

City Council Meeting Minutes

**March 14, 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 J. Caleb Dickinson
Councilmember Barbara Hamlington
Councilmember Dietrich Hoefner
Councilmember Chris Leh*

Absent: *Councilmember Maxine Most*

Staff Present: *Jeff Durbin, City Manager
Megan Davis, Deputy City Manager
Sharon Nemechek, Cultural Services Director
Erica Schmitt, Arts & Events Manager
Ryder Bailey, Finance Director
Emily Hogan, Assistant City Manager
Kayla Betzold, Sustainability Coordinator
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 Fahey moved to approve the agenda, seconded by Councilmember Dickinson. **Vote:** All in favor.

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

Lark Rambo, Coal Creek Meals on Wheels, thanked the Council for Proclamation. She noted the work the organization does to feed residents as well as give them social

contact. She stated they have seen a significant increase in need over the past few years. She invited people to do a ride along to find out more or to volunteer.

APPROVAL OF THE CONSENT AGENDA

Mayor Maloney asked for changes to the consent agenda. Councilmember Leh asked for item D to be moved to the regular agenda.

Motion: Councilmember Leh moved to approve the consent agenda as amended, seconded by Councilmember Fahey. **Vote:** All in favor.

- A. *Approval of Bills***
- B. *Approval of Resolution No. 17, Series 2023 – A Resolution Approving an Intergovernmental Agreement for the Louisville Fire Protection District’s Use of the Mail Ballot Drop Off Box and Surveillance System at the Louisville Recreation & Senior Center***
- C. *Approval of Changes to April Meeting Schedule***
- D. *Approval of a Proclamation Proclaiming March 2023 as the 21st Annual March for Meals Month – moved to regular agenda***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Mayor Pro Tem Fahey noted the passing of former US Representative Patricia Schroder who represented Colorado for many years.

Councilmember Leh noted the EVC met last week and took input on the upcoming gas station ordinance. The Sustainability Advisory Board will also be taking comments on this item at their meeting tomorrow.

CITY MANAGER’S REPORT

City Manager Jeff Durbin stated the library has been closed for inventory the last two days and will reopen tomorrow. He noted the first meeting of the Open Space and Parks Sales Tax Task Force was last night.

REGULAR BUSINESS

APPROVAL OF A PROCLAMATION PROCLAIMING MARCH 2023 AS THE 21ST ANNUAL MARCH FOR MEALS MONTH – moved from consent agenda

Councilmember Leh noted this is a great program that serves many people and helps people stay in their homes as they age.

Mayor Pro Tem Fahey stated she has known many residents who have taken advantage of this service and noted that for some people this is the only social interaction they may get and that can be just as important as the nutrition.

MOTION: Councilmember Leh moved to approve the proclamation; Mayor Maloney seconded.

VOTE: Motion passed by unanimous voice vote.

Councilmember Leh read the proclamation.

DISCUSSION/DIRECTION/ACTION – BAG TAX FUNDED WASTE REDUCTION PROGRAMS

Kayla Betzold stated staff is requesting authorization on how to use the City-collected bag tax revenue. She reviewed the history of the bag tax that went into effect in 2022. Of the \$.25 tax on every paper and plastic bag provided to customers Louisville retailers retain \$.10 and remit \$.15 to the City on a quarterly basis. Per the ballot language, tax revenue shall be used for direct and indirect costs related to tax administration or expenses related to sustainability-related initiatives and programs. There are currently 215 businesses on the bag tax business list with the City.

Sher reviewed the revenue collected to date noting there has been a 72% reduction in bag use from pre-tax estimates. This is similar to the results other cities have seen.

Betzold presented five program options to be considered for ways to spend the revenue. A business can choose the program that is most beneficial for their specific needs. The value of each program option is \$1,000 for the business. Businesses that remitted bag tax revenue in 2022 would be eligible to participate. Delinquent businesses would not be eligible for programs until they become compliant. Businesses that join the program in 2023 would be eligible for programs in 2024. If funding is available, programs will be offered to the larger business community at \$500/program value. Staff reached out to the business community to get their input on the programs as well.

She reviewed the details of the five programs: Providing Bulk Supplies of Reusable Bags; a One-Year Subscription for Hard-to-Recycle Pick Up Services; Commercial Recycling and/or Composting Incentives; Reusable Takeout Containers for Restaurant Pilot Program; and Zero Waste Grants.

