Employment made in the course of an investigation pursuant to C.R.S. 8-17.5-102 (5).

DAMAGES FOR BREACH OF CONTRACT: In addition to any other legal or equitable remedy the City may be entitled to for a breach of this Contract, if the City terminates this Contract, in whole or in part, due to the Contractor's breach of any provision of this Contract, the Contractor shall be liable for actual and consequential damages to the City.

(Signature page to follow)

IN WITNESS WHEREOF, The Parties have signed this Contract effective this 17th day of September, 2019

COMMUNITY REACH CENTER

By: _____
CHIEF EXECUTIVE OFFICER

STATE OF COLORADO)

) ss.

COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me, a notary public, this _____ day of _____, 2019, by _____, as CEO.

Witness my hand and official seal.

Notary Public

CITY OF LOUISVILLE
A Colorado home rule City

By: _____
Robert Muckle, Mayor

ATTEST:

Meredyth Muth, City Clerk

ATTACHMENT A STATEMENT OF WORK

1. Partners

Project Early Diversion, Get Engaged (EDGE) and other Mental Health and Elder Services is a collaborative effort between the following partners:

- Community Reach Center
- Louisville Police Department

2. Goals and Background

A) Project EDGE aims to help individuals with mental health conditions engage in treatment, and divert individuals with behavioral health conditions from involvement in the criminal justice system and instead engage them in treatment. Involvement in the criminal justice system is defined broadly, as diversion from any type of contact with law enforcement, including the possibility of arrest. EDGE focuses on the adult population, but is able to serve individuals of any age. Key goals of Project EDGE are to:

- Assist those with mental health conditions and target diversion before arrest, for individuals with mental illness and/or addictions or are otherwise in mental crisis
- Establish a consideration to not arrest, through a comprehensive, multi-agency, culturally responsive, evidence-based diversion service
- Provide on-scene crisis de-escalation and mental health resources
- Connect individuals with evidence-based ongoing treatment options to achieve recovery and improve quality of life
- Provide officers with resources to address crisis calls related to mental health and substance use

Build a robust infrastructure focused on recovery, treatment engagement, and if applicable, reduction in criminal justice system involvement

- B) Providing other Mental Health and Elder Services deemed to be both desirable and essential for the immediate protection and preservation of the public health, safety, and general welfare of the citizens of Louisville. Key goals of Mental Health and Elder Services are to:

Provide on-scene crisis de-escalation and mental health resources

Connect individuals with evidence-based ongoing treatment options to achieve recovery and improve quality of life

Build a robust infrastructure focused on recovery, and treatment engagement

3. Program Operations

Project EDGE and other Mental Health and Elder Services is comprised of the following team members:

- 1 full time behavioral health clinician
- 1 quarter time MHP program supervisor (Clinician)
- 1 or more program liaison officers from partner law enforcement agency

- Leadership and management support from each partner organization
- Evaluation and data analysis support

The behavioral health clinicians are dispatched to assist law enforcement officers and community members, with a full-time clinician and one-quarter time Clinician Supervisor working out of the Louisville Police Department (when not on calls or providing other related services as authorized by the Chief of Police or his/her designee). Mental Health Clinician may also be assigned to the Kestrel Community for up to one afternoon/morning per week for the convenience of Kestrel Residents who may be in need of Mental Health and/or Elder Services information or referrals.

4. A) Initial Encounter Procedure-EDGE

- Clinicians are embedded 5 days/week at Louisville PD (one full-time Clinician and one-quarter time for Clinician Supervisor). The specific days/hours will be at the discretion of the Police Department, based on need, as determined by the Chief of Police or his/her designee.
- Officers can contact clinicians directly or request a response through their agency's dispatch center.
- A clinician and officer(s) respond to a scene together, and the officer clears the scene for safety.
- Clinicians will drive their own vehicles to the scene.
- Clinicians provide de-escalation services and assess for emergency psychiatric hold, ongoing mental health and/or addictions treatment needs, elder needs, and needs for peer support.
- If there is probable cause for criminal charge(s), the officers decide whether to divert or file the charge(s). The clinician may still provide de-escalation and referral services if charges are filed.
- Clinicians can accompany officers to the hospital or Crisis Walk-In Center to provide collateral information and facilitate a warm hand-off.

B) Initial Encounter Procedure-Other Mental Health or Elder Services

Clinicians are embedded 5 days/week at Louisville PD (one full-time Clinician and one-quarter time for Clinician Supervisor). The specific days/hours will be at the discretion of the Police Department, based on need, as determined by the Chief of Police.

Officers can contact clinicians directly or request a response through their agency's dispatch center.

- A clinician and officer(s) respond to make the initial contact together
- Clinicians will drive their own vehicles to the scene
- Clinicians provide elder needs, and needs for peer support de-escalation services, and as needed, assess for emergency psychiatric hold, ongoing mental health and/or addictions treatment needs.

5. A) Outreach and Follow Up Procedure-EDGE

The clinicians' follow-up with clients within 24 hours of the initial encounter and facilitate warm hand-off to a peer support specialist. The peer then meets with the client to assist with engagement into ongoing treatment, by providing support for the following types of services:

- Screening and assessment to begin treatment (e.g., outpatient therapy, psychiatry)

- Care coordination with existing treatment providers, including behavioral, physical, dental health needs, as well as probation and other services
- Coordination with benefits specialists, housing assistance, and other basic needs
- Connection to other community-based services, including AA, Imagine!, homeless shelters, food banks, legal aid, aging services, and others

The peer support specialists use unique and creative engagement strategies including meeting clients for coffee in the community, attending Wellness classes together, working with clients' family members, and attending initial appointments with the clients.

B) Outreach and Follow Up Procedure-Other Mental Health or Aging Services

The clinicians' follow-up with clients within 72 hours of the initial encounter and facilitated warm hand-off to a peer support specialist as applicable/needed. The peer then meets with the client to assist with engagement into ongoing treatment, by providing support for the following types of services:

- Screening and assessment to begin any needed mental health treatment (e.g., outpatient therapy, psychiatry)
- Care coordination with existing treatment providers, including behavioral, physical, medical and dental health needs
- Coordination with benefits specialists, housing assistance, and other basic needs
- Connection to other community-based services, including AA, Imagine!, homeless shelters, food banks, legal aid, aging services, and others

The peer support specialists use unique and creative engagement strategies including meeting clients for coffee in the community, attending Wellness classes together, working with clients' family members, and attending initial appointments with the clients.

In the event the person contacted needs information or referral to Elder Services, Clinician will follow up as needed to help ensure the person has access to services provided by Boulder County, State of Colorado or other entities.

6. Performance Deliverables and Reports

- A. Contractor shall submit quarterly reports that indicate: 1) encounters per week; 2) encounters per month; 3) client demographics (unduplicated); 4) encounters by law enforcement agency; 5) encounters by day of the week; 6) encounters by time; 7) percent engaged by month (who have received a billable phone or face-to-face client attended service within 30 days of their most recent EDGE field contact).

7. Training

- A. Contractor shall provide training for Louisville Police Officers and Community Members on an as need basis as determined by the Chief of Police (at a maximum cost of \$6,500). Training curriculum is subject to final review and approval by the Chief of Police or his/her designee.

**ATTACHMENT B
MAXIMUM BUDGET**

Personnel	Quantity	Cost
Full Time EDGE Clinician 1.0	1	\$ 55,140.00
.25 time Lead EDGE Clinician	1	\$ 14,825.25
Subtotal		\$ 69,965.25
Fringe Benefits		
Full Time EDGE Clinician 1.0	1 (calculated 20% of Salary)	\$ 11,028.00
.25 time Lead EDGE Clinician	1 (calculated 25% of Salary)	\$ 3,706.31
Subtotal		\$ 14,734.31
Indirect Costs		
Full Time EDGE Clinician 1.0	1 (calculated 20% of Salary)	\$ 11,028.00
Full Time EDGE Clinician 1.0	1 (calculated 20% of Salary)	\$ 2,965.00
Subtotal		\$ 13,993.00
Staff Training		
Full Time EDGE Clinician 1.0	1	\$ 1,000.00
.25 time Lead EDGE Clinician	1	\$ 250.00
Subtotal		\$ 1,250.00
Other Expenses		
Educational Handouts		\$ 2,000.00
Outside Trainers for Training of Police Officers and Community Members		\$ 6,500.00
Cellphone	2 (calculated at \$600.00 for Full Time EDGE Clinician & \$150.00 for .25 EDGE Lead Clinician)	\$ 750.00
Mileage	Calculated at .545/mile@ 1,095 miles	\$ 596.77
Office Supplies		\$ 250.00
Subtotal		\$ 10,096.77
Community Reach Center Total		\$ 110,039.33

SUBJECT: APPROVAL PROCLAMATION FOR CONSTITUTION WEEK 2019

DATE: SEPTEMBER 17, 2019

PRESENTED BY: MEREDYTH MUTH, CITY CLERK

SUMMARY:

It is the two hundred and thirty-second anniversary of the drafting of the Constitution of the United States of America. The Indian Peaks Chapter of the National Society of the Daughters of the American Revolution asked the City to help promote the study of the Constitution with a proclamation for September 17 -23 as Constitution Week.

FISCAL IMPACT:

None

RECOMMENDATION:

Approve proclamation

ATTACHMENT(S):

1. Constitution Week Proclamation

CONSTITUTION WEEK
SEPTEMBER 17-23, 2019

Whereas, it is the two hundred and thirty-second anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is the privilege and duty of the American people to commemorate the anniversary of the drafting of the Constitution of the United States of America; and

WHEREAS, the U.S. Constitution declared governing would be upheld by three branches: the executive, the legislative, and the judicial branch; and

WHEREAS, through all of its changes, the Constitution's foundation has endured and adapted; and

WHEREAS, Constitution Week is an opportunity to acknowledge the work of our Founding Fathers and to honor the U.S. Constitution;

Now therefore, I, Robert P. Muckle, Mayor of Louisville, Colorado do hereby proclaim September 17 – 23, 2019 to be Constitution Week.

DATED this 17th day September, 2019

Robert P. Muckle, Mayor

ATTEST:

Meredyth Muth, City Clerk

SUBJECT: APPROVAL OF RESOLUTION NO. 31, SERIES 2019 – A
RESOLUTION APPROVING A PRESERVATION AND
RESTORATION GRANT FOR THE HARNEY HOUSE LOCATED
AT 620 GRANT AVENUE

DATE: SEPTEMBER 17, 2019

PRESENTED BY: FELICITY SELVOSKI, PLANNER/HISTORIC PRESERVATION
PLANNING & BUILDING SAFETY DEPARTMENT

VICINITY MAP:



SUMMARY:

The applicant requests approval of a grant in the amount of \$5,157.50 from the Historic Preservation Fund for the Harney House located at 620 Grant Avenue. The Harney House was landmarked in 2018 (Resolution No. 21, Series 2018). Properties landmarked prior to the adoption of Resolution No. 17, Series 2019 which updated the

historic preservation incentives are eligible to receive preservation grant funds through the resolutions in effect at the time of their landmarking. The Harney House is eligible for the incentives listed in Resolution No. 2, Series 2012.

Under Resolution No. 2, Series 2012, for a period of 18 months from when a property is declared a landmark pursuant to Chapter 15.36 of the Louisville Municipal Code the owner of the residential property shall be eligible for an unmatching flexible grant from the Historic Preservation Fund in the amount of up to \$5,000 and a matching focused grant of up to \$15,000 for “*preserving, restoring, rehabilitating, or protecting landmarked property.*” (Res. 2, Series 2012) The Historic Preservation Commission recommends approval for a grant in the amount \$5,157.50.

BACKGROUND:

The John and Katherine Harney family from Slovakia owned 620 Grant Avenue for approximately 65 years. The home was located in a neighborhood populated predominantly with other Eastern European households. The Harney’s had at least eleven children, of whom eight lived to adulthood. John Harney worked as a coal miner in the Louisville area. John Harney’s brother, Joseph Harney, owned the farm that is now the Harney-Lastoka Open Space.



Boulder County Assessor records, 1948



620 Grant Avenue, southwest view (front facade) – Current Photo

GRANT REQUEST:

The applicants are requesting approval of a Preservation and Restoration Grant for rehabilitation work on the landmarked structure at 620 Grant Avenue. The total grant request is \$5,157.50. The requested rehabilitation work includes adding insulation to the walls and attic of the house.

The Harney House previously received a \$900 grant for a Historic Structure Assessment and a \$1,000 Landmark Grant. The historic structure assessment was completed in 2017 by DAJ Design and paid for by the Historic Preservation Fund. The assessment (document attached) makes several recommendations, including adding insulation to the house.

The applicant received a quote for the proposed work from Eco Handyman. The cost of the proposed work is in line with insulation work done on similar projects.

Work proposed with total cost:

- Insulation: \$5,315
 - *Exterior metal siding work (removal and reinstallation)*
 - *Wall insulation*
 - *Attic airsealing and insulation*

GRANT AMOUNT REQUESTED: \$5,157.50

Flexible Grant

Under Resolution No. 2, Series 2012, the proposed work is eligible for funding as a flexible grant but is limited to a maximum grant amount of \$5,000. The proposed insulation work falls under the category of rehabilitation work: *“Sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make the property functional is appropriate within a rehabilitation project.”*

FLEXIBLE GRANT: \$5,000 (MAXIMUM)

Focused Grant

The proposed insulation work is also eligible for funding through the focused grant category. *“Grants specified in this section may only be used for preservation and/or restoration projects. These projects include measures directed towards sustaining the existing form, integrity, and materials of a historic property.”* (Res. No. 2, Series 2012) Focused grants require a 100% match from the applicant.

FOCUSED GRANT: \$157.50 (WITH REQUIRED \$157.50 MATCH FROM APPLICANT)

HISTORIC PRESERVATION COMMISSION RECOMMENDATION:

The Historic Preservation Commission reviewed the current grant request on August 19, 2019 and voted 5-0 to recommend approval of the \$5,157.50 grant without conditions (see Attachment 4 for minutes).

PUBLIC COMMENT:

Staff has not received any public comments regarding the grant request.

FISCAL IMPACT:

Approval of the grant request allows for a grant of up to \$5,157.50 from the Historic Preservation Fund: a \$5,000 flexible grant (unmatched), and a \$157.50 focused grant (matching).

The fiscal impact to the HPF is an expenditure of \$5,157.50. The balance of the Historic Preservation Fund as of 07/31/2019 is approximately \$2,312,787. Budgeted expenditures from the HPF for 2019 are estimated to be \$549,270.

PROGRAM/SUB-PROGRAM IMPACT:

The application meets the Community Design program goals and sub-program objectives by providing incentives to preserve the historic character of Old Town and to encourage the promotion and preservation of Louisville’s history and cultural heritage.

RECOMMENDATION:

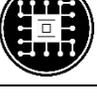
The grant request meets the requirements specified under Resolution No. 2, Series 2012, and addresses the recommendations in the Historic Structure Assessment. Staff

recommends approval of Resolution No. 31, Series 2019, approving a preservation and restoration grant for \$5,157.50 for the Harney House.

ATTACHMENT(S):

1. Resolution No. 31, Series 2019
2. Application Materials
3. Historic Structure Assessment
4. August 19, 2019 Historic Preservation Commission Minutes

STRATEGIC PLAN IMPACT:

<input type="checkbox"/>	 Financial Stewardship & Asset Management	<input type="checkbox"/>	 Reliable Core Services
<input type="checkbox"/>	 Vibrant Economic Climate	<input checked="" type="checkbox"/>	 Quality Programs & Amenities
<input checked="" type="checkbox"/>	 Engaged Community	<input type="checkbox"/>	 Healthy Workforce
<input type="checkbox"/>	 Supportive Technology	<input type="checkbox"/>	 Collaborative Regional Partner

**RESOLUTION NO. 31
SERIES 2019**

**A RESOLUTION APPROVING A PRESERVATION AND RESTORATION GRANT FOR
THE HARNEY HOUSE LOCATED AT 620 GRANT AVENUE**

WHEREAS, there has been submitted to the Louisville Historic Preservation Commission (HPC) an application requesting a preservation and restoration grant for the Harney House, a historic residential structure located at 620 Grant Avenue, on property legally described as Lot 4-5, Block 12, Pleasant Hill, Town of Louisville, City of Louisville, State of Colorado; and

WHEREAS, the City Staff and the HPC have reviewed the application and found it to be in compliance with Section 3.20.605.D and Section 15.36.120 of the Louisville Municipal Code; and

WHEREAS, the HPC has held a properly noticed public meeting on the Preservation and Restoration Grant application and has recommended the request be forwarded to the Louisville City Council with a recommendation of approval; and

WHEREAS, the City Council has duly considered the proposed Preservation and Restoration grant application and the Commission's recommendation and report, and has held a properly noticed public hearing on the application; and

WHEREAS, the City Council finds these proposed improvements will assist in the preservation of the Harney House, a local historic landmark;

NOW, THEREFORE, BE IT RESOLVED BY THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF LOUISVILLE, COLORADO:

Section 1 The City Council hereby approves the Preservation and Restoration Grant Application for the Harney House, subject to the following

- 1 Approved items are those in the proposed scope of work presented to the City Council totaling **\$5,157.50**
- 2 There is approved a total grant amount of **\$5,157.50**

PASSED AND ADOPTED this 17th day of September 2019.

Robert P Muckle, Mayor

ATTEST

Meredyth Muth, City Clerk

HISTORIC PRESERVATION APPLICATION

CASE NO. HIP-0233-2019

PROPERTY INFORMATION
Address: 620 Grant Ave.
Date of construction (if known): 1905-1906
Legal Description: Lot 4-5 Blk 12
Subdivision Pleasant Hill Addition
If Applicable: Landmark Name/Resolution
Harney House
Res. No. _____ Year _____

TYPE (S) OF APPLICATION

- Historic Structure Assessment
- Landmark
- Historic Preservation Fund Grant
- Historic Preservation Fund Loan
- Alteration Certificate
- Demolition Review
- Pre-filing Conference with Historic Preservation Commission

APPLICANT INFORMATION
Name: Rich + Nicole Schwalm
Company: _____
Address: 620 Grant Ave

Telephone: 3-359-3465
Email: rich_nicole_pc@yahoo.com

PROJECT INFORMATION
(Attach additional pages if necessary)
Summary: Insulation

OWNER INFORMATION (if not applicant)
Name: _____
Company: _____
Address: _____

Telephone: _____
Email: _____

SIGNATURES & DATE
Applicant Name (please print):
Nicole Schwalm
Applicant Signature:
Nicole Schwalm
Owner Name (please print):

Owner Signature:



ESTIMATE

Rich Schwalm
 620 Grant Ave Louisville, CO 80027
 (303) 359-3754

Eco Handyman

4845 Pearl East Circle Suite 101
 Boulder, CO 80301
 Phone: (303) 444-2181
 Email: nate@ecohandyman.com
 Web: ecohandyman.com

Estimate # 004655
 Date 06/20/2019

Description	Rate	Total
1) Electrical Wiring in Walls Check: Have a qualified electrician check the electrical in the walls that it is ok to insulate around. There could still be a little knob and tub wiring. Especially check the North outlet in the front living room, it does not appear to be attached to the wall at all, just to the cover plate. Just need to keep everything safe, and smart to check before insulation process. Not included in our work. Perhaps your Son and the electrical company he works for could do this for you.	\$0.00	\$0.00
2) Exterior Metal Siding work: Price for us to remove metal siding before the insulation install and re-install after. Some pieces may get a little bent because metal siding does not come out easily, and it is painted into place. This means that if we are putting it back, you will be able to tell which rows were removed because they will be a little damaged. *We could also do just the removal for FREE if you were going to replace it with a more "historical" siding to match the historical plaque on your home, because we could pull it out without having to be as careful, and would not have the tedious job of replacing it. Let me know what you think on this. -Nate	\$545.00	\$545.00
3) Wall Dense-pack Insulation from the Exterior: After the siding is removed (listed above), we will cut 2.5" holes in the wall in each stud bay and dense-pack the wall with insulation. This is a time consuming and technical process that requires the insulation blower to be calibrated correctly, the pressure to be set accurately, and a large quantity of material to be used so that the air movement in the cavity is limited and to prevent the insulation from settling. Includes plugging each hole with a foam plug before replacing the siding. Includes all labor and materials.	\$2,975.00	\$2,975.00
4) Attic Airsealing and Insulation: -Air seal larger accessible attic penetrations for wiring, vent pipes and larger holes into the attic. -Seal furnace vent penetration with special heat-resistant caulk and surround it with a metal collar per code. -Add baffles to existing soffit vents to improve attic ventilation to reduce heat in attic in summer, reduce attic moisture in winter and reduce "wind washing" of insulation. -Build a tall reflectix wall around BOTH the attic hatches to allow full insulation depth up to the hatch while still allowing someone to easily get into the attic at a later time. If your roof is very low, we will install a modified barrier allow you to still	\$1,795.00	\$1,795.00

get into the attic.

-Seal attic hatch with weather stripping and caulk the hatch trim as needed for a tighter seal.

-Attic hatch Insulated with up to 6 inches of rigid foam board to match R-value of the attic.

-Add R-35 advanced blown cellulose that is formaldehyde-free and about 80% recycled content to bring total amount to R-50, which is recommended by EnergyStar, exceeds building code requirements, and is recommended for comfort and energy savings.

-Includes all labor and materials for all steps of project.

Anything else we can help with?

\$0.00

Not for any program which require other work to be done. If you don't see something that you would like on the proposal, please call or email us so that we can add it on. If it is not on the proposal, then it is not within the scope of work, and should be added so that you get everything that you want done at the same time.

We are a Boulder based licensed general contractor that uses only our employees and trusted sub-contractors to get your quality job done in a timely manner. All workers are experts in their respective areas, so you get a positive experience throughout the project and a great finished product. We will work to deliver on the trust you put in us to make your home more comfortable, beautiful, and energy efficient. Let us know how we can help!

Subtotal \$5

Total \$5

Due to rising materials costs and the changing specification requirements of various local efficiency program proposals are valid for 60 days from date of issue.

Terms: For contracts under \$15,000, 50% due when scheduling project and balance due upon completion of Please send a check payable to "Eco Handyman" to the address at the top of this Estimate. Credit Cards accoe to \$2,500, unless you would like to split the 3% fee beyond that amount. Thank you!

Rich Schwalm

Nicole Schwalm

From: nicole s <rich_nicole_pc@yahoo.com>
Sent: Friday, July 5, 2019 1:08 PM
To: Nicole Schwalm
Subject: Fw: Your Estimate #4655 from Eco Handyman

Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "Nate Burger" <nate@ecohandyman.com>
To: "rich_nicole_pc@yahoo.com" <rich_nicole_pc@yahoo.com>
Sent: Fri, Jul 5, 2019 at 12:18 PM
Subject: Re: Your Estimate #4655 from Eco Handyman
Terrific, thanks Rich.

Best,
Nate

On Fri, Jul 5, 2019 at 12:07 PM nicole s <rich_nicole_pc@yahoo.com> wrote:
Thanks. Will schedule an inspection for the wiring and get back with you to schedule the insulation

Sent from Yahoo Mail on Android

On Fri, Jul 5, 2019 at 11:29 AM, Nate Burger
<delivery@email.joistapp.com> wrote:



**Estimate
#4655
from Eco
Handyman**

Attn: Rich Schwalm

Hello Rich,

It was nice to meet you the other day. Please find your proposal attached, and feel free to email me with any questions or to schedule

the work. My personal cell if you have any questions about the siding options: 303.827.4747

We are excited about working with you to make your home more comfortable and quiet!

Best,
Nate

Nathaniel Burger, Owner
Eco Handyman
W: 303.444.2181
www.ecohandyman.com
4845 Pearl East Circle Suite 101
Boulder, CO 80301

Remodels, insulation, ventilation, radon mitigation and more!

Please click the button below to view your Estimate on a secure webpage.

[View Estimate](#)

Powered by CHASE  wepay | JOIST

Nathaniel Burger, Owner

Eco Handyman

W: 303.444.2181

www.ecohandyman.com

4845 Pearl East Circle Suite 101

Boulder, CO 80301

COMFORT, HEALTH AND EFFICIENCY!

Insulation, Radon Systems, Whole House Fans, Ventilation,
Crawlspace Moisture Control + Much More.

**HISTORIC STRUCTURAL ASSESSMENT
620 GRANT AVE, LOUISVILLE, COLORADO**

12/7/2017

This Project was paid for by the Louisville Preservation Fund grant.



922A MAIN STREET
LOUISVILLE, CO 80027
T (303) 527-1100
INFO@DAJDESIGN.COM
WWW.DAJDESIGN.COM

Table of Contents

Introduction	2
Building Location and Site Plan	3
History and Use	4
Analysis and Compliance	5
Structure Condition Analysis	6
Photos	10



INTRODUCTION

A Historic Structural Assessment was conducted for the primary structure at 620 Grant Ave, Louisville, Colorado, for purposes of determining its viability as a candidate for a historic landmark designation under the Historic Preservation program with the City of Louisville. The primary structure is a single family residence. The City of Louisville Historic Preservation Commission found probable cause to believe the building may be eligible for landmarking under criteria in section 15.36.050 of the Louisville Municipal Code, and the Commission approved the Historic Structural Assessment be paid for by the Louisville Preservation Fund grant. There are two additional accessory structures on the property, but both additional structures were not deemed suitable for landmarking and were not approved to be included in the assessment.



922A MAIN STREET
LOUISVILLE, CO 80027
T (303) 527-1100
INFO@DAJDESIGN.COM
WWW.DAJDESIGN.COM

A site visit to 620 Grant Ave was conducted to study the building and collect data. The visit by DAJ Design completed the Existing Condition Assessment and allowed time to photograph the structure.

LIST OF CONSULTANTS

ARCHITECT

Andy Johnson, AIA
DAJ Design
922A Main Street
Louisville, CO 80027
303-527-1100
andy@dajdesign.com

WEATHER CONDITIONS

Site Visit #1: good conditions, sunny, low wind, cool temperature.

SOURCES

“Louisville Historic Preservation Commission Staff Report,” September 18, 2017.
“620 Grant Avenue History,” September 2017, Louisville Historic Museum
“HSA Packet,” City of Louisville Planning Department.

BUILDING LOCATION AND SITE PLAN

Legal Description: Lots 4 & 5, Blk 12 Pleasant Hill Addition



922A MAIN STREET
LOUISVILLE, CO 80027
T (303) 527-1100
INFO@DAJDESIGN.COM
WWW.DAJDESIGN.COM

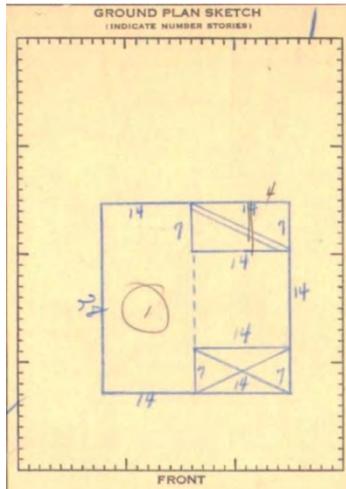


HISTORY AND USE

The gable-roofed, t-shaped structure has maintained its form and visual presence on Grant Avenue. The structure has a hipped, partial-width, front porch supported by turned wood spindles typical of the Folk Victorian style. The structure is clad in siding with a similar exposure to the original wood siding. After 1948, the roof wood shingle roofing was replaced by asphalt shingles. Based on the 1948 photo, there were minimal changes to the window openings and decorative features, if any. The original windows were double or single-hung with decorative wood trim surrounds. There were two doors leading into the house from the front porch, and the west facing door was covered up post-1948.



922A MAIN STREET
LOUISVILLE, CO 80027
T (303) 527-1100
INFO@DAJDESIGN.COM
WWW.DAJDESIGN.COM



Circa 1980 the rear porch was enclosed or replaced to include a bathroom and closet maintaining the existing low-pitched roof. Circa 1990's, a one-story, gable-roofed addition was constructed on the rear of the house. The addition is not easily visible from Lafarge Avenue because the addition is setback and screened by mature landscaping. The addition has minimal impact on the structure's architectural integrity.

The property also has a non-historic garage and shed along the alley.

A detailed social history and timeline of the house at 620 Grant was provided by the Louisville Historical Museum.



*Top image:
1948 Boulder
County
Assessor's
Ground Plan
Sketch.*

*Bottom image:
1948 Assessor's
photo of west
(street)
elevation.*

The house has been dated by the Louisville Historic Museum as “circa 1905.” The structure appears to have been used as a single-family residence for its entire history. Overall, the structure has maintained a reasonably high level of architectural integrity despite an addition to the rear of the structure and the addition of steel siding. The house is not currently listed on the National, State, or Local Register for historic structures.

HISTORIC PRESERVATION PRIORITIES

Based on our assessment, we recommend the house for landmarking. The highest priority historic preservation items for the house are as follows and in order:

1. Remove all steel siding and restore original wood siding.
2. Repair and restore windows to their best working condition including air sealing and the possible addition of custom built wood storm windows consistent with the historic character of the house. Fascia and soffits should be restored or replaced to original condition.
3. Consider re-installing the second front porch door as shown in the 1948 photo.
4. Repair and restore exterior window and door trim to decorative trim as shown in 1948 photo.
5. Tuck-point brick foundation wall.
6. Clean up landscaping and regrade around front of the house to the north to create positive drainage away from the foundation.
7. Insulate attic, crawlspace, and insulate walls, if necessary and possible.

Other items are outlined in the Rapid Visual Screening spreadsheet and in the summary below.

ANALYSIS AND COMPLIANCE

Due to the age of the house, the finish coatings may contain lead-based paint, asbestos may be present in the plaster top coat. A professional evaluation should be conducted to determine the presence of any hazardous materials.



922A MAIN STREET
LOUISVILLE, CO 80027
T (303) 527-1100
INFO@DAJDESIGN.COM
WWW.DAJDESIGN.COM

STRUCTURE CONDITION ASSESSMENT

A detailed condition evaluation of the different building elements is summarized in the attached Rapid Visual Screening matrix. The existing condition and integrity of each element, feature, or space is evaluated as Good, Fair, or Poor Condition, and a recommendation is provided. Focus for this summary will be on the original house structure. Please see the Rapid Visual Screening for details on the newer addition structure.



922A MAIN STREET
LOUISVILLE, CO 80027
T (303) 527-1100
INFO@DAJDESIGN.COM
WWW.DAJDESIGN.COM

Foundation/Crawlspace

The original foundation consists of ~12" wide stacked sandstone rubble that runs approximately 12" below grade, except at dug out portion of the crawlspace toward the rear of the original house where it runs full depth. Select areas of the original rubble foundation are under-pinned with a concrete foundation wall to create a deeper basement. Brick foundation was constructed on a slope with a cut brick top to level the foundation for the floor framing. The portions of the original foundation wall that are visibly accessible from the exterior are either coated with a cement stucco or a concrete skirt wall. In the crawlspace, there are multiple mid-span and transverse supports supported on the same brick bases or on dirt. Entry to the original crawlspace is through floor hatch in an exterior rear deck with mortared sandstone and concrete walls that run full depth of crawlspace height.

Existing brick foundation is in relatively good shape, however shows indications of weak mortar in various locations. The foundation walls are not insulated, there is no vapor barrier covering the dirt crawlspace area, and there is no basement ventilation. There is also minimal to no water infiltration visibly evident in the crawlspace or basement.

Recommendations include: Tuck-point the mortar on the rubble foundation wall. Install a vapor barrier over the dirt crawlspace. Insulate the foundation walls or floor framing. If feasible and appropriate, repair or redo cement stucco parge coat and concrete skirting in combination with any other work being conducted to the house (i.e. grading). See rapid visual screening report for details on newer constructed areas of the house.

Floor Construction

The original floor construction consists of 2X6 rough-sawn & dimensional lumber at 24" O.C. with 1x3 tongue & groove Douglas fir subfloor. Floor joists seem to be in relatively good shape. Floor joists bear on a rough sawn 2x6 plate laid flat on the existing stone foundation. There is a collection of beams, columns (various types). Floor framing is not insulated.

Recommendations include: Insulate floors, if foundation walls are not to be insulated.

Roof Construction

The original roof construction consists of 2x4 rough-sawn rafters at 24" O.C. with 1x "skip sheathing." Attic insulation is a loose fill mineral slag material.

There are vertical 1x struts running from the ridge to the ceiling rafters at irregular intervals. Attic insulation is minimal and inadequate.

Recommendations include: Remove 1x struts and install collar ties per instructions from a licensed structural engineer. Install additional insulation to equal a minimum of R-49 or an optimal R-60.

Roofing

Roofing is asphalt composite shingles. Low pitched roof is EPDM membrane roof at the portion along the circa 1990's addition.

Recommendations include: Replace asphalt roof.

Exterior Walls

The original exterior wall construction consists 2x4 rough-sawn studs at 16" O.C. (insulation unknown) with steel siding + 1/2" EPS insulation over original 1x6 painted wood shiplap siding.

Wall framing seems to be in acceptable shape. 2x4 wall framing was only visible in the attic, and seem to be in decent shape. Wall insulation was not visible. Existing wood shiplap siding was not visible. Outer steel siding appears to be in decent shape.

Recommendations include: Remove steel siding and restore original shiplap siding. Strip paint and repair original siding where appropriate. Prep, seal and repaint with a proper primer to maintain longevity. Consult an insulation company regarding the existing 2x4 walls, and insulate if uninsulated (no cost associated).

Exterior Windows

Wood windows of various operation types. Aluminum storm windows are installed over original windows. New windows are mostly double-pane, and in good shape.

Recommendations include: Install weather stripping or install new wood storm windows to fit historic character of existing windows.

Roof Openings

Circa 1980's addition skylight shows signs of moisture damage from interior effects of bathroom vapors. Exterior flashing shows signs of damage.



922A MAIN STREET
LOUISVILLE, CO 80027
T (303) 527-1100
INFO@DAJDESIGN.COM
WWW.DAJDESIGN.COM

Recommendations include: May need to replace skylight.

Porches

The front porch consists of covered porch with ornate wood columns resting on a concrete slab. Concrete slab and wood columns seems to be in relatively decent shape. Concrete slab at porch shows signs of settlement, but acceptable for age of house.

Recommendations include: None.

Exterior Trim/Ornamentation

Ornamentation: Front porch columns are the only original ornamentation that is visible. Columns are in good shape. The bottoms of the columns may need to be addressed to fix or prevent water damage.

Recommendations include: Repaint columns and seal bottoms.

Soffit & fascia: Painted 1x wood fascia with an ogee profile on the bottom edge. Wood fascia in various locations show signs of water damage. Soffits are a painted 3/8" plywood board, and show signs of water damage. Front porch soffit/ceiling is a painted wood bead board.

Recommendations include: Replace or restore fascia. Replace or restore soffits at eaves.

Window & door trim: Various types of wood trim and molding. Window and door trim original to the house may need to be replaced or restored, but not visible during house visit.

Recommendations include: Replace or restore trim after removing the steel siding.

Site Drainage

Gutters & Downspouts: Standard 4" K-style metal gutters, painted. Gutters appear to be in decent shape. Standard 2x3 downspouts, painted. Downspouts appear to be in decent shape. Front downspout is missing an extension. Most gutter locations are full of debris and need to be cleaned.

Recommendations include: Clean gutters to avoid further damage. Install a gutter guard in all areas of the house product to protect the gutters from filling up with debris from surrounding trees.

Site grading: Entire property is landscaped using a low-water planting strategy. There is no lawn. Slope of property runs from the high side at Grant and slopes down to the east alley property line. The natural grade of the property slopes down mostly east but



922A MAIN STREET
LOUISVILLE, CO 80027
T (303) 527-1100
INFO@DAJDESIGN.COM
WWW.DAJDESIGN.COM

also slightly to the south. Front yard drains to the front of the house. North side drains to the east, but does not drain away from the house. Leaves and natural debris have built up along all sides of the house.

Recommendations include: Clean debris away from the house on all sides of the house. Re-grade front area so the ground slopes from the house in all locations 6" in the first 5' from the edge of the house.

Mechanical, Electrical, Plumbing

Mechanical: Baseboard radiant heating system with gas-fired boiler.

Recommendations include: No recommendations at this time.

Electrical: Electrical service is 200 amps. Wiring throughout the house is Romex with updated receptacles and switches. Electrical service was upgraded circa 2007, and wiring has been replaced throughout the house. There is still space available in the service panel.

Recommendations include: No recommendations at this time.

Plumbing: Existing waste line is PVC and exits the crawlspace through the newer crawlspace on the east side of the house. Sanitary line from house to alley is unknown.

Recommendations include: None.



922A MAIN STREET
LOUISVILLE, CO 80027
T (303) 527-1100
INFO@DAJDESIGN.COM
WWW.DAJDESIGN.COM



922A MAIN STREET
LOUISVILLE, CO 80027
T (303) 527-1100
INFO@DAJDESIGN.COM
WWW.DAJDESIGN.COM



West elevation from street.



North elevation – historic structure.



922A MAIN STREET
LOUISVILLE, CO 80027
T (303) 527-1100
INFO@DAJDESIGN.COM
WWW.DAJDESIGN.COM



South elevation – historic structure

South elevation – 1990's Addition.



East elevation



922A MAIN STREET
LOUISVILLE, CO 80027
T (303) 527-1100
INFO@DAJDESIGN.COM
WWW.DAJDESIGN.COM



North elevation – 1996 Addition.



922A MAIN STREET
LOUISVILLE, CO 80027
T (303) 527-1100
INFO@DAJDESIGN.COM
WWW.DAJDESIGN.COM



Detail of soffit and fascia.



Detail of original column support at wall.



