

City Council Meeting Minutes

**September 5, 2023
City Hall, Council Chambers
749 Main Street
6:00 PM**

Call to Order – Mayor Maloney called the meeting to order at 6:00 p.m. **Roll Call** was taken and the following members were present:

City Council: *Mayor Dennis Maloney
Mayor Pro Tem Deborah Fahey
Councilmember Caleb Dickinson
Councilmember Barbara Hamlington
Councilmember Dietrich Hoefner
Councilmember Chris Leh
Councilmember Maxine Most*

Staff Present: *Jeff Durbin, City Manager
Kurt Kowar, Public Works Director
Rob Zuccaro, Community Development Director
Amelia Brackett Hogstad, Senior Planner
Adam Blackmore, Parks, Recreation, & Open Space Director
Ryder Bailey, Finance Director
Sharon Nemechek, Cultural Services Director
Rhonda Henger, Human Resources Director
Paulina Bennett, Information Technology Director
Rafael Gutierrez, Police Chief
Emily Hogan, Assistant City Manager
Meredyth Muth, City Clerk*

Others Present: *Kathleen Kelly, City Attorney*

APPROVAL OF AGENDA

Mayor Maloney called for changes to the agenda and hearing none asked for a motion.

Motion: Councilmember Dickinson moved to approve the agenda, seconded by Councilmember Hoefner. **Vote:** All in favor.

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

None.

APPROVAL OF THE CONSENT AGENDA

Mayor Maloney noted a new version of the agreement for item L has been given to Council on the dais; this is the version to be approved this evening. City Attorney Kelly stated this new version is compliant with the Home Rule Charter.

He asked for any additional changes to the consent agenda; hearing none he asked for a motion. **Motion:** Mayor Pro Tem Fahey moved to approve the consent agenda, seconded by Councilmember Dickinson. **Vote:** All in favor.

- A. ***Approval of Bills***
- B. ***Approval of Minutes: April 4, 2023***
- C. ***Approval of City Council Meeting Schedule for September, October, and November***
- D. ***Award Bid for 2023 South Boulder Road Culvert Lining Project***
- E. ***Approval of Purchase Agreement with Basecamp Louisville LLC for the Sale of a City-Owned Building Located at 1501 Empire Road***
- F. ***Approve Contract Between the City of Louisville and MIG for Downtown Vision Plan for Streetscapes and Public Places Project***
- G. ***Approve Contract Between the City of Louisville and Kimley-Horn and Associates for the Highway 42 Design and ROW Project***
- H. ***Approval of 2023 Pavement Marking Contract***
- I. ***Approval of Change Order #1 to Contract for the 2023 Street Resurfacing Project***
- J. ***Approval of Street Faire Contract 2024 - 2026***
- K. ***Approval of Resolution No. 49, Series 2023 – A Resolution Approving a Cooperation Agreement with the Louisville Revitalization Commission Regarding the Outdoor Skating Rink at the Steinbaugh Pavilion***
- L. ***Approval of Land Use Agreement with Boulder County***
- M. ***Approval of Resolution No. 50, Series 2023 – A Resolution Supporting the Grant Application for a Community Impact Grant from the State Board of the Great Outdoors Colorado Trust Fund Towards the Reconstruction of Enclave and Sunflower Parks***
- N. ***Approval of Insight Microsoft Purchase Order***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Councilmember Leh stated he had a recent call from Community Food Share telling him that over the past few months they have seen record high numbers for people needing service; higher than they have ever seen, and they expect it to increase in the future.

Councilmember Most stated increases in homeowners insurance and car insurance are being felt as well. She asked that low and moderate income residents not be forgotten in our services.

Councilmember Dickinson thanked staff for the work on the Labor Day events.

CITY MANAGER'S REPORT

City Manager Jeff Durbin introduced new Deputy City Manager Samma Fox. He also thanked staff for their work at the Labor Day events.

He stated Boulder County and the Community Foundation have given \$600,000 towards Marshall Fire debris removal cost to offset costs to private property owners.

He noted staff from the water division recently went to Maui to help with fire recovery.

