

City Council Meeting Minutes

**December 10, 2019
Library Meeting Room
951 Spruce Street
6:00 PM**

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

City Council: ***Mayor Ashley Stolzmann
Mayor Pro Tem Dennis Maloney
Councilmember J. Caleb Dickinson
Councilmember Deborah Fahey
Councilmember Chris Leh
Councilmember Jeff Lipton***

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
Chris Neves, Information Technology Director
Sharon Nemechek, Library Director
Dave Hayes, Police Chief
Megan Pierce, Economic Vitality Director
Kathleen Hix, Human Resources Director
Emily Hogan, Assistant City Manager for Communications
& Special Projects
Meredyth Muth, City Clerk***

Others Present: ***Jonathan Bartsch, Facilitator***

DISCUSSION/DIRECTION – 2020 CITY COUNCIL WORK PLANNING RETREAT

Mayor Stolzmann noted there are a large number of topics on the proposed list and there will not be adequate time or resources to do all of them next year; some items will need to be removed. The Council will need to focus and prioritize the list.

City Manager Balser stated this work planning retreat is to establish a realistic work plan for 2020 that reflects Council's priorities on issues requiring Council policy direction or guidance. The work plan will include issues City Council plans to address throughout the course of the year, the approximate meeting time Council will devote to each issue, and a rough schedule (by quarter) when Council will consider each issue. In addition, the Council work plan helps staff prioritize internal work plans. This process will be completed in two parts; tonight will include a discussion of what should be on the list and the January 14 meeting will include prioritization and timing for the items.

City Manager Balser stated this plan should include issues requiring City Council policy direction; issues requiring Council consideration or action; routine items that require City Council action; and items/projects that are already budgeted for in 2020 but that require Council input or action. The work plan should not include day-to-day operational items; additional/new budget items for 2020, 2021/22 budget items; or items requiring staff or City Council capacity beyond what is feasible within the year.

City Manager Balser noted that of the items on the 2019 work plan, staff completed 32 of 40 of the items.

City Manager Balser introduced Jonathan Bartsch who will be facilitating the conversation. He noted the need for the group to think strategically on the work plan to identify things that are accomplishable. This is key and can set up the Council for success.

Bartsch noted all of the issues are important to someone which is why they are on the list, but some will not be included in the end. Items are removed for any number of reasons. He noted the goal is to maintain good relationships while having the tough conversations. Tonight should also include an understanding of exactly what each item is.

Councilmember Lipton noted the budget will take a large amount of time from both Council and staff. He stated Council should look at 6-8 big things that we want to do. We need to set some clear priorities knowing the other operational items will always be there and take time. He stated the Council should under promise/over deliver.

City Manager Balser stated this list includes everything Councilmembers requested and also noted some of these can be handled quickly.

Mayor Pro Tem Maloney noted there are areas where staff simply won't have the capacity to do all of the items that are the list.

Members discussed each item:

1. Transportation Master Plan Development and Implementation.

Councilmember Lipton stated this is important; we approved the plan and now need to determine how to implement the items and fund them.

Mayor Stolzmann stated it could take several meetings to discuss funding options.

Members agreed both implementation within the current budget and funding for additional projects are a high priority and should be on the list either as one or two items.

2. Water sewer rates

Councilmember Lipton suggested this could be done biennially or in a different manner.

Mayor Pro Tem Maloney noted he would like to see Council review the rate model.

Mayor Stolzmann stated this is a straight forward issue that doesn't take much Council time if all Council is updating the rate schedule based on the work of staff and the Utility Committee.

City Manager Balsler suggested the Utility Committee look at the rate model and if it needs to be changed have the full discussion in 2021. It is probably too much to review the rate model and do the biennial budget this year.

Mayor Stolzmann summarized that Council will update the rates as needed and then also have the Utility Committee look at policies. This will be moved to the section of the workplan that include ongoing/annual items.

3. Vaping/Tobacco

Councilmember Lipton stated we are already raising the age limit; he would also like to also have Council consider putting a tax question for this on the ballot as well.

Councilmember Dickinson stated the Consortium of Cities discussed this and there is interest across the county in raising the age, doing a tax increase, licensing, restricting all flavored products, and expanding areas in which people cannot smoke or vape. There may be a way to do it on the county level.

