

City Council Meeting Minutes

**February 21, 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 Barbara Hamlington
 Councilmember Dietrich Hoefner
 Councilmember Chris Leh
 Councilmember Maxine Most

Absent: **Councilmember Caleb Dickinson**

Staff Present: **Jeff Durbin, City Manager**
 Megan Davis, Deputy City Manager
 Rob Zuccaro, Planning and Building Safety Director
 Lisa Ritchie, Planning Manager
 Austin Brown, Economic Vitality Specialist
 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 Leh moved to approve the agenda, seconded by Mayor Pro Tem Fahey. **Vote:** All in favor.

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

Eric Lund, Chamber of Commerce, updated Council on activities at the Chamber and invited the public and the Council to get involved with the Chamber.

Sherry Sommer, Louisville, asked the Council to remove item D on the consent agenda and discuss it on the regular agenda. She would like discussion of the properties that

City of Louisville

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were recommended .by the open space board and why some properties were not included on the list.

Cindy Bedell, Louisville, stated she believes the map included for the open space board recommendations (consent item D) is not accurate and should be reviewed.

APPROVAL OF THE CONSENT AGENDA

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

- A. *Approval of Bills***
- B. *Approval of Minutes: September 6, 2022; October 18, 2022***
- C. *Approval of Resolution No. 8, Series 2023 – A Resolution Establishing an Open Space and Parks Sales Tax Extension Task Force to Provide Advisory Recommendations on a Proposed Ballot Issue Requesting Voters to Approve Extension of the Existing Open Space and Parks Tax***
- D. *Approval of Resolution No. 9, Series 2023 – A Resolution Approving the Open Space Advisory Board’s Recommendation to Boulder County Parks and Open Space Regarding 2022 Property and Trail Requests***
- E. *Approval of Resolution No. 10, Series 2023 – A Resolution Approving a Site Option and Lease Agreement for the Attachment of Certain Wireless Equipment to the Louisville Recreation and Senior Center***
- F. *Approval of March Meeting Schedule***
- G. *Approval of Resolution No. 11, Series 2023 – A Resolution Approving an Amendment to Intergovernmental Agreement with CDOT Concerning a Grant in Connection with the City’s State Highway 42 Multimodel Improvements Project***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

None.

CITY MANAGER’S REPORT

Deputy City Manager Davis stated the next program in the disaster education and outreach series will be Monday and discuss wildfire resistant building and landscaping.

REGULAR BUSINESS

PRESENTATION – YOUTH ADVISORY BOARD

Youth Advisory Board officers Sam Becker, Lily Oberg, and Arihant Swain stated this year's board project is the 2023 Pet Mayor. The YAB invites participation in the first Pet Mayor election. After all the changes that 2022 brought the YAB wants to elect a furry friend as a "paws"itive role model for our town. The board hopes to use this project to raise awareness on voter registration and on adoption of animals from pet shelters. Voting will take place in April and the new pet mayor will be sworn in in May.

Public Comments – None.

Members thanked the members of the Youth Advisory Board for the project and for their service to the community.

ORDINANCE NO. 1850, SERIES 2023 – AN ORDINANCE AMENDING SECTION 3.24 OF THE LOUISVILLE MUNICIPAL CODE REGARDING THE TAX AND FEE BUSINESS ASSISTANCE PROGRAM – 2ND READING, PUBLIC HEARING (advertised *Daily Camera* 2/12/23)

Mayor Maloney introduced the item by title and asked for disclosures; seeing none he opened the public hearing.

Community Development Director Zuccaro stated staff suggests an amendment to the Business Assistance Program (BAP) to allow existing businesses to receive financial assistance for keeping their business in Louisville if they change locations.

The current BAP program requires an existing Louisville business to substantially expand in order to participate in the program. However, this requirement may prevent an existing Louisville business that is forced to relocate from participating in the program. For example, if a business is not provided an opportunity to renew the lease at their existing location, they will not have the opportunity to receive a BAP incentive for choosing an alternative location in Louisville if they are also not expanding their business. However, these businesses could be eligible to receive financial assistance to relocate to nearby communities. Participating businesses must also be reasonably likely to generate enhanced or increased sales taxes. This may not be feasible for an existing business that is moving to a similarly sized or smaller location.

