

**City Council**  
**Business Retention & Development Committee**

*A sub-committee of the Louisville City Council*

**Monday, January 5, 2014**  
**8:00 AM – 10:00 AM**  
**Library Meeting Room**  
**951 Spruce Street**  
*(entry on the north side of building)*

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of November 3, 2014 Meeting Minutes
- V. Approval of December 3, 2014 Meeting Minutes
- VI. Public Comments on Items Not on the Agenda
- VII. Election of Chair and Vice-Chair for 2015
- VIII. Takeaways from South Boulder Road Roundtable
- IX. BRaD Advocacy Discussion
- X. Retention Meetings
  - Huckleberry - Aaron
- XI. Reports from committee members –
- XII. Discussion Items for Next Meeting: February 2014
- XIII. Adjourn

# ***City Council Business Retention & Development Committee***

## ***Meeting Minutes***

**November 3, 2014  
Library Meeting Room  
951 Spruce Street**

**CALL TO ORDER** –The meeting was called to order by Chair Dalton at 8:00 AM in the 1<sup>st</sup> Floor Meeting room at the Louisville Library, 951 Spruce Street, Louisville, Colorado.

**ROLL CALL** – The following members were present:

Committee Members: Chair Hank Dalton  
Shelley Angell, Chamber of Commerce  
Rob Lathrop, Louisville Revitalization Commission  
Jeff Lipton, City Council  
Sue Loo, City Council  
Michael Menaker, Alternate Revitalization Commission  
Chris Pritchard, Planning Commission  
Jim Tienken, Downtown Business Association

Staff Present: Malcolm Fleming, City Manager  
Aaron DeJong, Economic Development Director  
Troy Russ, Planning and Building Safety Director  
Ken Swanson, Chief Building Official  
Dawn Burgess, Executive Assistant to the City Manager

Others Present: Justine Vigil-Tapia, Sustainability Advisory Board  
Rick Brew  
Mike Kranzdorf

**APPROVAL OF AGENDA** – Item XII. Items for Next Meeting December 2014: **Sustainability Advisory Board** was removed from the agenda and with that deletion, the agenda approved as presented.

**APPROVAL OF OCTOBER 6, 2014 MINUTES:** Approved

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA:**

None

**SUSTAINABILITY ADVISORY BOARD:**

Justine Vigil-Tapia of the Sustainability Advisory Board (SAB) shared items the SAB is working on. The SAB would like feedback from stakeholders from residents to businesses. The mission is to promote sustainability through energy efficiency, resource conservation and localization to better the environment, social well-being and economic vitality with the goal of developing a sustainability roadmap for the City of Louisville.

The board would like to gather feedback to produce a roadmap and provide information to the City Council including short and long term goals.

The recent Energy Audit indicated the City is doing well on sustainability issues. Council would like to focus on education. The community is fortunate to have a lot of expertise around the topic of sustainability. Members of the community are interested in zero waste.

Council member Jeff Lipton said the Planning Commission talked about revisiting lighting and landscaping requirements; SAB may want to have input on those. Parking requirements may need to be reviewed to provide flexibility to hardscape improvements (i.e. parking lots). Small Area Planning on McCaslin may also provide opportunity to provide improved transit infrastructure.

SAB will continue outreach and education. Chair Dalton thanked Ms. Vigil-Tapia for sharing the information.

**CERTIFICATE OF OCCUPANCY DISCUSSION**

Economic Development Director DeJong said Certificates of Occupancy (CO) are a complex issue. Planning and Building Safety Director Troy Russ and Chief Building Official Ken Swanson came to BRaD to discuss what is involved in getting a CO.

Russ reported that Building Safety stopped issuing Temporary CO (TCO) because the City has no recourse once a TCO is issued. The CO protects the City, tenants and owners interests.

Several divisions manage the CO process, including Public Works/Engineering, Building Safety, and Planning.

Everyone wants to ensure minor items do not hold up a tenant taking possession, however safety items are a major concern and will not be negotiated. For other items, mechanisms can be put in place to hold the property owner responsible for completing required items. An example currently being exercised is accepting a Letter of Credit for landscaping improvement not completed prior to issuing a CO.

Builders are always provided with a list of items that must be completed when an inspection fails. Building safety is always consistent with code.

Discussion began about the complexity of getting to a CO. Some feel the process is too complex, whereas others feel it isn't complex, but final issues come as a surprise when the project is wrapping up.

Economic Development will work with Planning and Building Safety to develop a document that outlines all the required items the City needs to issue a CO. Clarity up front when a permit is issued may help later in the process. Each City's requirements are somewhat different and a document outlining Louisville's requirements may be helpful.

Discussion began about not issuing Temporary Certificates of Occupancy. Some were surprised we don't issue TCO. Not everything comes together when we want it to. As long as we are protecting public safety, we should issue. We don't want a reputation of inflexibility. We want to serve residents and public interests. Russ explained that it is a matter of semantics. Alfalfa's was technically issued a "TCO" but the building department issued a CO with conditions, not a TCO. We won't compromise on building/public safety.

Chairperson Dalton asked if we are allowing people to occupy buildings, conditioned upon receiving assurance that non-life safety items will be completed, what is the problem? Lipton is concerned that an inflexible reputation will result.

Chair Dalton asked for public comments. Rick Brew stated the subdivision controls many of the aspects to achieving completion. Building permits and CO's are withheld until public improvements are completed. Residential new construction is different than commercial/industrial permits.

Russ stated TCO aren't ideal for the banks. The CO is an important document to transition into permanent financing or allowing a sale.

Menaker stated he was aware of instances where CO has been held. Valid reasons to withhold a CO, however; anecdotally, we don't have a reputation of being easy to work with. Perhaps BRaD should visit with those who just built and bring comments back. Planning and Economic Development are preparing a questionnaire of development and building permit process.