Mayor Stolzmann stated this is very important but she would like to wait on some of this. It does have a benefit to public health; we should raise the age but wait on the other issues as this may overload our capacity.

Councilmember Leh wondered if the State will be addressing this. Deputy City Manager Davis stated the State may address the 21 age limit, but probably not a tax.

Councilmember Lipton thinks it is important enough to address and doesn't want to be the left behind with the rest of the County. He is more interested in a tax than a licensing program and thinks the citizens would support this.

Mayor Stolzmann noted it will be a not insignificant amount of work.

Mayor Pro Tem Maloney doesn't think we should get ahead of the County on these issues.

Members decided to keep it on the list for now.

4. Improve medians/landscaping.

City Manager Balser stated this can probably be addressed by a memo to Council that includes options on how to address issues and budget impacts. Work is underway and money is budgeted already. Members agreed to remove from the list.

5. Cottonwood Park Master Plan Update

City Manager Balser stated this is a big project and will likely take more than one year to complete. Director Mosley stated it includes Lake Park as well. Members decided to leave it on the list.

6. Use of Herbicides in Parks and Open Space

City Manager Balser stated we have been talking about this for a while and staff can bring more information back with recommendations for possible changes. Mayor Stolzmann said she has gotten a lot of input on this item and she feels the City needs a better policy.

City Manager Balser stated a new policy will also have to address enforcement and other consequences we aren't anticipating. Director Mosley stated it could be complex.

Councilmember Lipton stated this project should build on current policies and determine how it affects specific areas. He suggested maybe tasking the Boards to start the initial work.

Councilmember Fahey stated she feels this should be on the list to determine environmental impacts.

Councilmember Leh stated there is a lot of community sentiment on this. He would like to see it addressed now so it is not a continual discussion.

City Manager Balser stated staff will have the Boards begin work looking at the integrated weed management plan and options for updating the plan, and bring back recommendations to Council.

7. Wildlife Management

City Manager Balser stated this was added due to recent issues. She noted this would require a significant effort by staff with consultants and engaging the public. This would take a lot of staff time and likely take six months to a year if Council wants to have good public engagement.

Mayor Pro Tem Maloney stated there are those passionate about this but he does not think the majority of residents feel this is a priority.

Councilmember Leh stated he doesn't think this has to be so complicated; there may be more simple ways to address this. Perhaps just do a ban on certain chemicals, not complete a huge process.

Deputy City Manager Davis stated the state is looking at repealing the local preemption on this regulation. She suggested maybe waiting to see what the state does.

Councilmember Lipton stated this is a passionate issue for people and there is no way to keep it simple. It would take a huge amount of time. In addition, we would have to address our own practices on open space. He suggested removing it from the list.

Mayor Stolzmann suggested she and Councilmember Leh follow the bill at the state to see where it goes and focus on the herbicide issue this year and do this next year.

Members decided to remove it from the list.

8. Open Space Management Plan/Vision

City Manager Balser stated this will be the recommendations coming from the Open Space Board; it can be handled with memos to Council and possibly some meetings. Mayor Stolzmann stated most of this will be addressed in the budget discussions.

Members agreed to take it off the list.

9. Open Space Zoning

Mayor Stolzmann stated this is required by the charter and should be done. Councilmember Lipton stated staff can work on this in the background and bring it to a Council meeting if needed. It will be a significant conversation when it comes to public hearings.

Members decided to leave it on the list.

10. Open Space Zoning/Annexation of Enclaves.

Mayor Stolzmann stated this is her item and she would like to annex the open spaces and enclaves so we can have the authority to review oil and gas applications or other land use applications in the City. City Manager Balsler stated this is a capacity and prioritization issue for staff.

Councilmember Lipton stated we need to see if we have vulnerabilities in this area, but it is not a high priority. Keep working on it.

Members agreed to keep in on for now.

11. Senior Services Update

Deputy City Manager Davis stated this is a carryover item from 2019; we are still waiting on the Boulder County Agency on Area Aging (BCAAA) to finish their report. It will have impacts on multiple areas. She suggested waiting for their findings and see what those impacts are.

Councilmember Fahey would like to include a discussion of reestablishing a senior advisory board.

City Manager Balsler stated whether it is on the list or not, staff will bring the report back to Council.