Detail of window showing storm window.



922A MAIN STREET
LOUISVILLE, CO 80027
T (303) 527-1100
INFO@DAJDESIGN.COM
WWW.DAJDESIGN.COM



Grading at front of house looking north from south property line.



Grading and debris build up at side of house.



922A MAIN STREET
LOUISVILLE, CO 80027
T (303) 527-1100
INFO@DAJDESIGN.COM
WWW.DAJDESIGN.COM



Roof structure at circa 1990's addition showing skylight.



Asphalt roofing repairs and patches.



Asphalt roofing showing extreme wear.



922A MAIN STREET
LOUISVILLE, CO 80027
T (303) 527-1100
INFO@DAJDESIGN.COM
WWW.DAJDESIGN.COM



Original brick foundation wall with sloping bottom.



Wood post support.



Wood support on brick base.



922A MAIN STREET
LOUISVILLE, CO 80027
T (303) 527-1100
INFO@DAJDESIGN.COM
WWW.DAJDESIGN.COM



Attic showing roof rafters, 1x struts, and insulation.



Attic showing roof rafters, 1x struts, and insulation.



922A MAIN STREET
LOUISVILLE, CO 80027
T (303) 527-1100
INFO@DAJDESIGN.COM
WWW.DAJDESIGN.COM



Interior view from living room to kitchen showing original wood interior paneling.



Interior view of remodeled kitchen.

Historic Preservation Commission Meeting Minutes

**August 19, 2019
City Hall, Council Chambers
749 Main Street
6:30 PM**

Call to Order – Chair Haley called the meeting to order at 6:30 PM.

Roll Call was taken and the following members were present:

Commission Members Present: Chair Lynda Haley
Andrea Klemme
Caleb Dickinson
Hannah Parris
Gary Dunlap

Commission Members Absent: Michael Ulm
Chuck Thomas

Staff Members Present: Felicity Selvoski, Historic Preservation Planner
Harry Brennan, Planner
Amelia Brackett, Planning Clerk
Leah Angstman, Historical Commission Liaison

APPROVAL OF AGENDA

Klemme made a motion to approve the August 19, 2019 agenda. Dickinson seconded. Agenda approved by voice vote.

APPROVAL OF MINUTES

Dickinson made a motion to approve the July 15, 2019 agenda. Klemme seconded. Agenda approved by voice vote.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

NEW BUSINESS – PUBLIC HEARNIG ITEMS

**620 GRANT AVENUE (HARNEY HOUSE) HISTORIC PRESERVATION FUND
GRANT REQUEST: A request for a Historic Preservation Fund grant for the
Harney House located at 620 Grant Avenue. (Resolution 1, Series 2019)**

Selvoski presented the grant request of the Harney House, which was built around 1905-1906 and owned by the Harney family from Slovakia for 65 years. An HSA was

completed in December 2018 and it was landmarked in April 2018. The request was for \$5,315 to add insulation to the walls and attic of the house, which matched the quote. The only grant funds the house had received included the \$900 grant for the HSA and the \$1,000 Landmark Incentive Grant. Selvoski stated that staff felt the application met the requirements for grant funds under the new language.

Staff finds that the grant request meets the requirements of Resolution 2, Series 2012 and recommends approval of the request.

Haley asked for questions of staff and the applicant. Seeing none, she invited the applicant to speak.

Nicole Schwalm, 620 Grant Avenue, thanked the Commission for their time.

Haley asked for commissioner discussion.

Dickinson stated that the grant was made for this purpose and that the work would make the home a better structure. He was happy that the applicant came back within the 18-month deadline.

Parris agreed and noted that the HSA had done its job of identifying issues with landmarked homes.

Dunlap moved to approve Resolution 1, Series 2019. Klemme seconded. Roll call vote. All in favor. Motion passed unanimously.

PROBABLE CAUSE DETERMINATION FOR 816 LINCOLN AVENUE: A request to find probable cause for a landmark designation to allow for funding of a historic structure assessment for 816 Lincoln Avenue.

Selvoski shared current photos, historic documents, and the landmark criteria. the principal structure was constructed around 1909 and is an early 20th-century wood frame with a rectangular footprint, a tall front gable roof, and a full-width porch along the front façade, all of which is representative of Louisville architecture from the era. The door and window placements appear original. The structure had changed hands multiple times and represented owners from French, English, and Central European origin and many were tied to the mining economy.

Staff finds that the structure at 816 Lincoln has architectural and social significance and possesses physical integrity. Staff finds that there is probable cause to consider landmarking the property and finds that the property is eligible for the \$4,000 grant toward the assessment.

Andy Johnson, with DAJ Design at 922 Main Street in Louisville, stated that the house was a straightforward probable cause determination and he wanted to share research on the house and the characteristics of a Historic Structure Assessment. There was an

original deed at the house from 1875 with pages documenting ownership turnover before 1903, which challenged the date found on the assessor’s card. He noted that the assessment would help determine if the house was built before 1909. The house had structural integrity based on the 1948 assessor’s cards and he believed that the structure was close to its original form. He also explained that the assessor’s card might have as many as three iterations of the house drawn onto it.

Johnson also described the cost breakdown for an assessment:

\$2,250	<ul style="list-style-type: none"> • Site Observations – 4 hours • Data collection and as-built drawings – 8 hours • Report – 8 hours
\$750	<ul style="list-style-type: none"> • Structural Engineering Report
\$3,000	Total Cost

He stated that he thought assessments should include footprints and measurements of wall thickness. He explained that there was a full day’s work after a site visit to look through historic photos and write summaries.

Dunlap asked if Mr. Johnson would recommend requiring a structural report in the assessment.

Johnson replied that a structural engineer was particularly important in assessing the foundation. He noted that many of the houses applying for assessments and landmarks would eventually have work done to them and a structural report would help determine how to go about that work.

Haley stated that the cost breakdown was helpful for the Commission. She added that the assessment also served as a record of the historic house on its own. Haley suggested showing the deed to Bridget Bacon at the Louisville Historical Museum.

Parris appreciated the presentation from Mr. Johnson and felt that there was probable cause.

Dunlap noted that the structure as it was in 1948 would still be historic.

Dickinson moved to find probable cause. Klemme seconded. Roll call vote. Motion passed unanimously.

PROBABLE CAUSE DETERMINATION FOR 701 GRANT: A request to find probable cause for a landmark designation to allow for funding of a historic structure assessment for 701 Grant Avenue.

Selvoski presented historic photos from the early 1900s and late 1940s, as well as current photos. The Commission had previously voted to find probable cause and

approve the assessment grant. This request was from a new applicant who planned to use the structure as a single-family unit.

Klemme noted that she was not at the previous meeting but she had read the staff report and did not need the full presentation.

Haley wanted to make sure that the assessment be thorough since it was a larger structure than typical residential structures.

Selvoski replied that staff felt the same way and that the applicant had been communicative so far.

Dunlap asked if there was any process to ask for more funds for an assessment.

Selvoski replied that there was nothing written in about providing more money for a larger residential structure.

Dickinson stated that if the assessment ended up costing more money, the grant was still providing a substantial amount toward the total assessment and he would be surprised if a more expensive assessment prevented the applicant from having a thorough assessment.

Haley agreed that the possible amount above the \$4,000 grant would be part of the usual expenses in buying a house anyway.

Dunlap moved to find probable cause and Dickinson seconded. Roll call vote. All in favor. Motion approved unanimously.

ITEMS FROM STAFF

Alteration/Demolition Updates

Selvoski explained that staff and an HPC subcommittee approved two alteration certificates for roof replacements, one at the Austin-Niehoff House at 717 Main and one at the Center for the Arts at 801 Grant, with the rationale that the proposed materials were a reasonably good match to the current materials, the work would not alter the general appearance, and replacing the roof would help preserve the landmarked structure.

Staff and a subcommittee approved one demolition request for 536 La Farge based on the rationale that the structure has been modified over time and therefore had little architectural integrity, making it unlikely to be eligible for landmarking.

Klemme asked what to do when a subcommittee could not make a decision on an application.

Selvoski replied that a subcommittee member could always request to have a full hearing.

Upcoming Schedule

September

4th – Lunch ‘n’ Learn with the Boulder Realtors Association, 12 – 1 PM

16th – Historic Preservation Commission, Council Chambers, 6:30 PM

October

10-12th – PastForward: National Preservation Conference, Denver

21st – Historic Preservation Commission, Council Chambers, 6:30 PM

Dunlap asked if staff wanted commissioners to attend the Association meeting on the 4th.

Selvoski replied that Commissioner Dickinson had expressed interest in attending and one other commissioner could attend without triggering public notice.

UPDATES FROM COMMISSION

Klemme asked about the mailings for the Historic Preservation Fund reauthorization.

Selvoski responded that staff had sent the press release to an editor and would send it out soon.

Dickinson asked about the coaster project.

Selvoski replied that it was on pause until the costs for the mailings and other public information became clearer.

DISCUSSION ITEMS FOR NEXT MEETINGS

None.

Adjourn:

Klemme moved to adjourn. Parris seconded. The meeting was adjourned at 7:17 PM.

SUBJECT: APPROVAL OF CHANGES TO THE CITY COUNCIL OCTOBER MEETING SCHEDULE

DATE: SEPTEMBER 17, 2019

PRESENTED BY: MEREDYTH MUTH, CITY CLERK

SUMMARY:

Staff requests the City Council approve the following changes to the City Council October meeting schedule:

- October 1 – begin meeting at 6 pm (rather than 7 pm)
- October 8 – change study session to special meeting
- October 22 – cancel study session

FISCAL IMPACT:

None

RECOMMENDATION:

Approve changes to October schedule

ATTACHMENT(S):

None

SUBJECT: APPROVAL OF PURCHASE OF TRUCK MOUNTED HIGH PRESSURE SEWER CLEANER

DATE: SEPTEMBER 17, 2019

PRESENTED BY: KURT KOWAR, P.E., PUBLIC WORKS DIRECTOR

SUMMARY:

The Public Works Operations Department is recommending the purchase of a Truck Mounted High Pressure Sewer Cleaner 800-HPR-ECO from Dawson Infrastructure Solutions. The equipment being replaced is a 2005 P2000 J sewer jetting trailer (Unit #3225). Unit #3225 is 14 years old and has over 3,400 hours. The mechanical pump on the sewer jetting trailer is nearing the end of the useful life and has been rebuilt numerous times. This equipment is used for emergency sewer backups and preventive maintenance of the city's sewer collection system. On average the Operations Division maintains approximately 25 miles of sewer line per year.

This Truck Mounted High Pressure Sewer Cleaner 800-HPR-ECO will be equipped with a 1,500 gallon water tank. A truck mounted system will provide greater mobility and ease of access, while freeing up a vehicle that would tow the jetter trailer for other purposes. The jetter truck will also be outfitted with a Mainlite Camera Inspection system.

The Truck Mounted High Pressure Cleaner being purchased from Dawson Infrastructure Solutions is being procured through Sourcewell Cooperative Purchasing (formerly NJPA). The City of Louisville has been a member with Sourcewell since 2008. The Sewer equipment of America Sourcewell number is 122017-SCA and Louisville Sourcewell number is 37525.

The addition of a camera system at \$58,000.00 will allow the Operations Division to identify various problems in house. The Operations Division currently hires private contractors to perform these services at an average cost of \$5,000.00 per year. This results in a pay back of 10 years and allows for city technicians to immediately identify and correct issues in a more efficient manner. The addition of the camera system will not supplant the larger annual sewer video program, which will continue to be contracted out.

FISCAL IMPACT:

The 2019 Wastewater Capital Improvement Program budget provides for \$260,000. The recommended purchase is for \$295,866.69. The trade in value for 3225 the jetting trailer is projected at \$6,000.00 leaving a final cost of 289,866.69. Staff is proposing a budget amendment for the difference of \$29,000.00.

SUBJECT: TRUCK MOUNTED HIGH PRESSURE SEWER CLEANER

DATE: SEPTEMBER 17, 2019

PAGE 2 OF 2

New Jetter Truck: \$295,866.69
3225 trade in value: \$6,000.00
Budget: \$260,000.00
Additional Need: \$29,000.00

Accounts:

Wastewater Utility Fund
\$289,866.69 – 603010-449100

PROGRAM/SUB-PROGRAM IMPACT

Ensure safe, reliable, great tasting water; properly treated waste water; effective Stormwater control; successfully manage solid waste; and competitive prices for all services. Protect public health and the environment by collecting and treating wastewater in compliance with Federal, State, and Local laws.

RECOMMENDATION:

Approve staff to initiate a purchase of a new Truck Mounted High Pressure Sewer Cleaner 800-HPR-ECO from Sewer Equipment of America within the 2019 budget year.

ATTACHMENTS:

- 1. Quote (Sourcewell Bid)

STRATEGIC PLAN IMPACT:

<input type="checkbox"/>	 Financial Stewardship & Asset Management	<input checked="" type="checkbox"/>	 Reliable Core Services
<input type="checkbox"/>	 Vibrant Economic Climate	<input type="checkbox"/>	 Quality Programs & Amenities
<input type="checkbox"/>	 Engaged Community	<input type="checkbox"/>	 Healthy Workforce
<input type="checkbox"/>	 Supportive Technology	<input type="checkbox"/>	 Collaborative Regional Partner

Proposal

434 E. 56th Ave.
 Denver, CO 80216
 Office (303) 632-8236
 Fax (303) 289-5338

www.dawsonis.com

To: City of Louisville
 749 Main Street
 Louisville, CO 80027

Sourcewell Member ID 37525



Proposal #: 19223
Date: 8/21/2019
FOB: Destination
Delivery: 180-240 Days ARO
Validity: 30 Days
Warranty: 1 Yr.

Item	Description	Qty	Each	Total
Item	800-HPR-ECO Truck Mounted High Pressure Sewer Cleaner mounted on International Chassis. Includes 65 gpm at 2000 psi pump with 600' of 1" hose, and reel platform for RapidView Mainlite system.	1	165,175.06	165,175.06T
Item	Less Sourcewell Discount on 800-HPR-ECO.	1	-4955.25	-4,955.25T
Item	RapidView IBAK Mainlite Inspection System per Sourcewell Awarded Contract 122017-RVL. System to be mounted on 800-HPR-ECO Reel Platform.	1	70,103.00	70,103.00T
Item	Less Sourcewell Discount on RapidView IBAK Mainlite Inspection System.	1	-2,704.12	-2,704.12T
Discount	Less Discount - Provide Dawson "Demonstration" unit ILO of new above. This is a brand new system, never used.	1	-13,500.00	-13,500.00T

Thank you for this opportunity.



Awarded Contract
 Contract #122017-SCA



Subtotal

Sales Tax (0.0%)

Total

Proposal

434 E. 56th Ave.
 Denver, CO 80216
 Office (303) 632-8236
 Fax (303) 289-5338

www.dawsonis.com

To: City of Louisville
 749 Main Street
 Louisville, CO 80027
 -
 Sourcewell Member ID 37525



Proposal #: 19223
Date: 8/21/2019
FOB: Destination
Delivery: 180-240 Days ARO
Validity: 30 Days
Warranty: 1 Yr.

Item	Description	Qty	Each	Total
S&H	Shipping and Handling for RapidView IBAK Mainlite Inspection System	1	750.00	750.00
Item	International Chassis	1	77,998.00	77,998.00T
S&H	Delivery to Customer Location	1	3,000.00	3,000.00
Item	Optional Trade-in allowance for used trailer jet, deduct \$6,000.00 from total	0	Not Included	0.00T

Thank you for this opportunity.



Awarded Contract
 Contract #122017-SCA



Subtotal	\$295,866.69
Sales Tax (0.0%)	\$0.00
Total	\$295,866.69

**SUBJECT: ORDINANCE NO. 1783, SERIES 2019 – AN EMERGENCY
ORDINANCE AMENDING CHAPTER 17.68 OF THE LOUISVILLE
MUNICIPAL CODE TO REQUIRE OIL AND GAS OPERATOR
REGISTRATION – 1ST AND FINAL READING – PUBLIC
HEARING – Adoption as Emergency Ordinance**

- i. AN EMERGENCY ORDINANCE AMENDING CHAPTER
17.68 OF THE LOUISVILLE MUNICIPAL CODE TO
REQUIRE OIL AND GAS OPERATOR REGISTRATION AND
TO PROVIDE FOR A TEMPORARY MORATORIUM ON THE
SUBMISSION, ACCEPTANCE, PROCESSING, OR
APPROVAL OF ANY LAND USE APPLICATIONS, OR
ISSUANCE OF ANY SPECIAL USE PERMIT, RELATED TO
THE USE OF PROPERTY WITHIN THE CITY FOR OIL AND
GAS EXPLORATION, EXTRACTION, AND RELATED
ACTIVITIES UPON RECEIPT OF AN OPERATOR
REGISTRATION**

Or

- ii. AN EMERGENCY ORDINANCE AMENDING CHAPTER 17.68
OF THE LOUISVILLE MUNICIPAL CODE TO REQUIRE OIL
AND GAS OPERATOR REGISTRATION**

DATE: SEPTEMBER 17, 2019

**PRESENTED BY: KATHLEEN KELLY, CITY ATTORNEY
LISA RITCHIE, SENIOR PLANNER**

SUMMARY:

Presented are two options for an emergency ordinance for consideration by City Council. Both ordinances amend Chapter 17.68 of the Louisville Municipal Code to require Oil and Gas Operator Registration. Option A also enacts a temporary moratorium on the submission, acceptance, processing, or approval of any applications for oil and gas upon receipt of an operator registration.

BACKGROUND:

On April 16, 2019, Governor Polis signed in to law S.B.19-181, also known as "Protect Public Welfare Oil and Gas Operations" (see attached). The bill prioritizes the protection of public safety, health, welfare, and the environment in regulation of the oil and gas industry by modifying the Oil and Gas Conservation Act, C.R.S. §§ 34-60-101 et seq., the Local Government Land Use Control Enabling Act, C.R.S. §§ 29-20-101 et seq. ("LUCEA"), and other relevant statutes. The bill granted additional authority to

local governments to regulate oil and gas development. Specifically, it clarified that local governments have land use authority to minimize adverse impacts to public safety, health, welfare, and the environment and to regulate land use and surface impacts, including the ability to: regulate the siting of oil and gas locations; regulate noise, odor and vibration from oil and gas facilities; inspect oil and gas facilities; impose fines for leaks, spills, and emissions; and impose fees on operators or owners to cover the reasonably foreseeable, direct and indirect costs of permitting and regulating, monitoring and inspection programs, and enforcing local governmental requirements. The bill does not permit a local government to prohibit oil and gas operations, however.

In general, SB 181 clarified local authority regarding oil and gas over:

- Land use
- Location and siting of oil and gas facilities
- Impacts to public facilities and services
- Water quality & source
- Noise
- Vibration
- Odor
- Light
- Dust
- Air emissions & quality
- Land disturbance
- Reclamation procedures
- Cultural resources
- Emergency preparedness
- Security
- Traffic and transportation impacts
- Financial securities, indemnification, and insurance
- Other “nuisance type effects” of oil and gas development

In order to implement the above authority, SB 181 authorizes local governments to inspect all oil and gas facilities; impose fines for leaks, spills, and emissions; and impose fees on operators or owners to cover the reasonably foreseeable direct and indirect costs of permitting and regulation.

Since the passage of the legislation, the Colorado Oil and Gas Conservation Commission (COGCC) has initiated rulemaking proceedings that will incorporate the input of local government delegates from municipalities across the state. The City of Louisville oil and gas designee, Director of Planning and Building Safety Rob Zuccaro, has been tracking this process.

Within Louisville, the Louisville Municipal Code Chapter 17.68 regulates oil and gas. The oil and gas code was last updated in 1995 and changed the ordinance to allow oil and gas activities in all zone districts through a Special Review Use, rather than limit such activity to the Agricultural zone district only, which was then required by law.

Regulatory requirements include considerations for location and setback, noise, visual impacts, and wildlife along with several other items, including:

- Setbacks of 350 ft. from occupied buildings and 75 ft. from rights-of-way
- Noise mitigation and acoustic insulation requirements and maximum noise levels per current state statute
- Venting requirements away from occupied buildings
- Drainage and erosion control plans
- Locational requirements to mitigate the visual impacts such as locating away from prominent natural features and away from hilltops and ridges
- Use of uniform non-contrasting or reflective colors for equipment and screening
- Access road construction standards to limit dust and address drainage issues
- Wildlife impact mitigation in coordination with the Colorado Division of Wildlife

The current City code does not address all of the regulatory authorities now available to local governments to protect the health, safety, welfare and environment within the City.

The permitting process for operators was also changed by SB 181. Previously, operators would apply to the COGCC for a permit to drill a well before applying for any local approvals, such as the Special Review Use required by the City of Louisville. Now, if the local government has requirements for the location and siting of a proposed well, the operator must first apply to the local government and receive either a preliminary or final determination regarding the location and siting application before applying to the COGCC for a permit to drill. "Location and siting" is not defined in SB 181, nor are there any COGCC regulations to provide guidance regarding this term. While the City's regulations provide setback requirements for proposed wells, at this time it is unclear whether this would constitute a local location and siting requirement as used in SB 181.

There is currently no drilling or actively producing wells, no active oil and gas permits, nor have there been any active well permits filed with the State since 1999 within the City of Louisville. The majority of the City limits are just outside the Wattenberg oil field, although there are some areas that fall within the boundaries identified by COGCC. The Boulder County Oil and Gas activities map can be found [through this link](#).

Staff cannot predict the future possibilities of drilling for oil and gas within the City limits, nor can we speculate as to whether there is risk that drilling will occur in the future. However, based on the geologic resource maps and past interest in drilling, it seems unlikely that there will be significant demand for oil and gas development in the City.

Nonetheless, changing technologies may make it possible for offsite drilling to impact the City, or for wells drilled within the City to reach resources located outside the City.

On the July 30, 2019 City Council meeting, there was a Discussion/Direction agenda item for Implementation of 2019 Legislation where this issue was presented and discussed. City Council discussed options for moving forward with changes to oil and gas regulations in light of SB 181. The minutes are included as an attachment.

Many surrounding jurisdictions are currently developing new regulations for oil and gas and are under moratoriums, including Superior, Lafayette, and Boulder County.

PROPOSAL:

Both options for the draft Ordinance include a new section in Chapter 17.68 – Oil and Gas Regulations that requires registration for oil and gas operators at least thirty days prior to submission of an application. The registration requirement allows the City to understand and assess the capabilities of the operator to meet the obligations of the State and City regulations for oil and gas operations and to understand the scope of a possible application prior to accepting the application.

Option A includes language that enacts a six month moratorium upon the filing of an operator registration. This moratorium is intended to provide the City adequate time to assess the adequacy of its ordinance to protect the health, safety and welfare of its citizens, and safeguard the environment and wildlife resources as authorized by SB 181 and draft and adopt an updated ordinance.

Option B does not include language that triggers a moratorium upon filing of an operator registration. If City Council prefers Option B, staff recommends adoption of an emergency ordinance immediately following receipt of an operator registration.

The registration requirements included in the draft Ordinance require the provision of comprehensive information, including:

- A good faith estimate of the number of well sites and wells the operator intends to drill in the following five years within the City
- A map showing the location within the City of any sites for which the operator has approved or has submitted applications for drilling and spacing orders, and sites the operator has identified for development within the following five years for which it has not yet submitted applications
- Well estimates based on reasonable business judgement based on information known to the operator as of the date of registration
- Information demonstrating the operator is capable of fulfilling and is likely to fulfill the obligations imposed through the local and state oil and gas regulations, including:

- A list of all instances in the previous ten years where the operator had not complied with applicable state or local requirements
- Certified copies of all financial assurances
- A certified copy of general liability insurance
- A report on greenhouse gas emissions for all oil and gas facilities in Boulder County owned or leased by the operator for the calendar year prior to registration or renewal.
- A requirement that registrants update information on file with the City within 30 days of a material change of such information.
- A requirement that registrants reapply after 5 years if no application for a special review use or other land use permit for oil and gas operations has been submitted.

FISCAL IMPACT:

There may be costs associated with processing of oil and gas operator registrations, and associated with the development of an updated ordinance at a future date.

PROGRAM/SUB-PROGRAM IMPACT:

Staff finds the approval of this ordinance will have a positive impact on Community Design and Economic Prosperity through local regulation of oil and gas operations within Louisville.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission considered the ordinance at their meeting on September 12, 2019 and recommended approval with a vote of 6-0. The minutes from this meeting are not yet available, however the meeting can be viewed [here](#).

RECOMMENDATION:

Staff recommends approval of Option A to adopt a requirement for oil and gas operator registration and to enact a six month moratorium following receipt of an operator registration.

ATTACHMENT(S):

1. Option A Draft Ordinance
2. Option B Draft Ordinance
3. City Council Minutes – July 30, 2019
4. SB 181
5. Presentation

STRATEGIC PLAN IMPACT:

<input type="checkbox"/>	 Financial Stewardship & Asset Management	<input checked="" type="checkbox"/>	 Reliable Core Services
<input type="checkbox"/>	 Vibrant Economic Climate	<input type="checkbox"/>	 Quality Programs & Amenities
<input type="checkbox"/>	 Engaged Community	<input type="checkbox"/>	 Healthy Workforce
<input type="checkbox"/>	 Supportive Technology	<input type="checkbox"/>	 Collaborative Regional Partner

**ORDINANCE NO. 1783
SERIES 2019**

AN EMERGENCY ORDINANCE AMENDING CHAPTER 17.68 OF THE LOUISVILLE MUNICIPAL CODE TO REQUIRE OIL AND GAS OPERATOR REGISTRATION AND TO PROVIDE FOR A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, OR APPROVAL OF ANY LAND USE APPLICATIONS, OR ISSUANCE OF ANY SPECIAL USE PERMIT, RELATED TO THE USE OF PROPERTY WITHIN THE CITY FOR OIL AND GAS EXPLORATION, EXTRACTION, AND RELATED ACTIVITIES UPON RECEIPT OF AN OPERATOR REGISTRATION

WHEREAS, the City of Louisville is committed to protecting the health, safety, and welfare of its citizens, and safeguarding the environment and wildlife resources; and

WHEREAS, the City Council believes it has not only the authority but the responsibility to plan for and regulate the use of land within the City in order to best protect and promote the health, safety, and welfare of present and future inhabitants and residents of the City, and to guide future growth, development, and distribution of land uses within the City; and

WHEREAS, the City regulates the use of land by those ordinances codified in Title 17 of the Louisville Municipal Code, and has enacted regulations governing oil and gas operations within the City in Chapter 17.68 of the Louisville Municipal Code; and

WHEREAS, the City's oil and gas regulations were last updated in 1996 and there are currently no oil or gas operations being conducted within the City; and

WHEREAS, on April 16, 2019, the Governor signed Senate Bill 19-181 ("SB 181"), which amended the Colorado Oil and Gas Conservation Act and granted local governments more authority to regulate surface operations and nuisance impacts of oil and gas operations in order to better protect the health, safety, and welfare of its citizens and to safeguard the environment and natural resources; and

WHEREAS, the Colorado Oil and Gas Conservation Act also grants the Colorado Oil and Gas Conservation Commission ("COGCC") authority to adopt statewide rules and regulations concerning the development and production of oil and gas resources, and the COGCC has begun the process of amending its rules and regulations in response to the amendments contained in SB 181; and

WHEREAS, the City Council is aware that technological advances within the oil and gas industry, coupled with market conditions and other factors, have resulted in significant increases in oil and gas activities surrounding the City, which have included requests by mineral interest holders and operators for permits for large scale multi-well sites that contain many more wells per site than in previous applications; and

WHEREAS, local governments throughout Colorado are struggling to address the potential adverse impacts of proliferating oil and gas activities in urban and suburban environments on their residents' health, safety, and welfare, and several local governments have enacted temporary moratoria to allow a period of time to evaluate those impacts in order to assess, determine, and adopt appropriate local regulations; and

WHEREAS, several municipalities in the area surrounding the City with active oil and gas operations have begun to analyze their regulations in light of the additional authority conferred by SB 181 and are drafting amendments in order to best protect and safeguard the health, safety, and welfare of their citizens, and to safeguard the environment and wildlife resources; and

WHEREAS, the City Council recognizes those communities with active oil and gas operations are better suited to assess the impacts of these operations on a local level, and desires to take into consideration the findings of those communities with regard to any amendments that may be necessary to the City's oil and gas regulations; and

WHEREAS, the City Council further finds that, given the fast pace of technological changes and advancements in the oil and gas industry, if the City were to update its oil and gas regulations well in advance of receiving an application for oil and gas operations, it is likely the regulations would again be out of date and not adequately protect the health, safety, and welfare of the public to the extent they should by the time an application for oil and gas operations is filed in the future; and

WHEREAS, by postponing any amendments to its oil and gas regulations as set forth in this ordinance, the City Council intends to position the City to employ best practices with regard to oil and gas regulations, while recognizing the correlative rights of the surface and mineral estate owners under the law at the time oil and gas operations are commenced; and

WHEREAS, in order for the City Council to implement the provisions of this ordinance, oil and gas operators who intend to commence operations within the City will need to register and provide information about their intended operations, to enable the City Council to analyze, in light of the proposed operations, the adequacy of its regulations to protect the health, safety, and welfare of its citizens, and safeguarding the environment and wildlife resources as authorized by SB 181 and any subsequent legislation or case law, and ensure its regulations conform with then-current regulatory and best management practices, consistent with COGCC Rules, and reflect then-current technologies of the oil and gas exploration and extraction industry; and

WHEREAS, the imposition of the temporary moratorium set forth herein, should the City receive a registration request from an oil and gas operator, is reasonable, necessary, and no longer in duration than would be needed to allow the City Council and staff to investigate the necessity and ability of the City to regulate the impacts upon the City and its residents by reason

of oil and gas activities, and to develop and implement any appropriate regulations needed to protect and preserve the public health, safety, and welfare; and

WHEREAS, owners of mineral rights and operators engaged in oil and gas activities will not be unfairly prejudiced by the imposition of the temporary moratorium imposed by this ordinance; and

WHEREAS, the U.S. Supreme Court and the Colorado Supreme Court recognize that, in the field of land use regulation, temporary moratoria of reasonable duration are often employed to preserve the status quo in a particular area while developing a long-term plan for development and while evaluating the sufficiency of current regulations; indeed, in countering the incentive of property owners to develop their property quickly to avoid the consequences of an impending land use plan for the jurisdiction, moratoria are a crucial tool for local governments and, therefore, pursuant to express and implied authority granted by the Colorado Revised Statutes and multiple Colorado and federal appellate decisions upholding temporary moratoria on land use applications while amendments are considered, the City Council has the legal authority to adopt the temporary moratorium set forth herein; and

WHEREAS, the City Council finds and declares it has the power and authority to adopt this ordinance pursuant to Amendment 64, C.R.S. § 29-20-101, *et seq.* (the Local Government Land Use Control Enabling Act), C.R.S. § 31-23-301, *et seq.* (concerning municipal zoning powers), C.R.S. § 31-15-103 (concerning municipal police powers), C.R.S. § 31-15-401 (concerning municipal police powers), C.R.S. § 31-15-501 (concerning municipal authority to regulate businesses), Article XX of the Colorado Constitution (concerning municipal home rule), and the City of Louisville Home Rule Charter; and

WHEREAS, an emergency exists because the City Council finds and determines that, in light of the foregoing recitals and findings, circumstances warrant the immediate enactment of this ordinance and imposition of the registration requirement set forth herein to protect the public health, safety, and welfare, and to avoid development that may contravene the City's efforts to protect the health, safety, and welfare and may put the public, environment, and wildlife resources at risk, and it is of critical importance to the City and its residents that regulations reflecting industry best practices, current drilling technologies, and the full extent of the City's lawful authority be applied to all applications for oil and gas activities within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the City Council.

Section 2. Chapter 17.68 of the Louisville Municipal Code is hereby amended by the addition of a new Section 17.68.035 to read as follows:

Sec. 17.68.035. Operator registration.

Any operator planning to commence oil and gas operations within the City must file an operator registration providing the following information at least thirty (30) days prior to filing an application for a use by special review or any other land use permit for such operations:

A. Company name, address, email and mobile phone contact information for two individuals associated with the company who live within thirty miles of the City and who will serve as 24-hour emergency contacts for the proposed operations.

B. Comprehensive planning information as follows:

1. Based on the operator's business plan as of the date of registration, a good faith estimate of the number of well sites and wells the operator intends to drill in the next five years within the City. A publicly traded company's well estimates may be based on reserves classified as "proved undeveloped" for SEC reporting purposes.

2. A map showing the location within the City of any sites for which the operator has approved or has submitted applications for drilling and spacing orders, or OGCC Form 2s or Form 2As, and sites the operator has identified for development within the next five years for which it has not yet submitted applications for OGCC permits.

3. Well estimates provided as part of the operator registration must be made using reasonable business judgment based on information known to the operator as of the date of the registration.

C. Information demonstrating the operator is capable of fulfilling and is likely to fulfill the obligations imposed by this Chapter and the Oil and Gas Conservation Act, including:

1. A certified list of all instances within the previous ten years where the OGCC, other state agency, municipality, or county found the operator had not complied with applicable state or local requirements with respect to drilling, operation, or decommissioning of a well. The list must identify the date of the determination, the entity or agency making the determination, the nature of the non-compliance, and, if applicable, the final resolution of the issue. If no such instances of non-compliance exist, the operator must certify to that effect.

2. Certified copies of all financial assurances filed with the

OGCC under OGCC Rules 703, 706, and 707.

3. A certified copy of a policy of general liability insurance or self-insurance program approved by the Colorado Insurance Commission, in the amount of no less than \$1,000,000 per occurrence, insuring the operator against property damage and bodily injury to third parties. The policy shall be written by a company authorized to do business in the State of Colorado unless the operator provides evidence it is adequately self-insured. The policy shall include the City as a certificate holder.

4. A report on greenhouse gas emissions for all oil and gas facilities in Boulder County owned or leased by the operator for the calendar year prior to registration or renewal. The report must be in form required by the United States Environmental Protection Agency for reporting greenhouse gas emissions (EPA sub part W).

D. Following registration, operators must notify the City in writing of any material change in the information provided pursuant to subsection C of this Section within thirty (30) days of such change. If an operator does not file an application for a use by special review or other land use permit for oil and gas operations within five (5) years following registration, the registration shall lapse and the operator must file a new operator registration meeting the requirements of this Section at least thirty (30) days before filing an application for a use by special review or any other land use permit for oil and gas operations to be conducted within the City.

Section 3. Upon the filing of an operator registration pursuant to Section 17.68.035 as enacted by this ordinance, and until six (6) months thereafter, no application for approval of a use by special review or other land use approval for oil and gas operations or activities shall be accepted, reviewed, processed, approved or otherwise acted upon, unless otherwise provided in this ordinance

Section 4. The restrictions contained in this ordinance shall not be construed to affect any applications for a use by special review other land use approval for oil and gas operations or activities for which complete applications were filed prior to the effective date of this ordinance.

Section 5. Any person who submitted a complete application for a use by special review or other land use approval for oil and gas operations or activities prior to the effective date of this ordinance, and who believes that application of the temporary moratorium to such application would be legally invalid, may file with the City Council a request for an exemption from the moratorium. The request shall be in writing and fully set forth the reasons why the exemption should be granted. The City Council may grant the exemption if it finds that application of the moratorium would be legally invalid under the facts presented.

Section 6. The temporary moratorium to be imposed upon receipt of an operator registration as set forth in this ordinance is temporary in nature and may be repealed by subsequent legislative enactment. The temporary moratorium established by this ordinance shall terminate six (6) months after it becomes effective, unless sooner repealed.

Section 7. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 8. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 9. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 10. The City Council herewith finds, determines and declares that this ordinance is genuinely and urgently necessary for the immediate preservation of the public health, safety and welfare because, while existing regulations are inadequate to address potential impacts of oil and gas operations on the health, safety, and welfare of the community, committing the City's limited resources to updating these regulations during this period of legal uncertainty when there is no current oil and gas activity within the City would necessarily draw resources from other more urgent needs of the City and its residents. Therefore, City Council herewith further finds, determines and declares that it is necessary for this ordinance to take effect immediately upon adoption, provided the same has been adopted and signed by the Mayor and approved by two-thirds of the entire City Council.

INTRODUCED, READ, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE BY TWO-THIRDS OF THE ENTIRE CITY COUNCIL, AND ORDERED PUBLISHED this 17th day of September, 2019.