City Manager Fleming stated there is a different person to go to instead of directly to the Building Department when expectations aren't being met. Economic Development can be the advocate for the project. Planning can't pick and choose who to give incentives to. DeJong has been performing an advocacy role for the developer/contractor/tenant. Communicating DeJong's services to projects should be more pronounced.

Swanson stated a reason we don't advertise TCO's is to communicate a clear expectation. Some projects start with an expectation they need only to get to a TCO, and don't provide time in the construction schedule to complete all required items.

**RETENTION MEETINGS**

None – three are scheduled.

**COUNTY ROAD BRIDGE DESIGN DISCUSSION – NOVEMBER 18<sup>TH</sup> 7:00 PM**

November 18<sup>th</sup> is the one planned meeting to receive comments about the County Road bridge design. The goal is to move the design phase quickly in order to get it built.

**ED UPDATE:**

The former Chili's building not yet occupied. Issues exist with the lease structure on the building. The issues may result in the building remaining vacant until no lease is on the building; approximately two years left on the lease.

**REPORTS FROM COMMITTEE MEMBERS**

None.

**ITEMS FOR THE NEXT AGENDA:**

Property owners on South Boulder Road discussion  
January agenda: BRaD as Advocacy role discussion

**ADJOURN** – The meeting adjourned at 9:42 am

***City Council  
Business Retention &  
Development Committee  
Meeting Minutes***

**December 3, 2014  
Louisville Center for the Arts  
801 Grant Ave**

**CALL TO ORDER** –The meeting was called to order by Chair Dalton at 2:00 pm in the Louisville Center for the Arts at 801 Grant Ave, Louisville, Colorado

**ROLL CALL** – The following members were present:

Committee Members: Chair Hank Dalton  
Shelley Angell, Chamber of Commerce  
Rob Lathrop, Louisville Revitalization Commission  
Jeff Lipton, City Council  
Sue Loo, City Council  
Michael Menaker, Alternate Revitalization Commission  
Chris Pritchard, Planning Commission  
Scott Riechenberg, CTC  
Jim Tienken, Downtown Business Association

Staff Present: Malcolm Fleming, City Manager  
Heather Balsler, Deputy City Manager  
Aaron DeJong, Economic Development Director  
Troy Russ, Planning and Building Safety Director  
Scott Robinson, Planner  
Dawn Burgess, Executive Assistant to the City Manager

Others Present: Jay Keany, Council member  
Chris Leh, Council member  
Ashley Stolzmann, Council member  
Gordon Fordyce – Fordyce Auto  
Doug Harper – Union Jack Liquor  
Hannah Harper  
Tracy Delreal – Tebo

Mark Sullivan - Walgreens  
George Lee – Village Square  
Tim Brasel- Village Square  
Wade Arnold - Coal Creek Station  
Herb Newbold and Linda Newbold – property owners  
Chad Kipfer – Markel Homes  
Jim Loftus – Center Court Village  
Rick Brew - RMCS  
Justin McClure - RMCS  
Mike Kranzdorf – Amterre Property  
Randy Caranci

**APPROVAL OF AGENDA –**

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA:**

None

**DISCUSSION WITH SOUTH BOULDER ROAD RETAIL PROPERTY OWNERS:**

**Where do you see the South Boulder Road corridor fitting in the commercial/retail offerings in Boulder County?**

Commuter retail, neighborhood retail – people within 1 or 2 miles, not an employment center or regional retail node.

Numbering system for addresses is confusing and doesn't help customers find a business.

**What do you see as the key selling points of the corridor for Commercial and Retail?**

Used to be ease of access. Access more difficult now. Convenience is key as people are commuting through the corridor.

Two grocery stores help. Should help with other leasing.

Improved traffic count and more roof tops should help. Signage and visibility is an issue.

The convenience for commuters is a positive.

Access is an issue. Expanded sports complex along Hwy 42 will help bring traffic. Appreciates what city has done with complex.

**What are your thoughts on why some retail spaces along South Boulder Road remain vacant? Are they site specific or are there greater area wide issues preventing their occupancy?**

Visibility and signage is key. Signs are a sign of life.

Makeup of what it is plus commuter retail. Two grocery stores helpful, apartments and density are helpful. More permanent residents will start shopping the area.

No daytime population. Not like Centennial Valley.

SoBoRd destination is good for cars, not for pedestrians or cyclists.

Two grocery stores but lack of destination retail.

**What specifications would you put in the City's plans for the area to improve retail activity?**

Another convenience gas station would help but not allowed by zoning. No gas station on south side of South Boulder Road. Gas service is below national averages in Louisville.

The area is car friendly but no social aspect to keep people in the area longer. The large retail centers are dated. The retail experience is not that exciting.

Regional stores are on east side of Hwy 42. West of Hwy 42 has a more neighborhood feel. Should this be a regional corridor? Are you looking for different retail? King Sooper is the one business balancing what is going on with Centennial Valley. Put King Sooper closer to Hwy 42 and smaller business might be attracted.

Land use and zoning is hodgepodge, residential next to multi family. Feels different than the rest of Louisville. Needs to transition to a proper mix. Louisville does good job of supporting local. Staged process through zoning adjustments. Need more interesting use of zoning; have the City be more flexible with a mix of uses. Not pedestrian friendly. The area wants to be mixed use.

Traffic speed is too high for the uses along the road.

Is the corridor over-built for retail? Can the area support what is already constructed?

**And what would improve commercial activity in the area?**

Flexibility on the mix of uses. Retail mixed with residential has been working in similar areas. Parking modifications in areas to improve ease of access.

**What is your vision for your property in the next 5, 15, or 30 years?**

Big picture mixed use with retail, neighborhood services, more residential. Bring in craft brewery. Market those uses with help from the City. Improve the retail offerings by increasing stores that have emotional appeal. City can make it more vibrant by allowing mixed-use redevelopments.