REGULAR BUSINESS

ORDINANCE NO. 1856, SERIES 2023 – AN EMERGENCY ORDINANCE FOR EXTENDING THE CITY'S THREE-EIGHTHS OF ONE PERCENT (0.375%) SALES TAX FOR PARKS AND OPEN SPACE PURPOSES FOR AN ADDITIONAL 10 YEAR PERIOD, IMPOSING AN ADDITIONAL ONE-EIGHTH OF ONE PERCENT (0.125%) SALES AND USE TAX FOR OPEN SPACE PURPOSES AS PROVIDED HEREIN; AND PROVIDING FOR THE SUBMISSION OF THE BALLOT QUESTION TO A VOTE OF THE REGISTERED ELECTORS AT A REGULAR ELECTION TO BE HELD NOVEMBER 7, 2023 – 1ST AND FINAL READING – PUBLIC HEARING – Adoption as Emergency Ordinance

Mayor Maloney introduced the item and opened the public hearing. He noted this ordinance was brought forward to correct an error made in the earlier ordinance that placed this item on the ballot.

Public Comments – None.

Mayor Maloney asked for any Council discussion, seeing none he asked for the second round of public comments.

Public Comments

Sherry Sommer, Louisville, thanked everyone for their work on this ballot issue.

Mayor Maloney thanked the resident who noticed this error which led to this fix tonight.

MOTION: Councilmember Most moved to approve the ordinance; Councilmember Hoefner seconded the motion.

VOTE: Motion passed by unanimous roll call vote.

LOUISVILLE HEIGHTS REPLAT B AND LANDMARKING – 301 SPRUCE STREET

RESOLUTION NO. 51, SERIES 2023 – A RESOLUTION APPROVING A LANDMARK DESIGNATION FOR A HISTORICAL RESIDENTIAL PROPERTY LOCATED AT 301 SPRUCE STREET

RESOLUTION NO. 52, SERIES 2023 – A RESOLUTION APPROVING THE LOUISVILLE HEIGHTS REPLAT B, A MINOR SUBDIVISION TO REPLAT LOTS 12-16, BLOCK 5 OF THE LOUISVILLE HEIGHTS ADDITION TO CREATE TWO LOTS

Mayor Maloney introduced the items and opened the public hearing.

Planner Brackett Hogstad stated this is a request for a landmarking and minor subdivision replat. Staff believes the house at 301 Spruce Street meets the landmarking criteria and recommends approval of the resolution.

The replat would subdivide one lot into two and if approved would allow one lot to be 54-feet wide where 70 feet is required as well as approve a 6,755 sf lot where 7,000 sf is required. Staff supports the replat as it meets all other requirements of Title 16, maintains density of the lot, and maintains the character of an existing historic structure. Staff recommends approval of the replat.

Applicant Susannah Pels stated their goal is to subdivide the property so they can pass on both lots to their children and build a smaller house on the new lot for retirement.

Public Comments – None.

Councilmember Dickinson stated he supports this request and is happy to see the house landmarked and protected and to utilize a large lot for two homes.

Councilmember Most and Mayor Pro Tem Fahey agreed.

Mayor Maloney stated he appreciates the applicant's working with staff to find a great way to use and preserve the property.

MOTION: Councilmember Dickinson moved to approve Resolution No. 51, seconded by Councilmember Leh.

VOTE: Motion passed by unanimous roll call vote.

MOTION: Mayor Pro Tem Fahey moved to approve Resolution No. 52, seconded by Councilmember Hoefner.

VOTE: Motion passed by unanimous roll call vote.

**DISCUSSION/DIRECTION – RECOMMENDED BUDGET FOR 2024, INCLUDING
UPDATED CAPITAL IMPROVEMENTS PLAN FOR 2023-2028 & UPDATED LONG-
TERM FINANCIAL PLAN FOR 2023-2028 – SET PUBLIC HEARING 10/17/23**

Mayor Maloney introduced the item and noted this is the initial budget presentation. Next week the council will go into more detail and that will be the chance for councilmembers to ask in depth questions.