Staff recommends expanding the BAP program to allow for the owner or operator of a business that is forced to vacate its current premises to be eligible for participation in the program. These businesses would only be required to maintain their existing sales taxes during the first year of operation after relocation. The proposed ordinance leaves the other program structure, eligibility, and criteria intact. If Council adopts the Ordinance, staff will update the program application package to incorporate the Code amendment.

Mayor Pro Tem Fahey asked if the level of assistance would be the same for an existing business that is moving as it would be for a new business. Director Zuccaro stated the building and use tax rebates would be the same; for sales tax the business would have to generate more sales tax than they were in their previous location to qualify for a sales tax rebate.

Public Comments

Eric Lund, Chamber of Commerce, urged approval of the ordinance to help keep businesses in the community.

Mayor Maloney stated it is important to retain our businesses and we should to do this.

Councilmember Leh stated this is an appropriate change to the ordinance.

Public Comments

Sherry Sommer, Louisville, asked if there is a limit on the amount of funding a business can receive.

Austin Brown, Economic Vitality Specialist, stated there is no cap on the total rebate amounts but it is a limit of 50% of the total amount a business spends on building and use taxes.

Councilmember Leh stated it is important that people understand that these agreements are rebates on taxes already paid and not direct payments to businesses.

Councilmember Hoefner stated this is a common sense update that he supports.

Mayor Maloney closed the public hearing.

MOTION: Mayor Pro Tem Fahey moved to approve the ordinance; seconded by Councilmember Hoefner.

VOTE: Motion carried by unanimous roll call vote.

RESOLUTION NO. 12, SERIES 2023 – A RESOLUTION APPROVING AN AMENDMENT TO THE CENTENNIAL HEIGHTS FINAL PLANNED UNIT DEVELOPMENT REGARDING FENCE REGULATIONS

Mayor Maloney introduced the item by title and asked for disclosures. Councilmember Hoefner stated he did hear this application when he was on the Planning Commission but he will be making his decision tonight based on the information presented here.

He opened the public hearing.

Planning Manager Ritchie reviewed the history of the subdivision. 39 homes in the subdivision were destroyed in the Marshall Fire. The current PUD regulates all fences in the subdivision to some degree. In 2022, the Council passed a citywide exemption for wood fences adjacent to homes. However, residents in this neighborhood asked for permanent changes to their PUD specifically.

She detailed the changes to the PUD including deleting notes requiring cedar fencing and six-foot privacy fencing adjacent to Open Space. The north and south border fencing remains unchanged; changes to the west remove the standard for internal facing fences; and changes on the east border will allow for a higher fire rating of the fencing materials. These options give the residents some flexibility on materials they choose for rebuilding.

Staff recommends approval of the resolution.

Public Comments

William Johnson, subdivision resident, stated he did see the fire move along the fence line during the Marshall Fire. These changes allow residents better and safer options and he supports the changes.

Reina Pomeroy, subdivision resident, stated there is consensus on these changes from the neighbors; it meets the needs of people in the neighborhood.

Barney Thinnes, subdivision resident, agreed with prior speakers that there is consensus in the neighborhood and he supports the changes.

Dave Baron, subdivision resident, stated he and his neighbors support these changes as a way to prevent fire spread.

Ed Duell, subdivision resident, noted there is documentation that wood fences contribute to the spread fire and these changes make good sense.

Councilmember Most thanked staff and the neighbors for their work.

Mayor Maloney stated reaching consensus and making this fit in the code is a good step and he supports the ordinance.

Mayor Maloney closed the public hearing.

MOTION: Mayor Pro Tem Fahey moved to approve the Resolution No. 12; seconded by Councilmember Hoefner.

VOTE: Motion carried by unanimous roll call vote.

CITY COUNCIL COMMITTEE APPOINTMENTS

Mayor Maloney made the following appointments:

Board/Commission/Committee	Councilmember Assignment
City Council Economic Vitality Committee	Leh chair, Most, Fahey
City Council Finance Committee	Dickinson chair, Hamlington, Hoefner
Colorado Communities for Climate Action	Fahey
Commuting Solutions	Fahey, Most alternate
Consortium of Cities	Dickinson, Hoefner alternate
DBA Street Faire Committee	Maloney
Denver Regional Council of Governments	Hoefner, Fahey alternate
Joint Issues Committees (Superior and Lafayette)	Most, Hamlington
Revitalization Commission Member	Leh
Rocky Mtn Metro Airport Roundtable	Most, Hamlington alternate

ORDINANCE NO. 1851, SERIES 2023 – AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE CAPPING THE MAXIMUM NUMBER OF GASOLINE AND AUTOMOBILE SERVICE STATIONS LOCATED WITHIN THE CITY OF LOUISVILLE – 1ST READING, SET PUBLIC HEARING 3/7/23

Mayor Maloney introduced the item by title.