Lots north of South Boulder Road along Hwy 42 are unsaleable. Current zoning as commercial is not feasible – needs to be residential or mixed use. Otherwise it will stay a field. As a comparable, the SW corner of Baseline and Hwy 42 sold for \$1.67 per square foot.

Are restaurants for the Steel Ranch commercial parcel a viable strategy? Justin McClure – restaurants want to lease. They are risk heavy and require large investments in building and equipment. It might work if land use and infrastructure was in place.

Make the square footage we have more productive.

There is only so much disposable income per household. Try to get the disposable income to stay in Louisville. The area being more walkable and connected is a component to keeping sales in town.

Allow properties to redevelop to make it feel more comfortable; like Alfalfa's.

South Boulder Road won't see big development. The properties will become smaller destinations; smaller pockets.

Current height restrictions are an impediment because it is in # of feet. Floor heights are much higher than in the past. Old height restrictions limit the room needed for mechanicals, design elements and larger floor to ceiling heights.

Chair Dalton asked if a form based code would be an appropriate model for South Boulder Road.

The desire for walkability has taken hold over the last several years. South Boulder road has a lot of small buildings that aren't attractive. A little more height could change what people do with their property.

Form based code would allow for creativity and be a significant benefit.

There are significant rooftops in the area. Connectivity is an issue for those rooftops. We need to connect those rooftops to shopping. There is community concern about the amount of traffic on SoBoRd. If the west side of 42 gained additional regional retail of any significance – where and how would traffic circulate? East side of 42 has possibilities. We need to continue to consider mixed use.

North end near Steel Ranch is a bad location for retail. We need to maximize the City's good retail locations.

If we don't improve connectivity, traffic count will be a threat.

Does the City have a forum people can log in and give feedback? Yes, it is [envisionlouisvilleco.com](http://envisionlouisvilleco.com).

A community preference survey is out. The City typically gets good response rates.

**What are your thoughts on how the City can capitalize on the anticipate improvements to Highway 42 that will benefit South Boulder Road?**

**What is one thing missing along South Boulder Road that if it were there, would change the opportunity for success for retailers?**

Bridge over railroad tracks or sink tracks.

All new units that have been built North Main, Steel Ranch – those people are a captive audience if pedestrian and bicycle connectivity is achieved. The sooner we get safe connectivity, the businesses will benefit. Need to widen 42 at Alkonis property soon; there is little room for cyclists and pedestrians.

So many trees along SoBoRd limit business visibility. Difficult balance between trees and signage.

Connectivity is very important. SoBoRd is isolated and disconnected. Need to make sidewalks interesting. Bring creativity to walkability.

Definitely infrastructure connectivity but not all the answer. Attract people from the greater region. Need to attract people to Northeast Louisville.

**What are the major obstacles you see that are limiting activity along South Boulder Road?**

How does the Superior Town Center project affect us? Retail space in the area is being knocked down. Is there a message there? Maybe issues with the type of retail you are looking at? There is a lot of retail sf in Louisville.

Need more height. We want height. Jeff Lipton asked how much height is desired? Randy Caranci responded with an expanded 3 stories.

Height and floor plate flexibility. Need to offer a variety of floor plates.

Land assemblage is more transparent if a form based zoning is in place. Developers would know what the City desires in a location for building stock.

Developers would like an easier concept plan check-in without entire plan set being provided. A sketch plan without all the engineering.

Allow for a “sketch plan” process prior to prelim. A “thumbs up” process prior to spending significant resources to prepare a Preliminary PUD for review. Perhaps have a development review sub-committee.

There are two large unknowns; 1) how the fiscal model is treated on a development, and 2) the impact on the schools. City staff needs more info to satisfy those unknowns.

**ADJOURN** – The meeting adjourned at 3:29 pm

**SUBJECT: POSTING NOTICES OF PUBLIC MEETINGS**

**DATE: JANUARY 5, 2015**

**PRESENTED BY: AARON M. DEJONG**

**SUMMARY:**

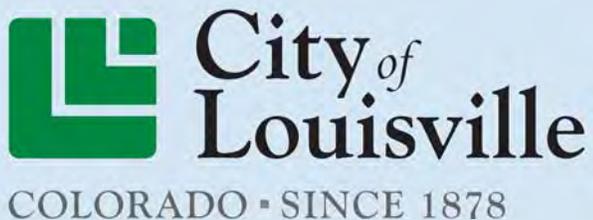
At the first meeting of 2015, the BRaD is required to identify the locations for Posting Notices of Public Meetings (better known as meeting agendas). The following are the locations identified as the official posting locations for the BRaD agendas;

- City Hall
- Recreation Center
- Library
- Police Department/Court Building
- City web site ([www.LouisvilleCO.gov](http://www.LouisvilleCO.gov))

**RECOMMENDATION:**

Staff recommends approving a motion to adopt the above locations as the official posting locations for BRaD agendas.