Robert P. Muckle, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly PC, City Attorney

**ORDINANCE NO. 1783
SERIES 2019**

**AN EMERGENCY ORDINANCE AMENDING CHAPTER 17.68 OF THE LOUISVILLE
MUNICIPAL CODE TO REQUIRE OIL AND GAS OPERATOR REGISTRATION.**

WHEREAS, the City of Louisville is committed to protecting the health, safety, and welfare of its citizens, and safeguarding the environment and wildlife resources; and

WHEREAS, the City Council believes it has not only the authority but the responsibility to plan for and regulate the use of land within the City in order to best protect and promote the health, safety, and welfare of present and future inhabitants and residents of the City, and to guide future growth, development, and distribution of land uses within the City; and

WHEREAS, the City regulates the use of land by those ordinances codified in Title 17 of the Louisville Municipal Code, and has enacted regulations governing oil and gas operations within the City in Chapter 17.68 of the Louisville Municipal Code; and

WHEREAS, the City's oil and gas regulations were last updated in 1996 and there are currently no oil or gas operations being conducted within the City; and

WHEREAS, on April 16, 2019, the Governor signed Senate Bill 19-181 ("SB 181"), which amended the Colorado Oil and Gas Conservation Act and granted local governments more authority to regulate surface operations and nuisance impacts of oil and gas operations in order to better protect the health, safety, and welfare of its citizens and to safeguard the environment and natural resources; and

WHEREAS, the Colorado Oil and Gas Conservation Act also grants the Colorado Oil and Gas Conservation Commission ("COGCC") authority to adopt statewide rules and regulations concerning the development and production of oil and gas resources, and the COGCC has begun the process of amending its rules and regulations in response to the amendments contained in SB 181; and

WHEREAS, the City Council is aware that technological advances within the oil and gas industry, coupled with market conditions and other factors, have resulted in significant increases in oil and gas activities surrounding the City, which have included requests by mineral interest holders and operators for permits for large scale multi-well sites that contain many more wells per site than in previous applications; and

WHEREAS, local governments throughout Colorado are struggling to address the potential adverse impacts of proliferating oil and gas activities in urban and suburban environments on their residents' health, safety, and welfare, and several local governments have enacted temporary moratoria to allow a period of time to evaluate those impacts in order to assess, determine, and adopt appropriate local regulations; and

WHEREAS, several municipalities in the area surrounding the City with active oil and gas operations have begun to analyze their regulations in light of the additional authority conferred by SB 181 and are drafting amendments in order to best protect and safeguard the health, safety, and welfare of their citizens, and to safeguard the environment and wildlife resources; and

WHEREAS, the City Council recognizes those communities with active oil and gas operations are better suited to assess the impacts of these operations on a local level, and desires to take into consideration the findings of those communities with regard to any amendments that may be necessary to the City's oil and gas regulations; and

WHEREAS, the City Council further finds that, given the fast pace of technological changes and advancements in the oil and gas industry, if the City were to update its oil and gas regulations well in advance of receiving an application for oil and gas operations, it is likely the regulations would again be out of date and not adequately protect the health, safety, and welfare of the public or safeguard the environment and wildlife resources to the extent they should by the time an application for oil and gas operations is filed in the future; and

WHEREAS, the registration requirement set forth herein will enable the City Council to analyze, in light of the proposed operations, the adequacy of its regulations to protect the health, safety, and welfare of its citizens, and safeguarding the environment and wildlife resources as authorized by SB 181 and any subsequent legislation or case law, and ensure its regulations conform with then-current regulatory and best management practices, consistent with COGCC Rules, and reflect then-current technologies of the oil and gas exploration and extraction industry; and

WHEREAS, the City Council finds and declares it has the power and authority to adopt this ordinance pursuant to Amendment 64, C.R.S. § 29-20-101, *et seq.* (the Local Government Land Use Control Enabling Act), C.R.S. § 31-23-301, *et seq.* (concerning municipal zoning powers), C.R.S. § 31-15-103 (concerning municipal police powers), C.R.S. § 31-15-401 (concerning municipal police powers), C.R.S. § 31-15-501 (concerning municipal authority to regulate businesses), Article XX of the Colorado Constitution (concerning municipal home rule), and the City of Louisville Home Rule Charter; and

WHEREAS, an emergency exists because the City Council finds and determines that, in light of the foregoing recitals and findings, circumstances warrant the immediate enactment of this ordinance and imposition of the registration requirement set forth herein to protect the public health, safety, and welfare, and to avoid development that may contravene the City's efforts to protect the health, safety, and welfare and may put the public, environment, and wildlife resources at risk, and it is of critical importance to the City and its residents that regulations reflecting industry best practices, current drilling technologies, and the full extent of the City's lawful authority be applied to all applications for oil and gas activities within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the City Council.

Section 2. Chapter 17.68 of the Louisville Municipal Code is hereby amended by the addition of a new Section 17.68.035 to read as follows:

Sec. 17.68.035. Operator registration.

Any operator planning to commence oil and gas operations within the City must file an operator registration providing the following information at least thirty (30) days prior to filing an application for a use by special review or any other land use permit for such operations:

A. Company name, address, email and mobile phone contact information for two individuals associated with the company who live within thirty miles of the City and who will serve as 24-hour emergency contacts for the proposed operations.

B. Comprehensive planning information as follows:

1. Based on the operator's business plan as of the date of registration, a good faith estimate of the number of well sites and wells the operator intends to drill in the next five years within the City. A publicly traded company's well estimates may be based on reserves classified as "proved undeveloped" for SEC reporting purposes.

2. A map showing the location within the City of any sites for which the operator has approved or has submitted applications for drilling and spacing orders, or OGCC Form 2s or Form 2As, and sites the operator has identified for development within the next five years for which it has not yet submitted applications for OGCC permits.

3. Well estimates provided as part of the operator registration must be made using reasonable business judgment based on information known to the operator as of the date of the registration.

C. Information demonstrating the operator is capable of fulfilling and is likely to fulfill the obligations imposed by this Chapter and the Oil and Gas Conservation Act, including:

1. A certified list of all instances within the previous ten years

where the OGCC, other state agency, municipality, or county found the operator had not complied with applicable state or local requirements with respect to drilling, operation, or decommissioning of a well. The list must identify the date of the determination, the entity or agency making the determination, the nature of the non-compliance, and, if applicable, the final resolution of the issue. If no such instances of non-compliance exist, the operator must certify to that effect.

2. Certified copies of all financial assurances filed with the OGCC under OGCC Rules 703, 706, and 707.

3. A certified copy of a policy of general liability insurance or self-insurance program approved by the Colorado Insurance Commission, in the amount of no less than \$1,000,000 per occurrence, insuring the operator against property damage and bodily injury to third parties. The policy shall be written by a company authorized to do business in the State of Colorado unless the operator provides evidence it is adequately self-insured. The policy shall include the City as a certificate holder.

4. A report on greenhouse gas emissions for all oil and gas facilities in Boulder County owned or leased by the operator for the calendar year prior to registration or renewal. The report must be in form required by the United States Environmental Protection Agency for reporting greenhouse gas emissions (EPA sub part W).

D. Following registration, operators must notify the City in writing of any material change in the information provided pursuant to subsection C of this Section within thirty (30) days of such change. If an operator does not file an application for a use by special review or other land use permit for oil and gas operations within five (5) years following registration, the registration shall lapse and the operator must file a new operator registration meeting the requirements of this Section at least thirty (30) days before filing an application for a use by special review or any other land use permit for oil and gas operations to be conducted within the City.

Section 3. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 4. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the

purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. The City Council herewith finds, determines and declares that this ordinance is genuinely and urgently necessary for the immediate preservation of the public health, safety and welfare because, while existing regulations are inadequate to address potential impacts of oil and gas operations on the health, safety, and welfare of the community, committing the City’s limited resources to updating these regulations during this period of legal uncertainty when there is no current oil and gas activity within the City would necessarily draw resources from other more urgent needs of the City and its residents. Therefore, City Council herewith further finds, determines and declares that it is necessary for this ordinance to take effect immediately upon adoption, provided the same has been adopted and signed by the Mayor and approved by two-thirds of the entire City Council.

INTRODUCED, READ, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE BY TWO-THIRDS OF THE ENTIRE CITY COUNCIL, AND ORDERED PUBLISHED this 17th day of September, 2019.

Robert P. Muckle, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly PC, City Attorney

City Council

Special Meeting Minutes

July 30, 2019
Library Meeting Room
951 Spruce Street
7:00 PM

Call to Order – Mayor Muckle called the meeting to order at 7:00 p.m. and the following members were present:

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

Absent: ***Councilmember Chris Leh***

Staff Present: ***Heather Balsler, City Manager***
 Megan Davis, Deputy City Manager
 Rob Zuccaro, Planning & Building Safety Director
 Katie Baum, Sustainability Specialist
 Meredyth Muth, City Clerk

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

DISCUSSION/DIRECTION – SETTING RENEWABLE ENERGY AND CARBON EMISSIONS REDUCTION GOALS

Sustainability Coordinator Baum stated in 2018 the City entered into a partnership with Xcel Energy. The 2019 work plan included setting alternative energy and carbon reduction goals. They have met to discuss baseline energy information, available programs, and goal-setting for municipal and community-wide energy usage and renewable energy. Based on data provided by Xcel and input from staff and Council, municipal and community goals were developed for City Council to consider. This replaces the current broad goal in the sustainability action plan with specific goals.

She stated Xcel's current renewable energy resource mix is 29% carbon-free. By 2025, the carbon-free percentage will increase to 55% and 100% by 2050, according to their energy plan. City's is currently at 46% carbon-free and the community at 32%.

Councilmember Maloney asked how the numbers capture residential rooftop solar arrays. Baum stated it is not captured as it is an offset not a generator.

Baum stated conserving energy and transitioning to carbon-free energy sources provides an opportunity to reduce Louisville's greenhouse gas (GHG) emissions. The total GHG emissions in 2016 for Louisville accounts for 5% of Boulder County's total GHG emissions. Electricity was the largest source of emissions at 50%, followed by natural gas at 17%.

Baum reviewed a comparison of various neighboring communities' goals and reviewed the proposed goals:

Municipal Proposed Goals

- Meet all of the City's municipal electric needs with 100% carbon-free sources by 2025. (This results in a 28% gap in 5 years assuming Xcel meets its 55% carbon-free goal by 2025.)
- Reduce core municipal GHG emissions annually below the 2016 baseline through 2025.

Community-Wide Proposed Goals

- Generate 75% of Louisville's residential and commercial/industrial electric from carbon-free sources by 2030. (This results in a 17% gap in 10 years assuming Xcel meets its 55% carbon-free goal by 2025.)
- Reduce core community GHG emissions annually below the 2016 baseline through 2030.

Lucas McConnell, Xcel Area Manager, stated Xcel has a lot of partnerships with various towns. He stated every City has a different set of goals and Xcel will work with each City to reach those goals.

Councilmember Maloney asked if Xcel thinks it can reach the goals on which we are then dependent. Councilmember Stolzmann stated that in her meetings with Xcel they have shown they can do this and have the technology to do this. She stated we can meet these goals by buying in to the various Xcel programs. She feels these are achievable and measurable goals, not just aspirational. This is something we can realistically accomplish.

Councilmember Maloney asked what the cost will be to the community; if it will be fiscally responsible. Councilmember Stolzmann stated it may depend on what programs Xcel can offer us and in what time frame. Councilmember Maloney stated he wants to make sure the goals are responsible.

Councilmember Loo stated these goals and numbers are meant to be as honest as we can and show exactly what we can actually do, not just to have aspirational discussions.

Councilmember Maloney agreed that additional information about the solar should be noted. Baum stated staff can add some information about that but cannot amend the standard equation being used.

Mayor Pro Tem Lipton stated there seems to be an emphasis on the supply side. He would like to see some demand side information (building efficiencies, appliance efficiencies) and how it affects this discussion.

Councilmember Loo stated a recent report states that one thing that really is working to decrease emissions is for Cities to pass mandatory regulations. We have always been incentive based more than mandatory. Mayor Pro Tem Lipton stated mandatory building codes have been passed.

Mayor Pro Tem Lipton stated that future councils will have to look at land use issues and land use strategies about more walkable communities, mass transit and centralizing population. That is the future to solve energy issues.

Councilmember Stolzmann stated she supports the goals as written or even stronger. Mayor Muckle agreed.

Councilmember Maloney stated he would like something in the goals related to costs.

Mayor Pro Tem Lipton stated it is acceptable as presented and it won't affect the budget detrimentally; it is the right thing to do. This is just a marginal increase in what we have been doing.

Councilmember Maloney stated he is concerned these goals will have a large budget impact that we are not taking into consideration. He would like more specificity in the draft resolution addressing this.

Public Comments

Den Fahey, 1118 West Enclave Circle, stated this is a good first step but it is not enough. The cost is small now to prevent permanent damage that affects those that can't afford it. We need to be much more aggressive than this and address other issues.

John Cowley, 303 Fairfield, suggested the City create a solar garden to sell power to residents. He stated taxes and fees are 50% of his Xcel bill. If there were a way for a solar garden to generate power allocated to his address, he wouldn't have such fees. He guesses it would be a low cost investment for the City. It is a reasonable thing to look at.

Mayor Muckle supports the goals as proposed.

Councilmember Stolzmann stated staff can look at the resolution and amend the language if needed to meet Councilmember Maloney's concerns.

Councilmember Maloney supports the goals and the direction we are headed on this.

City Manager Balser stated staff can look at some language around the cost issue. Staff will bring this back for action at a regular meeting.

Mayor Pro Tem Lipton asked for more communications efforts on this issue.

DISCUSSION/DIRECTION – IMPLEMENTATION OF 2019 LEGISLATION

Deputy City Manager Davis stated now that the legislative session is over, staff is bringing back those items that need to be addressed specifically. She reviewed HB-19 regarding Police records related to internal investigations. Staff has made changes to our Police Department policy manual to address this.

Davis stated SB-85 the Equal Pay for Equal Work Act does not take full effect until 2021 but the City has made changes already including eliminating the request for past wage information on the employment application and advertising all opportunities within the organization to all employees.

Councilmember Loo asked if there is any way to get some information on past wages. Deputy City Manager Davis stated if an applicant is coming from another city we can get wage information as it is public record, but we cannot do that for applicants coming from the private sector.

Deputy City Manager Davis noted SB-232 is a new requirement that all campaign finance complaints be handled by the local municipality. An ordinance may come to Council for consideration related to this.

Deputy City Manager Davis stated SB-181 clarified and expands local authority in many areas related to oil and gas. The COGCC is currently completing a rule making process. The Council has regulatory options it may want to consider, however there are no current applications.

City Attorney Kelly stated local government authority has been substantially expanded. This presents an opportunity to local governments, but there is no requirement for a City to do anything. She noted local governments are still not allowed to prohibit drilling within their jurisdictions. The bill places in priority the protection of public safety, health and welfare, and the environment where as before it focused on economic extraction with due regard to health and welfare. This is an opportunity for the Council to review the City's regulations, but there has been no oil and gas activity in Louisville since 1999.

She stated that if new regulations are requested Council should determine if a moratorium would be appropriate while that work is being completed.

Kelly noted the legislation requires operators to get local siting requirements approved first before applying to the COGCC for a permit, however the legislation is not clear.

She noted many neighboring communities have enacted temporary moratoria. There are some concerns that while there has not been much activity in this area for years, new technologies have made it easier for operators to reach their resource from a surface location quite a ways away. This could mean a company may be able to use a surface location in Louisville to reach into another jurisdiction.

The risk of not enacting a moratorium is that an application could be filed. At that time Council could enact a moratorium but it would not apply to that application.

She reviewed some options available for consideration:

1. Conduct a comprehensive review of the City's current regulations and determine if they adequately address and identify additional local government authorities granted under SB 181 that are not currently addressed in the City's Oil and Gas code.
2. Work with neighboring jurisdictions to understand the need for consistency and alignment around local oil and gas regulations, particularly related to the protection of unincorporated lands adjacent to the City, City and jointly owned Open Space lands, and other natural resources including but not limited to streams and waterways.
3. Modify the current permitting process through a code ordinance change to require a pre-proposal application or registration process. Then, if and when the City becomes aware that a permit application is likely to be filed, a moratorium can be considered to ensure the regulations with regard to the particular type of application sought are up to date and reflect the most recent rulemaking, research and data, and best practices.
4. Update the City's regulations to incorporate new local government regulatory authority granted under SB 181 that is not currently addressed in the City's code.
5. If updates to the City code are deemed necessary, consider a moratorium on oil and gas permits, so that future applications will be subject to such code updates.

Kelly noted Boulder County has a process with a pre-application which is required 30-days in advance of a pre-application meeting. That gives staff the opportunity to evaluate the registration information they have received and give a timeframe in which to enact a moratorium by emergency ordinance if needed, before an application is accepted.

Staff is looking for direction on if Council would like to enact new regulations and if so, does Council want to consider a temporary moratorium. If not, are there other measures Council may want to add to existing regulations. Alternatively, the Council can choose to do nothing at this time.

Councilmember Keany asked how long a moratorium can last. City Attorney Kelly stated 6-9 months is generally acceptable; longer than that may start to look like a ban and not be considered reasonable by the Courts. As long as the City is actively working on rules during that time extensions are generally considered reasonable.

Councilmember Loo asked if staff has a recommendation of the five options. She asked if this work will be done in house or contracted out if we move forward; what are the costs in dollars and in staff time.

City Manager Balser stated it is not exactly known, but the assumption is it would be in house and we could base our work on that from other municipalities as a start.

Councilmember Loo stated #3 buys some time and gives some protections. Mayor Muckle stated he agreed it would be nice to only institute a moratorium if we need it.

Mayor Pro Tem Lipton stated #3 is not enough protection for the community and this process has not been legally tested. He stated the simplest and most cost effective process is a simple moratorium. We may want to have this in place for any possible applications.

City Attorney Kelly stated #3 can only be effective if the Council at that time has the appetite to enact a temporary moratorium on an emergency basis.

Mayor Pro Tem Lipton stated he would like to have a strong message by enacting a moratorium.

Councilmember Maloney stated he would like a moratorium connected to the rule making at the COGCC. Deputy City Manager Davis stated much of the COGCC's work will relate to the State and not pertain to local governments.

Councilmember Stolzmann stated she thinks most residents want a total ban even though that is not a tool available to us. She stated #3 gives us the option to wait the longest possible time without a moratorium. Making rules now will require a great deal of time and cause unrest in the community with no real benefit.

Deb Fahey asked where drilling is allowed now in Louisville. Director Zuccaro stated an applicant can apply for an SRU for any zone district in the City with a 350-foot setback from a structure. This complies with state law from the time when these rules were written. There are large areas of open space where drilling is still feasible and new horizontal drilling options may make our areas useful for drilling.

Mayor Pro Tem Lipton stated he feels putting a pre-application process in place just to allow for a moratorium is dishonest. We would be better off being clear what we want by having a moratorium now and putting regulations in place in the time available.

Councilmember Loo stated it behooves us to let other municipalities to go through the hard work and wait for that information. If we have a moratorium we have to act on changes and move the process forward as it would be temporary and we can't have serial moratoria. It is more cost effective and responsible for us to allow other cities to test the legal risk and wait to see what happens.

Councilmember Maloney stated we are trying to gauge the risk of a moratorium. City Attorney Kelly stated it would be defensible for more than one extension on a moratorium if the City Council is actively working on rules, at least for a reasonable time. Councilmember Maloney stated both tools could work but the moratorium may be safer.

Councilmember Stolzmann stated starting working on rules will require we take other projects off the work plan. It might take more staff time and money than it is worth.

City Attorney Kelly stated if the Council wants a moratorium the City would have to show they are making progress on rules with the clear goal of drafting regulations.

Mayor Pro Tem Lipton would like a quick moratorium to be clear we are not open for business.

Councilmember Keany stated a moratorium may encourage people to apply for a permit to get it in as soon as possible.

Mayor Muckle noted the risk is very low now because of the geology. There are advantages to not having a moratorium and upsetting the oil and gas industry for no reason. He stated that because the risk is so low #3 makes sense. To invest the time and effort on new rules and to create public uproar seems unnecessary right now.

City Attorney Kelly stated one consideration is that the approach in #3 has not been court-tested.

Councilmember Keany supports #3 to allow the City the most options at the least cost.

City Manager Balser stated some municipalities are well along the way with regulations and we can use that information as a basis for ours, but a significant effort and large amount of staff time would be needed for this as well as a funding allocation.

Mayor Pro Tem Lipton stated we will need to make an effort in the next year or so due to the new state laws and changes in technology regardless of the cost. Our residents will want us to do this.

Councilmember Loo stated she is comfortable with #3 and waiting for the work of other municipalities that we can piggyback on. The risk is low for us due to the geology. A moratorium is a financial and time commitment we may not be ready to make.

Councilmember Maloney wants to update the code based on our new options; but he doesn't want to pattern our rules on other municipalities but rather on the COGCC's rule making.

Councilmember Stolzmann asked if the City has the option for imposing additional excise or severance taxes on oil and gas extraction. Staff can look into that.

The consensus was to have staff bring back option #3; a registration and pre-application process for Council consideration.

Mayor Pro Tem Lipton stated he would like to discuss HB-1033 and HB-1036 about local nicotine sales rules and indoor air in 2020.

Councilmember Stolzmann would like a discussion in 2020 about HB-1033 regarding fees in addition to state tax on cigarette taxes and if it can be applied to an end user.

ADVANCED AGENDA & IDENTIFICATION OF FUTURE ITEMS

Members discussed the items on the advanced agenda.

Councilmember Stolzmann suggested a joint meeting with Louisville, Superior, and the JeffCo County Commissioners regarding the airport discussion on August 20.

ADJOURN

Members adjourned at 9:43 pm.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk

An Act

SENATE BILL 19-181

BY SENATOR(S) Fenberg and Foote, Court, Gonzales, Lee, Moreno, Story, Williams A., Winter;
also REPRESENTATIVE(S) Becker and Caraveo, Arndt, Benavidez, Bird, Buckner, Duran, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Lontine, McCluskie, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Sullivan, Tipper, Valdez A., Weissman.

CONCERNING ADDITIONAL PUBLIC WELFARE PROTECTIONS REGARDING THE CONDUCT OF OIL AND GAS OPERATIONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-65.1-202, repeal (1)(d) as follows:

24-65.1-202. Criteria for administration of areas of state interest. (1) (d) ~~Unless an activity of state interest has been designated or identified or unless it includes part or all of another area of state interest, an area of oil and gas development shall not be designated as an area of state interest unless the state oil and gas conservation commission identifies such~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

~~area for designation.~~

SECTION 2. In Colorado Revised Statutes, 24-65.1-302, **repeal** (3) as follows:

~~**24-65.1-302. Functions of other state agencies.** (3) Pursuant to section 24-65.1-202 (1)(d), the oil and gas conservation commission of the state of Colorado may identify an area of oil and gas development for designation by local government as an area of state interest.~~

SECTION 3. In Colorado Revised Statutes, 25-7-109, **add** (10) as follows:

25-7-109. Commission to promulgate emissions control regulations. (10) (a) THE COMMISSION SHALL ADOPT RULES TO MINIMIZE EMISSIONS OF METHANE AND OTHER HYDROCARBONS, VOLATILE ORGANIC COMPOUNDS, AND OXIDES OF NITROGEN FROM OIL AND NATURAL GAS EXPLORATION AND PRODUCTION FACILITIES AND NATURAL GAS FACILITIES IN THE PROCESSING, GATHERING AND BOOSTING, STORAGE, AND TRANSMISSION SEGMENTS OF THE NATURAL GAS SUPPLY CHAIN.

(b) (I) THE COMMISSION SHALL REVIEW ITS RULES FOR OIL AND NATURAL GAS WELL PRODUCTION FACILITIES AND COMPRESSOR STATIONS AND SPECIFICALLY CONSIDER ADOPTING MORE STRINGENT PROVISIONS, INCLUDING:

(A) A REQUIREMENT THAT LEAK DETECTION AND REPAIR INSPECTIONS OCCUR AT ALL WELL PRODUCTION FACILITIES ON, AT A MINIMUM, A SEMIANNUAL BASIS OR THAT AN ALTERNATIVE APPROVED INSTRUMENT MONITORING METHOD IS IN PLACE PURSUANT TO EXISTING RULES;

(B) A REQUIREMENT THAT OWNERS AND OPERATORS OF OIL AND GAS TRANSMISSION PIPELINES AND COMPRESSOR STATIONS MUST INSPECT AND MAINTAIN ALL EQUIPMENT AND PIPELINES ON A REGULAR BASIS;

(C) A REQUIREMENT THAT OIL AND NATURAL GAS OPERATORS MUST INSTALL AND OPERATE CONTINUOUS METHANE EMISSIONS MONITORS AT FACILITIES WITH LARGE EMISSIONS POTENTIAL, AT MULTI-WELL FACILITIES, AND AT FACILITIES IN CLOSE PROXIMITY TO OCCUPIED DWELLINGS; AND

PAGE 2-SENATE BILL 19-181

(D) A REQUIREMENT TO REDUCE EMISSIONS FROM PNEUMATIC DEVICES. THE COMMISSION SHALL CONSIDER REQUIRING OIL AND GAS OPERATORS, UNDER APPROPRIATE CIRCUMSTANCES, TO USE PNEUMATIC DEVICES THAT DO NOT VENT NATURAL GAS.

(II) THE COMMISSION MAY, BY RULE, PHASE IN THE REQUIREMENT TO COMPLY WITH THIS SUBSECTION (10)(b) ON THE BASES OF PRODUCTION CAPABILITY, TYPE AND AGE OF OIL AND GAS FACILITY, AND COMMERCIAL AVAILABILITY OF CONTINUOUS MONITORING EQUIPMENT. IF THE COMMISSION PHASES IN THE REQUIREMENT TO COMPLY WITH THIS SUBSECTION (10)(b), IT SHALL INCREASE THE REQUIRED FREQUENCY OF INSPECTIONS AT FACILITIES THAT ARE SUBJECT TO THE PHASE-IN UNTIL THE FACILITIES ACHIEVE CONTINUOUS EMISSION MONITORING.

(c) NOTWITHSTANDING THE GRANT OF AUTHORITY TO THE OIL AND GAS CONSERVATION COMMISSION IN ARTICLE 60 OF TITLE 34, INCLUDING SPECIFICALLY SECTION 34-60-105 (1), THE COMMISSION MAY REGULATE AIR POLLUTION FROM OIL AND GAS FACILITIES LISTED IN SUBSECTION (10)(a) OF THIS SECTION, INCLUDING DURING PRE-PRODUCTION ACTIVITIES, DRILLING, AND COMPLETION.

SECTION 4. In Colorado Revised Statutes, 29-20-104, **amend** (1) introductory portion, (1)(g), and (1)(h); and **add** (1)(i), (2), and (3) as follows:

29-20-104. Powers of local governments - definition. (1) Except as expressly provided in section 29-20-104.5, the power and authority granted by this section ~~shall~~ DOES not limit any power or authority presently exercised or previously granted. Each local government within its respective jurisdiction has the authority to plan for and regulate the use of land by:

(g) Regulating the use of land on the basis of the impact ~~thereof~~ OF THE USE on the community or surrounding areas; ~~and~~

(h) ~~Otherwise planning for and regulating the use of land so as to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights.~~ REGULATING THE SURFACE IMPACTS OF OIL AND GAS OPERATIONS IN A REASONABLE MANNER TO ADDRESS MATTERS SPECIFIED IN THIS SUBSECTION (1)(h) AND TO PROTECT AND MINIMIZE ADVERSE IMPACTS TO PUBLIC HEALTH, SAFETY, AND WELFARE

PAGE 3-SENATE BILL 19-181

AND THE ENVIRONMENT. NOTHING IN THIS SUBSECTION (1)(h) IS INTENDED TO ALTER, EXPAND, OR DIMINISH THE AUTHORITY OF LOCAL GOVERNMENTS TO REGULATE AIR QUALITY UNDER SECTION 25-7-128. FOR PURPOSES OF THIS SUBSECTION (1)(h), "MINIMIZE ADVERSE IMPACTS" MEANS, TO THE EXTENT NECESSARY AND REASONABLE, TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE AND THE ENVIRONMENT BY AVOIDING ADVERSE IMPACTS FROM OIL AND GAS OPERATIONS AND MINIMIZING AND MITIGATING THE EXTENT AND SEVERITY OF THOSE IMPACTS THAT CANNOT BE AVOIDED. THE FOLLOWING MATTERS ARE COVERED BY THIS SUBSECTION (1)(h):

(I) LAND USE;

(II) THE LOCATION AND SITING OF OIL AND GAS FACILITIES AND OIL AND GAS LOCATIONS, AS THOSE TERMS ARE DEFINED IN SECTION 34-60-103 (6.2) AND (6.4);

(III) IMPACTS TO PUBLIC FACILITIES AND SERVICES;

(IV) WATER QUALITY AND SOURCE, NOISE, VIBRATION, ODOR, LIGHT, DUST, AIR EMISSIONS AND AIR QUALITY, LAND DISTURBANCE, RECLAMATION PROCEDURES, CULTURAL RESOURCES, EMERGENCY PREPAREDNESS AND COORDINATION WITH FIRST RESPONDERS, SECURITY, AND TRAFFIC AND TRANSPORTATION IMPACTS;

(V) FINANCIAL SECURITIES, INDEMNIFICATION, AND INSURANCE AS APPROPRIATE TO ENSURE COMPLIANCE WITH THE REGULATIONS OF THE LOCAL GOVERNMENT; AND

(VI) ALL OTHER NUISANCE-TYPE EFFECTS OF OIL AND GAS DEVELOPMENT; AND

(i) OTHERWISE PLANNING FOR AND REGULATING THE USE OF LAND SO AS TO PROVIDE PLANNED AND ORDERLY USE OF LAND AND PROTECTION OF THE ENVIRONMENT IN A MANNER CONSISTENT WITH CONSTITUTIONAL RIGHTS.

(2) TO IMPLEMENT THE POWERS AND AUTHORITY GRANTED IN SUBSECTION (1)(h) OF THIS SECTION, A LOCAL GOVERNMENT WITHIN ITS RESPECTIVE JURISDICTION HAS THE AUTHORITY TO:

PAGE 4-SENATE BILL 19-181

(a) INSPECT ALL FACILITIES SUBJECT TO LOCAL GOVERNMENT REGULATION;

(b) IMPOSE FINES FOR LEAKS, SPILLS, AND EMISSIONS; AND

(c) IMPOSE FEES ON OPERATORS OR OWNERS TO COVER THE REASONABLY FORESEEABLE DIRECT AND INDIRECT COSTS OF PERMITTING AND REGULATION AND THE COSTS OF ANY MONITORING AND INSPECTION PROGRAM NECESSARY TO ADDRESS THE IMPACTS OF DEVELOPMENT AND TO ENFORCE LOCAL GOVERNMENTAL REQUIREMENTS.

(3) (a) TO PROVIDE A LOCAL GOVERNMENT WITH TECHNICAL EXPERTISE REGARDING WHETHER A PRELIMINARY OR FINAL DETERMINATION OF THE LOCATION OF AN OIL AND GAS FACILITY OR OIL AND GAS LOCATION WITHIN ITS RESPECTIVE JURISDICTION COULD AFFECT OIL AND GAS RESOURCE RECOVERY:

(I) ONCE AN OPERATOR, AS DEFINED IN SECTION 34-60-103 (6.8), FILES AN APPLICATION FOR THE LOCATION AND SITING OF AN OIL AND GAS FACILITY OR OIL AND GAS LOCATION AND THE LOCAL GOVERNMENT HAS MADE EITHER A PRELIMINARY OR FINAL DETERMINATION REGARDING THE APPLICATION, THE LOCAL GOVERNMENT HAVING LAND USE JURISDICTION MAY ASK THE DIRECTOR OF THE OIL AND GAS CONSERVATION COMMISSION PURSUANT TO SECTION 34-60-104.5 (3) TO APPOINT A TECHNICAL REVIEW BOARD TO CONDUCT A TECHNICAL REVIEW OF THE PRELIMINARY OR FINAL DETERMINATION AND ISSUE A REPORT THAT CONTAINS THE BOARD'S CONCLUSIONS.

(II) ONCE A LOCAL GOVERNMENT HAS MADE A FINAL DETERMINATION REGARDING AN APPLICATION SPECIFIED IN SUBSECTION (3)(a)(I) OF THIS SECTION OR IF THE LOCAL GOVERNMENT HAS NOT MADE A FINAL DETERMINATION ON AN APPLICATION WITHIN TWO HUNDRED TEN DAYS AFTER FILING BY THE OPERATOR, THE OPERATOR MAY ASK THE DIRECTOR OF THE OIL AND GAS CONSERVATION COMMISSION PURSUANT TO SECTION 34-60-104.5 (3) TO APPOINT A TECHNICAL REVIEW BOARD TO CONDUCT A TECHNICAL REVIEW OF THE FINAL DETERMINATION AND ISSUE A REPORT THAT CONTAINS THE BOARD'S CONCLUSIONS.

(b) A LOCAL GOVERNMENT MAY FINALIZE ITS PRELIMINARY DETERMINATION WITHOUT ANY CHANGES BASED ON THE TECHNICAL REVIEW

REPORT, FINALIZE ITS PRELIMINARY DETERMINATION WITH CHANGES BASED ON THE REPORT, OR RECONSIDER OR DO NOTHING WITH REGARD TO ITS ALREADY FINALIZED DETERMINATION.

(c) IF AN APPLICANT OR LOCAL GOVERNMENT REQUESTS A TECHNICAL REVIEW PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION, THE PERIOD TO APPEAL A LOCAL GOVERNMENT'S DETERMINATION PURSUANT TO RULE 106 (a)(4) OF THE COLORADO RULES OF CIVIL PROCEDURE IS TOLLED UNTIL THE REPORT SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION HAS BEEN ISSUED, AND THE APPLICANT IS AFFORDED THE FULL PERIOD TO APPEAL THEREAFTER.

SECTION 5. In Colorado Revised Statutes, 30-15-401, **amend** (1) introductory portion, (1)(m)(II) introductory portion, and (1)(m)(II)(B) as follows:

30-15-401. General regulations - definitions. (1) In addition to those powers granted by sections 30-11-101 and 30-11-107 and by parts 1, 2, and 3 of this article 15, the board of county commissioners ~~has the power to~~ MAY adopt ordinances for control or licensing of those matters of purely local concern that are described in the following enumerated powers:

(m) (II) Ordinances enacted to regulate noise on public and private property pursuant to ~~subparagraph (I) of this paragraph (m) shall~~ SUBSECTION (1)(m)(I) OF THIS SECTION DO not apply to:

(B) Property used for: Manufacturing, industrial, or commercial business purposes; AND public utilities regulated pursuant to title 40. C.R.S.; and oil and gas production subject to the provisions of article 60 of title 34, C.R.S.

SECTION 6. In Colorado Revised Statutes, 34-60-102, **amend** (1)(a) introductory portion, (1)(a)(I), and (1)(b) as follows:

34-60-102. Legislative declaration. (1) (a) It is declared to be in the public interest AND THE COMMISSION IS DIRECTED to:

(I) ~~Foster~~ REGULATE the ~~responsible, balanced~~ development AND production ~~and utilization~~ of the natural resources of oil and gas in the state of Colorado in a manner ~~consistent with protection of~~ THAT PROTECTS

PAGE 6-SENATE BILL 19-181

public health, safety, and welfare, including protection of the environment and wildlife resources;

(b) It is ~~not~~ NEITHER the intent nor the purpose of this ~~article~~ ARTICLE 60 to require or permit the proration or distribution of the production of oil and gas among the fields and pools of Colorado on the basis of market demand. It is the intent and purpose of this ~~article~~ ARTICLE 60 to permit each oil and gas pool in Colorado to produce up to its maximum efficient rate of production, subject to the PROTECTION OF PUBLIC HEALTH, SAFETY, AND WELFARE, THE ENVIRONMENT, AND WILDLIFE RESOURCES AND THE prevention of waste ~~consistent with the protection of public health, safety, and welfare, including protection of the environment and wildlife resources~~ AS SET FORTH IN SECTION 34-60-106 (2.5) AND (3)(a), and subject further to the enforcement and protection of the coequal and correlative rights of the owners and producers of a common source of oil and gas, so that each common owner and producer may obtain a just and equitable share of production ~~therefrom~~ FROM THE COMMON SOURCE.

SECTION 7. In Colorado Revised Statutes, 34-60-103, **amend** the introductory portion, (5.5), (11), (12), and (13); and **add** (5.3), (6.2), and (6.4) as follows:

34-60-103. Definitions. As used in this ~~article~~ ARTICLE 60, unless the context otherwise requires:

(5.3) "LOCAL GOVERNMENT" MEANS, EXCEPT WITH REGARD TO SECTION 34-60-104 (2)(a)(I), A:

(a) MUNICIPALITY OR CITY AND COUNTY WITHIN WHOSE BOUNDARIES AN OIL AND GAS LOCATION IS SITED OR PROPOSED TO BE SITED; OR

(b) COUNTY, IF AN OIL AND GAS LOCATION IS SITED OR PROPOSED TO BE SITED WITHIN THE BOUNDARIES OF THE COUNTY BUT IS NOT LOCATED WITHIN A MUNICIPALITY OR CITY AND COUNTY.

(5.5) "Minimize adverse impacts" means, to ~~wherever reasonably practicable~~ THE EXTENT NECESSARY AND REASONABLE TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE, THE ENVIRONMENT, AND WILDLIFE RESOURCES, TO:

PAGE 7-SENATE BILL 19-181

(a) Avoid adverse impacts from oil and gas operations; ~~on wildlife resources;~~ AND

(b) Minimize AND MITIGATE the extent and severity of those impacts that cannot be avoided.

~~(c) Mitigate the effects of unavoidable remaining impacts; and~~

~~(d) Take into consideration cost-effectiveness and technical feasibility with regard to actions and decisions taken to minimize adverse impacts to wildlife resources.~~

(6.2) "OIL AND GAS FACILITY" MEANS EQUIPMENT OR IMPROVEMENTS USED OR INSTALLED AT AN OIL AND GAS LOCATION FOR THE EXPLORATION, PRODUCTION, WITHDRAWAL, TREATMENT, OR PROCESSING OF CRUDE OIL, CONDENSATE, EXPLORATION AND PRODUCTION WASTE, OR GAS.

(6.4) "OIL AND GAS LOCATION" MEANS A DEFINABLE AREA WHERE AN OIL AND GAS OPERATOR HAS DISTURBED OR INTENDS TO DISTURB THE LAND SURFACE IN ORDER TO LOCATE AN OIL AND GAS FACILITY.