MOTION: Councilmember Leh and moved to approve the ordinance on first reading and set the public hearing for March 7; seconded by Councilmember Hoefner.

Councilmember Leh asked if the public hearing could be set for a date after the March 17 Economic Vitality Committee meeting so the EVC could take input from residents and businesses on this topic.

Clerk Muth noted that if the public hearing is not held March 7 then April 4 is the next regular meeting. She added that there is a citizen’s initiative on this topic and their signature deadline is April 22 so pushing this discussion to April may impact those gathering signatures.

Councilmember Leh suggested holding the public hearing on April 4.

Councilmember Most stated she is concerned that the process is being changed for one specific issue. Anyone can come speak at the public hearing there is no need to use a different process for this one issue.

Councilmember Hoefner stated he would support giving more time to get additional information from the EVC but he would like to have the public hearing in a timely

manner so that it does not unduly impact the current initiative process and their signature gathering timeline.

Councilmember Leh stated he understands this process may be outside of the usual timing, but he feels strongly this would be beneficial to the community.

Mayor Maloney stated he thinks April 4 is too late and impinges on the citizen's initiative timeline.

Councilmember Most stated that she is not sure the EVC is the appropriate place to have further discussions as their charter is to support businesses and for this topic the EVC may not be the appropriate place for that to happen.

Mayor Pro Tem Fahey stated that if the public hearing is pushed back perhaps both the EVC and the Sustainability Board could have discussions to bring back a broad review of the proposed ordinance. Councilmembers Hamlington and Hoefner agreed.

SUBSTITUTE MOTION: Mayor Pro Tem Fahey moved to approve the ordinance on first reading and set the public hearing on March 21; Councilmember Hoefner seconded.

Councilmember Most reiterated her concern that this is a change in the regular process and she is not sure why that is needed on this item or not on other items. It doesn't feel like a neutral process.

VOTE: Substitute motion passed by a 5-1 vote; Councilmember Most voting no.

EXECUTIVE SESSION

REAL PROPERTY ACQUISITIONS AND DISPOSITIONS (Home Rule Charter Section 5-2(c) and C.R.S. 24-6-402(4)(a))

Mayor Maloney introduced the executive session.

City Attorney Kelly noted the items to be discussed and the authority under which the Council can go into executive session. She stated the City Manager is requesting the executive session for the purpose of discussing real property acquisitions and dispositions concerning properties in Louisville only as to appraisals and other value estimates and strategies.

City Clerk Muth read Section 2.90.050 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 Louisville Home Rule Charter Section 5-2(c) which authorizes an executive session for

the purpose of discussing real property acquisitions and dispositions concerning properties in Louisville at but only as to appraisals and other value estimates and strategy. Authorization is also allowed by the Colorado Open meetings law in C.R.S. 24-6-402(4)(a).

MOTION: Mayor Maloney moved to go into executive session for the purpose of discussing real property acquisitions and dispositions concerning properties in Louisville but only as to appraisals and other value estimates and strategy and that the executive session include City Manager Jeff Durbin, Deputy City Manager Megan Davis, Community Development Director Rob Zuccaro, Economic Vitality Specialist Austin Brown, and City Attorney Kathleen Kelly. Councilmember Hoefner seconded the motion.

VOTE: Motion passed by unanimous roll call vote.

Council adjourned to executive session at 7:26 pm. The Council meeting reconvened at 8:12 pm.

REPORT – DISCUSSION/DIRECTION/ACTION – REAL PROPERTY ACQUISITIONS/DISPOSITIONS

City Attorney Kelly reported the Council had discussions related real property acquisitions and dispositions and no further action is needed this evening.

CITY ATTORNEY’S REPORT

None.

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

Mayor Maloney moved to make February 28 a special meeting rather than a study session so direction can be given related to the planned transportation update. Councilmember Hoefner seconded the motion. All in favor.

ADJOURN

Members adjourned at 8:15 pm.

Dennis Maloney, Mayor

Meredyth Muth, City Clerk