

City Council Meeting Minutes

**May 5, 2020
Electronic Meeting
6:00 PM**

Call to Order – Mayor Stolzmann called the meeting to order at 7:00 p.m. **Roll Call** was taken and the following members were present:

City Council: ***Mayor Ashley Stolzmann
Mayor Pro Tem Dennis Maloney
Councilmember Kyle Brown
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
Rob Zuccaro, Planning & Building Safety Director
Dave Hayes, Police Chief
Kurt Kowar, Public Works Director
Megan Pierce, Economic Vitality Director
Meredyth Muth, City Clerk***

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

Mayor Stolzmann noted that because of the COVID-19 emergency the meeting is being held electronically. She gave information on how the meeting process will work and directions for those dialing in on how to participate when it is time for public comments.

APPROVAL OF AGENDA

Mayor Stolzmann called for changes to the agenda and hearing none asked for a motion. Councilmember Lipton moved to approve the agenda; seconded by Mayor Pro Tem Maloney. All in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA AND THE CONSENT AGENDA

None.

APPROVAL OF THE CONSENT AGENDA

Mayor Pro Tem Maloney noted the consent agenda includes the approval of a contract with City Manager Balser for another year. He stated the Council gave the City Manager a very strong evaluation for the past year and he thanked her for her work.

Mayor Stolzmann called for changes to the consent agenda. Hearing none she asked for a motion to approve the consent agenda. Mayor Pro Tem Maloney moved to approve the agenda; seconded by Councilmember Lipton. All in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: April 17, 2020; April 21, 2020***
- C. *Approval of Older American's Month Proclamation***
- D. *Approval of a Sole Source Agreement with Respec for 2020 Environmental Compliance Consulting Services***
- E. *Approval of Purchase of a Mower for the Water Treatment Plant***
- F. *Approval of Written Record of Evaluation and Second Amended Employment Agreement for City Manager Heather Balser***
- G. *Approval of Agreement with Wattle and Daub Contractors for Consulting Services to Relocated and Rehabilitate the Trott/Downer Cabins at Miners Field, 1212 South Street***
- H. *Approval of a Contract Increase Between the City of Louisville and Edge Contracting and Approval of Funding for the Permanent and Temporary Construction Easements Between the City of Louisville and RCL Land Company, LLC for the Construction of a Portion of the Southern Water Supply Pipeline***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

None.

CITY MANAGER'S REPORT

City Manager Balser stated information will be coming soon on reopening in June for limited hours at City Hall and curbside options at the Library. She asked Director Pierce to give an update on the recent grant program.

Director Pierce stated all the checks have been mailed and all the applicants were informed of their status. 70 grants were approved of the 180 applications. For those not approved some were ineligible and some were not up to date on their City accounts. The Economic Vitality Committee and Revitalization Commission are both looking at other ways they can help local businesses. In addition, staff is putting on a webinar series to help local businesses learn about options that are out there to help them.

REGULAR BUSINESS

ORDINANCE NO. 1793, SERIES 2020 – AN EMERGENCY ORDINANCE REQUIRING THE WEARING OF FACE COVERINGS IN PLACES OF PUBLIC ACCOMMODATION WITHIN THE CITY – 1ST AND FINAL READING – PUBLIC HEARING – Adoption as Emergency Ordinance

Mayor Stolzmann introduced the ordinance by title and opened the public hearing. She noted this is the first and final discussion of the emergency ordinance.

City Attorney Kelly stated on May 8 the Safer at Home guidelines will take effect in Louisville. At the time the packet was put together Boulder County Public Health (BCPH) was not requiring face masks, however since then Boulder County has put in place some mask requirements. If this ordinance passes tonight the stricter regulations of the two would be in effect in Louisville.

As of today, there are two regulations in effect in Louisville regarding face masks. The Colorado Department of Public Health and Environment (“CDPHE”) Public Health Order requiring face coverings for employees of critical businesses who may routinely or consistently come within 6 feet of other workers or the public. This expires on May 17. The BCPH order requires people to wear a mask outside of their residence when they are six feet or closer to non-household members. The BCPH order does not require face coverings for children under the age of 12. This expires May 26.

The draft City ordinance requires face coverings in places of public accommodation except those specifically noted. As written, the City’s ordinance provides an exception for children under the age of two which is consistent with CDC recommendations.

There are some suggested revisions today, one would add additional exceptions for children based on the recommendations from the American Academy of Pediatrics and a second proposed revision would require face coverings outdoors to reflect the Boulder County order.

As written, responsibility for compliance is with both the business and the individual and signage is required to be posted. Education and voluntary compliance is the goal, but if that fails a ticket for municipal court may be issued.

The current draft has an expiration date of June 2 unless otherwise revoked or extended by the City Council.

Mayor Stolzmann stated she gave the outdoor requirement as a suggestion to align this draft with what the County has enacted so people know both are in effect.

Councilmember Brown stated he suggested the other revision related to children wearing masks. It makes it clear that if a child will be harmed by wearing a face mask it will not be required and this language comes directly from the American Academy of Pediatrics.

Mayor Stolzmann suggested that for clarity there should be language to match the County's rules that these exceptions apply to those 12 years old and under.

Public Comments - None

Members agreed to some language changes for clarity.

Councilmember Dickinson wondered why the County chose 12 years old as the cut off. Staff did not know why the County chose that.

Councilmember Lipton stated it seems reasonable to align the age on our ordinance with the County.

Members were supportive of the mask requirement but discussed if the 12 year age limit was the best place to land or if the two year age recommended by the CDC makes sense.

Councilmember Leh requested language be included to clarify that "businesses" include nonprofit entities and other businesses not identified in the current language.