(11) "Waste", as applied to gas:

(a) Includes the escape, blowing, or releasing, directly or indirectly into the open air, of gas from wells productive of gas only, or gas in an excessive or unreasonable amount from wells producing oil or both oil and gas; and the production of gas in quantities or in such manner as unreasonably reduces reservoir pressure or, SUBJECT TO SUBSECTION (11)(b) OF THIS SECTION, unreasonably diminishes the quantity of oil or gas that ultimately may be produced; excepting gas that is reasonably necessary in the drilling, completing, testing, and in furnishing power for the production of wells; AND

(b) DOES NOT INCLUDE THE NONPRODUCTION OF GAS FROM A FORMATION IF NECESSARY TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE, THE ENVIRONMENT, OR WILDLIFE RESOURCES AS DETERMINED BY THE COMMISSION.

(12) "Waste", as applied to oil:

PAGE 8-SENATE BILL 19-181

(a) Includes underground waste; inefficient, excessive, or improper use or dissipation of reservoir energy, including gas energy and water drive; surface waste; open-pit storage; and waste incident to the production of oil in excess of the producer's aboveground storage facilities and lease and contractual requirements, but excluding storage, other than open-pit storage, reasonably necessary for building up or maintaining crude stocks and products ~~thereof~~ OF CRUDE STOCKS for consumption, use, and sale; AND

(b) DOES NOT INCLUDE THE NONPRODUCTION OF OIL FROM A FORMATION IF NECESSARY TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE, THE ENVIRONMENT, OR WILDLIFE RESOURCES AS DETERMINED BY THE COMMISSION.

(13) "Waste", in addition to the meanings as set forth in subsections (11) and (12) of this section:

(a) Means, SUBJECT TO SUBSECTION (13)(b) OF THIS SECTION:

(a) (I) Physical waste, as that term is generally understood in the oil and gas industry;

(b) (II) The locating, spacing, drilling, equipping, operating, or producing of any oil or gas well or wells in a manner ~~which~~ THAT causes or tends to cause reduction in quantity of oil or gas ultimately recoverable from a pool under prudent and proper operations or ~~which~~ THAT causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas; AND

(c) (III) Abuse of the correlative rights of any owner in a pool due to nonuniform, disproportionate, unratable, or excessive withdrawals of oil or gas ~~therefrom~~ FROM THE POOL, causing reasonably avoidable drainage between tracts of land or resulting in one or more producers or owners in ~~such~~ THE pool producing more than ~~his~~ AN equitable share of the oil or gas from ~~such~~ THE pool; AND

(b) DOES NOT INCLUDE THE NONPRODUCTION OF OIL OR GAS FROM A FORMATION IF NECESSARY TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE, THE ENVIRONMENT, OR WILDLIFE RESOURCES AS DETERMINED BY THE COMMISSION.

SECTION 8. In Colorado Revised Statutes, 34-60-104, **amend** (1), (2)(a)(I), and (2)(a)(II) as follows:

34-60-104. Oil and gas conservation commission - report - publication - repeal. (1) (a) There is hereby created, in the department of natural resources, the oil and gas conservation commission. ~~of the state of Colorado.~~

(b) THIS SECTION IS REPEALED ON THE EARLIER OF JULY 1, 2020, OR THE DATE ON WHICH ALL RULES REQUIRED TO BE ADOPTED BY SECTION 34-60-106 (2.5)(a), (11)(c), AND (19) HAVE BECOME EFFECTIVE. THE DIRECTOR SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE DATE ON WHICH THE CONDITION SPECIFIED IN THIS SUBSECTION (1)(b) HAS OCCURRED BY E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@STATE.CO.US.

(2) (a) (I) ~~Effective July 1, 2007~~ ON THE EFFECTIVE DATE OF THIS SECTION (2)(a)(I), AS AMENDED, the commission ~~shall consist~~ CONSISTS of nine members, seven of whom shall be appointed by the governor with the consent of the senate. ~~and two of whom;~~ The executive director of the department of natural resources and the executive director of the department of public health and environment, ~~shall be~~ OR THE EXECUTIVE DIRECTORS' DESIGNEES, ARE ex officio voting members. At least two members shall be appointed from west of the continental divide, and, to the extent possible, consistent with this ~~paragraph (a)~~ SUBSECTION (2)(a), the other members shall be appointed taking into account the need for geographical representation of ~~other~~ areas of the state with high levels of CURRENT OR ANTICIPATED oil and gas activity or employment. ~~Three members shall~~ ONE MEMBER MUST be ~~individuals~~ AN INDIVIDUAL with substantial experience in the oil and gas industry; ~~and at least two of said three members shall have a college degree in petroleum geology or petroleum engineering;~~ one member ~~shall~~ MUST be a local government official; one member ~~shall~~ MUST have formal training or substantial experience in environmental ~~or wildlife~~ protection; one member ~~shall~~ MUST have formal training or substantial experience in WILDLIFE PROTECTION; ONE MEMBER MUST HAVE TECHNICAL EXPERTISE RELEVANT TO THE ISSUES CONSIDERED BY THE COMMISSION OR FORMAL TRAINING OR SUBSTANTIAL EXPERIENCE IN soil conservation or reclamation; ~~and~~ one member ~~shall~~ MUST be actively engaged in agricultural production ~~and also~~ OR be a royalty owner; AND ONE MEMBER MUST HAVE FORMAL TRAINING OR SUBSTANTIAL EXPERIENCE IN PUBLIC HEALTH.

PAGE 10-SENATE BILL 19-181

Excluding the executive directors from consideration, no more than four members of the commission ~~shall~~ MAY be members of the same political party.

(II) Subject to ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION, nothing in this ~~paragraph (a) shall be construed to require~~ SUBSECTION (2)(a) REQUIRES a holdover member of the commission holding office on July 1, ~~2007~~ 2019, to comply with ~~the provisions of this paragraph (a)~~ THIS SUBSECTION (2)(a), as amended, unless ~~such~~ THE person is reappointed to the commission for another term of office. Nothing in this ~~subparagraph (II) shall alter, impair, or negate~~ SUBSECTION (2)(a) ALTERS, IMPAIRS, OR NEGATES the authority of the governor to remove or appoint members of the commission pursuant to ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION.

SECTION 9. In Colorado Revised Statutes, add 34-60-104.3 as follows:

34-60-104.3. Oil and gas conservation commission - report - publication. (1) THERE IS HEREBY CREATED, IN THE DEPARTMENT OF NATURAL RESOURCES, THE OIL AND GAS CONSERVATION COMMISSION.

(2) (a) THE COMMISSION CONSISTS OF SEVEN MEMBERS, FIVE OF WHOM SHALL BE APPOINTED BY THE GOVERNOR WITH THE CONSENT OF THE SENATE. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, OR THE EXECUTIVE DIRECTORS' DESIGNEES, ARE EX OFFICIO NONVOTING MEMBERS. A MAJORITY OF THE VOTING COMMISSIONERS CONSTITUTE A QUORUM FOR THE TRANSACTION OF ITS BUSINESS.

(b) EACH APPOINTED COMMISSIONER MUST BE A QUALIFIED ELECTOR OF THIS STATE. EACH APPOINTED COMMISSIONER, BEFORE ENTERING UPON THE DUTIES OF OFFICE, SHALL TAKE THE CONSTITUTIONAL OATH OF OFFICE. EXCLUDING THE EXECUTIVE DIRECTORS FROM CONSIDERATION, NO MORE THAN THREE MEMBERS OF THE COMMISSION MAY BE MEMBERS OF THE SAME POLITICAL PARTY. TO THE EXTENT POSSIBLE, CONSISTENT WITH THIS SUBSECTION (2), THE MEMBERS SHALL BE APPOINTED TAKING INTO ACCOUNT THE NEED FOR GEOGRAPHICAL REPRESENTATION OF AREAS OF THE STATE WITH HIGH LEVELS OF CURRENT OR ANTICIPATED OIL AND GAS ACTIVITY OR

PAGE 11-SENATE BILL 19-181

EMPLOYMENT. THE APPOINTED MEMBERS OF THE COMMISSION SHALL DEVOTE THEIR ENTIRE TIME TO THE DUTIES OF THEIR OFFICES TO THE EXCLUSION OF ANY OTHER EMPLOYMENT AND ARE ENTITLED TO RECEIVE COMPENSATION AS DESIGNATED BY LAW.

(c) ONE APPOINTED MEMBER MUST BE AN INDIVIDUAL WITH SUBSTANTIAL EXPERIENCE IN THE OIL AND GAS INDUSTRY; ONE APPOINTED MEMBER MUST HAVE SUBSTANTIAL EXPERTISE IN PLANNING OR LAND USE; ONE APPOINTED MEMBER MUST HAVE FORMAL TRAINING OR SUBSTANTIAL EXPERIENCE IN ENVIRONMENTAL PROTECTION, WILDLIFE PROTECTION, OR RECLAMATION; ONE APPOINTED MEMBER MUST HAVE PROFESSIONAL EXPERIENCE DEMONSTRATING AN ABILITY TO CONTRIBUTE TO THE COMMISSION'S BODY OF EXPERTISE THAT WILL AID THE COMMISSION IN MAKING SOUND, BALANCED DECISIONS; AND ONE APPOINTED MEMBER MUST HAVE FORMAL TRAINING OR SUBSTANTIAL EXPERIENCE IN PUBLIC HEALTH.

(d) NO PERSON MAY BE APPOINTED TO SERVE ON THE COMMISSION OR HOLD THE OFFICE OF COMMISSIONER IF THE PERSON HAS A CONFLICT OF INTEREST WITH OIL AND GAS DEVELOPMENT IN COLORADO. EXAMPLES OF CONFLICTS OF INTEREST INCLUDE BEING REGISTERED AS A LOBBYIST AT THE LOCAL OR STATE LEVELS, SERVING IN THE GENERAL ASSEMBLY WITHIN THE PRIOR THREE YEARS, OR SERVING IN AN OFFICIAL CAPACITY WITH AN ENTITY THAT EDUCATES OR ADVOCATES FOR OR AGAINST OIL AND GAS ACTIVITY. THIS SUBSECTION (2)(d) SHALL BE CONSTRUED REASONABLY WITH THE OBJECTIVE OF DISQUALIFYING FROM THE COMMISSION ANY PERSON WHO MIGHT HAVE AN IMMEDIATE CONFLICT OF INTEREST OR WHO MAY NOT BE ABLE TO MAKE BALANCED DECISIONS ABOUT OIL AND GAS REGULATION IN COLORADO. A PERSON WHO HAS WORKED WITH OR FOR AN ENERGY OR ENVIRONMENTAL ENTITY NEED NOT BE DISQUALIFIED IF THE PERSON'S EXPERIENCE SHOWS SUBJECT MATTER KNOWLEDGE COUPLED WITH AN ABILITY TO RENDER INFORMED, THOROUGH, AND BALANCED DECISION-MAKING.

(e) MEMBERS OF THE COMMISSION SHALL BE APPOINTED FOR TERMS OF FOUR YEARS EACH; EXCEPT THAT THE INITIAL TERMS OF TWO MEMBERS ARE TWO YEARS. THE GOVERNOR SHALL DESIGNATE ONE MEMBER OF THE COMMISSION AS CHAIR OF THE COMMISSION. THE CHAIR SHALL DELEGATE ROLES AND RESPONSIBILITIES TO COMMISSIONERS AND THE DIRECTOR. THE GOVERNOR MAY AT ANY TIME REMOVE ANY APPOINTED MEMBER OF THE COMMISSION, AND BY APPOINTMENT THE GOVERNOR SHALL FILL ANY

PAGE 12-SENATE BILL 19-181

VACANCY ON THE COMMISSION. IN CASE ONE OR MORE VACANCIES OCCUR ON THE SAME DAY, THE GOVERNOR SHALL DESIGNATE THE ORDER OF FILLING VACANCIES.

(3) THE COMMISSION SHALL REPORT TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES AT SUCH TIMES AND ON SUCH MATTERS AS THE EXECUTIVE DIRECTOR MAY REQUIRE.

(4) PUBLICATIONS OF THE COMMISSION CIRCULATED IN QUANTITY OUTSIDE THE EXECUTIVE BRANCH ARE SUBJECT TO THE APPROVAL AND CONTROL OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES.

(5) THIS SECTION TAKES EFFECT ON THE EARLIER OF JULY 1, 2020, OR THE DATE ON WHICH ALL RULES REQUIRED TO BE ADOPTED BY SECTION 34-60-106 (2.5)(a), (11)(c), AND (19) HAVE BECOME EFFECTIVE. THE DIRECTOR SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE DATE ON WHICH THE CONDITION SPECIFIED IN THIS SUBSECTION (5) HAS OCCURRED BY E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@STATE.CO.US.

SECTION 10. In Colorado Revised Statutes, 34-60-104.5, **amend** (2)(d); and **add** (3) as follows:

34-60-104.5. Director of commission - duties. (2) The director of the commission shall:

(d) (I) Appoint, pursuant to section 13 of article XII of the state constitution, such clerical and professional staff and consultants as may be necessary for the efficient and effective operation of the commission, INCLUDING AT LEAST ONE AND UP TO TWO DEPUTY DIRECTORS; and ~~staff~~

(II) Exercise general supervisory control over ~~said~~ THE staff; and

(3) (a) UPON RECEIPT OF REQUEST FOR TECHNICAL REVIEW FILED PURSUANT TO SECTION 29-20-104 (3)(a), THE DIRECTOR OF THE COMMISSION SHALL APPOINT TECHNICAL REVIEW BOARD MEMBERS. THE MEMBERSHIP OF THE TECHNICAL REVIEW BOARD MUST INCLUDE SUBJECT MATTER EXPERTS IN LOCAL LAND USE PLANNING AND OIL AND GAS EXPLORATION AND PRODUCTION AND MAY INCLUDE SUBJECT MATTER EXPERTS IN ENVIRONMENTAL SCIENCES, PUBLIC HEALTH SCIENCES, OR OTHER

PAGE 13-SENATE BILL 19-181

DISCIPLINES RELEVANT TO THE DISPUTED ISSUES, AS DETERMINED BY THE DIRECTOR. THE TECHNICAL REVIEW BOARD SHALL CONDUCT A TECHNICAL REVIEW OF THE PRELIMINARY OR FINAL SITING DETERMINATION PURSUANT TO THE CRITERIA SPECIFIED IN SUBSECTION (3)(b) OF THIS SECTION AND, AT ITS DISCRETION, MAY MEET TO CONFER INFORMALLY WITH THE PARTIES. THE TECHNICAL REVIEW MUST BE COMPLETED BY ISSUANCE OF A REPORT WITHIN SIXTY DAYS AFTER THE DIRECTOR APPOINTS THE EXPERTS.

(b) A TECHNICAL REVIEW:

(I) MUST ADDRESS THE ISSUES IN DISPUTE AS IDENTIFIED BY THE OPERATOR AND THE LOCAL GOVERNMENT, WHICH MAY INCLUDE IMPACTS TO THE RECOVERY OF THE RESOURCE BY THE PRELIMINARY OR FINAL SITING DETERMINATION OF THE LOCAL GOVERNMENT; WHETHER THE LOCAL GOVERNMENT'S DETERMINATION WOULD REQUIRE TECHNOLOGIES THAT ARE NOT AVAILABLE OR ARE IMPRACTICABLE GIVEN THE CONTEXT OF THE PERMIT APPLICATION; AND WHETHER THE OPERATOR IS PROPOSING TO USE BEST MANAGEMENT PRACTICES; AND

(II) MUST NOT ADDRESS THE ECONOMIC EFFECTS OF THE PRELIMINARY OR FINAL DETERMINATION AND MUST RESULT IN THE ISSUANCE OF A REPORT.

SECTION 11. In Colorado Revised Statutes, 34-60-105, **amend** (1); and **add** (4) as follows:

34-60-105. Powers of commission. (1) (a) The commission has jurisdiction over all persons and property, public and private, necessary to enforce ~~the provisions of this article, and has~~ THIS ARTICLE 60, the power to make and enforce rules ~~regulations~~; and orders pursuant to this ~~article~~ ARTICLE 60, and to do whatever may reasonably be necessary to carry out ~~the provisions of this article~~ THIS ARTICLE 60.

(b) Any delegation of authority to any other state officer, board, or commission to administer any other laws of this state relating to the conservation of oil or gas, or either of them, is hereby rescinded and withdrawn, and ~~such~~ THAT authority is unqualifiedly conferred upon the commission, as provided in this section; EXCEPT THAT, AS FURTHER SPECIFIED IN SECTION 34-60-131, NOTHING IN THIS ARTICLE 60 ALTERS, IMPAIRS, OR NEGATES THE AUTHORITY OF:

PAGE 14-SENATE BILL 19-181

(I) THE AIR QUALITY CONTROL COMMISSION TO REGULATE, PURSUANT TO ARTICLE 7 OF TITLE 25, THE EMISSION OF AIR POLLUTANTS FROM OIL AND GAS OPERATIONS;

(II) THE WATER QUALITY CONTROL COMMISSION TO REGULATE, PURSUANT TO ARTICLE 8 OF TITLE 25, THE DISCHARGE OF WATER POLLUTANTS FROM OIL AND GAS OPERATIONS;

(III) THE STATE BOARD OF HEALTH TO REGULATE, PURSUANT TO SECTION 25-11-104, THE DISPOSAL OF NATURALLY OCCURRING RADIOACTIVE MATERIALS AND TECHNOLOGICALLY ENHANCED NATURALLY OCCURRING RADIOACTIVE MATERIALS FROM OIL AND GAS OPERATIONS;

(IV) THE SOLID AND HAZARDOUS WASTE COMMISSION TO:

(A) REGULATE, PURSUANT TO ARTICLE 15 OF TITLE 25, THE DISPOSAL OF HAZARDOUS WASTE FROM OIL AND GAS OPERATIONS; OR

(B) REGULATE, PURSUANT TO SECTION 30-20-109 (1.5), THE DISPOSAL OF EXPLORATION AND PRODUCTION WASTE FROM OIL AND GAS OPERATIONS; AND

(V) A LOCAL GOVERNMENT TO REGULATE OIL AND GAS OPERATIONS PURSUANT TO SECTION 29-20-104;

(c) Any person, or the attorney general on behalf of the state, may apply for ~~any~~ A hearing before the commission, or the commission may initiate proceedings, upon any question relating to the administration of this ~~article~~ ARTICLE 60, and jurisdiction is conferred upon the commission to hear and determine the ~~same~~ QUESTION and enter its rule ~~regulation~~; or order with respect ~~thereto~~ TO THE QUESTION.

(4) (a) EXCEPT AS SPECIFIED IN SUBSECTION (4)(b) OF THIS SECTION, NOTHING IN THIS ARTICLE 60 AUTHORIZES THE STATE OR ITS LOCAL GOVERNMENTS, INCLUDING THE COMMISSION, BOARDS OF COUNTY COMMISSIONERS, AND MUNICIPALITIES, TO REGULATE THE ACTIVITIES OF:

(I) FEDERALLY RECOGNIZED INDIAN TRIBES, THEIR POLITICAL SUBDIVISIONS, OR TRIBALLY CONTROLLED AFFILIATES, UNDERTAKEN OR TO BE UNDERTAKEN WITH RESPECT TO MINERAL EVALUATION, EXPLORATION,

PAGE 15-SENATE BILL 19-181

OR DEVELOPMENT ON LANDS WITHIN THE EXTERIOR BOUNDARIES OF AN INDIAN RESERVATION LOCATED WITHIN THE STATE; OR

(II) THIRD PARTIES, UNDERTAKEN OR TO BE UNDERTAKEN WITH RESPECT TO MINERAL EVALUATION, EXPLORATION, OR DEVELOPMENT ON INDIAN TRUST LANDS WITHIN THE EXTERIOR BOUNDARIES OF AN INDIAN RESERVATION LOCATED WITHIN THE STATE.

(b) REGULATION BY THE STATE OR ITS LOCAL GOVERNMENTS, INCLUDING THE COMMISSION, BOARDS OF COUNTY COMMISSIONERS, AND MUNICIPALITIES, APPLICABLE TO NON-INDIANS CONDUCTING OIL AND GAS OPERATIONS ON LANDS WITHIN THE EXTERIOR BOUNDARIES OF THE SOUTHERN UTE INDIAN RESERVATION MAY APPLY TO LANDS WHERE BOTH THE SURFACE AND THE OIL AND GAS ESTATES ARE OWNED IN FEE BY A PERSON OTHER THAN THE SOUTHERN UTE INDIAN TRIBE, REGARDLESS OF WHETHER THE LANDS ARE COMMUNITIZED OR POOLED WITH INDIAN MINERAL LANDS.

(c) NOTHING IN THIS ARTICLE 60 ALTERS THE AUTHORITY FOR THE REGULATION OF AIR POLLUTION ON THE SOUTHERN UTE INDIAN RESERVATION AS SET FORTH IN ARTICLE 62 OF TITLE 24 AND PART 13 OF ARTICLE 7 OF TITLE 25.

SECTION 12. In Colorado Revised Statutes, 34-60-106, **amend** (1) introductory portion, (1)(f), (2) introductory portion, (2)(b), (2)(c), (6), (7), (13), and (15); **repeal** (2)(d); and **add** (2.5), (11)(c), (18), (19), and (20) as follows:

34-60-106. Additional powers of commission - rules - repeal.

(1) The commission also ~~has authority to~~ SHALL require:

(f) (I) That no operations for the drilling of a well for oil and gas shall be commenced without first:

(A) ~~Giving to the commission notice of intention~~ APPLYING FOR A PERMIT to drill, WHICH MUST INCLUDE PROOF EITHER THAT: THE OPERATOR HAS FILED AN APPLICATION WITH THE LOCAL GOVERNMENT WITH JURISDICTION TO APPROVE THE SITING OF THE PROPOSED OIL AND GAS LOCATION AND THE LOCAL GOVERNMENT'S DISPOSITION OF THE APPLICATION; OR THE LOCAL GOVERNMENT WITH JURISDICTION DOES NOT

REGULATE THE SITING OF OIL AND GAS LOCATIONS; and ~~without first~~

(B) Obtaining a permit from the commission, under ~~such rules and regulations as may be~~ prescribed by the commission; and

(II) Paying to the commission a filing and service fee to be established by the commission for the purpose of paying the expense of administering this ~~article~~ ARTICLE 60 as provided in section 34-60-122, which fee may be transferable or refundable, at the option of the commission, if ~~such~~ THE permit is not used; ~~but no such fee shall exceed two hundred dollars;~~ AND

(III) (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, INCLUDING SUBSECTION (11) OF THIS SECTION, UNTIL THE COMMISSION HAS PROMULGATED ANY RULES REQUIRED TO BE ADOPTED BY SUBSECTIONS (2.5)(a), (11)(c), AND (19) OF THIS SECTION AND EACH RULE SPECIFIED IN THIS SUBSECTION (1)(f)(III)(A) HAS BECOME EFFECTIVE, THE DIRECTOR MAY DELAY THE FINAL DETERMINATION REGARDING A PERMIT APPLICATION IF THE DIRECTOR DETERMINES, PURSUANT TO OBJECTIVE CRITERIA TO BE PUBLISHED BY THE DIRECTOR WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1)(f)(III) AND FOLLOWING A PUBLIC COMMENT PERIOD, THAT THE PERMIT REQUIRES ADDITIONAL ANALYSIS TO ENSURE THE PROTECTION OF PUBLIC HEALTH, SAFETY, AND WELFARE OR THE ENVIRONMENT OR REQUIRES ADDITIONAL LOCAL GOVERNMENT OR OTHER STATE AGENCY CONSULTATION.

(B) THIS SUBSECTION (1)(f)(III) WILL BE REPEALED IF THE RULES SPECIFIED IN SUBSECTION (1)(f)(III)(A) OF THIS SECTION HAVE BECOME EFFECTIVE. THE DIRECTOR SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE DATE ON WHICH ALL RULES SPECIFIED IN SUBSECTION (1)(f)(III)(A) OF THIS SECTION HAVE BECOME EFFECTIVE BY E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@STATE.CO.US. THIS SUBSECTION (1)(f)(III) IS REPEALED, EFFECTIVE UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE RULES SPECIFIED IN SUBSECTION (1)(f)(III)(A) OF THIS SECTION HAVE BECOME EFFECTIVE OR, IF THE NOTICE DOES NOT SPECIFY THAT DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

(2) The commission ~~has the authority to~~ MAY regulate:

(b) The ~~shooting~~ STIMULATING and chemical treatment of wells;

PAGE 17-SENATE BILL 19-181

AND

(c) The spacing AND NUMBER of wells ALLOWED IN A DRILLING UNIT.
and

~~(d) Oil and gas operations so as to prevent and mitigate significant adverse environmental impacts on any air, water, soil, or biological resource resulting from oil and gas operations to the extent necessary to protect public health, safety, and welfare, including protection of the environment and wildlife resources, taking into consideration cost-effectiveness and technical feasibility.~~

(2.5) (a) IN EXERCISING THE AUTHORITY GRANTED BY THIS ARTICLE 60, THE COMMISSION SHALL REGULATE OIL AND GAS OPERATIONS IN A REASONABLE MANNER TO PROTECT AND MINIMIZE ADVERSE IMPACTS TO PUBLIC HEALTH, SAFETY, AND WELFARE, THE ENVIRONMENT, AND WILDLIFE RESOURCES AND SHALL PROTECT AGAINST ADVERSE ENVIRONMENTAL IMPACTS ON ANY AIR, WATER, SOIL, OR BIOLOGICAL RESOURCE RESULTING FROM OIL AND GAS OPERATIONS.

(b) THE NONPRODUCTION OF OIL AND GAS RESULTING FROM A CONDITIONAL APPROVAL OR DENIAL AUTHORIZED BY THIS SUBSECTION (2.5) DOES NOT CONSTITUTE WASTE.

(6) The commission has the authority, as it deems necessary and convenient, to conduct any hearings or to make any determinations it is otherwise empowered to conduct or make by means of an appointed ADMINISTRATIVE LAW JUDGE OR hearing officer, but recommended findings, determinations, or orders of any ADMINISTRATIVE LAW JUDGE OR hearing officer ~~shall not become final until adopted by the commission~~ IN ACCORDANCE WITH SECTION 34-60-108 (9). Upon appointment by the commission, a member of the commission may act as a hearing officer.

(7) (a) The commission ~~has the authority to~~ MAY establish, charge, and collect docket fees for the filing of applications, petitions, protests, responses, and other pleadings. ~~No such fees shall exceed two hundred dollars for any application, petition, or other pleading initiating a proceeding nor one hundred dollars for any protest or other responsive pleadings, and any party to any commission proceeding shall pay no more than one such fee for each proceeding in which it is a party.~~ All such fees

PAGE 18-SENATE BILL 19-181

shall be deposited in the oil and gas conservation and environmental response fund established by section 34-60-122 and ~~shall be~~ ARE subject to appropriations by the general assembly for the purposes of this ~~article~~ ARTICLE 60.

(b) THE COMMISSION SHALL BY RULE ESTABLISH THE FEES FOR THE FILING OF APPLICATIONS IN AMOUNTS SUFFICIENT TO RECOVER THE COMMISSION'S REASONABLY FORESEEABLE DIRECT AND INDIRECT COSTS IN CONDUCTING THE ANALYSIS, INCLUDING THE ANNUAL REVIEW OF FINANCIAL ASSURANCE PURSUANT TO SUBSECTION (13) OF THIS SECTION, NECESSARY TO ASSURE THAT PERMITTED OPERATIONS WILL BE CONDUCTED IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS OF THIS ARTICLE 60.

(11) (c) THE COMMISSION SHALL ADOPT RULES THAT:

(I) ADOPT AN ALTERNATIVE LOCATION ANALYSIS PROCESS AND SPECIFY CRITERIA USED TO IDENTIFY OIL AND GAS LOCATIONS AND FACILITIES PROPOSED TO BE LOCATED NEAR POPULATED AREAS THAT WILL BE SUBJECT TO THE ALTERNATIVE LOCATION ANALYSIS PROCESS; AND

(II) IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, EVALUATE AND ADDRESS THE POTENTIAL CUMULATIVE IMPACTS OF OIL AND GAS DEVELOPMENT.

(13) The commission shall require every operator to provide assurance that it is financially capable of fulfilling ~~any~~ EVERY obligation imposed ~~under subsections (11), (12), and (17) of this section~~ BY THIS ARTICLE 60 AS SPECIFIED IN RULES ADOPTED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (13), AS AMENDED. THE RULE-MAKING MUST CONSIDER: INCREASING FINANCIAL ASSURANCE FOR INACTIVE WELLS AND FOR WELLS TRANSFERRED TO A NEW OWNER; REQUIRING A FINANCIAL ASSURANCE ACCOUNT, WHICH MUST REMAIN TIED TO THE WELL IN THE EVENT OF A TRANSFER OF OWNERSHIP, TO BE FULLY FUNDED IN THE INITIAL YEARS OF OPERATION FOR EACH NEW WELL TO COVER FUTURE COSTS TO PLUG, RECLAIM, AND REMEDIATE THE WELL; AND CREATING A POOLED FUND TO ADDRESS ORPHANED WELLS FOR WHICH NO OWNER, OPERATOR, OR RESPONSIBLE PARTY IS CAPABLE OF COVERING THE COSTS OF PLUGGING, RECLAMATION, AND REMEDIATION. For purposes of this subsection (13), references to "operator" ~~shall~~ include an operator of an underground natural gas storage cavern and an applicant for a certificate of closure under

PAGE 19-SENATE BILL 19-181

subsection (17) of this section. In complying with this requirement, an operator may submit for commission approval, without limitation, one or more of the following:

(a) A guarantee of performance where the operator can demonstrate to the commission's satisfaction that it has sufficient net worth to guarantee performance of ~~any~~ EVERY obligation imposed by ~~rule under subsections (11), (12), and (17) of this section.~~ Such THIS ARTICLE 60. THE COMMISSION SHALL ANNUALLY REVIEW THE guarantee and demonstration of net worth. ~~shall be annually reviewed by the commission.~~

(b) A certificate of general liability insurance in a form acceptable to the commission ~~which~~ THAT names the state as an additional insured and ~~which~~ covers occurrences during the policy period of a nature relevant to an obligation imposed by ~~rule under subsections (11), (12), and (17) of this section~~ THIS ARTICLE 60;

(c) A bond or other surety instrument;

(d) A letter of credit, certificate of deposit, or other financial instrument;

(e) An escrow account or sinking fund dedicated to the performance of ~~any~~ EVERY obligation imposed by ~~rule under subsections (11), (12), and (17) of this section~~ THIS ARTICLE 60;

(f) A lien or other security interest in real or personal property of the operator. ~~Such~~ THE lien or security interest ~~shall~~ MUST be in a form and priority acceptable to the commission in its sole discretion. ~~and shall be reviewed annually by~~ The commission SHALL ANNUALLY REVIEW THE LIEN OR SECURITY.

(15) The commission may, as it deems appropriate, assign its inspection and monitoring function, but not its enforcement authority, through intergovernmental agreement or by private contract; except that ~~no such~~ AN assignment ~~shall~~ MUST NOT allow for the imposition of any new tax or fee by the assignee in order to conduct ~~such~~ THE assigned inspection and monitoring and ~~no such assignment shall~~ MUST NOT provide for compensation contingent on the number or nature of alleged violations referred to the commission by the assignee. ~~No local government may~~

PAGE 20-SENATE BILL 19-181

~~charge a tax or fee to conduct inspections or monitoring of oil and gas operations with regard to matters that are subject to rule, regulation, order, or permit condition administered by the commission. Nothing in this subsection (15) shall affect the ability of a local government to charge a reasonable and nondiscriminatory fee for inspection and monitoring for road damage and compliance with local fire codes, land use permit conditions, and local building codes:~~

(18) THE COMMISSION SHALL PROMULGATE RULES TO ENSURE PROPER WELLBORE INTEGRITY OF ALL OIL AND GAS PRODUCTION WELLS. IN PROMULGATING THE RULES, THE COMMISSION SHALL CONSIDER INCORPORATING RECOMMENDATIONS FROM THE STATE OIL AND GAS REGULATORY EXCHANGE AND SHALL INCLUDE PROVISIONS TO:

(a) ADDRESS THE PERMITTING, CONSTRUCTION, OPERATION, AND CLOSURE OF PRODUCTION WELLS;

(b) REQUIRE THAT WELLS ARE CONSTRUCTED USING CURRENT PRACTICES AND STANDARDS THAT PROTECT WATER ZONES AND PREVENT BLOWOUTS;

(c) ENHANCE SAFETY AND ENVIRONMENTAL PROTECTIONS DURING OPERATIONS SUCH AS DRILLING AND HYDRAULIC FRACTURING;

(d) REQUIRE REGULAR INTEGRITY ASSESSMENTS FOR ALL OIL AND GAS PRODUCTION WELLS, SUCH AS SURFACE PRESSURE MONITORING DURING PRODUCTION; AND

(e) ADDRESS THE USE OF NONDESTRUCTIVE TESTING OF WELD JOINTS.

(19) THE COMMISSION SHALL REVIEW AND AMEND ITS FLOWLINE AND INACTIVE, TEMPORARILY ABANDONED, AND SHUT-IN WELL RULES TO THE EXTENT NECESSARY TO ENSURE THAT THE RULES PROTECT AND MINIMIZE ADVERSE IMPACTS TO PUBLIC HEALTH, SAFETY, AND WELFARE AND THE ENVIRONMENT, INCLUDING BY:

(a) ALLOWING PUBLIC DISCLOSURE OF FLOWLINE INFORMATION AND EVALUATING AND DETERMINING WHEN A DEACTIVATED FLOWLINE MUST BE INSPECTED BEFORE BEING REACTIVATED; AND

(b) EVALUATING AND DETERMINING WHEN INACTIVE, TEMPORARILY ABANDONED, AND SHUT-IN WELLS MUST BE INSPECTED BEFORE BEING PUT INTO PRODUCTION OR USED FOR INJECTION.

(20) THE COMMISSION SHALL ADOPT RULES TO REQUIRE CERTIFICATION FOR WORKERS IN THE FOLLOWING FIELDS:

(a) COMPLIANCE OFFICERS WITH REGARD TO THE FEDERAL "OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970", 29 U.S.C. SEC. 651 ET SEQ., INCLUDING SPECIFICALLY WORKING IN CONFINED SPACES;

(b) COMPLIANCE OFFICERS WITH REGARD TO CODES PUBLISHED BY THE AMERICAN PETROLEUM INSTITUTE AND AMERICAN SOCIETY OF MECHANICAL ENGINEERS, OR THEIR SUCCESSOR ORGANIZATIONS;

(c) THE HANDLING OF HAZARDOUS MATERIALS;

(d) WELDERS WORKING ON OIL AND GAS PROCESS LINES, INCLUDING:

(I) KNOWLEDGE OF THE FLOWLINE RULES PROMULGATED PURSUANT TO SUBSECTION (19) OF THIS SECTION;

(II) A MINIMUM OF SEVEN THOUSAND HOURS OF DOCUMENTED ON-THE-JOB TRAINING, WHICH REQUIREMENT CAN BE MET BY AN EMPLOYEE WORKING UNDER THE SUPERVISION OF A PERSON WITH THE REQUISITE SEVEN THOUSAND HOURS OF TRAINING; AND

(III) PASSAGE OF THE INTERNATIONAL CODE COUNCIL EXAM F31, NATIONAL STANDARD JOURNEYMAN MECHANICAL, OR AN ANALOGOUS SUCCESSOR EXAM, FOR ANY PERSON WORKING ON PRESSURIZED PROCESS LINES IN UPSTREAM AND MIDSTREAM OPERATIONS.

SECTION 13. In Colorado Revised Statutes, 34-60-108, **add** (9) as follows:

34-60-108. Rules - hearings - process. (9) WHENEVER ANY HEARING OR OTHER PROCEEDING IS ASSIGNED TO AN ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR INDIVIDUAL COMMISSIONER FOR HEARING, THE ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR COMMISSIONER, AFTER THE CONCLUSION OF THE HEARING, SHALL PROMPTLY TRANSMIT TO THE

PAGE 22-SENATE BILL 19-181

COMMISSION AND THE PARTIES THE RECORD AND EXHIBITS OF THE PROCEEDING AND A WRITTEN RECOMMENDED DECISION THAT CONTAINS THE FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDED ORDER. A PARTY MAY FILE AN EXCEPTION TO THE RECOMMENDED ORDER; BUT IF NO EXCEPTIONS ARE FILED WITHIN TWENTY DAYS AFTER SERVICE UPON THE PARTIES, OR UNLESS THE COMMISSION STAYS THE RECOMMENDED ORDER WITHIN THAT TIME UPON ITS OWN MOTION, THE RECOMMENDED ORDER BECOMES THE DECISION OF THE COMMISSION AND SUBJECT TO SECTION 34-60-111. THE COMMISSION UPON ITS OWN MOTION MAY AND, WHERE EXCEPTIONS ARE FILED SHALL, CONDUCT A DE NOVO REVIEW OF THE MATTER UPON THE SAME RECORD, AND THE RECOMMENDED ORDER IS STAYED PENDING THE COMMISSION'S FINAL DETERMINATION OF THE MATTER. THE COMMISSION MAY ADOPT, REJECT, OR MODIFY THE RECOMMENDED ORDER.

SECTION 14. In Colorado Revised Statutes, 34-60-116, **amend** (1), (3), (6), (7)(a)(II), (7)(a)(III), (7)(c), and (7)(d)(I); and **add** (7)(a)(IV) as follows:

34-60-116. Drilling units - pooling interests. (1) (a) To prevent or to assist in preventing waste, to avoid the drilling of unnecessary wells, or to protect correlative rights, the commission, upon its own motion or on a proper application of an interested party, but after notice and hearing as provided in this section, may establish one or more drilling units of specified size and shape covering any pool or portion of a pool.