# Open Government & Ethics Pamphlet 2015



**City Manager's Office**  
**749 Main Street**  
**Louisville CO 80027**  
**[www.LouisvilleCO.gov](http://www.LouisvilleCO.gov)**  
**[info@LouisvilleCO.gov](mailto:info@LouisvilleCO.gov)**  
**303.335.4533**

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# Participation in Government

The City of Louisville encourages citizen involvement and participation in its public policy process. There are many opportunities for citizens to be informed about and participate in City activities and decisions. All meetings of City Council, as well as appointed Boards and Commissions, are open to the public and include an opportunity for public comments on items not on the agenda. No action or substantive discussion on an item may take place unless that item has been specifically listed as an agenda item for a regular or special meeting. Some opportunities for you to participate include:

## Reading and inquiring about City Council activities and agenda items, and attending and speaking on topics of interest at public meetings

The City Council meetings:

- Regular meetings are generally held on the first and third Tuesdays of each month at 7:00 PM in the City Council Chambers, located on the second floor of City Hall, 749 Main Street;
- Study sessions are generally held on the second and fourth Tuesdays of each month at 7:00 PM in the Library Meeting Room, located on the first floor of the Library, 951 Spruce Street;
- Regular meetings are broadcast live on Comcast Cable Channel 8 and copies of the meeting broadcasts are available in DVD formats in the City Manager's Office beginning the morning following the meeting;
- Regular meetings are broadcast live and archived for viewing on the City's website at [www.LouisvilleCO.gov](http://www.LouisvilleCO.gov).
- Special meetings may be held occasionally on specific topics. Agendas are posted a minimum of 48 hours prior to the meeting.

Meeting agendas for all City Council meetings, other than special meetings, are posted a minimum of 72 hours prior to the meeting at the following locations:

- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street
- City website at [www.LouisvilleCO.gov](http://www.LouisvilleCO.gov)

Meeting packets with all agenda-related materials are available 72 hours prior to each meeting and may be found at these locations:

- Louisville Public Library Reference Area, 951 Spruce Street,
- City Clerk's Office, City Hall, 749 Main Street,
- City website at [www.LouisvilleCO.gov](http://www.LouisvilleCO.gov)

You may receive eNotifications of City Council news as well as meeting agendas and summaries of City Council actions. Visit the City's website ([www.LouisvilleCO.gov](http://www.LouisvilleCO.gov)) and look for the eNotification link to register.

After they are approved by the City Council, meeting minutes of all regular and special meetings are available in the City Clerk's office and on the City's website ([www.LouisvilleCO.gov](http://www.LouisvilleCO.gov)).

Information about City activities and projects, as well as City Council decisions, is included in the *Community Update* newsletter, mailed to all City residents and businesses. Information is also often included in the monthly utility bills mailed to City residents.

## Communicating Directly with the Mayor and City Council Members

Contact information for the Mayor and City Council members is available at [www.LouisvilleCO.gov](http://www.LouisvilleCO.gov), as well as at City Hall, the Louisville Public Library, and the Recreation/Senior Center.

You may email the Mayor and City Council members directly at [CityCouncil@LouisvilleCO.gov](mailto:CityCouncil@LouisvilleCO.gov).

Mayor's Town Meetings and City Council Ward Meetings are scheduled periodically. These are informal meetings at which all residents, points of view, and issues are welcome. These meetings are advertised at City facilities and on the City's website ([www.LouisvilleCO.gov](http://www.LouisvilleCO.gov)).

## Mayor or City Council Elections

City Council members are elected from three Wards within the City and serve staggered four-year terms. There are two Council representatives from each ward. The mayor is elected at-large and serves a four-year term. City Council elections are held in November of odd-numbered years. For information about City elections, including running for City Council, please contact the City Clerk's Office, first floor City Hall, 749 Main Street, or call 303.335.4571.

## **Serving as an Appointed Member on a City Board or Commission**

The City Council makes Board and Commission appointments annually. Some of the City's Boards and Commissions are advisory, others have some decision-making powers. The City Council refers questions and issues to these appointed officials for input and advice. (Please note the Youth Advisory Board has a separate appointment process.) The City's Boards and Commissions are:

- Board of Adjustment
- Building Code Board of Appeals
- Cultural Council
- Golf Course Advisory Board
- Historic Preservation Commission
- Historical Commission
- Horticulture and Forestry Advisory Board
- Housing Authority
- Library Board of Trustees
- Local Licensing Authority
- Open Space Advisory Board
- Planning Commission
- Revitalization Commission
- Sustainability Advisory Board
- Youth Advisory Board

Information about boards as well as meeting agendas and schedules for each board is available on the City's website ([www.LouisvilleCO.gov](http://www.LouisvilleCO.gov)).

Agendas for all Board and Commission meetings are posted a minimum of 72 hours prior to each meeting and are posted at these locations:

- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street
- City web site at [www.LouisvilleCO.gov](http://www.LouisvilleCO.gov)

Copies of complete meeting packets containing all agenda-related materials are available for review at least 72 hours prior to each meeting and may be found at the following locations:

- Louisville Public Library Reference Area, 951 Spruce Street,
- City Clerk's Office, City Hall, 749 Main Street
- City web site at [www.LouisvilleCO.gov](http://www.LouisvilleCO.gov)

## **Planning Commission**

The Planning Commission evaluates land use proposals against zoning laws and holds public hearings as outlined in City codes. Following a public hearing, the Commission recommends, through a resolution, that the City Council accept or reject a proposal.

- Regular Planning Commission meetings are held at 6:30 PM on the second Thursday of each month. Overflow meetings are scheduled for 6:30 PM on the 4th Thursday of the month as needed, and occasionally Study Sessions are held.
- Regular meetings are broadcast live on Comcast Channel 8 and archived for viewing on the City's website ([www.LouisvilleCO.gov](http://www.LouisvilleCO.gov)).

## **Open Government Training**

All City Council members and members of a permanent Board or Commission are required to participate in at least one City-sponsored open government-related seminar, workshop, or other training program at least once every two years.

# **Open Meetings**

The City follows the Colorado Open Meetings Law ("Sunshine Law") as well as additional open meetings requirements found in the City's Home Rule Charter. These rules and practices apply to the City Council and appointed Boards and Commissions (referred to as a "public body" for ease of reference). Important open meetings rules and practices include the following:

## **Regular Meetings**

All meetings of three or more members of a public body (or a quorum, whichever is fewer) are open to the public.

All meetings of public bodies must be held in public buildings and public facilities accessible to all members of the public.

