

City Council Meeting Minutes

**September 19, 2023
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 – arrived 6:15 pm*

Staff Present: *Jeff Durbin, City Manager
Samma Fox, Deputy City Manager
Rob Zuccaro, Community Development Director
Austin Brown, Economic Vitality Specialist
Kayla Betzold, Sustainability Manager
Adam Blackmore, Parks, Recreation, & Open Space Director
Rafael Gutierrez, Police Chief
Emily Hogan, Assistant City Manager
Genny Kline, Deputy City Clerk*

Others Present: *Kathleen Kelly, City Attorney
Ashley Stolzmann, Boulder County Commissioner*

APPROVAL OF AGENDA

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

MOTION: Councilmember Leh moved to approve the agenda, seconded by Councilmember Hoefner.

VOTE: All in favor.

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

Leslie Robinson, Louisville, asked the Council to consider putting a light at the crosswalk on Bella Vista at the point it turns into Cherry Street as it is hard to see the crosswalk in the curve and cars move very fast.

Leah Lambe, Louisville, also asked for a light at this crosswalk as many people are speeding and it is a blind spot at that crosswalk. She stated it is particularly bad in the morning with the sun glare. She stated some people simply don't stop.

Jill Proctor, Louisville, also urged Council to consider a light at this crosswalk; she noted people drive very fast there and often don't stop for people in the crosswalk. Many kids use this crosswalk regularly to go to Louisville Elementary. It is a heavily used crosswalk and needs to be made safer.

Mike Deborski, Louisville, thanked for everyone that helped out on the fourth of July. He encouraged the Council to support local businesses and reduce the regulations and costs that have been increasing over the years. He asked that Council evaluate new ordinances by the impacts they have on small businesses.

Josh Cooperman, Louisville, stated he is excited that the City is applying for affordable housing funding (consent item G). He stated he has concerns with returning money to the Takoda Metropolitan District (consent item F) and perhaps that should be saved for future transportation improvements. He supports consent item D and asked that sustainability issues be included in the design standards.

APPROVAL OF THE CONSENT AGENDA

Mayor Maloney asked if there were any 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 Hoefner.

VOTE: All in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: September 13, 2023***
- C. *Approval of Contract Between the City of Louisville and JVA Inc. for the Wastewater Treatment Plant Solids Handling Upgrade Final Design***
- D. *Approval of Contract Between the City of Louisville and Kimley-Horn for Design and Construction Standards Update Project***

- E. *Approval of Resolution No. 53, Series 2023 – A Resolution Authorizing the Purchase of Wastewater Treatment Plant Chemicals***
- F. *Approval of First Amendment to Intergovernmental Agreement Between the City of Louisville, Colorado and the Takoda Metropolitan District***
- G. *Approval Resolution No. 54, Series 2023 – A Resolution in Support of the City of Louisville Filing an Affordable Housing Commitment with the State of Colorado to be Eligible for Proposition 123 Funds***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Councilmember Hoefner thanked those who came to speak on traffic issues and hopes that can be addressed.

CITY MANAGERS REPORT

None.

REGULAR BUSINESS

BOULDER COUNTY COMMISSIONERS – 2023 BALLOT ISSUES

Boulder County Commissioner Ashely Stolzmann presented the Boulder County Commissioners 2023 ballot issues. She noted all of these are extensions of existing taxes.

The first is a request to extend the .05% open space tax. This will help maintain 116,000 acres of open space, 120 miles of trails, 350 historic structures, and staffing.

The second is an extension of an affordable housing tax that is a 0.185% sales tax repurposed from a current tax. It is estimated to bring in an approximately \$18M per year to put towards affordable housing.

Mayor Pro Tem Fahey asked what current tax is being repurposed for the affordable housing tax. Stolzmann stated it is an alternative sentencing facility tax which can end as there will be enough funding to build the facility.

Councilmember Dickinson asked how this housing money will be allocated and how Louisville will get a share. Stolzmann stated that will be determined over the next year.

Mayor Maloney asked what the term is for these taxes. Stolzmann stated they are both 15-year terms.

Staff will bring back a resolution of support on October 2.

RESOLUTION NO. 55, SERIES 2023 – A RESOLUTION OF THE LOUISVILLE CITY COUNCIL URGING LOUISVILLE CITIZENS TO VOTE YES ON BALLOT ISSUE 2C AT THE NOVEMBER 7, 2023 ELECTION CONCERNING THE CITY'S OPEN SPACE AND PARKS SALES AND USE TAX

Mayor Maloney introduced the item. City Manager Durbin stated this is an important measure to fund the City's parks and open space.