(b) THE APPLICATION MUST INCLUDE PROOF THAT EITHER:

(I) THE APPLICANT HAS FILED AN APPLICATION WITH THE LOCAL GOVERNMENT HAVING JURISDICTION TO APPROVE THE SITING OF THE PROPOSED OIL AND GAS LOCATION AND THE LOCAL GOVERNMENT'S DISPOSITION OF THE APPLICATION; OR

(II) THE LOCAL GOVERNMENT HAVING JURISDICTION DOES NOT REGULATE THE SITING OF OIL AND GAS LOCATIONS.

(3) The order establishing a drilling unit:

(a) IS SUBJECT TO SECTION 34-60-106 (2.5); AND

(b) May authorize one or more wells to be drilled and produced

PAGE 23-SENATE BILL 19-181

from the common source of supply on a drilling unit.

(6) (a) When two or more separately owned tracts are embraced within a drilling unit, or when there are separately owned interests in all or a part of the drilling unit, then persons owning ~~such~~ THE interests may pool their interests for the development and operation of the drilling unit.

(b) (I) In the absence of voluntary pooling, the commission, upon the application of ~~any interested person~~ A PERSON WHO OWNS, OR HAS SECURED THE CONSENT OF THE OWNERS OF, MORE THAN FORTY-FIVE PERCENT OF THE MINERAL INTERESTS TO BE POOLED, may enter an order pooling all interests in the drilling unit for the development and operation ~~thereof~~. ~~Each such~~ OF THE DRILLING UNIT. MINERAL INTERESTS THAT ARE OWNED BY A PERSON WHO CANNOT BE LOCATED THROUGH REASONABLE DILIGENCE ARE EXCLUDED FROM THE CALCULATION.

(II) THE pooling order shall be made after notice and A hearing and ~~shall~~ MUST be upon terms and conditions that are just and reasonable and that afford to the owner of each tract or interest in the drilling unit the opportunity to recover or receive, without unnecessary expense, ~~his~~ A just and equitable share.

(c) Operations incident to the drilling of a well upon any portion of a unit covered by a pooling order shall be deemed for all purposes to be the conduct of ~~such~~ operations upon each separately owned tract in the unit by the several owners ~~thereof~~ OF EACH SEPARATELY OWNED TRACT. That portion of the production allocated or applicable to each tract included in a unit covered by a pooling order shall, when produced, be deemed for all purposes to have been produced from ~~such~~ THE tract by a well drilled ~~thereon~~ ON IT.

(7) (a) Each pooling order must:

(II) Determine the interest of each owner in the unit and provide that each consenting owner is entitled to receive, subject to royalty or similar obligations, the share of the production from the wells applicable to the owner's interest in the wells and, unless the owner has agreed otherwise, a proportionate part of the nonconsenting owner's share of the production until costs are recovered and that each nonconsenting owner is entitled to own and to receive the share of the production applicable to the owner's

PAGE 24-SENATE BILL 19-181

interest in the unit after the consenting owners have recovered the nonconsenting owner's share of the costs out of production; ~~and~~

(III) Specify that a nonconsenting owner is immune from liability for costs arising from spills, releases, damage, or injury resulting from oil and gas operations on the drilling unit; AND

(IV) PROHIBIT THE OPERATOR FROM USING THE SURFACE OWNED BY A NONCONSENTING OWNER WITHOUT PERMISSION FROM THE NONCONSENTING OWNER.

(c) (I) A nonconsenting owner of a tract in a drilling unit that is not subject to any lease or other contract for ~~the development thereof~~ for oil and gas DEVELOPMENT shall be deemed to have a landowner's proportionate royalty of:

(A) ~~twelve and one-half~~ FOR A GAS WELL, THIRTEEN percent until ~~such time as~~ the consenting owners recover, only out of the nonconsenting owner's proportionate ~~seven-eighths~~ EIGHTY-SEVEN-PERCENT share of production, the costs specified in subsection (7)(b) of this section; OR

(B) FOR AN OIL WELL, SIXTEEN PERCENT UNTIL THE CONSENTING OWNERS RECOVER, ONLY OUT OF THE NONCONSENTING OWNER'S PROPORTIONATE EIGHTY-FOUR-PERCENT SHARE OF PRODUCTION, THE COSTS SPECIFIED IN SUBSECTION (7)(b) OF THIS SECTION.

(II) After recovery of the costs, the nonconsenting owner then owns his or her full proportionate share of the wells, surface facilities, and production and then is liable for further costs as if the NONCONSENTING owner had originally agreed to drilling of the wells.

(d) (I) THE COMMISSION SHALL NOT ENTER an order pooling an unleased nonconsenting mineral owner ~~shall not be entered by the commission~~ under subsection (6) of this section over protest of the owner unless the commission has received evidence that the unleased mineral owner has been tendered, no less than sixty days before the hearing, a reasonable offer, MADE IN GOOD FAITH, to lease upon terms no less favorable than those currently prevailing in the area at the time application for the order is made and that ~~such~~ THE unleased mineral owner has been furnished in writing the owner's share of the estimated drilling and

PAGE 25-SENATE BILL 19-181

completion cost of the wells, the location and objective depth of the wells, and the estimated spud date for the wells or range of time within which spudding is to occur. The offer must include a copy of or link to a brochure supplied by the commission that clearly and concisely describes the pooling procedures specified in this section and the mineral owner's options pursuant to those procedures.

SECTION 15. In Colorado Revised Statutes, 34-60-122, amend (1)(b) as follows:

34-60-122. Expenses - fund created. (1) (b) On and after July 1, 2014 2019, the commission shall ensure that the ~~two-year average of the~~ unobligated portion of the fund does not exceed ~~six million dollars~~ FIFTY PERCENT OF TOTAL APPROPRIATIONS FROM THE FUND FOR THE UPCOMING FISCAL YEAR and that there is an adequate balance in the ~~environmental response account created pursuant to subsection (5) of this section~~ FUND TO SUPPORT THE OPERATIONS OF THE COMMISSION AND to address environmental response needs.

SECTION 16. In Colorado Revised Statutes, 34-60-128, amend (3)(b); and **repeal** (4) as follows:

34-60-128. Habitat stewardship - rules. (3) In order to minimize adverse impacts to wildlife resources, the commission shall:

(b) Provide for commission consultation and consent of the affected surface owner, or the surface owner's appointed tenant, on permit-specific conditions for wildlife habitat protection THAT DIRECTLY IMPACT THE AFFECTED SURFACE OWNER'S PROPERTY OR USE OF THAT PROPERTY. Such PERMIT-SPECIFIC conditions FOR WILDLIFE HABITAT PROTECTION shall be discontinued when final reclamation has occurred. PERMIT-SPECIFIC CONDITIONS FOR WILDLIFE HABITAT PROTECTION THAT DO NOT DIRECTLY IMPACT THE AFFECTED SURFACE OWNER'S PROPERTY OR USE OF THAT PROPERTY, SUCH AS OFF-SITE COMPENSATORY MITIGATION REQUIREMENTS, DO NOT REQUIRE THE CONSENT OF THE SURFACE OWNER OR THE SURFACE OWNER'S APPOINTED TENANT.

(4) ~~Nothing in this section shall establish, alter, impair, or negate the authority of local and county governments to regulate land use related to oil and gas operations.~~

PAGE 26-SENATE BILL 19-181

SECTION 17. In Colorado Revised Statutes, **add** 34-60-131 as follows:

34-60-131. No land use preemption. LOCAL GOVERNMENTS AND STATE AGENCIES, INCLUDING THE COMMISSION AND AGENCIES LISTED IN SECTION 34-60-105 (1)(b), HAVE REGULATORY AUTHORITY OVER OIL AND GAS DEVELOPMENT, INCLUDING AS SPECIFIED IN SECTION 34-60-105 (1)(b). A LOCAL GOVERNMENT'S REGULATIONS MAY BE MORE PROTECTIVE OR STRICTER THAN STATE REQUIREMENTS.

SECTION 18. Appropriation. (1) For the 2019-20 state fiscal year, \$851,010 is appropriated to the department of natural resources. This appropriation consists of \$763,180 cash funds from the oil and gas conservation and environmental response fund created in section 34-60-122 (5)(a), C.R.S., and \$87,830 cash funds from the wildlife cash fund created in section 33-1-112 (1)(a), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$535,508 from the oil and gas conservation and environmental response fund for use by the oil and gas conservation commission for program costs, which amount is based on an assumption that the oil and gas conservation commission will require an additional 5.0 FTE;

(b) \$83,930 from the wildlife cash fund for wildlife operations, which amount is based on an assumption that the division of parks and wildlife will require an additional 1.0 FTE;

(c) \$6,038, which consists of \$3,900 from the wildlife cash fund and \$2,138 from the oil and gas conservation and environmental response fund, for vehicle lease payments;

(d) \$39,000 from the oil and gas conservation and environmental response fund for leased space; and

(e) \$186,534 from the oil and gas conservation and environmental response fund for the purchase of legal services.

(2) For the 2019-20 state fiscal year, \$186,534 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of natural resources under subsection (1)(e) of this

PAGE 27-SENATE BILL 19-181

section and is based on an assumption that the department of law will require an additional 1.0 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of natural resources.

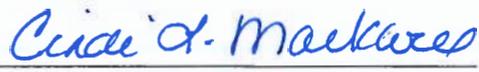
SECTION 19. Applicability. This act applies to conduct occurring on or after the effective date of this act, including determinations of applications pending on the effective date.

SECTION 20. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

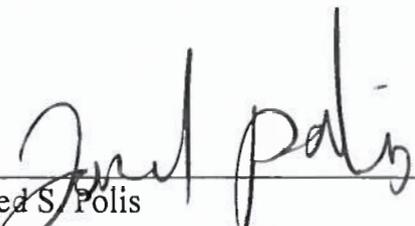

Leroy M. Garcia
PRESIDENT OF
THE SENATE


KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


Cindi L. Markwell
SECRETARY OF
THE SENATE


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED April 16, 2019 at 4:08 p.m.
(Date and Time)


Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

City Council Public Hearing

September 17, 2019

Ordinance 1783, Series 2019

Approval of Emergency Ordinance 1783 Series 2019, amending Chapter 17.68 of the Louisville Municipal Code to require Oil and Gas Operator Registration

Background

- New State Regulations – S.B. 19-181 “Protect Public Welfare Oil and Gas Operations”
 - Allows greater local control
- Louisville code last updated in 1995
 - Requires approval of a SRU
- No current drilling or actively producing wells, and no active permits filed with the state since 1999
- July 30, 2019 – City Council discussion
- Many surrounding jurisdictions developing new regulations for Oil and Gas, and are under moratoriums

Proposal

- Two Options, both include requirements for Oil and Gas Operator Registration
- Option A includes language that enacts a six-month moratorium upon the filing of an operator registration

Operator Registration

- Good faith estimate on number of well sites and wells within 5 years
- Map showing locations
- Well estimates
- Information demonstrating capability to meet requirements
- Requirement to update information as necessary
- Requirement to reapply after 5 years if no application has been submitted

Oil and Gas

Staff Recommendation

- Staff recommends approval of Option A, **Ordinance 1783, Series 2019** approving requirements for Oil and Gas Operator Registration and enacting a six-month moratorium following receipt of an operator registration

SUBJECT: RESOLUTION NO. 10, SERIES 2019 – A RESOLUTION APPROVING THE PROPERTY TAX INCREMENT REBATE AGREEMENT WITH 712 MAIN LLC AND 722 MAIN LLC PURSUANT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE REVITALIZATION COMMISSION AND THE CITY OF LOUISVILLE – *continued from 3/19/19 & 6/11/19*, staff recommends continuance to 11/4/19

DATE: SEPTEMBER 17, 2019

PRESENTED BY: HEATHER BALSER, CITY MANAGER
STAN ZEMLER, INTERIM ECONOMIC DEVELOPMENT DIRECTOR

SEPTEMBER 17, 2019 UPDATE:

On August 6, 2019 City Council approved a contract with Economic and Planning Systems (EPS) to conduct a third party review of the financial information provided as part of the application for property tax increment financing rebate assistance made by Boulder Creek Builders for the Terraces on Main project (link to the August 6, City Council meeting packet materials attached) . That work is ongoing and should be completed by mid-October in time for the October 14, 2019 LRC meeting. Thus staff recommends continuing Resolution No. 10, Series 2019 to the November 4, 2019 City Council meeting for consideration.

SUMMARY:

Terraces on Main Street is an office and retail redevelopment project proposed by Boulder Creek Neighborhoods at 712-722 Main Street in downtown Louisville. The redevelopment consists of a new 22,020 sf office and retail building with 18 parking stalls. Boulder Creek Neighborhoods is requesting a 90% rebate of the expected increase in property taxes generated by the redevelopment.

The Louisville Revitalization Commission (LRC) approved the attached TIF Rebate Agreement with 712 Main LLC and 722 Main LLC at their March 11, 2019 meeting. The agreement must also be approved by the Louisville City Council in accordance with the Amended and Restated Cooperation Agreement last approved on November 17, 2015. City Council originally took up the application on March 19, 2019 and tabled the resolution approving the agreement until June 11, 2019.

BACKGROUND:

Boulder Creek Neighborhoods has submitted Planned Unit Development (PUD) plans to the City to redevelop 712-722 Main Street into a 2-3 story, 22,020 office and retail building with 18 off-street parking stalls. The properties currently have two single-story buildings totaling 7,558 sf which have been converted to office space for Boulder Creek

Neighborhoods. The first floor is designed to accommodate retail and service-retail uses.

Boulder Creek submitted plans to the City for a larger project in 2018 that included a larger third story and additional parking along the alley. City Council requested the project be resubmitted with changes. Boulder Creek in response has provided the resubmitted plans currently proceeding through the development process.

The assistance requested from the LRC, the City's Urban Renewal Authority, is for direct financial assistance to facilitate the redevelopment project as the developer states the project is not financially feasible since the rental rates that can be achieved in the Louisville market today do not support the development costs. The assistance requested is a 90% rebate of the increased property taxes resulting from the new value of development above the existing value of the property.

The LRC reviewed the application at their January 2019 meeting and directed staff to prepare a TIF Rebate Agreement with the Developer for the project. The LRC approved the Rebate Agreement 4-1 with one abstention at their March 11, 2019 meeting.

DISCUSSION:

The LRC with previous applications have reviewed projects based on it furthering the following three goals:

- Removing Blight Factors
- Effect on Property Values
- Advancement of the Urban Renewal Area

Since this application is the first to submit for direct financial assistance to private development (previous projects have requested assistance with building infrastructure), staff also analyzed the project's need for financial assistance to construct the project.

The Planned Unit Development (PUD) for the project received City Council approval on March 19, 2019. This analysis does not go into the detail of the planning related components of the project. Additional information can be found at the following link:

<http://www.louisvilleco.gov/Home/ShowDocument?id=22802>

The following is staff's analysis of the project and how it does or does not meet the three goals plus the need for public assistance.

Removing Blight Factors

The 2006 Louisville Highway 42 Revitalization Area Conditions survey identified properties that contributed to the blight conditions that were present in the area. Those blight conditions are as follows:

- a. Deteriorating Structures

- b. Faulty Street Layout
- c. Faulty Lots
- d. Unsanitary/unsafe Conditions
- e. Deteriorating Site or other improvements
- f. Unusual Topography or Inadequate Public Improvements
- h. Danger to Life or Property from Fire or Other Causes
- k. 5 High Service Requirements or Site Underutilization

The determination of blight for the Highway 42 Urban Renewal Plan is for the entire defined district. It is not a determination for each and every parcel within the UR Area. Therefore, all of the properties within the UR Area are determined to have blighting factors present.

The Conditions Survey in 2006, which was used to determine whether blighting factors exist in the UR Area, identified 712-722 Main Street contributing to two of the identified blight factors.

The first is Condition F. Unusual topography or inadequate public improvements. The reason is due to the downtown area being reliant upon overhead power and telecommunications infrastructure. It is considered an impediment to modern development and redevelopment in the current real estate market.

The second blight factor is Condition H. Danger to life or property from fire or other causes. The reason stated is most commercial structures lack sprinkler systems.

Boulder Creek in their application have noted the properties in their estimation meet additional blighting factors which include the following:

a. Deteriorating Structures

The buildings are becoming functionally obsolescent due to age and type of structure.

c. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness

The proposed lots will allow for additional square footage which will enhance the vibrancy of downtown

e. Deterioration of site or other improvements

The buildings are becoming obsolete.

In summary, staff finds the Project will address blighting factors present in the Highway 42 Urban Renewal Area in the following ways:

- Unusual topography or inadequate public improvements. The new development will have underground utility service, removing this identified contributor to the blight factor. A new sidewalk will be constructed with the project. The project will

also provide additional parking spaces and parking fee-in-lieu revenue for additional parking.

- Danger to life or property from fire or other causes. The new development will have fire suppression systems required of all new development in Louisville.
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness. A mixed-use building designed for retail and office uses can better mitigate the deep lot and building profile these properties need to better utilize the land. The two parcels are being combined to mitigate the deep lot and facilitate a better designed office and retail building.

Effect of Project on Property Values

The project when completed will have significant positive impact on property value. The following are the assumptions for valuing the property after the Terraces on Main project is completed:

	<u>Value per sf</u>	<u>Total Value</u>
Existing development (2017 value)	\$222.30	\$1,680,190
Per sf value of new development (office, retail, and parking)	\$250	\$6,604,250

Attached is a 10-year TIF valuation analysis for the Terraces on Main project. Boulder Creek’s TIF 90% rebate request for a 10-year period would equal \$1,109,500 assuming the 90% rebate applies to the increases in property taxes levied on the development less its pro-rata share of the County’s 7.15% shareback and City Staff payments.

The total annual TIF generated from this project at full buildout would be \$119,500 in 2022. This is a significant increase in downtown commercial property values and is worthy of due consideration for assistance from the LRC.

Advancement of the Urban Renewal Area

The Highway 42 Urban Renewal Plan was approved December 2006. The stated purpose of the Highway 42 Urban Renewal Plan is as follows:

The purpose of the Highway 42 Revitalization Area Urban Renewal Plan is to reduce, eliminate and prevent the spread of blight within the Urban Renewal Area and to stimulate growth and reinvestment within the Area boundaries, on surrounding blocks and throughout downtown. In particular, this Urban Renewal Plan is intended to promote local objectives with respect to appropriate land uses, private investment and public improvements provided that the delineation of such objectives shall not be construed to require that any particular project necessarily promote all such objectives. Specifically, the Plan promotes an environment which allows for a range of uses and product types which can respond to market conditions over time; further the goals and objectives of the Louisville Comprehensive Plan, Highway 42 Framework Plan and any other

relevant policy document; and, leverage the community's investment in public improvement projects in the Area.

While the principal goal of the urban renewal effort is, as required by the Act, to afford maximum opportunity, consistent with the sound needs of the City of Louisville (the "City") as a whole to redevelop and rehabilitate the Area by private enterprise, it is not intended to replace the efforts of area business development or marketing organizations.

The rehabilitation and redevelopment of properties within the Urban Renewal Area will be accomplished through the improvement of existing structures and infrastructure, attraction of new investment and reinvestment, and prevention of deterioration of properties in the Area. The effort will involve the Commission and City with participation and cooperation by the private sector.

The Plan's purpose clearly states the desire to eliminate blight and to stimulate growth and reinvestment. This project would be a significant reinvestment in downtown of over \$5,500,000 adding new business opportunities. The office and retail mixed-use design meets the evolving market conditions in downtown by increasing amenities and office space.

The Development and Design Objectives within the Highway 42 Urban Renewal Plan area as follows:

The development objectives for the Urban Renewal Area include establishment of a variety of uses that will allow projects to respond to changing market conditions. Proposed land uses within the Urban Renewal Area include commercial, office, residential, commuter, public, and parking. Design objectives for the Urban Renewal Area also promote flexibility, adaptability to a range of uses and product types and consistency with prevailing market conditions. Other objectives include:

- a) Eliminate and prevent blight*
- b) Improve relationship between this area and surrounding areas (neighborhoods, downtown, open space)*
- c) Increase property values*
- d) Provide uses supportive of and complementary to planned improvements (transit)*
- e) Encourage a mix of uses and/or mixed-use projects*
- f) Promote a variety of products to address multiple income segments*
- g) Provide ease of vehicular and pedestrian circulation and improve connections*
- h) Encourage continued presence of businesses consistent with the plan vision*
- i) Provide a range of financing mechanisms for private property re-*

- investment and investment*
- j) Mitigate impacts from future transportation improvements*
 - k) Encourage public-private partnerships to implement the plan*
 - l) Adjust parking ratios to reflect future densities*
 - m) Encourage shared parking among projects in area*
 - n) Develop higher design standards including flexible lighting and signage standards*
 - o) Landscape streetscapes to unify uses and plan components*

The proposed project meets the development and design objectives for several reasons:

- It will address the UR Area's blighting factors, as described above.
- It will enhance the downtown area with additional office and retail space.
- The resulting property values will be significantly more than the current value of the property.
- The office/retail mixed-use design will add to downtown.
- The project will enhance pedestrian circulation through new sidewalks adjacent to the project.
- The project will house multiple businesses in downtown.
- Assisting the development is an example of public-private partnerships.
- The project expects to pay the parking improvement fee, which will encourage shared parking through the City's parking program.
- The design meets the downtown design guidelines.

Staff finds the Terraces on Main project meets the intent of the Highway 42 Urban Renewal Plan and advances its goals.

Need for Financial Assistance

As the Applicant is requesting direct financial assistance from the LRC by way of Tax Increment Financing, analysis needs to be conducted to determine whether the development needs the assistance to be successful. In urban renewal terms, this is the "but for" test. The development will not happen "but for" the assistance being provided. The applicant has submitted a 10-year cash flow projection, a sources and uses summary, and a summary of development costs to review its need for assistance.

Within the submitted financial documents, several assumptions are being made to model the financial performance of the project. The main assumptions are:

- Triple Net lease rate of \$29 per square foot (psf) for Retail, \$27.50 psf for office, and \$5 psf for basement storage space. Vacancy rate of 5%. Rental rates increase 2% annually.
- Acquisition for new ownership entity of \$1,387,750 representing paying off existing debt. Remaining equity will be rolled into the new ownership entity.

- Total construction cost and related costs of \$5,695,940. This assumes demolition, core and shell, architectural, and tenant finish costs per square foot of \$250.
- Exit in year 10 by way of a property sale based on 95% occupancy in 2028 with a capitalization rate of 7.5%.
- Debt financing with 25 year term, 5% annual interest, payments made monthly.

All of these assumptions appear to be reasonable from a proforma exercise as they are within the range of the downtown Louisville market and pricing expectations.

Attached is a 10-year TIF valuation analysis for the Terraces on Main project. Boulder Creek's 90% TIF rebate request for a 10-year period would equal \$1,109,500 assuming the 90% rebate applies to the increases in property taxes levied on the development less its pro-rata share of the County's 7.15% shareback and City Staff payments.

The key component of determining if the project needs the assistance is if the rate of return meets, exceeds, or is below a reasonable range for a project commensurate with its risk profile. In Colorado, commercial real estate development is highly speculative, takes a significant amount of time, expertise, and planning to receive approval for development, and the rental market can swing wildly with the macro economic conditions. Commercial projects tend to move forward when a project proforma identifies a capital rate of return greater than 15% annual return over a long period of time. Projects with a proforma less than that either don't move forward, have characteristics which allow for returns to be less (i.e. an owner occupied project), or they need assistance to get the profit expectations higher to better reflect the associated risk.

Boulder Creek is modeling a 10 year rate of return on equity of .15% if no TIF assistance, and 7.28% if assistance is provided.

Achieving a proforma capital rate of return on equity of 7.28% with TIF assistance is a low expected return given the risk profile of a Louisville downtown redevelopment project. Without the TIF assistance, the expected rate of return of .15% is too low for a for-profit developer to choose to move forward with the project.

Staff finds the request for TIF assistance to meet the "but for" test in that the project would not move forward without the public assistance.

Draft LRC Criteria Analysis Suggested from June 4, 2019 City Council Discussion

City Council and the LRC are developing review criteria for requests similar to the Terraces on Main direct financial assistance application. It is currently in draft form, but staff has completed a brief evaluation below of the project utilizing the current form of the criteria.

Plan Objectives Evaluation

- A. Eliminate and prevent blight
 - The Project is within the Urban Renewal Area boundaries; therefore, it has been found to constitute blight. In terms of eliminating this blight, in addition to addressing the blight factors noted above, the Project replaces a non-historic, antiquated building for both office and retail uses under one roof. The project will address the existing blight and prevent further spread of blight due to it being underutilized.

- B. Improve relationship between the URA and surrounding areas
 - n/a

- C. Provide uses supportive of and complementary to planned improvements
 - The Project builds upon the vertical mixed-use nature of historic downtown and complements the existing building stock and infrastructure.

- D. Encourage a mix of uses and/or mixed-use projects
 - The project is an office and retail mixed-use design.

- E. Promote a variety of products to address multiple income segments
 - n/a

- F. Provide ease of vehicular and pedestrian circulation and improve connections
 - The project maintains and improves the wide sidewalk environment at the property. The project also has sidewalk dining areas, reinforcing the human scale street edge.

- G. Encourage continued presence of businesses consistent with the plan vision
 - The project facilitates primary employer retention and expansion efforts, as well as retail opportunities.

- H. Mitigate impacts from future transportation improvements
 - n/a

- I. Encourage public-private partnerships to implement the plan
 - n/a

- J. Encourage shared parking among projects in the area
 - n/a

- K. Landscape streetscapes to unify uses and plan components.
 - The project will have sidewalk dining areas, reinforcing the current downtown environment on Main Street.

Criteria for Evaluation

1. The ability to stimulate growth and reinvestment in the URA
 - The project is estimated to generate over \$5,000,000 in new taxable property. The project will house a growing Louisville business and create new retail spaces to grow retail commerce in downtown.
2. The elimination or prevention of blight in the URA
 - The Project is within the Urban Renewal Area boundaries; therefore, it has been found to constitute blight. In terms of eliminating this blight, in addition to addressing the blight factors noted above, the Project replaces a non-historic, antiquated building for both office and retail uses under one roof. The project will address the existing blight and prevent further spread of blight due to it being underutilized.
3. The economic benefits to the community from the project
 - Boulder Creek Builders has over 80 employees housed in downtown and generates property tax, consumer use tax from equipment purchases, and sales taxes from daytime purchases. The project also incorporates two retail opportunities to house a restaurant, retailers, or needed service providers to build upon the success of downtown.
4. The effect of the project on surrounding property
 - The project reinvigorates the 700 block of Main Street with new retail opportunities which are currently used by ground floor office uses. The 700 block has a significant portion occupied by non-retail uses (City Hall, Parks Office, existing Boulder Creek office buildings, which do not contain a retail element), which affects the customer flow along the corridor.
5. The increase in property value created from the project
 - The project is estimated to generate over \$5,000,000 in new taxable property. The project will house a growing Louisville business and create new retail spaces to grow retail commerce in downtown.
6. The project does not cause negative impacts to the City's historic resources or stated historic preservation goals and objectives.
 - The Project replaces non-historic, antiquated building for both office and retail uses under one roof. The current building is not historic and the Historic Preservation Commission unanimously recommended approval of the Terraces on Main PUD.

Similar assistance provided in neighboring Communities

As this request for direct financial assistance is the first Louisville has received, staff conducted research of neighboring communities to identify whether similar assistance

packages have been offered with Urban Renewal funding. Several Colorado municipalities have provided direct assistance to private developments. Through conversations with colleagues running other authorities or doing research on websites, the following is a list of such projects spurred by TIF assistance directly:

- [Park West Building](#) in Erie – 16,700 square foot commercial building in downtown Erie. Provided a 90% property tax increment rebate up to a maximum of \$1,500,000.
- [Echo Brewery](#) Expansion in Erie – Major expansion of the business’s operation in downtown Erie. Provided a 90% property tax increment rebate up to a maximum of \$1,500,000.
- 615 Briggs St. in Erie – Mixed-Use Commercial building with restaurant, retail, and office. 100% property tax increment rebate not to exceed \$446,050.
- The Post in Lafayette – tenant improvement assistance through existing TIF revenues. \$75,000 forgivable loan.
- 802 Public Road patio improvement in Lafayette– \$60,000 contribution to new patios, fencing, and lighting.
- Downtown Superior - \$2,000,000 allocation for encouraging enhancements to private and public architectural elements and facades.
- Flatiron Marketplace Redevelopment in Broomfield – redevelopment consisting of 890 residential units and 14,000 sf of office and retail uses. TIF rebate consisting of 75% of City and County mill levy and 100% of BVSD mill levy through 2038. Additional reimbursements include \$3,815,305 for water and sewer fees, \$1,670,000 in public land dedication, and 50% rebate of increased sales and use taxes through 2050. Total assistance of \$34,000,000.
- [2460 Welton](#) development in Denver – redevelopment of a vacant lot into a residential and retail mixed use building. \$1,350,000 in developer reimbursement through property tax TIF.
- [Marriott](#) in Colorado Springs - \$15,000,000 TIF bond to construct a parking structure for a new Marriott property.
- [Arvada Ridge Marketplace](#) – \$6,670,000 Sales and Property Tax Pledge to encourage the redevelopment into a Super Target anchored retail center.

These projects show our municipal colleagues are utilizing TIF revenues in many different ways to encourage private developments to occur.

Redevelopment Agreement

Staff and the Applicant prepared the attached TIF Rebate Agreement upon the direction given by the LRC at their January 2019 meeting. Below is a summary of the main terms of the agreement:

1. Developer will construct and receive a Certificate of Occupancy (CO) from the City for the Project.

2. Once the project is complete, the LRC will begin making annual TIF Rebate payments to Developer equal to 90% of the increased taxes paid on the property less other defined LRC financial obligations (the 2015 Cooperation Agreement, the Tri-Party Agreement, and LRC operating expenses).
3. Total maximum Rebate payments is \$1,110,000. Annual payments will continue until the payment cap is met or the TIF revenue collection period for the Highway 42 Urban Renewal Area expires.
4. The agreement terminates on February 18, 2023 if the project has not been completed.
 - a. This date represents the three year initial term of the PUD plus one year for construction.
5. Assignment of the TIF Rebate Agreement is permitted if the assignment is to;
 - a. Any entity who is an affiliate of the Developer provided such assignment is of the Agreement in its entirety to a single entity;
 - b. A successor in title to 100% of the Developer's ownership interest in the Project; and
 - c. A lender to the Developer provided such assignment is limited to a collateral assignment or pledge of the amounts payable to the Developer

Policy Considerations:

This first request to provide direct financial assistance to a redevelopment project brings to mind potential policy considerations for City Council to discuss. As an attempt to consider such factors, staff poses the following questions.

Should Urban Renewal funding only be used to remove blight factors found within the Urban Renewal Area, or can it also be used to prevent the spread of blight?

The Highway 42 Urban Renewal Plan states its purpose is “to reduce, eliminate, and prevent the spread of blight within the Urban Renewal Area and to stimulate growth and reinvestment within the Area boundaries, on surrounding blocks and throughout downtown.” The reduction and elimination of blight purpose points to investing in public infrastructure to rid the area of noted deficiencies preventing redevelopment. The prevention of blight points to encouraging reinvestment of private properties to maintain and grow the economic condition of the area. Does the City Council see encouraging investment in private property as an effort to prevent the spread of blight within the Highway 42 Urban Renewal Area?

Does the City want to be competitive with our neighboring communities in attracting private reinvestment within our Highway 42 Urban Renewal Area?

As described above in the analysis section of this memo, several of our neighboring communities are being creative and aggressive to encourage reinvestment in private

property to add greater commerce within urban renewal areas. They are finding the need to financially assist with new developments to place the project finances in a condition worth moving forward with construction. Does City Council similarly desire to assist in redevelopment projects within the Highway 42 UR area? Does the City desire to encourage financially the reduction and prevention of blight as well as development of quality commercial projects within the UR area?

Staff and the LRC determined this request to assist the Terraces on Main project with a TIF rebate meets the purpose, goals, and intent of the Highway 42 Urban Renewal Plan; the guiding document for the LRC to implement. As a result of the Cooperation Agreement between the LRC and the City there must be concurrence from the City Council on the use of TIF revenues for this purpose. Does the City Council concur with the LRC decision? This decision may send a signal to businesses within the UR area that City Council supports the proposed use of TIF revenues and as such may consider similar direct assistance requests from other redevelopment projects. Although each project and TIF request is weighed and recommended for approval/or not based on its individual merits.

FISCAL IMPACT:

The TIF Rebate Agreement is based upon the increased property tax revenue generated by the redevelopment. It is a commitment to rebate future revenues not currently being received by the LRC. This agreement does not commit existing TIF revenue, so there is not current year fiscal impact. Future year LRC budgets will incorporate this rebate commitment once the redevelopment project is complete.

This agreement does not impact the City's budget as the committed property tax rebate payments are an obligation of the LRC, a separate organization from the City.

RECOMMENDATION:

Staff recommends continuing Resolution No. 10, Series 2019 to the November 4, 2019 City Council meeting for future consideration.

ATTACHMENTS:

1. August 6, 2019 Agenda Item Contract Approval for Third Party Review of Terraces on Main Tax Increment Financing Application or Direct Assistance, <https://www.louisvilleco.gov/Home/ShowDocument?id=23963>
2. June 11, 2019 Agenda Item Resolution No. 10, Series 2019, <https://www.louisvilleco.gov/Home/ShowDocument?id=23503>

SUBJECT: DISCUSSION/DIRECTION – CITY COUNCIL POSITION ON PROPOSITION CC

DATE: SEPTEMBER 17, 2019

PRESENTED BY: MEGAN DAVIS, DEPUTY CITY MANAGER

SUMMARY:

In the 2019 election voters will consider a measure called **Proposition CC: Allow State to Retain Excess Revenue for Transportation and Education Measure**. This ballot measure was a legislatively referred state statute, through HB19-1257 and HB19-1258 (Attachment 1).

The measure, if supported by voters, would allow the state to retain revenue above the state spending cap that it is currently required to be refunded under TABOR (the taxpayers' bill of rights) without raising taxes. Otherwise known as "de-Brucing", the measure would allow the state to retain and split all future tax revenue above the cap equally between transportation, K-12 and higher education investments in Colorado. The legislature included a provision in the measure that dedicates 15% of the transportation funding to multi-modal investments. If the measure does not pass the state would continue to issue a refund when the state collects revenue in excess of the state's annual revenue limit, as established by TABOR.

The first year that Proposition CC would have a budget impact would be FY 2019-20. Colorado Legislative Council is expecting that refunds would be issued in 2020 and 2021, with an estimated refund of \$310 million in the first year and \$342 million in the second year. If Proposition CC passes, this funding would instead be allocated to transportation and education. A complete overview of the projected revenues scheduled for refund, as well as the refund table by income can be found in the [June 2019 Economic and Revenue Forecast](#) produced by the Colorado Legislative Council Staff (p.17–20).

The Denver Regional Council of Governments (DRCOG), which Louisville is a member, will discuss the ballot measure at its September 18th, 2019 Board meeting. The attachments that DRCOG staff will provide for this discussion are included with this communication. Councilmember Ashley Stolzmann serves as the Louisville representative on the DRCOG Board of Directors.

The City of Louisville's 2019 legislative agenda includes positions related to transportation funding, as well as TABOR. The following positions are the most closely related to this ballot measure:

- The City supports one or more new, designated state funding sources for transportation that are not reliant on the State General Fund and that provide a local share to support local and regional transportation investments.
- The City supports investments in the maintenance and expansion of the state and regional transportation network, including roads, bridges and transit projects, as well as improved multi-modal strategies that increase transportation options, improve mobility and reduce congestion and greenhouse gas emissions.
- The City supports fiscally responsible government spending, but believes it is important to address the layers of constraints on state and local government budgets resulting from the Taxpayer's Bill of Rights (TABOR) and the Gallagher Amendment.

Please see the attached legislative council draft of the pro/cons for the blue book voter guide, which includes comments from interested proponents and opponents. Below are a few examples of pros and cons that have been shared by organizations and individuals on both sides of this measure.

Pros:

- These revenues, which have been generated without raising taxes on Colorado residents, would provide approximately \$215 million for transportation investments over the next two years.
- Colorado has identified a \$9 billion shortfall in transportation funding, which will require a variety of solutions to address. These funds are an important piece of the financial puzzle necessary to close the funding gap.
- The revenue TABOR revenue cap hasn't kept up with growth. Therefore funding generated through existing state taxes is necessary to serve the needs of Colorado residents, as the costs of higher education, transportation and K-12 have outpaced the growth limits included in TABOR.

Cons:

- Residents would not receive refunds triggered by the TABOR cap.
- Government spending has increased, and TABOR keeps state funding from growing unabated. The revenue caps were put in place to limit governments spending, and Proposition CC essentially removes those caps.
- The revenue from Proposition CC is unpredictable. In some years it may generate millions and in others no money at all. Therefore, it cannot be relied upon for government services.

FISCAL IMPACT:

No direct fiscal impact on the City of Louisville is anticipated if Proposition CC passes or fails at the ballot. However, its passage would make more transportation funding available across the state, and could support investments in local and regional transportation projects, such as those identified through the Transportation Master Plan.

PROGRAM/SUB-PROGRAM IMPACT:

This ballot issue would help support the City’s transportation program goal of a safe, well-maintained, effective and efficient multi-modal transportation system at a reasonable cost.