Councilmember Lipton stated that what he wants to see is a gap analysis on what we offer and what is missing. He would like analysis from staff on what is missing rather than hearing from the County. He noted the organizational assessment will give us some information on this.

Members agreed to take it off as we wait for the Boulder County report and the organizational assessment. This may come back in 2021.

12. Museum Campus Expansion

City Manager Balsler stated she expects two to three meetings on this for Council to engage in the process after seeing the results of the 30% design and the public engagement. The Council will need to add what the next steps will be in the process once Council has better design information and more firm cost estimates.

Councilmember Fahey stated this information will allow the Council and the Historical Foundation to better understand what it will take to fund this.

Members decided this will just be an update to an existing project so leave it on the list.

13. Funding for Public Art

City Manager Balser stated this is carryover from 2019. The Cultural Council will work on this and bring a recommendation to Council. Members decided to keep it on the list.

14. Design Guidelines Update

Members decided to keep it on the list.

15. Height Calculations

Members decided to keep it on the list.

16. Miners cabins

Director Zuccaro stated that at this point what is left to complete is really operational. Members agreed to remove it from the list.

17. Affordable Housing

City Manager Balser noted staff anticipates some work on this and a likely 2020 ballot issue from the County regarding funding.

Mayor Stolzmann stated we signed on to the County-wide agreement but the next steps are up to the County as they do the heavy lifting to see if a ballot issue brings new funding. She stated this may be more of a 2021 issue.

Members agreed to remove it while waiting to see what happens with possible funding from the County.

18. PUD Review and Waiver Criteria

Director Zuccaro stated the waiver criteria by which we review PUDs are outdated and many of the criteria are not applicable to current developments. Staff wants to update them so they are more relevant to the review process.

Councilmember Lipton noted the Planning staff will have will have two large projects in 2020 and noted there may not be the bandwidth to also do this.

Mayor Stolzmann stated she thinks this could be controversial and there are other things the Planning Department should be working on. She stated if criteria don't apply to current development proposals they can just not be used. She thinks it will take a large amount of time.

Members agreed to keep it on the list and see how it gets prioritized; it may be a low priority item in the end.

19. Group Home Regulations

City Manager Balser stated this has come up a few times and it has been handled administratively. Director Zuccaro noted our code does not match state law and it should be updated; it would require some policy discussion from Council. To date it hasn't been a priority, but staff is getting more requests and it would be good to have it clarified.

Members decided to remove it from the list.

20. City-Initiated Rezoning

Mayor Stolzmann stated she requested this item but would now like to remove it now. Members agreed to remove this from the list.

21. Old Town Overlay Zone District

City Manager Balser stated this project would be a significant effort. Mayor Pro Tem Maloney stated he thinks this is important.

Members agreed to keep it on the list.

22. Shadow Protection for Solar Access

Mayor Stolzmann stated she would like the City to help residents administer voluntary agreements between neighbors for solar protection, but noted it would not be an insignificant task. Director Zuccaro stated staff could create a program to help people do these agreements but it would take some research from staff to see what the options are.

Mayor Stolzmann proposed this as an item for the Sustainability Advisory Board to research and possibly include in their updated sustainability plan.

Members agreed to do that and remove it here.

23. Economic Vitality Strategic Plan

Members all noted this is a big priority and should be kept on the list.

24. Urban Renewal Area Plan/Strategy

Members agreed to keep it on the list.

25. 2021-22 Budget

Members agreed this is a major project and to keep it on the list.

26. New Technology and Engagement Tools

City Manager Balser stated this is both a carryover from 2019 and also includes some new items. Deputy City Manager Davis stated some of this will be coming to Council for discussion in January.

Members agreed to keep it on the list.

27. NOW Proposal for Legislative Changes for Zoning Notices

Mayor Pro Tem Maloney asked if this could be part of 26. City Manager Balser stated the NOW proposal is very specific to zoning changes and would require legislative changes approved by Council.

Councilmember Lipton stated this is one neighborhood's reaction to one issue. He stated we probably don't need legislative changes; just better communication and outreach.

Mayor Stolzmann noted these changes would require significant additional notification and likely it would end up being citywide mailings for many types of legislative items; the question then becomes is this an effective way to engage with residents.