All meetings must be preceded by proper notice. Agendas and agenda-related materials are posted at least 72 hours in advance of the meeting at the following locations:

- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street
- On the City web site at [www.LouisvilleCO.gov](http://www.LouisvilleCO.gov)

## Study Sessions

Study sessions are also open to the public. However, study sessions have a limited purpose:

- Study sessions are to obtain information and discuss matters in a less formal atmosphere;
- No preliminary or final decision or action may be made or taken at any study session; further, full debate and deliberation of a matter is to be reserved for formal meetings; If a person believes in good faith that a study session is proceeding contrary to these limitations, he or she may submit a written objection. The presiding officer will then review the objection and determine how the study session should proceed.
- Like formal meetings, a written summary of each study session is prepared and is available on the City's website.

## Executive Sessions

The City Charter also sets out specific procedures and limitations on the use of executive sessions. These rules, found in Article 5 of the Charter, are intended to further the City policy that the activities of City government be conducted in public to the greatest extent feasible, in order to assure public participation and enhance public accountability. The City's rules regarding executive sessions include the following:

### Timing and Procedures

The City Council, and City Boards and Commissions, may hold an executive session only at a regular or special meeting.

No formal action of any type, and no informal or "straw" vote, may occur at any executive session. Rather, formal actions, such as the adoption of a proposed policy, position, rule or other action, may only occur in open session.

Prior to holding an executive session, there must be a public announcement of the request and the legal authority for convening in closed session. There must be a detailed and specific statement as to the topics to be discussed and the reasons for requesting the session.

The request must be approved by a supermajority (two-thirds of the full Council, Board, or Commission). Prior to voting on the request, the clerk reads a statement of the rules pertaining to executive sessions. Once in executive session, the limitations on the session must be discussed and the propriety of the session confirmed. If there are objections and/

or concerns over the propriety of the session, those are to be resolved in open session.

Once the session is over, an announcement is made of any procedures that will follow from the session.

Executive sessions are recorded, with access to those tapes limited as provided by state law. Those state laws allow a judge to review the propriety of a session if in a court filing it is shown that there is a reasonable belief that the executive session went beyond its permitted scope. Executive session records are not available outside of a court proceeding.

### Authorized Topics

For City Council, an executive session may be held only for discussion of the following topics:

- Matters where the information being discussed is required to be kept confidential by federal or state law;
- Certain personnel matters relating to employees directly appointed by the Council, and other personnel matters only upon request of the City Manager or Mayor for informational purposes only;
- Consideration of water rights and real property acquisitions and dispositions, but only as to appraisals and other value estimates and strategy for the acquisition or disposition; and
- Consultation with an attorney representing the City with respect to pending litigation. This includes cases that are actually filed as well as situations where the person requesting the executive session believes in good faith that a lawsuit may result, and allows for discussion of settlement strategies.

The City's Boards and Commissions may only hold an executive session for consultation with its attorney regarding pending litigation.

## Ethics

Ethics are the foundation of good government. Louisville has adopted its own Code of Ethics, which is found in the City Charter and which applies to elected officials, public body members, and employees. The Louisville Code of Ethics applies in addition to any higher standards in state law. Louisville's position on ethics is perhaps best summarized in the following statement taken from the City Charter:

*Those entrusted with positions in the City government must commit to adhering to the letter and spirit of the Code of Ethics. Only when the people are confident that those in positions of public responsibility are committed to high levels of ethical and moral conduct, will they have faith that their government is acting for the good of the public. This faith in the motives of officers, public body members, and employees is critical for a harmonious and trusting relationship between the City government and the people it serves.*

The City's Code of Ethics (Sections 5-6 through 5-17 of the Charter) is summarized in the following paragraphs. While the focus is to provide a general overview of the rules, it is important to note that all persons subject to the Code of Ethics must strive to follow both the letter and the spirit of the Code, so as to avoid not only actual violations, but public perceptions of violations. Indeed, perceptions of violations can have the same negative impact on public trust as actual violations.

#### **Conflicts of Interest**

One of the most common ethical rules visited in the local government arena is the "conflict of interest rule." While some technical aspects of the rule are discussed below, the general rule under the Code of Ethics is that if a Council, Board, or Commission member has an "interest" that will be affected by his or her "official action," then there is a conflict of interest and the member must:

- Disclose the conflict, on the record and with particularity;
- Not participate in the discussion;
- Leave the room; and
- Not attempt to influence others.

An "interest" is a pecuniary, property, or commercial benefit, or any other benefit the primary significance of which is economic gain or the avoidance of economic loss. However, an "interest" does not include any matter conferring similar benefits on all property or persons similarly situated. (Therefore, a City Council member is not prohibited from voting on a sales tax increase or decrease if the member's only interest is that he or she, like other residents, will be subject to the higher or lower tax.) Additionally, an "interest" does not include a stock interest of less than one percent of the company's outstanding shares.

The Code of Ethics extends the concept of prohibited interest to persons or entities with whom the member is associated.

In particular, an interest of the following persons and entities is also an interest of the member: relatives (including persons related by blood or marriage to certain degrees, and others); a business in which the member is an officer, director, employee, partner, principal, member, or owner; and a business in which member owns more than one percent of outstanding shares.

The concept of an interest in a business applies to profit and nonprofit corporations, and applies in situations in which the official action would affect a business competitor. Additionally, an interest is deemed to continue for one year after the interest has ceased. Finally, "official action" for purposes of the conflict of interest rule, includes not only legislative actions, but also administrative actions and "quasi-judicial" proceedings where the entity is acting like a judge in applying rules to the specific rights of individuals (such as a variance request or liquor license). Thus, the conflict rules apply essentially to all types of actions a member may take.