RECOMMENDATION:

Proposition CC would bring a new revenue source to transportation funding, and provide funding for multi-modal investments. It would also remove one TABOR constraint on the state budget that is limiting the collection of existing tax revenue. Given these two factors staff would suggest that Proposition CC is aligned with existing policy positions, and City Council should either support the measure or endorse Councilmember Stolzmann in taking a position of support at the DRCOG Board meeting on Wednesday, September 18th.

ATTACHMENT(S):

- 1. HB19-1257 and HB19-1258
- 2. Legislative Council Draft blue book language
- 3. DRCOG Board workshop presentation on TABOR and Gallagher

STRATEGIC PLAN IMPACT:

<input type="checkbox"/>	 Financial Stewardship & Asset Management	<input checked="" type="checkbox"/>	 Reliable Core Services
<input type="checkbox"/>	 Vibrant Economic Climate	<input type="checkbox"/>	 Quality Programs & Amenities
<input checked="" type="checkbox"/>	 Engaged Community	<input type="checkbox"/>	 Healthy Workforce
<input type="checkbox"/>	 Supportive Technology	<input type="checkbox"/>	 Collaborative Regional Partner

An Act

HOUSE BILL 19-1257

BY REPRESENTATIVE(S) Becker and McCluskie, Bird, Buckner, Buentello, Caraveo, Cutter, Esgar, Exum, Gonzales-Gutierrez, Hansen, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Lontine, McLachlan, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Sullivan, Tipper, Valdez A., Weissman, Galindo, Arndt, Benavidez, Coleman, Duran, Froelich, Garnett, Gray, Herod;
also SENATOR(S) Court and Priola, Fenberg, Gonzales, Moreno, Rodriguez, Story, Todd, Williams A., Winter, Foote.

CONCERNING AUTHORITY FOR THE STATE TO KEEP AND SPEND ALL OF THE REVENUE IN EXCESS OF THE CONSTITUTIONAL LIMITATION ON STATE FISCAL YEAR SPENDING BEGINNING WITH THE 2019-20 FISCAL YEAR IN ORDER TO PROVIDE FUNDING FOR PUBLIC SCHOOLS, HIGHER EDUCATION, AND ROADS, BRIDGES, AND TRANSIT.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-77-103.6, amend (2) introductory portion and (4); and add (1)(c), (2.5), and (5.5) as follows:

24-77-103.6. Retention of excess state revenues - general fund exempt account - required uses - excess state revenues legislative

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

report. (1) (c) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, FOR EACH FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2019, THE STATE IS AUTHORIZED TO RETAIN AND SPEND ALL STATE REVENUES IN EXCESS OF THE LIMITATION ON STATE FISCAL YEAR SPENDING THAT THE STATE WOULD OTHERWISE BE REQUIRED TO REFUND UNDER SECTION 20 (7)(d) OF ARTICLE X OF THE STATE CONSTITUTION IF THE VOTERS HAD NOT APPROVED THIS SUBSECTION (1)(c) AT THE NOVEMBER 2019 STATEWIDE ELECTION.

(2) There is hereby created in the general fund the general fund exempt account, which shall consist of an amount of moneys equal to the amount of state revenues in excess of the limitation on state fiscal year spending that the state retains for a given fiscal year pursuant to this section. The moneys in the account THAT CORRESPOND TO SUBSECTION (1)(b) OF THIS SECTION shall be appropriated or transferred by the general assembly for the following purposes:

(2.5) THE GENERAL ASSEMBLY SHALL APPROPRIATE OR THE STATE TREASURER SHALL TRANSFER THE MONEY IN THE GENERAL FUND EXEMPT ACCOUNT THAT CORRESPONDS TO SUBSECTION (1)(c) OF THIS SECTION TO PROVIDE FUNDING FOR:

- (a) PUBLIC SCHOOLS;
- (b) HIGHER EDUCATION; AND
- (c) ROADS, BRIDGES, AND TRANSIT.

(4) The approval of this section by the registered electors of the state voting on the issue at the November 2005 statewide election ~~constitutes a~~ AND THE NOVEMBER 2019 STATEWIDE ELECTION CONSTITUTE voter-approved revenue ~~change~~ CHANGES to allow the retention and expenditure of state revenues in excess of the limitation on state fiscal year spending.

(5.5) THE STATE AUDITOR SHALL CONTRACT WITH A PRIVATE ENTITY TO ANNUALLY CONDUCT AN INDEPENDENT FINANCIAL AUDIT REGARDING THE USE OF THE MONEY IN THE GENERAL FUND EXEMPT ACCOUNT THAT IS APPROPRIATED OR TRANSFERRED IN ACCORDANCE WITH SUBSECTION (2.5) OF THIS SECTION.

SECTION 2. Refer to people under referendum. At the election held on November 5, 2019, the secretary of state shall submit this act by its ballot title to the registered electors of the state for their approval or rejection. Each elector voting at the election may cast a vote either "Yes/For" or "No/Against" on the following ballot title: "Without raising taxes and to better fund public schools, higher education, and roads, bridges, and transit, within a balanced budget, may the state keep and spend all the revenue it annually collects after June 30, 2019, but is not currently allowed to keep and spend under Colorado law, with an annual independent audit to show how the retained revenues are spent?" Except as otherwise provided in section 1-40-123, Colorado Revised Statutes, if a majority of the electors voting on the ballot title vote "Yes/For", then the act will become part of the Colorado Revised Statutes.



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE



Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

An Act

HOUSE BILL 19-1258

BY REPRESENTATIVE(S) Becker and McCluskie, Bird, Buckner, Buentello, Caraveo, Cutter, Esgar, Exum, Gonzales-Gutierrez, Hansen, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Lontine, McLachlan, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Sullivan, Tipper, Valdez A., Weissman, Galindo, Arndt, Coleman, Duran, Froelich, Garnett, Gray, Herod, Titone;
also SENATOR(S) Court and Priola, Fenberg, Gonzales, Moreno, Rodriguez, Story, Todd, Williams A., Winter.

CONCERNING THE ALLOCATION OF MONEY THAT THE STATE KEEPS AND SPENDS AS A RESULT OF A VOTER-APPROVED REVENUE CHANGE AT THE 2019 STATEWIDE ELECTION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add 24-77-104.7** as follows:

24-77-104.7. General fund exempt account - proposition CC revenue - allocation - definition. (1) MONEY IN THE GENERAL FUND EXEMPT ACCOUNT THAT CORRESPONDS TO THE REVENUE THAT THE STATE RETAINS AND SPENDS IN ACCORDANCE WITH THE VOTERS' APPROVAL OF

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

SECTION 24-77-103.6 (1)(c) IS ALLOCATED IN ONE-THIRD SHARES TO PROVIDE FUNDING FOR EACH OF THE FOLLOWING:

- (a) PUBLIC SCHOOLS;
- (b) HIGHER EDUCATION; AND

- (c) ROADS, BRIDGES, AND TRANSIT.

(2) FOR ANY STATE FISCAL YEAR IN WHICH THERE IS MONEY SUBJECT TO THE ALLOCATION IN SUBSECTION (1) OF THIS SECTION:

(a) THE STATE TREASURER SHALL TRANSFER ONE-THIRD OF THIS MONEY IN THE GENERAL FUND EXEMPT ACCOUNT FROM THE PRIOR FISCAL YEAR TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201 TO BE ALLOCATED IN ACCORDANCE WITH SECTIONS 43-4-205 TO 43-4-208;

(b) THE GENERAL ASSEMBLY SHALL APPROPRIATE ONE-THIRD OF THIS MONEY IN THE GENERAL FUND EXEMPT ACCOUNT FOR HIGHER EDUCATION; AND

(c) THE GENERAL ASSEMBLY SHALL APPROPRIATE ONE-THIRD OF THIS MONEY IN THE GENERAL FUND EXEMPT ACCOUNT FOR PUBLIC SCHOOLS TO BE DISTRIBUTED ON A PER PUPIL BASIS AND USED ONLY FOR NONRECURRING EXPENSES FOR THE PURPOSE OF IMPROVING CLASSROOMS, INCLUDING, BUT NOT LIMITED TO, INITIATIVES THAT HELP ATTRACT AND RETAIN EDUCATORS, INITIATIVES TO IMPROVE TEACHER TRAINING, AND BOOKS AND TECHNOLOGY FOR STUDENT LEARNING. A DISTRICT SHALL NOT USE MONEY APPROPRIATED UNDER THIS SECTION AS PART OF A DISTRICT RESERVE.

(3) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY AS REQUIRED BY SUBSECTION (2) OF THIS SECTION FOR THE STATE FISCAL YEAR FOLLOWING THE STATE FISCAL YEAR FOR WHICH THE STATE RETAINS AND SPENDS REVENUE IN ACCORDANCE WITH SECTION 24-77-103.6 (1)(c), AND THE STATE TREASURER SHALL TRANSFER MONEY AS REQUIRED BY SUBSECTION (2)(a) OF THIS SECTION WITHIN THREE BUSINESS DAYS AFTER RECEIVING THE CERTIFICATION FROM THE STATE AUDITOR IN ACCORDANCE WITH SECTION 24-77-106.5 (2) FOR THAT STATE FISCAL YEAR.

(4) AS USED IN THIS SECTION, "GENERAL FUND EXEMPT ACCOUNT" MEANS THE GENERAL FUND EXEMPT ACCOUNT CREATED IN SECTION

24-77-103.6 (2).

SECTION 2. In Colorado Revised Statutes, 24-77-104.5, amend (1) introductory portion and (1)(b) introductory portion as follows:

24-77-104.5. General fund exempt account - referendum C money - specification of uses for health care and education - definitions. (1) The moneys MONEY in the general fund exempt account ~~created in section 24-77-103.6 (2)~~ AS A RESULT OF SECTION 24-77-103.6 (1)(b) shall be appropriated or transferred in the following manner:

(b) If there ~~are~~ IS any moneys MONEY in the account AS A RESULT OF SECTION 24-77-103.6 (1)(b) after the appropriations or transfers required by ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION are made, then all moneys MONEY remaining in the account AS A RESULT OF SECTION 24-77-103.6 (1)(b) shall be split equally for the following three purposes:

SECTION 3. In Colorado Revised Statutes, 24-77-106.5, amend (1)(b) and (2); and add (4) as follows:

24-77-106.5. Annual financial report - certification of excess state revenues. (1) (b) Notwithstanding section 24-1-136 (11)(a)(I), based upon the financial report prepared in accordance with subsection (1)(a) of this section for any given fiscal year, the controller shall certify to the governor, the general assembly, THE STATE TREASURER, and the executive director of the department of revenue no later than September 1 following the end of a fiscal year the amount of state revenues in excess of the limitation on state fiscal year spending imposed by section 20 (7)(a) of article X of the state constitution, if any, for such fiscal year and the state revenues in excess of such limitation that the state is authorized to retain and spend pursuant to voter approval of section 24-77-103.6.

(2) Any financial report prepared and certification of state excess revenues made pursuant to subsection (1) of this section shall be audited by the state auditor. No later than September 15 following the certification made by the state controller for any given fiscal year, the state auditor shall report and transmit to the governor, the joint budget committee, the finance committees of the house of representatives and the senate, THE STATE TREASURER, and the executive director of the department of revenue the

results of any audit conducted in accordance with this subsection (2).

(4) THE STATE REVENUES IN EXCESS OF THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20 (7)(a) OF ARTICLE X OF THE STATE CONSTITUTION THAT THE STATE IS AUTHORIZED TO RETAIN AND SPEND PURSUANT TO VOTER APPROVAL OF SECTION 24-77-103.6 INCLUDE THE AMOUNTS THAT THE VOTERS APPROVED AT THE NOVEMBER 2005 STATEWIDE ELECTION AND THE NOVEMBER 2019 STATEWIDE ELECTION, WHICH AMOUNTS MUST BE REPORTED SEPARATELY.

SECTION 4. In Colorado Revised Statutes, 43-4-205, **add** (6.2) as follows:

43-4-205. Allocation of fund. (6.2) MONEY TRANSFERRED TO THE HIGHWAY USERS TAX FUND IN ACCORDANCE WITH SECTION 24-77-104.5 (2)(a) IS ALLOCATED AND MUST BE EXPENDED IN ACCORDANCE WITH THE FORMULA SPECIFIED IN SUBSECTION (6)(b) OF THIS SECTION.

SECTION 5. In Colorado Revised Statutes, 43-4-206, **add** (2)(e) as follows:

43-4-206. State allocation. (2) (e) THE DEPARTMENT OF TRANSPORTATION SHALL EXPEND REVENUE CREDITED TO THE STATE HIGHWAY FUND PURSUANT TO SECTION 43-4-205 (6.2) FOR THE IMPLEMENTATION OF THE STRATEGIC TRANSPORTATION PROJECT INVESTMENT PROGRAM BASED ON THE FOLLOWING ALLOCATION:

(I) NO MORE THAN EIGHTY-FIVE PERCENT OF THE REVENUES FOR HIGHWAY PURPOSES OR HIGHWAY-RELATED CAPITAL IMPROVEMENTS, INCLUDING, BUT NOT LIMITED TO, HIGH OCCUPANCY VEHICLE LANES, PARK-AND-RIDE FACILITIES, AND TRANSPORTATION MANAGEMENT SYSTEMS; AND

(II) AT LEAST FIFTEEN PERCENT OF THE REVENUES FOR TRANSIT PURPOSES OR FOR TRANSIT-RELATED CAPITAL IMPROVEMENTS.

SECTION 6. Effective date. This act takes effect only if House Bill 19-1257 is approved by the voters at the 2019 statewide election and becomes law.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

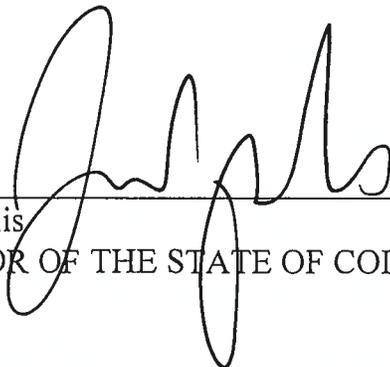


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED June 3, 2019 at 3:20 p.m.
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

CC

Proposition CC: Retain State Government Revenue

1 **Proposition CC proposes amending the Colorado statutes to:**

- 2 • allow the state government to keep all of the money it collects from
3 existing sources every year beginning in the 2019-20 state budget year;
4 and
5 • require that any money the state government keeps over its existing
6 revenue limit be spent for public schools, higher education, and
7 transportation projects, rather than refunded to taxpayers.

8 **What your vote means:**

YES/FOR

A "yes" vote on Proposition CC changes state law and means the state can keep all of the money it collects over its revenue limit to spend on education and transportation.

NO/AGAINST

A "no" vote on Proposition CC means that any money the state collects over its revenue limit must be refunded to taxpayers, as required under current law.

Legislative Council Draft

1 **Summary and Analysis for Proposition CC**

2 **What is the state revenue limit?**

3 The Colorado Constitution includes a section, titled “The Taxpayer’s Bill of Rights”
4 and commonly known as TABOR, that limits the amount of money that the state
5 government can collect and spend or save each year. The limit is adjusted each
6 year to account for inflation, state population growth, and voter-approved changes to
7 the limit. In the 2019-20 state budget year, the limit is about \$15 billion.

8 Currently, about one-third of the money that the state government collects is subject
9 to the limit, including most taxes and some fees. The remaining two-thirds of
10 revenue not subject to the limit includes money from voter-approved tax increases,
11 government-owned businesses, and the federal government.

12 **What happens to money collected above the limit?**

13 Money collected above the state revenue limit must be refunded to taxpayers. This
14 is sometimes called a TABOR refund.

15 State law sets how the money is refunded. Currently, a portion of this money is
16 refunded through property tax benefits that local governments provide. In years
17 when refunds are not made, these benefits remain available and are funded from
18 other sources. The remaining money is refunded via state income tax returns.

19 **What happens if Proposition CC passes?**

20 Proposition CC permanently allows the state government to keep all the money it
21 collects above the state revenue limit and spend it on public schools; higher
22 education; and roads, bridges, and transit. If Proposition CC passes, state law
23 requires that the additional money be divided equally among these three areas.
24 The State Auditor is required to publish a financial audit of money kept and spent as
25 a result of Proposition CC each year.

26 **What happens if Proposition CC fails?**

27 Money collected above the state revenue limit will continue to be refunded to
28 taxpayers as required under current law.

29 **Will Proposition CC affect refunds for overpayment of income taxes?**

30 No. Taxpayers who pay more income tax than they owe receive an income tax
31 refund after they file their annual tax returns. These refunds are issued at the same
32 time as TABOR refunds, and their amounts may be combined on checks sent by the
33 Department of Revenue. While Proposition CC eliminates future state TABOR
34 refunds, it does not affect refunds for overpayment of income taxes.

Legislative Council Draft

1 How much money is affected by Proposition CC?

2 Proposition CC affects all money the state government collects above its current
3 revenue limit beginning in the 2019-20 state budget year. Since the limit was
4 created in 1992, the state has collected revenue above the limit in 9 of 26 budget
5 years. Assuming no other changes to law, legislative economists estimated in June
6 that the state government would collect \$310 million above the limit in the 2019-20
7 budget year and \$342 million above the limit in the 2020-21 budget year,
8 representing about 2 percent of state government revenue subject to the limit for
9 these years. The amounts affected could be greater or less than estimated
10 depending on actual collections.

11 If these amounts are refunded to taxpayers, refunds are estimated to be between
12 \$26 and \$90 per taxpayer per year, depending on the taxpayer's income, and double
13 these amounts for joint filers. If Proposition CC passes, state law will direct the
14 money to public schools; higher education; and roads, bridges, and transit in the year
15 after it is collected. Each of these programs is expected to receive \$103 million in
16 the 2020-21 budget year and \$114 million in the 2021-22 budget year.

17 Estimates of money collected above the limit are not available beyond the 2020-21
18 budget year. Over the long term, Proposition CC will increase government spending
19 and eliminate TABOR refunds. The amounts affected in future years will depend on
20 economic conditions and policy decisions.

21

*For information on those issue committees that support or oppose the
measures on the ballot at the November 5, 2019, election, go to the
Colorado Secretary of State's elections center web site hyperlink for
ballot and initiative information:*

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

Legislative Council Draft

1 Arguments For Proposition CC

2 1) Proposition CC provides more money for critical investments in Colorado's future
3 without raising tax rates. By allowing the state to keep the money it already
4 collects, the measure provides needed funding for K-12 education, higher
5 education, and transportation. While Colorado currently ranks in the top third of
6 states in household income, it ranks in the bottom third in per-pupil public
7 spending on both K-12 and higher education. Further, the state's roads are
8 deteriorating while the cost of improvements continues to increase. Addressing
9 these challenges requires statewide investment, and Proposition CC provides
10 revenue for these investments immediately and into the future.

11 2) Proposition CC allows elected officials to make better policy decisions while
12 preserving the citizens' right to vote on any new state taxes and tax rate
13 increases. Because these tax increases will still require voter approval if the
14 measure passes, state government spending will remain limited. Proposition CC
15 simply allows the state government to keep the money it already collects. Similar
16 measures have been approved by voters in most Colorado counties, cities, and
17 school districts.

18 Arguments Against Proposition CC

19 1) Proposition CC results in higher taxes by permanently eliminating all state
20 TABOR refunds required by the Colorado Constitution. Taxpayers are being
21 asked to sacrifice their refunds to pay for programs that should already be funded
22 within the state budget. Even with the limit, the state government has already
23 shifted money between funds and raised fees and tolls to increase its revenue
24 faster than inflation and state population growth. Proposition CC will cause
25 government to expand at an even faster pace.

26 2) Proposition CC continues to erode taxpayer protections in the Colorado
27 Constitution. Instead of asking voters for permission to keep specific amounts of
28 money collected above the revenue limit each year, the state government is
29 asking voters to give up refunds of unknown amounts forever. The measure
30 broadly directs where the new money will be spent, but the specifics can be
31 changed in the future without voter approval. Further, while spending this new
32 money for education and transportation, the legislature could redirect existing
33 funds to any other purpose.

Legislative Council Draft

1 Estimate of Fiscal Impact of Proposition CC

2 **State government revenue and spending.** Proposition CC will increase the
3 amount of revenue that the state may keep and spend. The measure is expected to
4 increase state spending by \$310 million in the 2020-21 budget year and \$342 million
5 in the 2021-22 budget year. All money kept under the measure must be spent for
6 public schools; higher education; and roads, bridges, and transit. If Proposition CC
7 passes, state law requires that these three areas receive equal shares of the money
8 retained. Expected spending for the first two budget years is shown in Table 1.

9 **Table 1**
10 **Spending of Money Retained Under Proposition CC**

	2020-21 Budget Year*	2021-22 Budget Year*
Public Schools	\$103 million	\$114 million
Public Higher Education	\$103 million	\$114 million
State and Local Highway and Transit Projects	\$103 million	\$114 million
Total**	\$310 million	\$342 million

11 *The state budget year begins on July 1 and ends on June 30.

12 **Totals may not sum due to rounding.

13 After the 2021-22 budget year, the amount of spending affected by Proposition CC
14 will depend on the state's economic performance.

15 **Taxpayer impacts.** Proposition CC will eliminate all TABOR refunds to taxpayers
16 beginning with refunds that would otherwise be issued on 2020 tax returns. Refunds
17 are estimated at between \$26 and \$79 for single filers in tax year 2020 and between
18 \$30 and \$90 for single filers in tax year 2021, depending on the taxpayer's income.
19 Joint filers would receive twice these amounts.

CC

Proposition CC: Retain State Government Revenue

1 **Proposition CC proposes amending the Colorado statutes to:**

- 2 • allow the state government to keep all of the money it collects every year
3 beginning in the 2019-20 state budget year; and
- 4 • require that any money the state government keeps over its existing
5 revenue limit be spent for public schools, higher education, and
6 transportation projects, rather than returned to taxpayers.

7 **What your vote means:**

YES/FOR

A "yes" vote on Proposition CC changes state law and means the state can keep all of the money it collects over its revenue limit to spend on education and transportation.

NO/AGAINST

A "no" vote on Proposition CC means that any money the state collects over its revenue limit must be returned to taxpayers, as required under current law.

Last Draft as Mailed to Interested Parties

1 **Summary and Analysis for Proposition CC**

2 **What is the state revenue limit?**

3 The Colorado Constitution includes a section, titled “The Taxpayer’s Bill of Rights”
4 and commonly known as TABOR, that limits the amount of money that the state
5 government can collect and spend or save each year. The limit is adjusted each
6 year to account for inflation, state population growth, and voter-approved changes to
7 the limit. In the 2019-20 state budget year, the limit is about \$15 billion.

8 Currently, about one-third of the money that the state government collects is subject
9 to the limit, including most taxes and some fees. The remaining two-thirds of
10 revenue not subject to the limit includes money from voter-approved tax increases,
11 government-owned businesses, and the federal government.

12 **What happens to money collected above the limit?**

13 Money collected above the state revenue limit must be returned to taxpayers. This is
14 sometimes called a TABOR refund.

15 State law sets how the money is refunded. Currently, a portion of this money is
16 refunded through property tax benefits that local governments provide. In years
17 when refunds are not made, these benefits are funded from other sources. The
18 remaining money is refunded via state income tax returns.

19 **What happens if Proposition CC passes?**

20 Proposition CC permanently allows the state government to keep all the money it
21 collects above the state revenue limit and spend it on public schools; higher
22 education; and roads, bridges, and transit. State law requires that the additional
23 money be divided equally among these three areas.

24 The State Auditor is required to publish a financial audit of money kept and spent as
25 a result of Proposition CC each year.

26 **What happens if Proposition CC fails?**

27 Money collected above the state revenue limit will continue to be refunded to
28 taxpayers as required under current law.

29 **Will Proposition CC affect refunds for overpayment of income taxes?**

30 No. Taxpayers who pay more income tax than they owe receive an income tax
31 refund after they file their annual tax returns. These refunds are issued at the same
32 time as TABOR refunds, and their amounts may be combined on checks sent by the
33 Department of Revenue. While Proposition CC eliminates future state TABOR
34 refunds, it does not affect refunds for overpayment of income taxes.

Last Draft as Mailed to Interested Parties

1 **How much money is affected by Proposition CC?**

2 Proposition CC affects all money the state government collects above its current
3 revenue limit beginning in the 2019-20 state budget year. Since the limit was
4 created in 1992, the state has collected revenue above the limit in 9 of 26 budget
5 years. Assuming no other changes to law, legislative economists estimated in June
6 that the state government would collect \$310 million above the limit in the 2019-20
7 budget year and \$342 million above the limit in the 2020-21 budget year,
8 representing about 2 percent of state government revenue subject to the limit for
9 these years. If these amounts are returned to taxpayers, refunds are estimated to be
10 between \$26 and \$90 per taxpayer per year, depending on the taxpayer's income,
11 and double these amounts for joint filers. The amounts affected could be greater or
12 less than estimated depending on actual collections.

13 Estimates are not available beyond the 2020-21 budget year. Over the long term,
14 Proposition CC will increase government spending and eliminate TABOR refunds.
15 The amounts affected in future years will depend on economic conditions and policy
16 decisions.

17

*For information on those issue committees that support or oppose the
measures on the ballot at the November 5, 2019, election, go to the
Colorado Secretary of State's elections center web site hyperlink for
ballot and initiative information:*

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

Last Draft as Mailed to Interested Parties

1 **Arguments For Proposition CC**

- 2 1) Proposition CC provides more money for critical investments in Colorado's future
3 without raising tax rates. By allowing the state to keep the money it already
4 collects, the measure provides needed funding for K-12 education, higher
5 education, and transportation. While Colorado currently ranks in the top third of
6 states in household income, it ranks in the bottom third in per-pupil public
7 spending on both K-12 and higher education. Further, the state's roads are
8 deteriorating while the cost of improvements continues to increase. Addressing
9 these challenges requires statewide investment, and Proposition CC provides
10 revenue for these investments immediately and into the future.
- 11 2) Proposition CC allows elected officials to make better policy decisions while
12 preserving the citizens' right to vote on any new state taxes and tax rate
13 increases. Because these tax increases will still require voter approval under the
14 measure, state government spending will remain limited. Proposition CC simply
15 allows the state government to keep the money it already collects. Similar
16 measures have been approved by voters in most Colorado counties, cities, and
17 school districts.

18 **Arguments Against Proposition CC**

- 19 1) Proposition CC results in higher taxes by permanently eliminating all state
20 TABOR refunds required by the Colorado Constitution. Taxpayers are being
21 asked to sacrifice their refunds to pay for programs that should already be funded
22 within the state budget. Even with the limit, the state government has already
23 shifted money between funds and raised fees and tolls to increase its revenue
24 faster than inflation and state population growth. Proposition CC will cause
25 government to expand at an even faster pace.
- 26 2) Proposition CC continues to erode taxpayer protections in the Colorado
27 Constitution. Instead of asking voters for permission to keep specific amounts of
28 money collected above the revenue limit each year, the state government is
29 asking voters to give up refunds of unknown amounts forever. The measure
30 broadly directs where the new money will be spent, but the specifics can be
31 changed in the future without voter approval. Further, while spending this new
32 money for education and transportation, the legislature could redirect existing
33 funds to any other purpose.

Last Draft as Mailed to Interested Parties

1 Estimate of Fiscal Impact of Proposition CC

2 **State government revenue and spending.** Proposition CC will increase the
3 amount of revenue that the state may keep and spend. The measure is expected to
4 increase state spending by \$310 million in the 2020-21 budget year and \$342 million
5 in the 2021-22 budget year. All money kept under the measure must be spent for
6 public schools; higher education; and roads, bridges, and transit. If Proposition CC
7 is approved, state law requires that these three areas receive equal shares of the
8 money retained. Expected spending for the first two budget years is shown in
9 Table 1.

10 **Table 1**
11 **Spending of Money Retained Under Proposition CC**

	2020-21	2021-22
	Budget Year*	Budget Year*
Public Schools	\$103 million	\$114 million
Public Higher Education	\$103 million	\$114 million
State and Local Highway and Transit Projects	\$103 million	\$114 million
Total**	\$310 million	\$342 million

12 *The state budget year begins on July 1 and ends on June 30.

13 **Totals may not sum due to rounding.

14 After the 2021-22 budget year, the amount of spending affected by Proposition CC
15 will depend on the state's economic performance.

16 **Taxpayer impacts.** Proposition CC will eliminate all TABOR refunds to taxpayers
17 beginning with refunds that would otherwise be issued on 2020 tax returns. Refunds
18 are estimated at between \$26 and \$79 for single filers in tax year 2020 and between
19 \$30 and \$90 for single filers in tax year 2021, depending on the taxpayer's income.
20 Joint filers would receive twice these amounts.

Last Draft Comments from Interested Parties

Proposition CC Retain State Government Revenue

Dick Brown, representing himself:

I have no comments on this draft. It is well done.

Douglas Bruce, representing himself:

Talking to state staff is like talking to a stone. You don't seem to have fixed anything. What is the point of this exercise? Going through the motions? Pretending to be fair? Wasting the time of citizens so they give up their fight for the truth?

Please re-read the flier with FOURTEEN POINTS at VoteNoCC.com.

Your ending summary says refund money "MUST" be spent on the three programs. Not only is that a lie, it contradicts the truthful statement by opponents made just above it.

The legislature need not continue to give TAXPAYER refunds to local governments (illegally), in order to minimize the benefit to taxpayers under the TAXPAYER'S BILL OF RIGHTS.

Please print out verbatim for LC members my comments to all three of your three robotic drafts.

I will see you on September 5th. Remember to hang your heads in shame. Your self-interest is showing.

Mr. Bruce requested that staff provide the comments he submitted on the first and second drafts of the Proposition CC Blue Book analysis (Attachments A and B).

Penn Pfiffner, representing the TABOR Committee:

I still believe that the arguments drafted here skew in favor of the measure. One glaring omission is that there is no context.

Have revenues to the State for all funds been flat or going down for the past five years? Is it the case that there is less money to fund these items? No, of course not. But, the proposed Blue Book language is silent about the growth in the TOTAL state budget and silent about how much new tax and fee revenues have grown over the past five years for the funds that would be affected by CC.

Last Draft Comments from Interested Parties

Susan Thornton, representing herself:

Thank you for letting me review this draft.

I would hope that in the “pro” section you might address the charge that the legislature could specify different uses for the TABOR overage (*Further, while spending this new money for education and transportation, the legislature could redirect existing funds to any other purpose.*)

You could point out that legislators are reluctant/unlikely to use the TABOR funds in any way other than specified in the proposition and approved by voters.



Re: Proposition CC - Retain State Government Revenue - First Draft

Douglas Bruce to: Colorado Legislative Council Staff, Natalie Mullis

06/26/2019 10:27 AM

TO THE BLUE BOOK COMMITTEE:

This is a VERY poor, lazy, embarrassing effort, even for a first draft of this rigged Blue Book process to summarize CC.

1. You should not avoid using the proper, legal, official term for Article X section 20, which is the Taxpayer's Bill of Rights. To mention only a nickname or an insider slogan like the acronym TABOR that many voters won't know, is deceptive. People need to know they are being asked as taxpayers to give up permanently one of their bill of rights.

2. To minimize the impact of CC by having only two arguments for and against downplays its profound impact. For FOURTEEN arguments against, see the flier at VoteNoCC.com to copy at least half the arguments.

I expect you will tone down the language to avoid inflammatory words like "lie." Read also the Welcome letter arguments.

3. There are economic and political arguments. A historical reference to Ref. C is essential, since "C" broke its promise of a "five-year time out" and also did not keep its promise of dedicated spending. Even LC staff

admits there is no proof of where the diverted money went. It was the same broken promise now being recycled for CC.

4. Your fiscal analysis should detail the explosion in total state spending I copied on the website. It should reprint the chart, even though TSS is not the same as FYS. The data comes from the state controller and Greg Sobetski.

5. Page 1 line 11 is untrue. TABOR does not limit savings; the state can save billions yearly. It chooses not to, because it prefers spending.

6. You ignore the scam by your employers of attempting to change a constitutional provision (permanently) by a statute. That argument MUST be raised. "Non-partisan" or not, you have a conflict of interest here.

7. Your second draft must address that a \$1.3 BILLION refund over the next three years would be kept by the state if CC passes. Don't bury it in the fiscal note. It must be part of the summary and the arguments against.

8. You must address that the promised areas of spending can be switched as soon as next January (and was with Ref. C). The spending is not guaranteed to be ADDITIONAL spending, and can be substitutional to replace "cuts," The

extra money can all go for PERA or pay raises. The auditor will simply report where it was spent. As a legislative employee under section 49 of article V, he cannot enforce the political appropriations promise, which can change.

Wasn't that promised audit also a part of Ref. C, even though LC staff reports they cannot identify where the \$18+ BILLION was spent?

9. Lines 41-43 are a DISGRACE. The GA cannot make "policy changes" to TABOR to reduce refunds. The formula is in the constitution, which the GA cannot rewrite, as much as it wishes it could.

10. Lines 44-46 describe illegal actions to refund excess taxes to governments. That is NOT ALLOWED by the TAXPAYER'S Bill of Rights. You can't REFUND money except to those who paid it (taxpayers). See "refund" in the dictionary.

Refunds are NOT "set in law." See TABOR (1), which allows "any reasonable methods for refunds." Giving local governments money to backfill unfunded state mandates is not a refund. If CC passes, I will sue, not only to end that

practice I just learned about this year, but to void the Blue Book and passage of CC for downplaying taxpayer refunds, which illegally slants the argument. ("You might as well vote YES since government will keep the money anyway.")

That seizure of TABOR refunds was not disclosed in the two homestead ballot issues for Article X section 3.5. The state promised to absorb that cost. Homestead credits are not dependent on excess state spending.

11. There are sales tax-based refunds the GA has allowed. It is improper to write ONLY those with a positive net income tax paying liability will get a refund (after your illegal diversion of TABOR refunds goes to local governments).

12. I again request the arguments against include the link to the official website recorded in opposition on the S of S website--VoteNoCC.com. Sending voters to hunt for it at the S of S website is a hostile act. Do voters who lack

computers have to impose on friends, or drive to a remote public library, to get the link, in addition to reading the contents of the website on borrowed equipment? The Blue Book is not supposed to add extra steps for information; it is supposed to be a source for information and to simplify the process of obtaining voter information. They may want to give the website to a friend and ask him to print out the information for them.

13. Lines 4-11 on page 2 should not lowball the figures. That's why you should not include diverted homestead figures. You should not participate in the process of cheating taxpayers out of their refunds, which process you inadequately describe. Is the amount double for joint filers? Your oath of office, if you took one, is to the state constitution, not to sneaky swindles by your employers.

14. WHEN IS THE LEG COUNCIL MEETING TO REVIEW YOUR DRAFT? I WILL MAKE A BIG SCENE OUT OF THIS SWINDLE. STATE THE HOMESTEAD DIVERSION OF TAXPAYER REFUNDS--OVER \$50 MILLION? OVER \$100 MILLION? IN WHAT YEARS DID IT ACTUALLY DIVERT STATE SPENDING REFUNDS? HOW MUCH IN EACH SUCH YEAR?

15 Page 2, line 15 says refunds depend on "policy decisions." NO! The policy decision on refunds was made in 1992 by passage of TABOR; you and your 100 bosses can't change the constitution.

16. Page 2, line 18 is a lie. Taking our tax refunds is raising taxes. Your 100 bosses saying it isn't doesn't license your saying so. An

official document cannot publish an obvious lie. Increasing the amount of net taxes we pay is a tax increase. You already quantified the tax increase range at the top of the same page 2.

17. A needed argument against is that NONE of the money is spent "for the children." All "education" money (two-thirds of the total kept) will be spent on salaries of school employees, and possibly their pension deficits (part of the \$30 BILLION PLUS PERA HOLE).

18. Page 2 line 27 is also fraudulent. If there is no limit on money retained, a voter-approved tax increase of any specified amount has no requirement of honesty. If the tax raises twice the amount promised, the state gets to keep it. Dishonest tax increases will have no limit.

19. Page 2 line 29 is also false. Nothing in TABOR prevents increased "saving for future needs." That is a common lie. In fact, TABOR requires minimum emergency reserves. Saying voter approval "complicates and burdens state budgeting" is untrue. An annual election is not complicated.

20. Page 3 line 11 has a weak word, that "Slower growth in state government is ACCEPTABLE." Instead, say "Voters approved the spending limit to restrain runaway state government spending, as shown in Chart 1."

21. Page 1, line 17 should clarify "government-owned businesses and the billions in fees they collect from citizens."

22. Page 1, line 27 should add that "roads and bridges" already have an earmarked "fee" that was raised on car registration without voter approval.

23. Page 2, line 7 lists the June forecast; I assume you will instead print any later one before November. I don't understand "Assuming no other changes to law..."; the GA is not in session, so what could that be? You should add a

sentence noting those refunds are under 1% per year of total state spending.

24. Page 2 lines 13-14 are incorrect; CC does not eliminate refunds only when the economy is strong." It ends them FOREVER, regardless of the economy. What you have written implies refunds will exist when the economy is weak.

Lines 14-15 are untrue and should be DELETED; there will be no state refunds forever, regardless of economic conditions or policy decision.

25. Page 2 line 26--you can't call UNLIMITED STATE SPENDING FOREVER a "responsible compromise." It is the extreme position; what could be more extreme? "All for ME, none for YOU, and that's FOREVER."

I don't understand why the bottom of page 1 is split into two columns.