Public Comment – None

MOTION: Mayor Pro Tem Fahey moved to approve Resolution No. 55; seconded by Councilmember Most.

VOTE: Motion passed by unanimous roll call vote.

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 – 2nd READING, PUBLIC HEARING (advertised *Daily Camera* 9/10/23)

Mayor Maloney introduced the item and opened the public hearing.

Economic Vitality Specialist Austin Brown stated this ordinance makes amendments to the City's Business Assistance Program (BAP) by codifying the City's practice of rebating consumer use taxes and establishes a new provision offering enhanced assistance to businesses in the aerospace industry. He reviewed the history of the BAP program and how it has been used over the years.

He stated the changes around the Consumer Use Tax include adding a definition and requiring businesses to remain open for 10 years or pay back 10% of assistance for each year of the 10 that the business fails to remain open.

The enhanced assistance to Aerospace Businesses includes consideration to provide up to 100% rebate of sales/use taxes in these 3 categories for a period of up to 10 years if additional criteria is met. The State has a sales and use tax exemption for qualified property used in space flight and the City and County of Broomfield currently offers this exemption as well. Many jurisdictions also offer rebates and exemptions for the purchases of machinery or machine tools for manufacturing. Additionally, many jurisdictions offer tax agreements on software.

Staff recommends approval of the ordinance.

Councilmember Most has concerns about the average wages language and if this will language help the City meet that goal.

Councilmember Dickinson stated he doesn't have a good understanding of what we receive today from these companies and what we might be giving up in the future with this ordinance. Brown stated a company could apply for the regular BAP program but an aerospace company could apply additional rebates in the three categories listed.

Public Comments – None

Councilmember Hoefner stated he struggles with picking one industry and not others. He would like to offer the same incentives to small and large businesses alike based on tax revenue not industry type.

Mayor Pro Tem Fahey would like these incentives for any business that meets the criteria we set. Councilmember Hamlington had similar thoughts as well.

Councilmember Most stated she is concerned with using the average salary as it may mean a few very well paid people and many paid much lower salaries so you won't be helping those employees to live in Louisville. She is ok with targeting one industry if it is done well.

Mayor Maloney stated we should codify the practices we are already doing, but we need more information on salaries and if we are selecting specific industries for help.

Councilmember Leh stated the US 36 corridor is attractive to aerospace, but it might be interesting to see what other businesses might be in the area that we might be able to bring to the region.

Councilmember Dickinson noted how great the companies in CTC are and what they are doing. We want to keep that going and keep these companies in Louisville but we also want to keep all the other sectors we have in town. He agreed the process language should be codified but he is not ready to support the other parts of the ordinance.

Councilmember Hamlington stated she doesn't want to stop at aerospace but make do these things for all businesses.

Public Comments

Sherry Sommer, Louisville, stated she questions the wisdom of going after only one business type rather than diversify. She suggested looking at what other cities

incentivize. She questioned if only looking for higher paying jobs is the way to go, we need a variety of jobs.

Councilmember Most stated we should look at a series of targeted industries and targeted packages to attract a variety of businesses. She would support this so not to miss out on immediate opportunities. We need to brand the community for what kinds of businesses we want. Let's move this forward and come back with options for other industries.

Councilmember Hoefner stated he supports the codifying of the criteria to all for flexibility in what goes into the rebate agreement. He would prefer to keep the clear criteria and flexibility on who can apply and determine that on a case by case basis.

Mayor Pro Tem Fahey would like to see the code updated and offering the incentives but no limit it to just aerospace.

Mayor Maloney stated everyone supports the BAP program but we are looking for more information on how to expand to various industries. He proposed sending it back to staff for more work and bring back a new proposal.

Council took no action on the ordinance.

COMMUNITY DECARBONIZATION PLAN UPDATE

Mayor Maloney introduced the item.

Sustainability Manager Kayla Betzold noted this plan is a high priority item for Council for 2023 as a way to meet the decarbonization goals the City has adopted. She stated Partners in Energy is an Xcel two-year collaboration to develop an actionable decarbonization plan. Partners in Energy provides professional project management, facilitation, data analysis, and communications and marketing services to help the City meet its decarbonization goals.