#### **Contracts**

In addition to its purchasing policies and other rules intended to secure contracts that are in the best interest of the City, the Code of Ethics prohibits various actions regarding contracts. For example, no public body member who has decision-making authority or influence over a City contract can have an interest in the contract, unless the member has complied with the disclosure and recusal rules. Further, members are not to appear before the City on behalf of other entities that hold a City contract, nor are they to solicit or accept employment from a contracting entity if it is related to the member's action on a contract with that entity.

#### **Gifts and Nepotism**

The Code of Ethics, as well as state law, regulates the receipt of gifts. City officials and employees may not solicit or accept a present or future gift, favor, discount, service or other thing of value from a party to a City contract, or from a person seeking to influence an official action. There is an exception for the "occasional nonpecuniary gift" of \$15 or less, but this exception does not apply if the gift, no matter how small, may be associated with the official's or employee's official action, whether concerning a contract or some other matter. The gift ban also extends to independent contractors who may exercise official actions on behalf of the City.

The Code of Ethics also prohibits common forms of nepotism. For example, no officer, public body member, or em-

ployee shall be responsible for employment matters concerning a relative. Nor can he or she influence compensation paid to a relative, and a relative of a current officer, public body member or employee cannot be hired unless certain personnel rules are followed.

### **Other Ethics Rules of Interest**

Like state law, Louisville's Code of Ethics prohibits the use of non-public information for personal or private gain. It also prohibits acts of advantage or favoritism and, in that regard, prohibits special considerations, use of employee time for personal or private reasons, and use of City vehicles or equipment, except in same manner as available to any other person (or in manner that will substantially benefit City). The City also has a "revolving door" rule that prohibits elected officials from becoming City employees either during their time in office or for two years after leaving office. These and other rules of conduct are found in Section 5-9 of the Code of Ethics.

### **Disclosure, Enforcement, and Advisory Opinions**

The Code of Ethics requires that those holding or running for City Council file a financial disclosure statement with the City Clerk. The statement must include, among other information, the person's employer and occupation, sources of income, and a list of business and property holdings.

The Code of Ethics provides fair and certain procedures for its enforcement. Complaints of violations may be filed with the City prosecutor; the complaint must be a detailed written and verified statement. If the complaint is against an elected or appointed official, it is forwarded to an independent judge who appoints a special, independent prosecutor for purposes of investigation and appropriate action. If against an employee, the City prosecutor will investigate the complaint and take appropriate action. In all cases, the person who is subject to the complaint is given the opportunity to provide information concerning the complaint.

Finally, the Code allows persons who are subject to the Code to request an advisory opinion if they are uncertain as to applicability of the Code to a particular situation, or as to the definition of terms used in the Code. Such requests are handled by an advisory judge, selected from a panel of independent, disinterested judges who have agreed to provide their services. This device allows persons who are subject to the Code to resolve uncertainty before acting, so that a proper course of conduct may be identified. Any person who requests and acts in accordance with an advisory opinion issued by an

advisory judge is not subject to City penalty, unless material facts were omitted or misstated in the request. Advisory opinions are posted for public inspection; the advisory judge may order a delay in posting if the judge determines the delay is in the City's best interest.

Citizens are encouraged to contact the City Manager's Office with any questions about the City's Code of Ethics. A copy of the Code is available at the City's website ([www.LouisvilleCO.gov](http://www.LouisvilleCO.gov)) and also from the Offices of the City Manager and City Clerk.

## **Other Laws on Citizen Participation in Government**

Preceding sections of this pamphlet describe Louisville's own practices intended to further citizen participation in government. Those practices are generally intended to further dissemination of information and participation in the governing process. Some other laws of interest regarding citizen participation include:

### **Initiative and Referendum**

The right to petition for municipal legislation is reserved to the citizens by the Colorado Constitution and the City Charter. An initiative is a petition for legislation brought directly by the citizens; a referendum is a petition brought by the citizens to refer to the voters a piece of legislation that has been approved by the City Council. In addition to these two petitioning procedures, the City Council may refer matters directly to the voters in the absence of any petition. Initiative and referendum petitions must concern municipal legislation—as opposed to administrative or other non-legislative matters. By law the City Clerk is the official responsible for many of the activities related to a petition process, such as approval of the petition forms, review of the signed petitions, and consideration of protests and other matters. There are minimum signature requirements for petitions to be moved to the ballot; in Louisville, an initiative petition must be signed by at least five percent of the total number of registered electors. A referendum petition must be signed by at least two and one-half percent of the registered electors.

## **Public Hearings**

In addition to the opportunity afforded at each regular City Council meeting to comment on items not on the agenda, most City Council actions provide opportunity for public comment through a public hearing process. For example, the City Charter provides that a public hearing shall be held on every ordinance before its adoption. This includes opportunities for public comment prior to initial City Council discussion of the ordinance, as well as after Council's initial discussion but before action. Many actions of the City are required to be taken by ordinance, and thus this device allows for citizen public hearing comments on matters ranging from zoning ordinances to ordinances establishing offenses that are subject to enforcement through the municipal court.

Additionally, federal, state, and/or local law requires a public hearing on a number of matters irrespective of whether an ordinance is involved. For example, a public hearing is held on the City budget, the City Comprehensive Plan and similar plans, and a variety of site-specific or person-specific activities, such as annexations of land into the city, rezonings, special use permits, variances, and new liquor licenses. Anyone may provide comments during these hearings.

## **Public Records**

Access to public records is an important aspect of citizen participation in government. Louisville follows the Colorado Open Records Act (CORA) and the additional public records provisions in the City Charter. In particular, the Charter promotes the liberal construction of public records law, so as to promote the prompt disclosure of City records to citizens at no cost or no greater cost than the actual costs to the City.