(719) 550-0010

On 6/25/19 2:13 PM, Colorado Legislative Council Staff wrote:

>
> <http://leg.colorado.gov/BallotAnalysis>
>
>
> ** Proposition CC - Retain State Government Revenue - First Draft
> -----
>
> Each year the Legislative Council Staff prepares a voter information booklet that includes an analysis of measures that will appear on the statewide ballot. We distribute drafts of each analysis to people who are interested in commenting on the draft. The attached document is the first draft of the Legislative Council Staff analysis of Proposition CC - Retain Statement Government Revenue. The second attachment describes the process for writing each analysis.
>
> You can simply press the reply button to send your comments via e-mail. Comments are due by 7/02/2019. If you are having problems accessing the documents, please click here (<http://leg.colorado.gov/BallotAnalysis>) . The website contains the ballot analysis, the language of the measure, deadlines, and staff contacts.
>
> Thank you for your assistance.
> Draft of the Analysis (https://gallery.mailchimp.com/cdfela91fbddfb4e377564335/files/107858f6-3a61-4461-a7de-0334827b421a/2019_2020_HB_19_1257v1.pdf)
> Analysis Process (https://gallery.mailchimp.com/cdfela91fbddfb4e377564335/files/ad2c798e-7f41-4b1f-9695-daa18a36472e/Proposition_CC1stLtr.pdf)
>
> =====
> ** (<mailto:lcs.ga@state.co.us>)
> ** (<https://twitter.com/ColoradoLCS>)
> ** (<http://leg.colorado.gov/BallotAnalysis>)
> You are receiving this email because you opted in via our website.
>
> Our mailing address is:
> Colorado Legislative Council Staff
> Colorado General Assembly
> 200 E Colfax Ave Ste 029
> Denver, CO 80203-1716
> USA
> Want to change how you receive these emails?
> You can ** update your preferences (<https://state.us20.list-manage.com/profile?u=cdfela91fbddfb4e377564335&id=4029551e05&e=c6ba73606f>)

```
> or ** unsubscribe from this list (  
https://state.us20.list-manage.com/unsubscribe?u=cdfel1a91fbddfb4e377564335&id=  
4029551e05&e=c6ba73606f&c=ec40002d40)  
> .
```



Re: Proposition CC - Retain State Government Revenue - Second Draft

Douglas Bruce to: Colorado Legislative Council Staff, Natalie Mullis

07/25/2019 07:54 AM

This charade is getting ridiculous. You use the insider acronym of TABOR, rather than the official title

in the constitution, The Taxpayer's Bill of Rights. It's obvious that staff does not want the voters to know

that is the ultimate effect of this illegal statute.

Page 1, line 4 falsely says TABOR limits how much the state can save; that is FALSE. The state can save

billions yearly. It also REQUIRES an emergency reserve in section 5. Line 7 says FYS is \$15 billion Per your

state controller and senior economist, that \$26 BILLION difference can all be saved (though it is currently illegal any way).

Line 16 needs to add that the general assembly can change spending priorities at any time.

Line 25 needs to add that refund methods can be changed any time. Refunds under the Taxpayer's

Bill of Rights are for taxpayers, not for county governments. Those refunds are a matter of constitutional law that

cannot be permanently rewritten by statute.

The chart at VoteNoCC.com should be printed to show the rapid growth of total state spending. The state does

not need the last dollars reflected yearly since 1994. The chart is based on state controller and senior economist

Greg Sobetski emails to me. It is beyond dispute.

The opening words of CC ("Without raising taxes..." are not true. Why give more money to people who you know

are not telling you the truth? When tax refunds are kept by the state, that is a net tax increase. Page 2,

starting at line 32 admits \$300 MILLION next year in refunds would be kept by CC.

Argument 1) For CC is not true. When government takes your money, it is NOT an "investment," because you never

get your money back much less a return on that money. It is just a tax

increase. The money they want is not "for the children." School children will get \$0 of these hundreds of millions. A majority of government school employees are not teachers. The money can go for the \$30 BILLION pension deficit; that does not educate one child. Other money recently went for \$70 million in new Department of Transportation office space, which does not fill one pothole.

Argument 2) For CC is not true. CC does not "preserve the right to vote on state tax increases" because we will never

again vote on our constitutionally-guaranteed tax refunds. They will be gone forever. Local approval does not make

it lawful. The state constitution is not by local option. A state law cannot override the state constitution, any more than

politicians can repeal freedom of speech, religion, or jury trial.

Argument Against should add "Look at the chart of total state spending since TABOR passed. The state does not need

to increase spending at that rate (354% in 25 years). Can't we preserve this modest limit on one-third of total state spending?"

Another argument: "Even if you wish to put the financial desires of government ahead of your own family, you should not take

away tax relief from other citizens; they may need their money more than you need yours."

Another argument: "The state can and should change its refund methods. If there are three million adult citizens, the first-year

refund can be a flat \$100 per adult citizen (\$200 for a married couple). It is irrational to give that up so government can waste it."

Fiscal Impact--should not be contradictory. Lines 5-8 say "must be spent" on schools and roads, as does the second bullet on

page 1 and line 7 on page 1 and page 2, lines 13-16. YOU KNOW money can be spent anywhere any time. KC Becker has

already admitted that publicly. YOU ALSO KNOW that Ref. C money was not spent on its pledged purposes; a LC report has

already admitted that, too.

You should list websites in the Blue Book, not force voters to hunt for them with the S of S. What about voters who don't

have computers? Don't their votes count? Shouldn't they be able to

"borrow" a computer to find websites directly, in ONE STEP?

Look how much shorter VoteNoCC.com is than the huge S of S web address!
The Blue Book is supposed to be user friendly.

P.S. On page 5, the word "sum" is misused as a verb. It is a noun. Try
"May not add exactly due to rounding."

On 7/24/19 2:39 PM, Colorado Legislative Council Staff wrote:

>
> <http://leg.colorado.gov/BallotAnalysis>
>
>
> ** Proposition CC - Retain State Government Revenue - Second Draft
> -----
>
> Each year the Legislative Council Staff prepares a voter information booklet that includes an analysis of measures that will appear on the statewide ballot. We distribute drafts of each analysis to people who are interested in commenting on the draft. The attached document is the second draft of the Legislative Council Staff analysis of Proposition CC - Retain Statement Government Revenue. The second attachment describes the process for writing each analysis.
>
> You can simply press the reply button to send your comments via e-mail. Comments are due by 7/31/2019. If you are having problems accessing the documents, please click here (<http://leg.colorado.gov/BallotAnalysis>) . The website contains the ballot analysis, the language of the measure, deadlines, and staff contacts.
>
> Thank you for your assistance.
> Draft of the Analysis (

**Proposition CC
Retain State Government Revenue
Contact List**

Interested Party	Email Address	Organization
Josh Abram	josh.abram@state.co.us	
Pam Anderson	CCCAExecutiveDirector@gmail.com	
Eric Banner	ericbanner@jeffersonunitarian.org	
Martha Beavers	martha.beavers@state.co.us	
Bill Becker	bill@ic.org	
KC Becker	repkcbecker@gmail.com	
Rep. KC Becker	kc.becker.house@state.co.us	
Gayle Berry	gayle@gberrycorp.com	
Betsy Bevis	betsy@greateducation.org	
Angie Binder	angie@coloradopetroleumassociation.org	
Shannon Bird	repbird35@gmail.com	
Kevin Bommer	kbommer@cml.org	
David Broadwell	dbroadwell@cml.org	
Greg Brophy	senatorbrophy@gmail.com	
Chris Brown	chris@csprco.org	
Reeves Brown	reeves@betterco.org	
Richard Brown	dickscuba@gmail.com	
Douglas Bruce	Taxcutter@msn.com	
Bernie Buescher	berniebuescher@gmail.com	
Yadira Caraveo	repcaraveo@gmail.com	
Fred Clifford	cliffirw@comcast.net	
Nicholas Colglazier	nicholas.colglazier@coloradocompetes.org	
Leslie Colwell	leslie@coloradokids.org	
Senator Court	lois.court.senate@state.co.us	
Tonya Covarrubias	tonya.covarrubias@state.co.us	
Ed DeCecco	ed.dececco@state.co.us	
Stanton Dodge	sdodge@draftkings.com	
Sean Doherty	kairoshappens@gmail.com	
Adam Dorritie	adorritie@gmail.com	
Rob DuRay	rob.duray@javelina.co	
Bruce Eisenhauer	bruce.eisenhauer@state.co.us	
Cathy Eslinger	Cathy.eslinger@state.co.us	
Cathy Eslinger	catherinedeslinger@gmail.com	
jm fay	jmfay@totalspeed.net	
Senator Fenberg	stephen.fenberg.senate@state.co.us	
Michael Fields	mfields@coloradorisingaction.org	Colorado Rising Action
Andrew Fink	drewfink@gmail.com	
Corrine Fowler	corrinfowler@gmail.com	
Stephanie Fuentes	stephanie.fuentes@state.co.us	
Marie Garcia	m.garcia@state.co.us	
Senator Garcia	leroy.garcia.senate@state.co.us	
Representative Garnett	alec.garnett.house@state.co.us	
Chase Gaumont	Cgaumont1071@gmail.com	
Jason Gelender	jason.gelender@state.co.us	
Laura Giocomo Rizzo	laura.rizzo@denverchamber.org	
Karen Goldman	charna48@comcast.net	
Linda Gorman	linda@i2i.org	
Kate Greenberg	kate.greenberg@state.co.us	
Tim Griesmer	tim.griesmer@state.co.us	
Sarah Hamilton	shamilton@aftcolorado.org	
Lynea Hansen	lyneah@strategies360.com	
Daniel Hartman	daniel.hartman@state.co.us	
Carol Hedges	hedges@coloradofiscal.org	

**Proposition CC
Retain State Government Revenue
Contact List (Cont.)**

Interested Party	Email Address	Organization
Bill Hobbs	bhobbs@irelandstapleton.com	
Senator Holbert	chris.holbert.senate@state.co.us	
Curtis Hubbard	curtis@onsightpa.com	
Brad Hughes	bradleyhughes@comcast.net	
Nathan Hunt	nathan@interfaithallianceco.org	
Danee Hunzie	dhunzie@broomfield.org	
Eric Hurley	eric.hurley@state.co.us	
Bill Jaeger	Bill@coloradokids.org	
Manish Jani	manish.jani@state.co.us	
Emily Johnson	johnsone@coloradohealthinstitute.org	
Joel Judd	joeljudd@joeljudd.com	
Nina Kadjar	nina.kadjar.house@gmail.com	
Suzanne Keim	suzanne.keim@state.co.us	
Melanie Kesner	melanie@interfaithallianceco.org	
Zane Kessler	zkessler@crwcd.org	
Representative Kipp	cathy.kipp.house@state.co.us	
Pete Kirchhof	pete@kirchhofgroupinc.com	
Riley Kitts	riley@coloradokids.org	
Steve Kopp	knoxxkopp@gmail.com	
Andrea Kuwik	kuwik@bellpolicy.org	
Lisa Labriola	lisa.labriola@state.co.us	
Anne Lane	alane@broomfield.org	
Lauren Larson	lauren.larson@state.co.us	
Elizabeth Lemont	elizabeth.lemont@state.co.us	
Robert Loevy	bloevy@coloradocollege.edu	
Ryan Long	ryan.c.long@state.co.us	
Leonor Lucero	leonorlucero@me.com	
Philip Lyons	philip_Lyons@uhc.com	
Shayne Madsen	smadsen@colawyer.net	NoOnCC.net Issue Committee
Proposition CC Mailbox	PropositionCC2019.ga@state.co.us	
Joshua Mantell	mantell@bellpolicy.org	
Katie March	katie.march@state.co.us	
Mike Mauer	mrm80241@yahoo.com	
Rich Mauro	rmauro@drcog.org	
Representative McCluskie	julie.mccluskie.house@state.co.us	
Jia Meeks	jmeeks@bhfs.com	
N. Menten	nmlakewood@gmail.com	
John Messner	jmessner@gunnisoncounty.org	
Ali Mickelson	mickelson@coloradofiscal.org	
Erin Miller	Erin@coloradokids.org	
Mindy Miller	mindy.miller@state.co.us	
Meredith Moon	meredith.moon@state.co.us	
Susan Moore	suemoore303@gmail.com	
Natalie Mullis	natalie.mullis@state.co.us	
Natalie Mullis	natmullis@gmail.com	
Marty Neilson	marty5539@gmail.com	
Representative Neville	patrick.neville.house@state.co.us	
Samantha Nuechterlein	samantha@edreformnow.org	
Mary Pace	pacejandm@icloud.com	
Josh Pens	josh.pens@state.co.us	
Jim Pfaff	jim.pfaff@state.co.us	
Penn Pfiffner	constecon@hotmail.com	TABOR Committee
Chris Piper	chris.piper@denverwater.org	
Joan Poston	joan_poston@icloud.com	

**Proposition CC
Retain State Government Revenue
Contact List (Cont.)**

Interested Party	Email Address	Organization
Senator Priola	kevin.priola.senate@state.co.us	
Luke Ragland	Lragland@readycolo.org	
Tracie Rainey	raineytracie@gmail.com	
Ann Rajewski	executivedirector@coloradotransit.com	
Dianne Ray	dianne.ray@state.co.us	
Ethan Reed	ethanreed.co@gmail.com	
Brendon Reese	brendon.reese@state.co.us	
Jean Robinson	jean.robinson@state.co.us	
Greg Romberg	gregromberg@comcast.net	
Stephen Ruddick	ruddickfamily@hotmail.com	
Mark Ruzzin	mruzzin@bouldercounty.org	
Terry Scanlon	terry.scanlon@judicial.state.co.us	
Aly Schmidt	aly@headwatersstrategies.com	
Jason Schrock	Jason.Schrock@dhe.state.co.us	
Steven Schwartz	schwartz_s@fortlewis.edu	
Andrew Shulman	ashulman20@law.du.edu	
Dennis Simpson	dennissimpson@bresnan.net	
Representative Sirota	emily.sirota.house@state.co.us	
Greg Sobetski	g.sobetski@gmail.com	
Chris Stiffler	stiffler@coloradofiscal.org	
Lee Stroud	leestroud2@msn.com	
Brian Tanner	btanner@coloradoea.org	
Luke Teater	luke.teater@state.co.us	Office of State Planning & Budgeting
Susan Thornton	susan@thinkstrategicallyfirst.com	
Dan Thurlow	danthurlow55@gmail.com	
Martha Tierney	mtierney@tierneylawrence.com	
George Twigg	gtwigg@bouldercounty.org	
Uniform Consumer Credit Unit		
Office of Attorney General	Uccc@coag.gov	
Brian Vande Krol	flianbrian1@yahoo.com	
Kerry Walker	kerrynicolewalker@yahoo.com	
Kelly Watkins	kelly.watkins@state.co.us	
Representative Weissman	mike.weissman.house@state.co.us	
Paul Weissmann	pweissmann@bouldercounty.org	
Brandon Wilson	brandonwilson@elpasoco.com	
Tim Wohlgenant	timwohlgenant@gmail.com	
	jinny.lf@gmail.com	

Proposition CC
Retain State Government Revenue

1 **Ballot Title:** WITHOUT RAISING TAXES AND TO BETTER FUND PUBLIC SCHOOLS,
2 HIGHER EDUCATION, AND ROADS, BRIDGES, AND TRANSIT, WITHIN A BALANCED
3 BUDGET, MAY THE STATE KEEP AND SPEND ALL THE REVENUE IT ANNUALLY
4 COLLECTS AFTER JUNE 30, 2019, BUT IS NOT CURRENTLY ALLOWED TO KEEP AND
5 SPEND UNDER COLORADO LAW, WITH AN ANNUAL INDEPENDENT AUDIT TO SHOW
6 HOW THE RETAINED REVENUES ARE SPENT?

7 *Be it enacted by the General Assembly of the State of Colorado:*

8 **SECTION 1.** In Colorado Revised Statutes, 24-77-103.6, **amend** (2) introductory portion and
9 (4); and **add** (1)(c), (2.5), and (5.5) as follows:

10 **24-77-103.6. Retention of excess state revenues - general fund exempt account -**
11 **required uses - excess state revenues legislative report.** (1) (c) NOTWITHSTANDING ANY
12 PROVISION OF LAW TO THE CONTRARY, FOR EACH FISCAL YEAR COMMENCING ON OR AFTER
13 JULY 1, 2019, THE STATE IS AUTHORIZED TO RETAIN AND SPEND ALL STATE REVENUES IN EXCESS OF
14 THE LIMITATION ON STATE FISCAL YEAR SPENDING THAT THE STATE WOULD OTHERWISE BE REQUIRED
15 TO REFUND UNDER SECTION 20 (7)(d) OF ARTICLE X OF THE STATE CONSTITUTION IF THE VOTERS HAD
16 NOT APPROVED THIS SUBSECTION (1)(c) AT THE NOVEMBER 2019 STATEWIDE ELECTION.

17 (2) There is hereby created in the general fund the general fund exempt account, which shall
18 consist of an amount of moneys equal to the amount of state revenues in excess of the limitation
19 on state fiscal year spending that the state retains for a given fiscal year pursuant to this section.
20 The moneys in the account THAT CORRESPOND TO SUBSECTION (1)(b) OF THIS SECTION shall be
21 appropriated or transferred by the general assembly for the following purposes:

22 (2.5) THE GENERAL ASSEMBLY SHALL APPROPRIATE OR THE STATE TREASURER SHALL TRANSFER
23 THE MONEY IN THE GENERAL FUND EXEMPT ACCOUNT THAT CORRESPONDS TO SUBSECTION (1)(c) OF
24 THIS SECTION TO PROVIDE FUNDING FOR:

25 (a) PUBLIC SCHOOLS;

26 (b) HIGHER EDUCATION; AND

27 (c) ROADS, BRIDGES, AND TRANSIT.

28 (4) The approval of this section by the registered electors of the state voting on the issue at
29 the November 2005 statewide election ~~constitutes a~~ AND THE NOVEMBER 2019 STATEWIDE
30 ELECTION CONSTITUTE voter-approved revenue ~~change~~ CHANGES to allow the retention and
31 expenditure of state revenues in excess of the limitation on state fiscal year spending.

32 (5.5) THE STATE AUDITOR SHALL CONTRACT WITH A PRIVATE ENTITY TO ANNUALLY CONDUCT AN
33 INDEPENDENT FINANCIAL AUDIT REGARDING THE USE OF THE MONEY IN THE GENERAL FUND EXEMPT
34 ACCOUNT THAT IS APPROPRIATED OR TRANSFERRED IN ACCORDANCE WITH SUBSECTION (2.5) OF THIS
35 SECTION.

36 **SECTION 2. Refer to people under referendum.** At the election held on November 5, 2019,
37 the secretary of state shall submit this act by its ballot title to the registered electors of the state

1 for their approval or rejection. Each elector voting at the election may cast a vote either "Yes/For"
2 or "No/Against" on the following ballot title: "Without raising taxes and to better fund public
3 schools, higher education, and roads, bridges, and transit, within a balanced budget, may the
4 state keep and spend all the revenue it annually collects after June 30, 2019, but is not currently
5 allowed to keep and spend under Colorado law, with an annual independent audit to show how
6 the retained revenues are spent?" Except as otherwise provided in section 1-40-123, Colorado
7 Revised Statutes, if a majority of the electors voting on the ballot title vote "Yes/For", then the act
8 will become part of the Colorado Revised Statutes.



2019 Board Workshop
Aug. 23-24
Keystone Lodge and Spa

Colorado Fiscal Policy

Understanding Gallagher and TABOR

Presented by Ed Bowditch and Jennifer Cassell
Bowditch & Cassell Public Affairs



AGENDA

TODAY'S PRESENTATION



I. What is the Gallagher Amendment?

- Gallagher's impact on the Residential Assessment Rate

II. What is the Taxpayer's Bill of Rights?

- TABOR's impact on the state budget
- TABOR refunds

III. effects of the policy duo

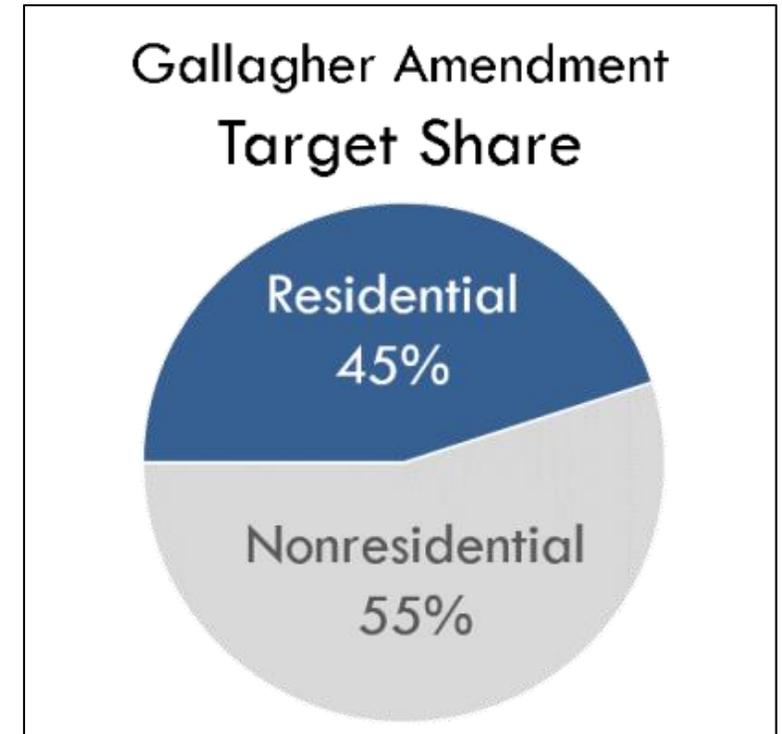
IV. 2019 de-Brucing measures

- support and opposition

WHAT IS THE GALLAGHER AMENDMENT?



- **constitutional requirement** passed in 1982
- requires the state maintain a **property tax assessment ratio of 45% residential to 55% nonresidential** property as measured statewide
- limits amount of **actual property value** subject to tax
- affects **counties, school districts,** and *special districts* relying on property tax revenue



HOW GALLAGHER WORKS



The General Assembly must periodically adjust the **Residential Assessment Rate** to maintain the 45-to-55 ratio of property tax collections.

Step 1: determine assessed value
home value x **residential assessment rate** = **assessed value**

Step 2: determine local property tax collections
assessed value x **local mill levy** = **local property tax**

Actual Values



×

Assessment Rate

7.20% Residential*
29% Nonresidential
87.5% Oil and Gas

=

Assessed Values

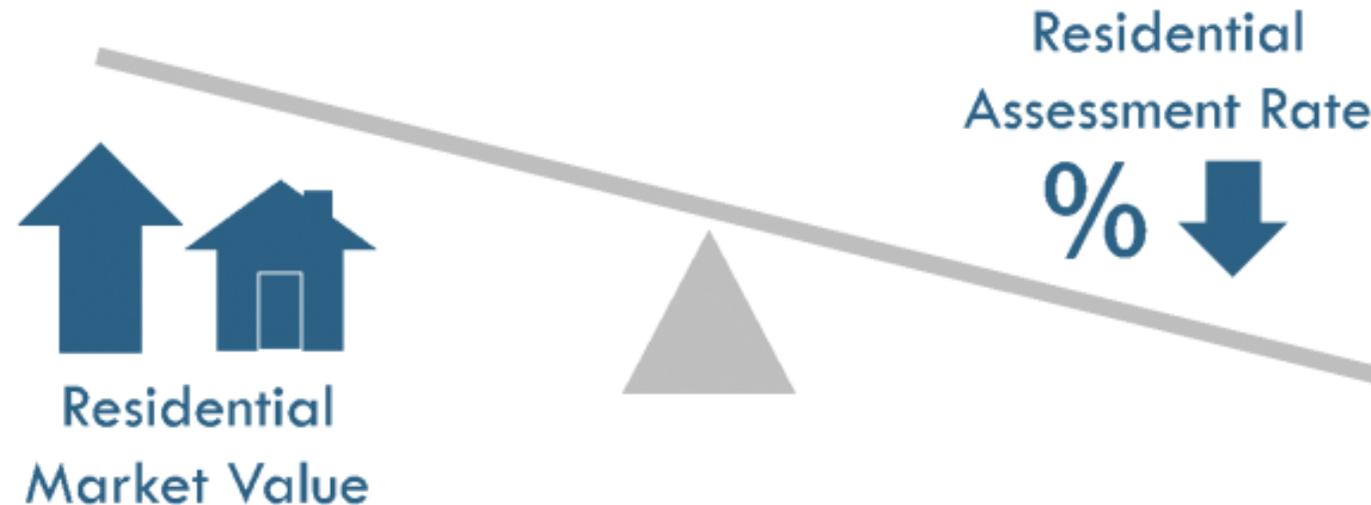


IMPACT OF GALLAGHER NO. 1

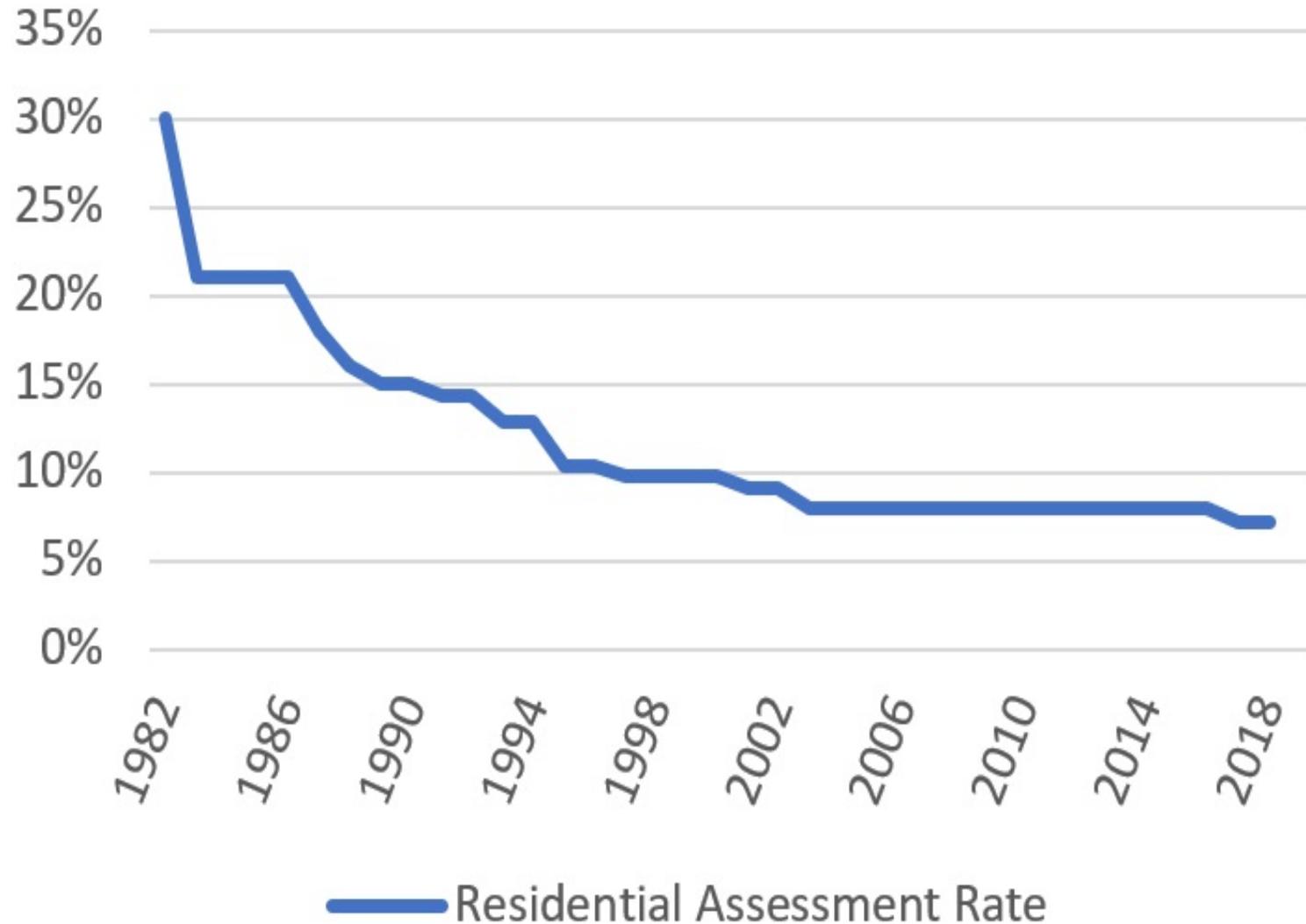
1981 residential and non-residential rates set at 30%

1982 the Gallagher Amendment passed:

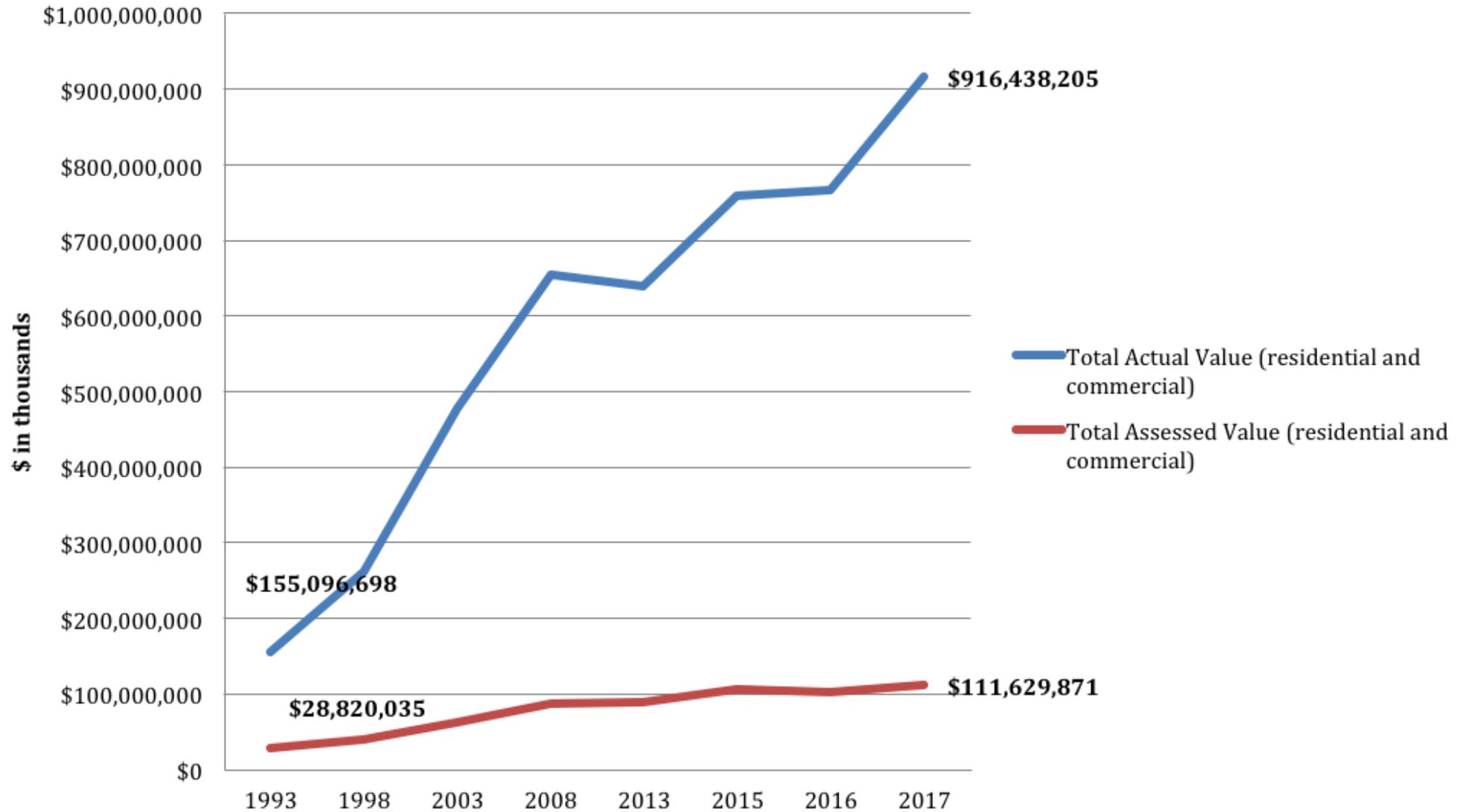
- setting floating residential rate at 21%
- setting fixed non-residential assessment rate at 29%.



IMPACT OF GALLAGHER NO. 1 (cont.)



IMPACT OF GALLAGHER NO. 2



IMPACTS OF GALLAGHER: SUMMARY



- Residential property tax rates have **decreased**.
- Colorado has experienced **significant increases in home values**, yet the **increases to property taxes have been mitigated**.
- **School districts** have become **heavily dependent on state aid** — “backfill.”
- Many special districts have seen **lower property tax revenues** collected.
- **Nonresidential property owners** pay a **substantial portion of property taxes** for the state.

WHAT IS TABOR?



It's a **constitutional requirement**, passed in 1992.

No taxes without voter approval.

- Applies to **any new tax**; any **increases** to tax rates, **mill levies**, **property assessment ratios**, or continuation of **expiring taxes**.
- Only one tax increase has passed at state level – **2004 tobacco tax**.
- Other attempts **repeatedly fail** – education, transportation, tourism, water, other tobacco tax.

WHAT IS TABOR? (cont.)



State revenue collection is **limited**.

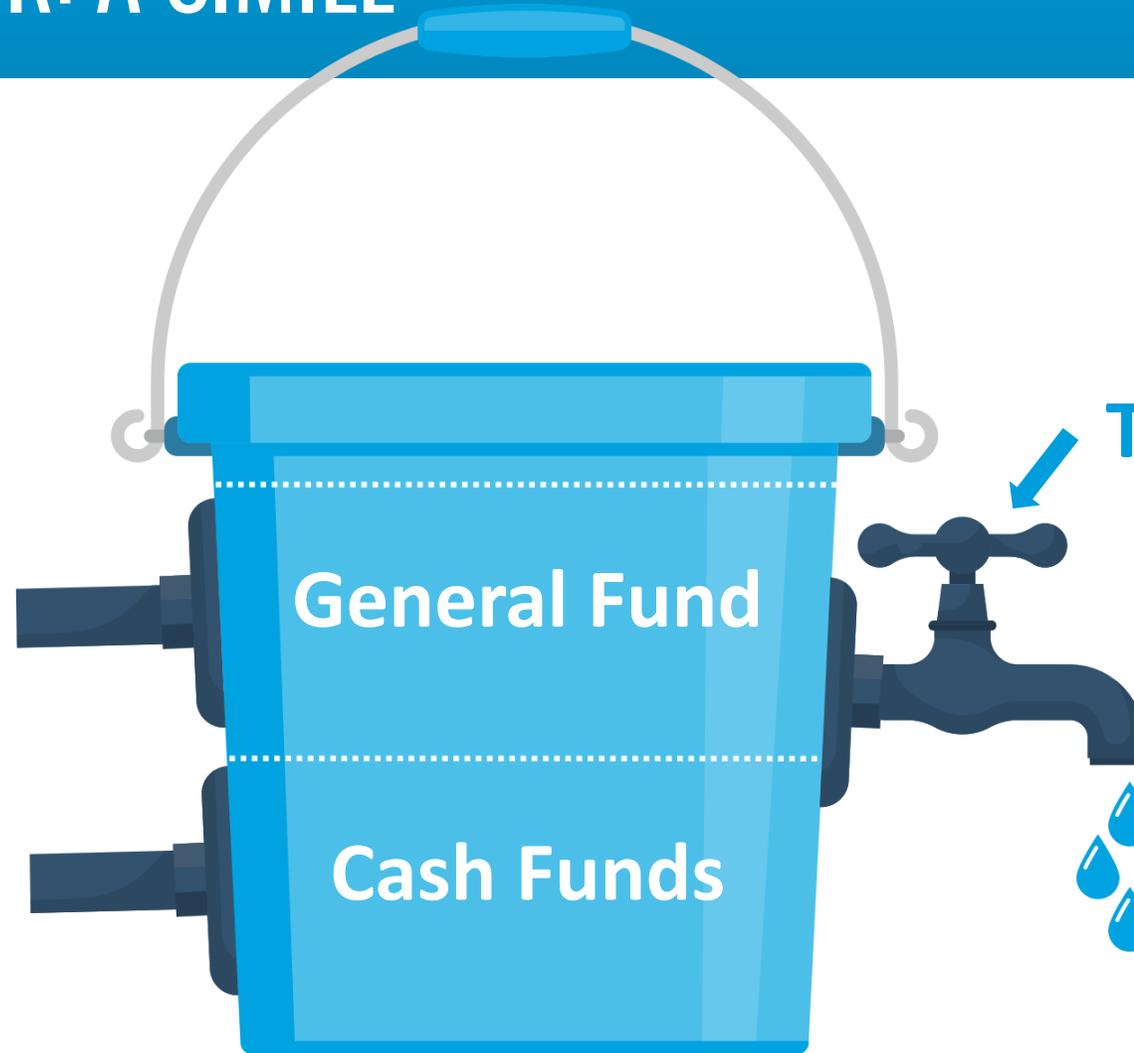
- Revenue can increase with **population plus inflation**.
- If state receives more, then the **state must issue tax refunds** to residents.

WHAT IS TABOR: A SIMILE



Income and sales taxes

Fees



TABOR limit

General Fund

Cash Funds

TABOR refund

Source: Colorado Office of State Planning and Budgeting

IMPACT OF TABOR



Since 1992:

- State **population** increased by 2 million people – a **60% increase**.
- State **General Fund** increased by \$9 billion – a **266% increase**.
- **State share of K-12** total programming **doubled** from one-third to **two-thirds**.