Betzold stated Louisville was an early Partners in Energy participant, completing an Energy Action Plan in 2016. The plan was successful and the goals set forth in the plan were achieved or exceeded. This is an opportunity to receive similar support to develop a community facing decarbonization plan, focused on energy efficiency, renewable energy, building electrification, and transportation electrification

She gave some history on how we came to start the community decarbonization plan. The outcome of this planning process will be a detailed planning document that will be publicly shared with the community. While the focus of our planning effort will be on crafting action-oriented short-term strategies, we may identify and catalogue a roadmap of longer-term strategies to help us achieve the vision and goals established as part of this planning process.

Betzold reviewed the planning timeline, the steps outlined to reach decarbonization, and the scope of the plan. The objectives include confirming support for decarbonization goals; assessing support for various funding mechanisms; and identifying barriers and opportunities. She reviewed the next steps in the process.

Councilmember Leh asked how people are using the current incentive programs Xcel has. He stated he has heard that builders aren't interested in using the incentives as they benefit the homeowner, not the builder. Betzold stated applications for those rebuilding from the fire are lagging so they are working on outreach.

Mayor Maloney asked who the stakeholders are and what industries they represent. Betzold stated they were looking for a representative group of stakeholders but not necessarily those who live here. They were looking for residents, members of historically underrepresented groups, and business owners.

Public Comments

Josh Cooperman, Louisville, stated his is supportive of this plan. He doesn't support a middle of the road approach and he feels Louisville can do much better. He stated decarbonization is not enough; the community needs to think of climate adaptation as well. He requested that the stakeholder meetings to be open to the public.

Sherry Sommer, Louisville, there is no doubt we should be doing this but we don't need to be far out in front of the pack and we need to be aligned with our neighbors. She likes the goals that are set in here.

Councilmember Most stated we should be as aggressive as we can be on this rather than use Superior as the standard. We need to be ambitious.

Councilmember Dickinson stated he likes the plan as it is realistic and moves the needle in the right direction.

Mayor Pro Tem Fahey stated incentives to replace equipment will be essential.

Councilmember Hamlington stated she is supportive of pushing a little bit more. She asked if the survey will be advertised outside of Louisville as well. Betzold stated the survey is not limited to residents/business owners, but residency is a question on the survey.

Councilmember Leh stated that retrofitting is a big issue and that is where the huge gains might be made and the stakeholder group should focus on incentives that will really get people to do the work.

Councilmember Most stated it is important to find ways that residents at different income levels that can take advantage of this.

Mayor Maloney thanked staff for the update.

EXECUTIVE SESSION

PENDING LITIGATION (Louisville Charter, Section 5-2(d) – Authorized Topics – Consultation with an attorney representing the City with respect to pending litigation, and C.R.S. 24-6-402(4)(b) for a conference with the City Attorney for the purpose of legal advice on specific legal questions concerning pending litigation

The Mayor introduced the item and City Attorney Kelly stated the City Manager and City Attorney are requesting the City Council convene an executive session for the purpose of consultation with an attorney representing the City with respect to pending litigation pursuant to Section 5-2(d) of the City's Home Rule Charter and C.R.S. § 24-6-402(4)(b).

The Deputy City Clerk read Section 2.80.130 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(d) which authorizes an executive session for the purpose of consultation with an attorney to discuss pending litigation or situations where the person believes a lawsuit may result. Authorization also allowed by the Colorado Open meetings law in C.R.S. 24-6-402(4)(b). The request involves discussion of potential litigation regarding the Marshall Fire.

MOTION: Mayor Maloney moved the City Council adjourn to executive session for the purpose of consultation with an attorney regarding pending litigation, and that the executive session include the City Council, City Manager Jeff Durbin, Deputy City Manager Samma Fox, and City Attorney Kathleen Kelly. Seconded by Councilmember Dickinson.

Vote: Motion carried by unanimous roll call.

The City Council adjourned to executive session at 8:07 pm.

REGULAR BUSINESS ITEMS SUSPENDED

The City Council meeting reconvened at 8:54 pm.

REGULAR BUSINESS ITEMS CONTINUED

REPORT – DISCUSSION/DIRECTION/ACTION

City Attorney Kelly reported the executive session was for the purpose of consultation with the City Attorney regarding pending litigation. No further action is needed in follow up to the executive session at this time.

CITY ATTORNEY'S REPORT

None.

COUNCIL COMMENTS, COMMITTEE REPORTS AND IDENTIFICATION OF FUTURE AGENDA ITEMS

None.

ADJOURN

Members adjourned at 8:55 pm.

Dennis Maloney, Mayor

Meredyth Muth, City Clerk