The City Clerk is the custodian of the City's public records, except for financial, personnel, and police records which are handled, respectively, by the Finance, Human Resources, and Police Departments. The City maintains a public policy on access to public records, which include a records request form, a statement of fees, and other guidelines. No fee is charged for the inspection of records. No fee is charged for locating or making records available for copying, except in cases of voluminous requests or dated records, or when the time spent in locating records exceeds two hours. No fees are charged for the first 25 copies requested or for electronic records.

Many records, particularly those related to agenda items for City Council and current Board and Commission meetings, are available directly on the City's website ([www.LouisvilleCO.gov](http://www.LouisvilleCO.gov)). In addition to posting agenda-related material, the City

maintains communication files for the City Council and Planning Commission. These are available for public inspection at the City Clerk's Office, 749 Main Street.

CORA lists the categories of public records that are not generally open to public inspection. These include, for example, certain personnel records and information, financial and other information about users of city facilities, privileged information, medical records, letters of reference, and other items listed in detail in CORA. When public records are not made available, the custodian will specifically advise the requestor of the reason.

Citizens are encouraged to review the City's website ([www.LouisvilleCo.gov](http://www.LouisvilleCo.gov)) for information, and to contact the City with any questions regarding City records.

# **Public Involvement Policy**

**P**ublic participation is an essential element of the City's representative form of government. To promote effective public participation City officials, advisory board members, staff and participants should all observe the following guiding principles, roles and responsibilities:

## **Guiding Principles for Public Involvement**

*Inclusive not Exclusive* - Everyone's participation is welcome. Anyone with a known interest in the issue will be identified, invited and encouraged to be involved early in the process.

*Voluntary Participation* - The process will seek the support of those participants willing to invest the time necessary to make it work.

*Purpose Driven* - The process will be clearly linked to when and how decisions are made. These links will be communicated to participants.

*Time, Financial and Legal Constraints* - The process will operate within an appropriate time frame and budget and observe existing legal and regulatory requirements.

*Communication* - The process and its progress will be communicated to participants and the community at-large using appropriate methods and technologies.

*Adaptability* - The process will be adaptable so that the level of public involvement is reflective of the magnitude of the issue and the needs of the participants.

*Access to Information* - The process will provide partici-

pants with timely access to all relevant information in an understandable and user-friendly way. Education and training requirements will be considered.

*Access to Decision Making* - The process will give participants the opportunity to influence decision making.

*Respect for Diverse Interests* - The process will foster respect for the diverse values, interests and knowledge of those involved.

*Accountability* - The process will reflect that participants are accountable to both their constituents and to the success of the process.

*Evaluation* - The success and results of the process will be measured and evaluated.

### **Roles and Responsibilities - City Council**

City Council is ultimately responsible to all the citizens of Louisville and must weigh each of its decisions accordingly. Councilors are responsible to their local constituents under the ward system; however they must carefully consider the concerns expressed by all parties. Council must ultimately meet the needs of the entire community—including current and future generations—and act in the best interests of the City as a whole.

During its review and decision-making process, Council has an obligation to recognize the efforts and activities that have preceded its deliberations. Council should have regard for the public involvement processes that have been completed in support or opposition of projects.

### **Roles and Responsibilities - City Staff and Advisory Boards**

The City should be designed and run to meet the needs and priorities of its citizens. Staff and advisory boards must ensure that the Guiding Principles direct their work. In addition to the responsibilities established by the Guiding Principles, staff and advisory boards are responsible for:

- ensuring that decisions and recommendations reflect the needs and desires of the community as a whole;
- pursuing public involvement with a positive spirit because it helps clarify those needs and desires and also adds value to projects;
- fostering long-term relationships based on respect and trust in all public involvement activities;
- encouraging positive working partnerships;
- ensuring that no participant or group is marginalized or ignored;

- drawing out the silent majority, the voiceless and the disempowered; and being familiar with a variety of public involvement techniques and the strengths and weaknesses of various approaches.

### **All Participants**

The public is also accountable for the public involvement process and for the results it produces. All parties (including Council, advisory boards, staff, proponents, opponents and the public) are responsible for:

- working within the process in a cooperative and civil manner;
- focusing on real issues and not on furthering personal agendas;
- balancing personal concerns with the needs of the community as a whole;
- having realistic expectations;
- participating openly, honestly and constructively, offering ideas, suggestions and alternatives;
- listening carefully and actively considering everyone's perspectives;
- identifying their concerns and issues early in the process;
- providing their names and contact information if they want direct feedback;
- remembering that no single voice is more important than all others, and that there are diverse opinions to be considered;
- making every effort to work within the project schedule and if this is not possible, discussing this with the proponent without delay;
- recognizing that process schedules may be constrained by external factors such as limited funding, broader project schedules or legislative requirements;
- accepting some responsibility for keeping themselves aware of current issues, making others aware of project activities and soliciting their involvement and input; and
- considering that the quality of the outcome and how that outcome is achieved are both important.

*Updated December 2014*

**This pamphlet is prepared pursuant to the Home Rule Charter of the City of Louisville.**

**This is a compilation of Articles 4 and 5 of the Charter of the City of Louisville and is available at all times in the City Clerk's Office, 749 Main Street, Louisville, Colorado, and on the City's web site at [www.LouisvilleCO.gov](http://www.LouisvilleCO.gov).**

**This pamphlet is also provided to every member of a public body (board or commission) at that body's first meeting each year.**

**SUBJECT: TAKEAWAYS FROM THE SOUTH BOULDER ROAD CORRIDOR  
COMMERCIAL PROPERTY OWNER ROUNDTABLE  
DISCUSSION**

**DATE: JANUARY 5, 2015**

**PRESENTED BY: AARON M. DEJONG**

**SUMMARY:**

The BRaD Committee held a roundtable discussion with many of the commercial property owners along South Boulder Road and Highway 42 within the Small Area Plan area. The meeting was held December 3, 2014 at the Louisville Center for the Arts.