Director Bailey stated the City Council approved the 2023-2024 Biennial Budget on November 15, 2022. Per the City Charter, only the 2023 portion of the Biennial Budget was legally adopted and appropriated. The 2024 Budget and attachments are meant to supplement the previously approved document as an updated budget. He reviewed the budget meeting schedule and next steps.

City Manager Durbin stated this budget's fiscal priorities are Marshall Fire Recovery and Mitigation; Open Space and Parks Ballot Measure; Commitment towards Sustainability and De-carbonization of City Facilities; Economic Vitality; Affordable Housing; Office Space Needs; Personnel Expenditures; and the Superior Library IGA. He noted areas where he is recommending enhancements and where new personnel are being requested.

Bailey reviewed how the budget is divided citywide and reviewed projections for salaries, benefits, and revenue. He reviewed each of the City's funds and their forecasts as well as proposed changes to the Capital Improvement Projects for 2024.

Councilmember Most asked if salary increases are attributable to additional staff or increases in wages for exiting staff. Director Bailey stated it is mostly based on increases in salary and benefits for existing staff.

Mayor Maloney noted the budget as presented here is out of balance and that will be the discussion the Council will need to have next week.

Councilmember Leh asked about the proposed mill levy reduction. Director Bailey stated this is to lower property taxes for residents in this year when large increases in property assessments are expected. This will keep the increase at 7.5%.

Councilmember Leh noted that the bag tax revenue will ultimately go down as people use fewer bags, so using that for salaried for a new position may not be prudent. City Manager Jeff Durbin stated the projections show the continued use of paper bags, particularly at drive through restaurants, will continue as plastic bags are banned. This is projected to be enough to support the position.

Councilmember Leh asked what percentage of total costs is personnel costs. Director Bailey stated it is roughly one-third. Councilmember Leh noted staff is critical.

Councilmember Hoefner asked for the next meeting to have a “what if” analysis on the mill levy reduction and on the possibility of the open space tax not passing at the ballot. He also asked for staff suggestions on how to reduce the out year deficits.

Councilmember Hamlington asked for more information on if any others entities are considering a mill levy reduction in 2024. She also asked for information on future wages and benefits and if the City is competitive with our surrounding cities.

Mayor Maloney stated he is talking with BVSD and the County about what they may or may not do for mill levy reductions.

Councilmember Dickinson stated council has clearly wanted to help residents with a mill levy reduction but he stated he would like to see it at the level it was two years ago, not lower. He would like more information on this next week and on how the Rec Center bond affects this. He is concerned this creates a massive jump in 2025 and he would like to see options. He would like to see various projections for sales tax revenue and what those impacts would be.

Councilmember Dickinson and Mayor Maloney asked to see the Rec Center renewal and replacement schedule to see more details on how the fund is expected to be spent.

Mayor Maloney noted there is a lot of work to do on this budget just as we do every year. He noted there will need to be a discussion on how funds will be allocated. He stated there will be a lot of work to be done on how the open space and parks funds will be handled if the ballot issue passes.

Mayor Maloney stated he would like to see a reduction in the mill levy so residents are not seeing a massive increase.

Councilmember Leh asked for additional information on how much sales tax is coming from outside sales.

Councilmember Most reiterated her request that lower income residents be considered in this conversation.

Chief Willson, Louisville Fire District, stated the Fire District is not planning to reduce their mill levy this year as they are anticipating a reduction in revenue depending on Proposition HH.

Public Comments

Sherry Sommer, Louisville, stated the mill levy reduction is very small for most homeowners and it might be better to keep that money for City projects. She supports additional funds being set aside for decarbonization. She stated if the interest on the Rec Center bond is low it might make sense to not refinance that.

MOTION: Mayor Maloney moved to set the public hearing for the budget for October 17, 2023; Mayor Pro Tem Fahey seconded.

VOTE: Voice vote all in favor.

ORDINANCE NO. 1857, SERIES 2023 – AN ORDINANCE AMENDING TITLE 3 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING THE CITY’S TAX AND BUSINESS ASSISTANCE PROGRAM SET FORTH IN CHAPTER 3.24, AND TO ADD A NEW CHAPTER 3.25 REGARDING ENHANCED ASSISTANCE FOR AEROSPACE BUSINESSES – 1st READING, SET PUBLIC HEARING 9/19/23

Mayor Maloney introduced the ordinance by title.