Staff is also recommending the revenue be used to host hard to recycle and material reuse events in low to moderate income neighborhoods in town.

In addition, City Manager Durbin recommended funding be allocated for an additional sustainability staff position. A new sustainability position would be responsible for: waste programming business communications, outreach and education; waste program

enrollment; materials ordering, delivery and distribution to business community; and collaboration with the Finance and Economic Vitality Departments as it relates to the bag tax program.

He reviewed the budget and how it could cover additional program and staff costs.

Public Comments

Tiffany Boyd, Louisville, voiced her support for the program and urged Council approval. She supports the programs as a way to help businesses and give residents new sustainable programs to use. She also supports adding sustainability staff as there is much work to do and we need more capacity.

Tess Weltzin, Lafayette, urged support of the programs as a way to reach success on climate action.

Mayor Pro Tem Fahey stated she supports the staffing and the new programs.

Councilmember Dickinson stated these programs are a great use of this revenue and will move the needle forward to do things that won't get done otherwise.

MOTION: Councilmember Dickinson moved to approve use of the bag tax funds for new staffing and waste reduction programs. Councilmember Hoefner seconded the motion.

Councilmember Hamlington stated she appreciates the feedback staff got from the community. She also likes the idea of programs which allows for us to collaborate with businesses as well as programs to help the moderate to low income residents.

Councilmember Leh agreed with Councilmember Hamlington. He noted there has been criticism of the bag tax over the past year and these new programs are a way to rehabilitate the view of those who were skeptical of the tax originally.

Mayor Maloney thanked staff for bringing forward this program. It is a good use of the funds and is the end result of years of work.

VOTE: Motion carried by unanimous roll call vote.

LOUISVILLE CULTURAL COUNCIL COMMUNITY RESILIENCE SCULPTURE

City Manager Jeff Durbin reviewed the steps that have been taken since the last discussion of this item. He noted staff reviewed the process that was used and he is comfortable the process was implemented appropriately. Staff also reached out to members of the community, particularly the fire-impacted residents. They heard from those residents that the community is not yet ready for a Marshall Fire memorial. It was

never the LCC's intent that this sculpture be a Marshall Fire memorial but rather was meant to be a sculpture highlighting the community's resilience.

Based on all of that information, City Manager Durbin recommended taking further time on a fire memorial but moving forward with this resiliency sculpture for the community.

Public Comments

Mark Cathcart, Louisville, stated the art installation is a great idea and he thanked the artists. He stated he was resigning from the LCC as he feels his motives have been questioned and his reputation impugned.

Rita Vali, one of the sculptors, stated she hopes the project will help unify the community and be a therapeutic endeavor. The sculpture includes a way for members of the public to be involved and she invited people to participate.

Mayor Maloney thanked the City Manager for clarifying this project's goals around resiliency. He stated he supports the sculpture.

Councilmember Leh stated he believes the LCC process was done properly and with integrity. He supports the sculpture as well.

Councilmember Dickinson stated this will be a very positive project for the community and it will help move the community forward.

Mayor Pro Tem Fahey stated this sculpture is appropriate for this downtown location. She noted it has been a difficult process and thanked everyone for the work.

MOTION: Councilmember Leh moved to approve the sculpture and location in front of City Hall. Mayor Pro Tem Fahey seconded the motion.

VOTE: Motion passed by unanimous voice vote.

**ORDINANCE NO. 1852, SERIES 2023 – AN ORDINANCE AMENDING CHAPTER
5.08 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING LIQUOR TASTINGS –
1st READING, SET PUBLIC HEARING 4/4/23**

Mayor Maloney introduced Ordinance No. 1852 by title.

MOTION: Mayor Maloney moved to approve the ordinance on first reading and set the public hearing for April 4, 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 Maloney noted that Representative Brown has introduced a bill in the legislature that would refund the State portion of the sales and use taxes for fire rebuilds. Mayor Pro Tem Fahey will be testifying in favor of the bill on behalf of the City of Louisville.

Councilmember Dickinson noted this week's Finance Committee was cancelled but the one in April will go ahead as planned.

Councilmember Leh noted the new Economic Vitality Manager April Kroner will be starting at the end of this month.

Mayor Pro Tem Fahey also noted that the City's new Equity, Diversity, and Inclusion Manager Monai Myles has started as well.

ADJOURN

Members adjourned at 7:14 pm.

Dennis Maloney, Mayor

Meredyth Muth, City Clerk