**DISCUSSION:**

Staff identified a few themes during the discussion. I would like the BRaD committee's input into those themes.

**1) The corridor is not connected.**

The area is the result of many developments delivered over several decades. The developments are not well connected for pedestrians or cyclists. The property owners in attendance see the lack of connectivity as an issue, and if not addressed, detrimental to the viability of the corridor. New developments are not connected to the existing locations and the City is the entity that is best suited to come up with solutions.

**2) There is uncertainty about getting approval for redevelopment.**

The original building stock in the corridor is getting to a point where reinvestment is needed. Some property owners and developers have an interest to redevelop properties but are unsure what types of projects can receive approval. The Center Court Village (Alfalfa's) redevelopment and First Baptist Church redevelopment faced significant opposition and others are nervous future proposals will receive the same opposition. The small area plan is an opportunity for the City to give the development community more certainty about what redevelopments are appropriate for the corridor. A conceptual plan review process prior to investing resources to prepare and submit a preliminary PUD could give a project more certainty early in the review process.

**3) The owners desire the corridor to move towards a mixed-use development model.**

The Center Court Village redevelopment was seen as a positive for the area and the addition of new housing combined with retail that fits the redevelopment would be a positive for the corridor. Additional residents will make the existing retail locations more viable and new retail will breathe new life into the corridor. Creating more connectivity through the redevelopment projects will strengthen the corridor.

**4) Signage, visibility, and access needs to be improved.**

The combination of mature street trees, few traffic signals, several curb cuts, and signage regulations all contribute to poor visibility for commercial properties. Approved redevelopment projects must include proper access, visibility, and signage for retailers to be successful.

Other comments were made that are worth noting. They are;

- The addressing along South Boulder Road is confusing and doesn't help customers find businesses.
- Reduce the speed of South Boulder Road to make businesses more visible and discourage drivers just "passing through".
- There isn't a convenience gas location on the south side of South Boulder Road in Louisville. Access is paramount for gas stations as customers will not take left turns for gas.
- The corridor is not a regional draw or employment center. Uses should center around housing, daily goods, and services.
- Having two grocery stores is a big positive and provides a good base to expand upon.
- Height restrictions sometimes are problematic because floor heights are increasing without a similar increase in allowable height. It is hard to build a three story building today under current height restrictions.

**RECOMMENDATION:**

Staff would like the BRaD to have a discussion on the above themes and the results will be incorporated into the Small Area Plan development process.

**SUBJECT: BRAD ADVOCACY**

**DATE: JANUARY 5, 2015**

**PRESENTED BY: AARON M. DEJONG**

**SUMMARY:**

During the October BRaD meeting, a discussion began about the role the BRaD committee plays in advocating for business interests of items coming to the City Council for discussion and action. This memo outlines questions to begin discussion about how best to advocate for business interests in Louisville.

**BACKGROUND:**

The BRaD committee was formed in 2007 by Resolution 7, Series 2007. Amendments have been made over time.

The BRaD committee is made up of the people holding the following titles:

- Three members of City Council
- One member of the Planning Commission (Commission)
- One representative from the Louisville Revitalization Commission (LRC)
- One representative from the Louisville Chamber of Commerce (Chamber)
- One representative from the Downtown Business Association (DBA)
- One representative of the CTC Metrodistrict

The committee is to serve in an advisory capacity to City Council on matters of interest to the City and City Council concerning business retention and development. The BRaD Committee's goals and responsibilities include, but are not limited to the following:

- Facilitate economic development in Louisville
- Improve communications between the City and local business community
- Share insights regarding local economic conditions
- Serve as a sounding board for City proposals that could impact local businesses
- Gather information regarding the needs and priorities of businesses with respect to business retention and development issues
- Provide input on proposed programs related to business retention and development

**DISCUSSION:**

At the October BRaD meeting, committee members were discussing input from Koelbel Development about the Centennial Valley area. Topics of housing, redevelopment, signage, and traffic were all discussed and who would take a leadership role in advocating for these business interests in Louisville.

Below are some questions to help form the discussion.

**1) In taking an advocate role, is the makeup of the BRaD committee appropriate?**

Four of the eight representatives on the BRaD committee are decision makers for the City (3 council members and a planning commissioner). Some of the other members' organizations (LRC, CTC, and DBA) have a focus narrower than the City as a whole, leaving only the Chamber representative to be the BRaD member most appropriate to speak on behalf of the committee on city-wide business issues.

**2) Is the BRaD committee the appropriate entity for advocacy?**

In its formation documents, BRaD is charged with facilitating, improving communications, being a sounding board, gathering information, and providing input on business issues. None of these are a clear charge to advocate for changes or decisions on business issues as they come up to City Council.

City staff is charged with providing facts and a recommendation as it relates to business issues, but is not always in a position to solely advocate primarily for the business interests.

**3) What are other communities doing to fill the role?**

Communities and regions take different approaches in advocating for business issues. One particular approach is not better than the others; each community is different and so too may be their approach to advocating for business issues.

In small communities (<5,000 people), there isn't normally a formal organization taking the role and individual businesses do their own advocating. Sometimes county-wide organizations are formed to cover the need for several communities.

In large communities (>50,000 people) there is typically an economic development organization, funded by public and private funds, that represents its membership and advocates for projects or policies that will benefit business in town. Such an organization is normally a component of the area's chamber of commerce (i.e. Denver and Boulder), or as a stand-alone organization, (i.e. Longmont, Greeley).

For medium sized communities like Louisville, there may or may not be an organization set up to compile the opinions of businesses and advocate for policies on their behalf. Sometimes chambers of commerce fill that role, there is an economic development organization responsible, or city staff perform the duties.

**RECOMMENDATION:**

Staff would like the BRaD committee to have a discussion about the role it plays in advocating for business interests in Louisville, and direction on additional information desired to continue the conversation.