Mayor Stolzmann asked staff how enforcement will be handled. City Manager stated there will need to be a great deal of education around this for both businesses and the public. Chief Hayes stated he envisions lots of warnings and educational conversations. Most likely tickets would only be issued in egregious cases.

Mayor Stolzmann asked if businesses have given input on this ordinance. Director Pierce stated most confusion is about when the requirement goes into effect. She stated staff is ramping up to get information out and how to help businesses know what rules apply in which municipality.

Councilmember Dickinson suggested the expiration be moved to June 5 to allow some leeway in the timing. Members agreed.

Members agreed education will be more important than enforcement for this ordinance.

Public Comments - None

Councilmember Dickinson suggested the ordinance take effect May 9 rather than immediately so there is time for some education.

Mayor Pro Tem Maloney moved to approve the ordinance 1793, Series 2020 as amended; seconded by Councilmember Dickinson.

Councilmember Leh proposed a friendly amendment that the effective date be May 7 at 11:59 pm. Motioner and seconder accepted the friendly amendment.

Mayor Stolzmann stated the Council had gotten number of emails on this issue and those have been added to the packet and to the public record.

Mayor Stolzmann closed the public hearing.

ROLL CALL VOTE – Motion passed by unanimous roll call vote.

RESOLUTION NO. 34, SERIES 2020, IN RE THE APPOINTMENT OF DIRECTORS TO THE BOARD OF DIRECTORS OF THE TAKODA METROPOLITAN DISTRICT

Mayor Stolzmann introduced the item. City Attorney Kelly stated the City received a petition from the Takoda Metro District informing the City there is only one member serving on the District Board and that his term expires today. There could be no directors serving on the Board; and that without duly elected or appointed directors, the Board cannot continue to function and such will result in the interruption of services that are being provided to the District.

The Special District Act provides that where there are no duly elected directors and, if the failure to appoint a new board will result in the interruption of services being provided by the district, the City Council may appoint all directors from a pool of qualified and willing candidates. The Boardmembers appointed by the City Council are then required to call for nominations for a special election within six months after their appointment.

Councilmember Leh has been working with residents in the District to find willing members to serve on the Board. The Resolution for consideration has five spots on the Board that can be filled by Council. If appointed these members would then call for a special election within six months so these are temporary positions.

Councilmember Leh stated David Waldner is interested, he is the current president of the board but is not a resident of the District. He stated he has three residents who are interested in serving: James Kehl, Gary Larson, and Keith Rensberger.

Public Comments

Erica Montague, Spencer Fane Law Firm 1700 Lincoln Street, Denver, stated she represents the District and is available to answer questions.

Mayor Stolzmann stated she is disappointed there was not more interest from residents in serving on the Board as the governance they provide is important. She stated she would prefer not to appoint David Waldner as he is not a resident in the District but would like to appoint the three residents.

Councilmember Lipton asked how Mr. Waldner is eligible. Ms. Montague stated he is a representative of the developer and is qualified through a property contract in the District. Councilmember Lipton stated he does not think Mr. Waldner should necessarily be excluded from the Board.

Mayor Stolzmann stated she feels the developer has a conflict of interest on the Board as payments are made from the District to the developer. While that is allowed in these districts, she is not comfortable with that.

Councilmember Lipton stated Mr. Waldner has done a good job representing the developer and should be considered.

Councilmember Brown agreed with the principal that only residents be considered.

Councilmember Dickinson and Mayor Pro Tem Maloney supported appointing Mr. Waldner and the residents.

Councilmember Leh moved to approve the Resolution with appointing three resident members: Jim Kehl, Gary Larson, and Keith Rensberger; seconded by Mayor Stolzmann.

ROLL CALL VOTE – Motion passed by unanimous roll call vote.

CITY ATTORNEY'S REPORT

None.

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

ADVANCED AGENDA – Mayor Stolzmann requested an executive session for May 12 at 6 pm for consideration of a property acquisition. Mayor Pro Tem Maloney seconded. All in favor.

Councilmember Leh noted a request has been submitted to Council to support June as LGBTQ Pride Month. This will be added to a future agenda and Councilmembers Dickinson and Brown will work on the proclamation.

Councilmember Brown stated residents can now be tested for COVID-19 in East Boulder County at Clinica in Lafayette. If someone is symptomatic they can get tested there.

ECONOMIC VITALITY COMMITTEE – Meeting tomorrow to discuss the grant program and economic vitality program moving forward.

FINANCE COMMITTEE – Met in two work sessions to review financials, projected funding scenarios for 2020 and reviewed CIP projects and where they currently stand.

LEGAL REVIEW COMMITTEE – Meeting May 6.

UTILITY COMMITTEE – Meeting May 12.

COLORADO COMMUNITIES FOR CLIMATE ACTION – No report.

COMMUTING SOLUTIONS – No report.

CONSORTIUM OF CITIES – Meeting May 6.

DOWNTOWN BUSINESS ASSOCIATION STREET FAIRE – Committee reviewing possible options and concerns with having Street Faire this summer.

DENVER REGIONAL COUNCIL OF GOVERNMENTS – Meeting later this month to review Vision Zero.

JOINT INTEREST COMMITTEES (SUPERIOR & LAFAYETTE) – No report.

MAYORS & COMMISSIONERS COALITION – Meeting May 7.

METRO MAYORS CAUCUS – Meeting frequently and trying to see how best we can work together to address COVID-19.

REVITALIZATION COMMISSION – Meeting May 6.

XCEL ENERGY FUTURES – Working on some alternative energy options that may come to Council in June.

ADJOURN

Members adjourned at 7:53 pm.

Ashley Stolzmann, Mayor

Meredyth Muth, City Clerk