Mayor Stolzmann asked if there was interest in changing the notification distance to 750 feet. Councilmember Lipton stated his constituents are not asking for this and he doesn't want it on the list.

Members agreed to keep it on the list for now, but may revisit that at the prioritization discussion in January.

28. Evaluation of City Council Appointees

Members decided to keep this on the list.

29. Council Work Plan Preparation

Members decided to keep this on the list.

30. Middle Mile Network

City Manager Balser stated staff will have to come back for a discussion of budget implications but not much else. That update can be done by memo and staff will bring this back to Council as needed. Members agreed to keep it on the list.

31. City Council Salary Survey

This is a small item that will take little time, members agreed to keep it on the list.

32. Board and Commission Structure

Mayor Stolzmann stated the Council should only take this on if they are really willing to have the hard conversations and make changes. People will be upset regardless of what we do.

Members agreed to remove the item; maybe revisit in 2021.

33. Board and Commission Interviews/Appointments

Members agreed to keep this item.

34. Board & Commission Updates

Members agreed to keep this item.

35. Potential tax questions and minimum wage

Members discussed various items they might want to consider as upcoming tax questions for the ballot. Possible items could include: taxes for tobacco, transportation, or plastic bags. They also discussed the possibility of a local minimum wage.

Members agreed to keep this item.

36. Citizen Survey

Members agreed to keep this item.

37. Sustainability Action Plan Update

Members agreed to keep this item.

38. Refinement of KPI

Members agreed to keep this item.

39. Airport Noise Issues

Members agreed to keep this item.

40. Marijuana Cultivation

Members agreed to keep this item.

SUMMARY

Bartsch noted that of the 40 items the group removed ten.

Mayor Stolzmann stated that on second thought, she would like to remove #10 open space enclaves, move it to 2021. Members agreed.

Members agreed these are the five items of strategic and critical importance:

- Transportation Master Plan (#1)
- Economic Vitality Strategic Plan (#23)
- Sustainability Plan (#37)
- Airport Noise (#39)
- 2021-22 Budget (#25)

Staff will bring a list showing how much time is required for each of these items for the prioritization conversation in January.

Mayor Pro Tem Maloney noted some departments have many items on the list and capacity should also be considered.

MEETING COMMUNICATION

Bartsch asked members what they feel would be helpful for better meeting communication among the group in general.

Mayor Stolzmann stated it is important to remember things will come up outside the work plan. We can add items to agendas if they need Council discussion. She asked that everyone communicate to the group what they are doing on their various committees and other assignments and bring information back to the group.

Mayor Stolzmann asked Council to continue to be judicious when pulling items off of the consent agenda and please tell staff in advance if you plan to do that at a meeting. Councilmember Lipton added Council should reach out to staff for information if needed for a consent item.

Mayor Pro Tem Maloney stated it is good to hear from everyone on Council on every topic. He stated knowing everyone's opinion is important in the process. He asked members to be open minded and reach consensus.

Councilmember Leh noted the Council has a good history of being civil and should maintain that. He stated there is value in dissent. There will be issues where we disagree and that is healthy. He added it is important to be respectful to the public and staff as well. We should make sure people feel they were heard when they speak at a meeting.

Councilmember Lipton stated the group is respectful; we should agree to disagree and be honest with each other. We are all part of the team to move the City forward. He noted the Council should be respectful of staff. The group needs to be efficient and effective as a body and move the City forward.

Councilmember Fahey stated it is important we all get along. She added it is important to respect the knowledge and experience staff brings to the discussion of issues.

Councilmember Dickinson said it is a great room of people and we should appreciate the different opinions and perspectives and start from a place of respect. He stated it can be good to challenge assumptions to get more information and better discussion.

**DISCUSSION/DIRECTION/ACTION – DECEMBER 16 INTERVIEW PROCESS FOR
WARD III CITY COUNCIL VACANCY**

Members appointed Mayor Pro Tem Maloney and Councilmember Dickinson to prepare the questions for the interviews and decided on 30 minute interviews of all five candidates. The interviews will be on Monday, December 16 and then Council will vote to appoint the person on Tuesday, December 17.

FUTURE AGENDA ITEMS

Members reviewed the advanced agenda.

ADJOURN

Members adjourned at 8:56 pm.

Ashley Stolzmann, Mayor

Meredyth Muth, City Clerk