IMPACT OF TABOR (cont.)



Shift to government enterprise/fee-based structure.

- State Fair, colleges and universities, High Performing Transportation Enterprise, Unemployment Insurance Program and Hospital Provider Fee
- Fiscal year 2017-18 saw **\$17.9 billion in revenue not subject to TABOR** compared to \$11.2 billion subject to TABOR.

Endless debates and lawsuits over fees vs. taxes.

TABOR REFUNDS (in millions)



Fiscal year	Refund (millions)	Fiscal year	Refund (millions)	Fiscal year	Refund (millions)
FY 93-94	0	FY 03-04	0	FY 13-14	0
FY 94-95	0	FY 04-05	\$41	FY 14-15	\$170
FY 95-96	0	FY 05-06	0	FY 15-16	0
FY 96-97	\$139	FY 06-07	0	FY 16-17	0
FY 97-98	\$563	FY 07-08	0	FY 17-18	\$18
FY 98-99	\$679	FY 08-09	0	FY 18-19	\$575
FY 99-00	\$941	FY 09-10	0	FY 19-20 est	\$310
FY 00-01	\$927	FY 10-11	0	FY 20-21 est	\$342
FY 01-02	0	FY 11-12	0		
FY 02-03	0	FY 12-13	0		

Total TABOR refunds (not inflation-adjusted): \$4.705 billion

IMPACT OF TABOR



- **Predictable** tax rates.
- **Involve voters** in tax policy decisions.
- **Easier to bust** in recessions, **harder to boom** with growth.
- **Eviscerates the power of the legislature** to modify or update tax policy.

EFFECTS OF THE POLICY DUO



Taxes have decreased.

	1982	2019
Residential Assessment Rate	21%	7%
Income Tax Rate	5% (in 1987)*	4.63%**
Sales Tax Rate	3%	2.9%

Notes: *Prior to 1987, rate was graduated; **TABOR refunds expected to drop income tax rate for 2019 to 4.5%.

EFFECTS OF THE POLICY DUO



- **Fees have increased.**
- Government **budget cannot grow** with the economy.
- Increasing **obligation** on state to **fund K-12 education.**

EFFECTS OF THE POLICY DUO



Many **local governments have de-Bruced** to retain all revenues collected at current tax rates.

- 230 of 272 municipalities
- 51 of 64 counties
- 174 of 178 school districts

Local **voters** will **support local initiatives some of the time.**

All have experienced the **decline in the Residential Assessment Rate.**

- Residents pay less in local property taxes.
- Some local governments collect less tax revenue.

STATEWIDE DE-BRUCING MEASURES



HB19-1257 and HB19-1258 Voter Approval To Retain and Allocate Revenue For Education and Transportation

Speaker Becker and Representative McCluskie; Senators Court and Priola

- Statutory revenue question to permit the state to retain all revenue collected in excess of the state TABOR limit.
- Allocates **retained revenue in equal shares** for:



- **higher education**
- **K-12 education**
- state and local **transportation** projects
(distributed via the **Highway Users Tax Fund**)

STATEWIDE DE-BRUCING CONSIDERATIONS



- Impact on **Senior Homestead Exemption**.
- Not a **regular** source of funds.
- De-Brucing is **not a permanent “solution”** – does nothing to address the continuing erosion of residential property taxes.



“Just because you’re making more money doesn’t mean your rent should go up.”

– Jon Caldara, Independence Institute

SUPPORTERS CLAIM GALLAGHER AND TABOR PROVIDE:



- government **accountability**
- **limited government growth**
- fiscal **discipline**
- voter **engagement** – “voice”
- **predictable** tax structure
- **stable property tax burden** for low-income and aging Coloradans

ORGANIZATIONS OPPOSING DE-BRUCING



- Americans for Prosperity of Colorado
- Americans for Tax Reform
- Cato Institute
- Colorado Rising Action
- Independence Institute
- Springs Taxpayers
- The TABOR Foundation



“We are trying to run the state with one foot on the gas and one foot on the brake.”

– John Straayer, Colorado State University Professor

OPPONENTS CLAIM GALLAGHER AND TABOR CAUSED:



- **Decreased spending** on K-12, higher education, transportation and other state services.
- **Greater tax burden** on commercial businesses.
- **Greater budgetary challenges** for public services in rural areas.

Other states have considered – and rejected – TABOR proposals.

ORGANIZATIONS SUPPORTING DE-BRUCING



- Action 22
- Aurora Chamber of Commerce
- Colorado Association of Realtors
- Colorado Association of School Boards
- Colorado Association of School Executives
- Colorado Center on Law and Policy
- Colorado Chamber of Commerce
- Colorado Competitive Council
- Colorado Contractors Association
- Colorado Education Association
- Colorado Fiscal Institute
- Colorado Hospital Association
- Colorado Municipal League
- Colorado Nonprofit Association
- Counties and Commissioners Acting Together
- Denver Metro Chamber of Commerce
- Economic Development Council of Colorado
- Metro North Chamber of Commerce



THANK YOU!
QUESTIONS?

Ed Bowditch
edbowditch@aol.com
(303) 489-8680

Jennifer Cassell
jennifer.cassell@gmail.com
(785) 393-0472

SUBJECT: DISCUSSION/DIRECTION/ACTION – CONTRACT BETWEEN THE CITY OF LOUISVILLE AND GLACIER CONSTRUCTION CO., INC. FOR THE CONSTRUCTION OF AND THE APPROVAL OF CONSTRUCTION MANAGEMENT SERVICE ADDENDUM FOR THE SID COPELAND WATER TREATMENT PLANT ON-SITE CHLORINE GENERATION IMPROVEMENTS PROJECT

DATE: SEPTEMBER 17, 2019

PRESENTED BY: KURT KOWAR, PUBLIC WORKS DIRECTOR

SUMMARY:

Staff recommends approval of a contract with Glacier Construction Co. in the amount of \$682,300 with a 10% contingency of \$68,000 for installation of an onsite chlorine generation system at the Sid Copeland Treatment Plant (SCWTP). In addition, staff recommends approval of a contract addendum to Mott MacDonald (MM) in the amount of \$69,410 for construction management services for this project.

Starting in 2017, the City initiated an evaluation process of chlorine disinfection for both water treatment facilities. The treatment facilities did not have chlorine gas scrubbing systems for the chlorine gas systems which is a current Colorado Department of Health (CDPHE) design guideline. Prior to this process, both treatment plants utilized chlorine gas 1-ton cylinders for disinfection. The results of the studies recommended switching from the current practice of chlorine gas to the utilization of onsite generation equipment to produce chlorine from sodium hypochlorite for the following reasons:

- CDPHE is likely to require chlorine gas scrubbing improvements in the next 5 years. These improvements are estimated to cost as much or more than converting to sodium hypochlorite.
- Sodium Hypochlorite is safer to use than chlorine gas for employees and the surrounding area.
- Sodium Hypochlorite is cheaper than chlorine gas to utilize. Given high initial capital conversion costs there is not necessarily a return on the investment but it is cheaper operationally.

In early 2018, the HBWTP was successfully converted from chlorine gas to on-site sodium hypochlorite generation. In late 2018, Mott MacDonald (MM) was contracted to design a similar system for SCWTP. The SCWTP is an older facility and has less room than HBWTP to accommodate the disinfection upgrades. As a result, the design had to show a greater level of attention to detail, creativity and innovation. Also, as the larger of the two plants, SCWTP is more critical to staff's ability to meet water demands. During the HBWTP construction, the SCWTP was able to supply the entire City through the lower demand period of the winter and as demands increased entering the spring. Due to

limited capacity, HBWTP will only be able to meet demands during winter, shortening the available construction window for SCWTP.

The SCWTP design focused on three options: 1) making the existing gas system compliant by incorporating chlorine scrubbers 2) utilizing three onsite generators and a single tank and maintain the existing space or 3) utilize two generators and two tanks and trigger an expansion of the building to accommodate the larger foot print of two tanks. Options 1 and 2 had essentially the same projected cost estimate, with option 3 coming in slightly higher. Due to the safety concerns of the existing gas system and consideration for the ease of construction, option 2 was ultimately selected for the final design.

The City advertised and received bids in July for construction of onsite generation from 3 contractors. The bids were reviewed by Public Works as well as MM. Based on the bid amount and qualifications, staff recommends award to Glacier. In addition, to being the low bidder, Glacier was the contractor for the HBWTP installation and has performed quality work on several City projects. The bid summary is below.

COMPANY	BID
Filanc	\$723,019
Aslan Construction	\$873,395
Glacier Construction	\$682,300

FISCAL IMPACT:

2019 Budget (501499-640116) \$408,040

Expenses

2019 Design (Approved) \$43,300

Construction Management \$69,410

Construction \$682,300

Contingency (10%) \$68,000

Total \$863,010

Funding Shortage \$454,970

In March, the 60% cost estimate of \$975,000 along with several other water related budget shortages were presented and discussed at the Utility Committee. At the conclusion of this meeting, it was decided to postpone action on the shortages related to three Capital Projects: 1) SWSP pipeline capacity, 2) the SCWTP Admin Building Upgrades and 3) SCWTP Disinfection. The delay plan was to continue design with all three projects up to an including bidding to achieve the most accurate cost information.

Following the July 23rd bid opening, staff spoke with Glacier about the City’s plan of holding for the other two CIPs. During this conversation, Glacier provided notice that the equipment for the disinfection has a lead time of 14 to 18 weeks. Given this lead time, staff is recommending approval of this project prior to the final numbers for the other two

CIPs to allow for completion before April of 2020. Without approval at this time, the project would need to be delayed more than a year until the winter of 2020/2021.

The City is not under a compliance order and is not required to modify the current disinfection system. However, it is highly likely that the Colorado Department of Public Health and Environment will require improvements to the existing system in the next 2-5 years.

If approved, the budget shortfall will be resolved through the next scheduled budget amendment.

These contract awards were discussed at the September 13th Utility Committee meeting. The Committee recommends moving the project forward at this updated cost.

PROGRAM/SUB-PROGRAM IMPACT:

The program goal for Utilities is to ensure safe, reliable, great tasting water; properly treated wastewater; effective stormwater control; successfully managed solid waste; and competitive prices for all services. The removal and replacement of the chlorine gas disinfection system is directly correlated to ensuring a safe, reliable and great tasting water.

RECOMMENDATION:

Staff recommends City Council award Glacier Construction Co., Inc. the construction of onsite chlorine generation improvements in the amount of \$682,300, authorize staff to execute change orders up to \$68,000 and authorize the Mayor, Public Works Director and City Clerk to execute contract documents.

Staff recommends City Council award Mott MacDonald the addendum for additional construction management services in the amount of \$69,410 and authorizes the Mayor, Public Works Director and City Clerk to execute contract documents.

ATTACHMENT(S):

1. Glacier Contract
2. Addendum to Mott MacDonald Professional Services Contract

STRATEGIC PLAN IMPACT:

<input type="checkbox"/>		Financial Stewardship & Asset Management	<input checked="" type="checkbox"/>		Reliable Core Services
<input type="checkbox"/>		Vibrant Economic Climate	<input type="checkbox"/>		Quality Programs & Amenities
<input type="checkbox"/>		Engaged Community	<input type="checkbox"/>		Healthy Workforce

SUBJECT: 2019 ONSITE CHLORINE GENERATION IMPROVEMENTS

DATE: SEPTEMBER 17, 2019

PAGE 4 OF 4

<input type="checkbox"/>	 Supportive Technology	<input type="checkbox"/>	 Collaborative Regional Partner
--------------------------	--	--------------------------	---

**INDEPENDENT CONTRACTOR AGREEMENT
BY AND BETWEEN THE CITY OF LOUISVILLE
AND GLACIER CONTRUCTION CO., INC.
FOR CONSTRUCTION SERVICES**

1.0 PARTIES

This INDEPENDENT CONTRACTOR AGREEMENT (this “Agreement”) is made and entered into this ____ day of September, 2019 (the “Effective Date”), by and between the **City of Louisville**, a Colorado home rule municipal corporation, hereinafter referred to as the “City”, and Glacier Construction Company, a Colorado Corporation, hereinafter referred to as the “Contractor”.

2.0 RECITALS AND PURPOSE

- 2.1 The City desires to engage the Contractor for the purpose of providing construction services at the Sid Copeland Water Treatment Plant (1955 Washington Avenue) as further set forth in the Contractor’s Scope of Services (which services are hereinafter referred to as the “Services”).
- 2.2 The Contractor represents that it has the special expertise, qualifications and background necessary to complete the Services.

3.0 SCOPE OF SERVICES

The Contractor agrees to provide the City with the specific Services and to perform the specific tasks, duties and responsibilities set forth in Scope of Services attached hereto as Exhibit “A” and incorporated herein by reference. Contractor shall furnish all tools, labor and supplies in such quantities and of the proper quality as are necessary to professionally and timely perform the Services. Contractor acknowledges that this Agreement does not grant any exclusive privilege or right to supply Services to the City.

4.0 COMPENSATION

- 4.1 The City shall pay the Contractor for Services under this Agreement a total not to exceed the amounts set forth in Exhibit “A” attached hereto and incorporated herein by this reference. For Services compensated at hourly or per unit rates, or on a per-task basis, such rates or costs per task shall not exceed the amounts set forth in Exhibit A. The City shall not pay mileage and other reimbursable expenses (such as meals, parking, travel expenses, necessary memberships, etc.), unless such expenses are (1) clearly set forth in the Scope of Services, and (2) necessary for performance of the Services (“Pre-Approved Expenses”). The foregoing amounts of compensation shall be inclusive of all costs of whatsoever nature associated with the Contractor’s efforts, including but not limited to salaries, benefits, overhead, administration, profits, expenses, and outside Contractor fees. The Scope of Services and payment therefor shall only be changed by a properly authorized amendment to this Agreement. No City employee has the authority to bind the City with regard to any payment for any Services which exceeds the amount payable under the terms of this Agreement.
- 4.2 The Contractor shall submit monthly an invoice to the City for Services rendered and a detailed expense report for Pre-Approved Expenses incurred during the previous month. The invoice shall document the Services provided during the preceding month, identifying

by work category and subcategory the work and tasks performed and such other information as may be required by the City. The Contractor shall provide such additional backup documentation as may be required by the City. The City shall pay the invoice within thirty (30) days of receipt unless the Services or the documentation therefor are unsatisfactory. Payments made after thirty (30) days may be assessed an interest charge of one percent (1%) per month unless the delay in payment resulted from unsatisfactory work or documentation therefor.

5.0 PROJECT REPRESENTATION

- 5.1 The City designates Cory Peterson as the responsible City staff to provide direction to the Contractor during the conduct of the Services. The Contractor shall comply with the directions given by Cory Peterson and such person's designees.
- 5.2 The Contractor designates Jennifer Smith as its project manager and as the principal in charge who shall be providing the Services under this Agreement. Should any of the representatives be replaced, particularly Jennifer Smith, and such replacement require the City or the Contractor to undertake additional reevaluations, coordination, orientations, etc., the Contractor shall be fully responsible for all such additional costs and services.

6.0 TERM

- 6.1 The term of this Agreement shall be from the Effective Date to June 30, 2020, unless sooner terminated pursuant to Section 13, below. The Contractor's Services under this Agreement shall commence on [(the Effective Date) or (on another date desired by the City, after the Effective Date)] and Contractor shall proceed with diligence and promptness so that the Services are completed in a timely fashion consistent with the City's requirements.
- 6.2 Nothing in this Agreement is intended or shall be deemed or construed as creating any multiple-fiscal year direct or indirect debt or financial obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20 or any other constitutional or statutory provision. All financial obligations of the City under this Agreement are subject to annual budgeting and appropriation by the Louisville City Council, in its sole discretion. Notwithstanding anything in this Agreement to the contrary, in the event of non-appropriation, this Agreement shall terminate effective December 31 of the then-current fiscal year.

7.0 INSURANCE

- 7.1 The Contractor agrees to procure and maintain, at its own cost, the policies of insurance set forth in Subsections 7.1.1 through 7.1.4. The Contractor shall not be relieved of any liability, claims, demands, or other obligations assumed pursuant to this Agreement by reason of its failure to procure or maintain insurance, or by reason of its failure to procure or maintain insurance in sufficient amounts, durations, or types. The coverages required below shall be procured and maintained with forms and insurers acceptable to the City. All coverages shall be continuously maintained from the date of commencement of Services hereunder. The required coverages are:

- 7.1.1 Workers' Compensation insurance as required by the Labor Code of the State of Colorado and Employers Liability Insurance. Evidence of qualified self-insured status may be substituted.
- 7.1.2 General Liability insurance with minimum combined single limits of \$1,000,000 each occurrence and \$2,000,000 aggregate. The policy shall include the City of Louisville, its officers and its employees, as additional insureds, with primary coverage as respects the City of Louisville, its officers and its employees, and shall contain a severability of interests provision.
- 7.1.3 Comprehensive Automobile Liability insurance with minimum combined single limits for bodily injury and property damage of not less than \$400,000 per person in any one occurrence and \$1,000,000 for two or more persons in any one occurrence, and auto property damage insurance of at least \$50,000 per occurrence, with respect to each of Contractor's owned, hired or non-owned vehicles assigned to or used in performance of the Services. If the Contractor has no owned automobiles, the requirements of this paragraph shall be met by each officer or employee of the Contractor providing services to the City of Louisville under this contract.
- 7.2 The Contractor's general liability insurance and automobile liability and physical damage insurance shall be endorsed to include the City, and its elected and appointed officers and employees, as additional insureds, unless the City in its sole discretion waives such requirement. Every policy required above shall be primary insurance, and any insurance carried by the City, its officers, or its employees, shall be excess and not contributory insurance to that provided by the Contractor. Such policies shall contain a severability of interests provision. The Contractor shall be solely responsible for any deductible losses under each of the policies required above.
- 7.3 Certificates of insurance shall be provided by the Contractor as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect, and shall be subject to review and approval by the City. No required coverage shall be cancelled, terminated or materially changed until at least 30 days prior written notice has been given to the City. The City reserves the right to request and receive a certified copy of any policy and any endorsement thereto.
- 7.4 Failure on the part of the Contractor to procure or maintain policies providing the required coverages, conditions, and minimum limits shall constitute a material breach of contract upon which the City may immediately terminate this Agreement, or at its discretion may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by the City shall be repaid by Contractor to the City upon demand, or the City may offset the cost of the premiums against any monies due to Contractor from the City.
- 7.5 The parties understand and agree that the City is relying on, and does not waive or intend to waive by any provision of this contract, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, § 24-10-101 et seq., C.R.S., as from time to time amended, or otherwise available to the City, its officers, or its employees.

8.0 INDEMNIFICATION

To the fullest extent permitted by law, the Contractor agrees to indemnify and hold harmless the City, and its elected and appointed officers and its employees, from and against all liability, claims, and demands, on account of any injury, loss, or damage, which arise out of or are connected with the Services hereunder, if such injury, loss, or damage is caused by the negligent act, omission, or other fault of the Contractor or any subcontractor of the Contractor, or any officer, employee, or agent of the Contractor or any subcontractor, or any other person for whom Contractor is responsible. The Contractor shall investigate, handle, respond to, and provide defense for and defend against any such liability, claims, and demands. The Contractor shall further bear all other costs and expenses incurred by the City or Contractor and related to any such liability, claims and demands, including but not limited to court costs, expert witness fees and attorneys' fees if the court determines that these incurred costs and expenses are related to such negligent acts, errors, and omissions or other fault of the Contractor. The City shall be entitled to its costs and attorneys' fees incurred in any action to enforce the provisions of this Section 8.0. The Contractor's indemnification obligation shall not be construed to extend to any injury, loss, or damage which is caused by the act, omission, or other fault of the City.

9.0 QUALITY OF WORK

Contractor's Services shall be performed in accordance with the highest professional workmanship and service standards in the field to the satisfaction of the City.

10.0 INDEPENDENT CONTRACTOR

It is the expressed intent of the parties that the Contractor is an independent contractor and not the agent, employee or servant of the City, and that:

- 10.1. **CONTRACTOR SHALL SATISFY ALL TAX AND OTHER GOVERNMENTALLY IMPOSE RESPONSIBILITIES INCLUDING, BUT NOT LIMITED TO, PAYMENT OF STATE, FEDERAL AND SOCIAL SECURITY TAXES, UNEMPLOYMENT TAXES, WORKERS' COMPENSATION AND SELF-EMPLOYMENT TAXES. NO STATE, FEDERAL OR LOCAL TAXES OF ANY KIND SHALL BE WITHHELD OR PAID BY THE CITY.**
- 10.2. **CONTRACTOR IS NOT ENTITLED TO WORKERS' COMPENSATION BENEFITS EXCEPT AS MAY BE PROVIDED BY THE INDEPENDENT CONTRACTOR NOR TO UNEMPLOYMENT INSURANCE BENEFITS UNLESS UNEMPLOYMENT COMPENSATION COVERAGE IS PROVIDED BY THE INDEPENDENT CONTRACTOR OR SOME ENTITY OTHER THAN THE CITY.**
- 10.3. Contractor does not have the authority to act for the City, or to bind the City in any respect whatsoever, or to incur any debts or liabilities in the name of or on behalf of the City.
- 10.4. Contractor has and retains control of and supervision over the performance of Contractor's obligations hereunder and control over any persons employed by Contractor for performing the Services hereunder.
- 10.5. The City will not provide training or instruction to Contractor or any of its employees regarding the performance of the Services hereunder.

- 10.6. Neither the Contractor nor any of its officers or employees will receive benefits of any type from the City.
- 10.7. Contractor represents that it is engaged in providing similar services to other clients and/or the general public and is not required to work exclusively for the City.
- 10.8. All Services are to be performed solely at the risk of Contractor and Contractor shall take all precautions necessary for the proper and sole performance thereof.
- 10.9. Contractor will not combine its business operations in any way with the City's business operations and each party shall maintain their operations as separate and distinct.

11.0 ASSIGNMENT

Contractor shall not assign or delegate this Agreement or any portion thereof, or any monies due to or become due hereunder without the City's prior written consent.

12.0 DEFAULT

Each and every term and condition hereof shall be deemed to be a material element of this Agreement. In the event either party should fail or refuse to perform according to the terms of this Agreement, such party may be declared in default.

13.0 TERMINATION

- 13.1 This Agreement may be terminated by either party for material breach or default of this Agreement by the other party not caused by any action or omission of the other party by giving the other party written notice at least thirty (30) days in advance of the termination date. Termination pursuant to this subsection shall not prevent either party from exercising any other legal remedies which may be available to it.
- 13.2 In addition to the foregoing, this Agreement may be terminated by the City for its convenience and without cause of any nature by giving written notice at least fifteen (15) days in advance of the termination date. In the event of such termination, the Contractor will be paid for the reasonable value of the Services rendered to the date of termination, not to exceed a pro-rated daily rate, for the Services rendered to the date of termination, and upon such payment, all obligations of the City to the Contractor under this Agreement will cease. Termination pursuant to this Subsection shall not prevent either party from exercising any other legal remedies which may be available to it.

14.0 INSPECTION AND AUDIT

The City and its duly authorized representatives shall have access to any books, documents, papers, and records of the Contractor that are related to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

15.0 DOCUMENTS

All computer input and output, analyses, plans, documents photographic images, tests, maps, surveys, electronic files and written material of any kind generated in the performance of this Agreement or developed for the City in performance of the Services are and shall remain the sole

and exclusive property of the City. All such materials shall be promptly provided to the City upon request therefor and at the time of termination of this Agreement, without further charge or expense to the City and in hardcopy or an electronic format acceptable to the City, or both, as the City shall determine. Contractor shall not provide copies of any such material to any other party without the prior written consent of the City. Contractor shall not use or disclose confidential information of the City for purposes unrelated to performance of this Agreement without the City's written consent.

16.0 ENFORCEMENT

- 16.1 In the event that suit is brought upon this Agreement to enforce its terms, the parties shall each bear and be responsible for their own attorneys' fees and court costs.
- 16.2 This Agreement shall be deemed entered into in Boulder County, Colorado, and shall be governed by and interpreted under the laws of the State of Colorado. Any action arising out of, in connection with, or relating to this Agreement shall be filed in the courts of Boulder County or the federal district court for the District of Colorado, and in no other court. Colorado law shall apply to the construction and enforcement of this Agreement.

17.0 COMPLIANCE WITH LAWS; WORK BY ILLEGAL ALIENS PROHIBITED

- 17.1 Contractor shall be solely responsible for compliance with all applicable federal, state, and local laws, including the ordinances, resolutions, rules, and regulations of the City; for payment of all applicable taxes; and obtaining and keeping in force all applicable permits and approvals.
- 17.2 Exhibit B, the "City of Louisville Public Services Contract Addendum-Prohibition Against Employing Illegal Aliens", is attached hereto and incorporated herein by reference. There is also attached hereto a copy of Contractor's Pre-Contract Certification which Contractor has executed and delivered to the City prior to Contractor's execution of this Agreement.

18.0 INTEGRATION AND AMENDMENT

This Agreement represents the entire Agreement between the parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties.

19.0 NOTICES

All notices required or permitted under this Agreement shall be in writing and shall be given by hand delivery, by United States first class mail, postage prepaid, registered or certified, return receipt requested, by national overnight carrier, or by email transmission, addressed to the party for whom it is intended at the following address:

If to the City:

City of Louisville
Attn: Cory Peterson
749 Main Street
Louisville, CO 80027
e-mail: cpeterson@louisvilleco.gov

If to the Contractor:

Except for notices by email transmission, any notice required or permitted under this Agreement shall be effective when received as indicated on the delivery receipt, if by hand delivery or overnight carrier; on the United States mail return receipt, if by United States mail. Notices by email transmission shall be effective on transmission, so long as no message of error or non-receipt is received by the party giving notice. Either party may by similar notice given, change the address to which future notices or other communications shall be sent.

20.0 EQUAL OPPORTUNITY EMPLOYER

- a) Contractor will not discriminate against any employee or applicant for employment because of age 40 and over, race, sex, color, religion, national origin, disability, genetic information, sexual orientation, veteran status, or any other applicable status protected by state or local law. Contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to any status set forth in the preceding sentence. Such action shall include but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by an agency of the federal government, setting forth the provisions of the Equal Opportunity Laws.

- b) Contractor shall be in compliance with the applicable provisions of the American with Disabilities Act as enacted and from time to time amended and any other applicable federal, state, or local laws and regulations. A signed, written certificate stating compliance with the Americans with Disabilities Act may be requested at any time during the life of this Agreement or any renewal thereof.

21.0 NO THIRD PARTY BENEFICIARIES

It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to City and Contractor, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third party on such Agreement. It is the express intention of the parties that any person other than City or Contractor receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

22.0 SUBCONTRACTORS

Contractor may utilize subcontractors identified in its qualifications submittal to assist with non-specialized works as necessary to complete projects. Contractor will submit any proposed subcontractor and the description of its services to the City for approval. The City will not work directly with subcontractors.

23.0 AUTHORITY TO BIND

Each of the persons signing below on behalf of any party hereby represents and warrants that such person is signing with full and complete authority to bind the party on whose behalf of whom such person is signing, to each and every term of this Agreement.

In witness whereof, the parties have executed this Agreement to be effective as of the day and year first above written.

CITY OF LOUISVILLE

By: _____
Mayor

Attest: _____
City Clerk

CONTRACTOR:

By: _____
Title: _____

Exhibit A – Scope of Services

CONTRACTOR shall perform and furnish all Work as specified or indicated in the Contract Documents for the Contract price and within the Contract time indicated in the Bid and in accordance with the other terms and conditions of the Contract Documents. The Work is generally described but, is not necessarily limited to, as follows: the furnishing of labor, materials and equipment for the construction of the SCWTP On-Site Chlorine Generation Improvements.

The OWNER shall pay in current funds, and the CONTRACTOR agrees to accept in full payment for performance of the Work, subject to additions and deductions from extra and/or omitted work and determinations of actual quantities as provided in the Contract Documents, the Contract Price of “Six Hundred and Eighty Two Thousand Three Hundred” (\$682,300) as set forth in the Bid Form of the CONTRACTOR dated July 23, 2019 and outlined in the Schedule of Unit Pricing below:.

As provided in paragraph 11.9 of the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classification are to be made by ENGINEER as provided in paragraph 9.10 of the General Conditions. Unit prices have been computed as provided in paragraph 11.9 of the General Conditions.

SCHEDULE OF UNIT PRICES

PROJECT: SID COPELAND WTP - ON-SITE CHLORINE GENERATION IMPROVEMENTS
OWNERS PROJECT NUMBER: 501499-660116
OWNER: CITY OF LOUISVILLE, COLORADO

ITEM NO. and DESCRIPTION	UNIT	UNIT PRICE	TOTAL PRICE
BASE BID			
1. Demolition	Lump Sum	\$	\$28,300
2. Chlorine Generation Room Concrete Slab	Lump Sum	\$	\$22,200
3. On-Site Chlorine Generation Equipment	Lump Sum	\$	\$254,300
4. On-Site Chlorine Generation System Install	Lump Sum	\$	\$161,500
5. Chlorine Dioxide Equipment	Lump Sum	\$	\$71,300
6. Chlorine Dioxide System Install	Lump Sum	\$	\$114,700
7. Allowance for Controls Integration	Lump Sum	\$	\$30,000
BASE BID PRICE:			\$682,300

Exhibit B
City of Louisville Public Services Contract Addendum
Prohibition Against Employing Illegal Aliens

Prohibition Against Employing Illegal Aliens. Contractor shall not knowingly employ or contract with an illegal alien to perform work under this contract. Contractor shall not enter into a contract with a subcontractor that fails to certify to the Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this contract.

Contractor will participate in either the E-verify program or the Department program, as defined in C.R.S. § § 8-17.5-101(3.3) and 8-17.5-101(3.7), respectively, in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under the public contract for services. Contractor is prohibited from using the E-verify program or the Department program procedures to undertake pre-employment screening of job applicants while this contract is being performed.

If Contractor obtains actual knowledge that a subcontractor performing work under this contract for services knowingly employs or contracts with an illegal alien, Contractor shall:

- a. Notify the subcontractor and the City within three days that the Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and
- b. Terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to this paragraph the subcontractor does not stop employing or contracting with the illegal alien; except that the Contractor shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

Contractor shall comply with any reasonable request by the Department of Labor and Employment made in the course of an investigation that the Department is undertaking pursuant to the authority established in C.R.S. § 8-17.5-102(5).

If Contractor violates a provision of this Contract required pursuant to C.R.S. § 8-17.5-102, City may terminate the contract for breach of contract. If the contract is so terminated, the Contractor shall be liable for actual and consequential damages to the City.

Pre-Contract Certification in Compliance with C.R.S. Section 8-17.5-102(1)

The undersigned hereby certifies as follows:

That at the time of providing this certification, the undersigned does not knowingly employ or contract with an illegal alien; and that the undersigned will participate in the E-Verify program or the Department program, as defined in C.R.S. § § 8-17.5-101(3.3) and 8-17.5-101(3.7), respectively, in order to confirm the employment eligibility of all employees who are newly hired for employment to perform under the public contract for services.

Proposer:

By _____

Title: _____

Date

EXHIBIT D

Addendum No. 1 to Service Agreement

This Addendum to that certain Services Agreement dated December 4, 2018 is made effective as of September ____, 2019, by and between the undersigned parties.

1. Services to be provided:

Task 1 – Project Management: The construction contract duration is 180 days. Mott MacDonald will provide project oversight to ensure the design intent is implemented and provide project status updates with the monthly invoices.

Task 2 – SCADA Controls Coordination: A \$30,000 allocation has been provided to the contractor to implement the controls integration. JVA will assist with drafting the scope of work and negotiate final pricing for the integration Task.

Task 3 – Project Meetings: Meetings will be led by Rob Anderson with JVA. Rob was the Mott MacDonald Project Manager during the design phase and will provide consistency through construction. Each meeting will include an agenda and drafted minutes/notes for the record. The following meetings are proposed.

- One (1) preconstruction meeting
- Three (3) monthly meetings – first three months of project while equipment is on order
- Nine (9) weekly meetings – last two months of project while equipment is being installed

Task 4 – Part-time Inspection & Start-up: Part-time inspection will be provided. Based on the following We have estimated the following:

- Fall demo work and pouring new concrete slab - estimate 10 weeks at 3 hrs/week or 30 hrs
- Winter equipment install – estimate 9 weeks at 3 hrs/week or 27 hrs
- Structural engineer inspecting rebar and slab pour
- RMH providing an electrical and HVAC rough-in inspection and final inspection
- For the equipment start-up we have assumed two (2) days each at 6 hrs to provide support.

Task 5 – Response to RFIs: We have assumed we will need to respond to 10 RFIs related to equipment, the new slab, electrical and HVAC.

Task 6 – Shop Dwg Review: All the project shop drawings will be reviewed by the team. We anticipate submittals related to the equipment, concrete slab, electrical, control and HVAC.

Task 7 – Materials Testing: Materials testing has been planned for the new concrete floor in the Chlorine Generation Room. We have assumed four (4) cylinders and testing during concrete placement (slump, air and temperature)

Task 8 – Record Drawings: The team will track changes to the design as construction progresses. Record drawings will be prepared based on tracked changes and contractor provided red-lines.

Task 9 – O&M Manual: The equipment operation and maintenance documents will be assembled into O&M binders for City use.

DELIVERABLES

The deliverables include:

- 1. Construction Meeting Notes (electronic)
- 2. Shop Dwg reviews (electronic)
- 3. Observation Reports (electronic)
- 4. Record Drawings (two hard copies & one electronic)
- 5. O&M Manual (two hard copies & one electronic)

- 2. Fees: Additional fees approved by this change order are \$69,410.
- 3. Schedule: The schedule has been extended to June 30, 2020.

CITY OF LOUISVILLE
749 Main Street
Louisville, CO 80027

By: _____

Attest: _____
Meredyth Muth, City Clerk

Company: Mott MacDonald

Address: 143 Union Boulevard, Suite 1000
Lakewood, CO 80228

By: _____

Attest: _____

SUBJECT: ORDINANCE NO. 1784, SERIES 2019 – AN ORDINANCE
AMENDING CHAPTER 2.08 OF THE LOUISVILLE MUNICIPAL
CODE REGARDING THE MAYOR’S SALARY

DATE: SEPTEMBER 17, 2019

PRESENTED BY: MEREDYTH MUTH, CITY CLERK

SUMMARY:

At the August 20th meeting the City Council reviewed the survey numbers comparing the salaries of the Mayor and City Council to our defined job market. Following that discussion Council directed staff to bring back an ordinance for consideration that will raise the Mayor’s salary by \$54 per month to bring the salary up to the average of the market at \$1,164 per month which equates to \$13,968 per year. Council requested no changes to the City Council annual salary.

Section 3-5 of the City Charter which states the “Mayor and each Councilmember shall receive the salary and benefits prescribed by ordinance. The salary shall not be increased or decreased during the term for which the Mayor or Councilmember has been elected.” Changes made by ordinance now will not affect the sitting Mayor but if approved will be in place for the incoming Mayor in November.

At the August meeting Council also directed staff to initiate an annual salary review process so the Mayor and City Council salaries are reviewed each year rather than only when requested.

FISCAL IMPACT:

\$648 per year

PROGRAM/SUB-PROGRAM IMPACT:

Administration & Support Services – Attract and retain highly qualified and dedicated employees by providing competitive compensation.

RECOMMENDATION:

Staff recommends approval of Ordinance No. 1784, Series 2019 on first reading, send it out for publication, and schedule the second reading and public hearing on October 1, 2019.

ATTACHMENT(S):

1. Ordinance No. 1784, Series 2017

STRATEGIC PLAN IMPACT:

<input type="checkbox"/>	 Financial Stewardship & Asset Management	<input type="checkbox"/>	 Reliable Core Services
<input type="checkbox"/>	 Vibrant Economic Climate	<input type="checkbox"/>	 Quality Programs & Amenities
<input type="checkbox"/>	 Engaged Community	<input checked="" type="checkbox"/>	 Healthy Workforce
<input type="checkbox"/>	 Supportive Technology	<input type="checkbox"/>	 Collaborative Regional Partner

**ORDINANCE NO. 1784
SERIES 2019**

**AN ORDINANCE AMENDING CHAPTER 2.08 OF THE LOUISVILLE MUNICIPAL
CODE REGARDING THE MAYOR'S SALARY**

WHEREAS, Section 3-5 of the home rule charter provides the mayor and each councilmember shall receive the salary and benefits prescribed by Ordinance; and

WHEREAS, Section 2.08.030 of the Louisville Municipal Code states the salary for the Mayor; and

WHEREAS, City Council desires to amend Section 2.08.030 of the Louisville Municipal Code as set forth herein in order compensate the Mayor at the average market rate as determined by comparison with the surrounding municipalities of Boulder, Brighton, Broomfield, Commerce City, Erie, Golden, Lafayette, and Longmont.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. Section 2.08.030 of the Louisville Municipal Code is hereby amended to read as follows (words deleted are ~~stricken through~~, added are underlined):

2.08.030. Salary.

The mayor shall receive as full compensation for his or her services, a salary of ~~\$13,320.00~~ \$13,968 per year, payable in monthly payments, and in addition to such salary benefits to include an annual membership to the Louisville Recreation Center, membership in the City's health insurance programs in which any premiums will be paid by the mayor, and the option to contribute to a 457 account through the City's retirement plan.

Section 2. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED this 17th day of September, 2019.

Robert P. Muckle, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly PC
City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this 1st day of
October, 2019.

Robert P. Muckle, Mayor

ATTEST:

Meredyth Muth, City Clerk