MOTION: Mayor Maloney moved to approve the ordinance on first reading and set the public hearing for September 19, 2023; seconded by Councilmember Most.

VOTE: Motion passed by unanimous voice vote.

ORDINANCE NO. 1858, SERIES 2023 – AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 17.26 TITLED OUTDOOR LIGHTING – 1st READING, SET PUBLIC HEARING 10/2/23

Mayor Maloney introduced the ordinance by title.

MOTION: Mayor Maloney moved to approve the ordinance on first reading and set the public hearing for October 2, 2023; seconded by Mayor Pro Tem Fahey.

VOTE: Motion passed by unanimous voice vote.

ORDINANCE NO. 1859, SERIES 2023 – AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE BY CREATING A NEW SECTION 17.16.350

**ESTABLISHING PROCEDURES AND CRITERIA FOR A CONCEPT PLAN REVIEW –
1st READING, SET PUBLIC HEARING 10/2/23**

Mayor Maloney introduced the ordinance by title.

MOTION: Mayor Maloney moved to approve the ordinance on first reading and set the public hearing for October 2, 2023; seconded by Councilmember Leh.

VOTE: Motion passed by unanimous voice vote.

**ORDINANCE NO. 1860, SERIES 2023 – AN ORDINANCE REPEALING THE
PROHIBITION ON PIT BULLS CONTAINED IN SECTION 6.12.160 OF THE
LOUISVILLE MUNICIPAL CODE – 1st READING, SET PUBLIC HEARING 10/2/23**

Mayor Maloney introduced the ordinance by title.

MOTION: Mayor Maloney moved to approve the ordinance on first reading and set the public hearing for October 2, 2023; seconded by Councilmember Hoefner.

VOTE: Motion passed by unanimous voice vote.

**ORDINANCE NO. 1861, SERIES 2023 – AN ORDINANCE AMENDING SECTION
2.67.020 OF THE LOUISVILLE MUNICIPAL CODE REDUCING THE MEMBERSHIP
ON THE RECREATION ADVISORY BOARD – 1st READING, SET PUBLIC HEARING
10/2/23**

Mayor Maloney introduced the ordinance by title.

MOTION: Mayor Maloney moved to approve the ordinance on first reading and set the public hearing for October 2, 2023; seconded by Councilmember Fahey.

VOTE: Motion passed by unanimous voice vote.

**ORDINANCE NO. 1862, SERIES 2023 – AN ORDINANCE AMENDING CHAPTER
2.20 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING THE ARTS &
CULTURE ADVISORY BOARD – 1st READING, SET PUBLIC HEARING 10/2/23**

Mayor Maloney introduced the ordinance by title.

MOTION: Mayor Maloney moved to approve the ordinance on first reading and set the public hearing for October 2, 2023; seconded by Councilmember Hoefner.

VOTE: Motion passed by unanimous voice vote.

ORDINANCE NO. 1863, SERIES 2023 – AN ORDINANCE AMENDING CHAPTER 2.20 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING THE HISTORICAL MUSEUM ADVISORY BOARD – 1st READING, SET PUBLIC HEARING 10/2/23

Mayor Maloney introduced the ordinance by title.

MOTION: Mayor Maloney moved to approve the ordinance on first reading and set the public hearing for October 2, 2023; seconded by Councilmember Hoefner.

VOTE: Motion passed by unanimous voice vote.

CITY ATTORNEY’S REPORT

None.

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

Mayor Pro Tem Fahey stated she has gotten thank yous from residents for the new no right on red sign at Via Appia and South Boulder Road.

Councilmember Most asked for a future agenda item for use tax waivers for those fire survivors whose homes were not destroyed but required mitigation.

Councilmember Hamlington stated how much she likes the new upgrades at the library plaza and stated she knows it is much appreciated.

ADJOURN

Members adjourned at 7:42 pm.

Dennis Maloney, Mayor

Meredyth Muth, City Clerk