

# ***City Council Meeting Minutes***

**March 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 Caleb Dickinson (attended remotely)  
Councilmember Barbara Hamlington  
Councilmember Dietrich Hoefner  
Councilmember Chris Leh  
Councilmember Maxine Most*

**Staff Present:** *Jeff Durbin, City Manager  
Rob Zuccaro, Community Development Director  
Kayla Betzold, Sustainability Coordinator  
Monai Myles, Equity, Diversity, & Inclusion Manager  
Meredyth Muth, City Clerk*

**Others Present:** *Kathleen Kelly, City Attorney*

**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 – 2<sup>nd</sup> READING, PUBLIC HEARING (advertised *Daily Camera* 2/26/23)**

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

Community Development Director Zuccaro stated that on November 1, 2022, in response to a possible citizen’s initiative, the City Council approved a moratorium on new land use applications for fueling stations. The moratorium expires in September. The City Council then asked staff to bring an ordinance for consideration. This proposed ordinance to limit fueling stations is in recognition of health and environmental concerns around gas stations and to promote a quicker transition to electric vehicles.

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***City of Louisville***

*City Council 749 Main Street Louisville CO 80027  
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The proposed ordinance would limit the number of fueling stations in Louisville to six which is the number of currently existing or approved stations with an exception to allow an increase seven stations if the seventh station is part of a new, large single-user retail center. It requires 1,000 ft. spacing between facilities; requires an automatic expiration of PUD/SRUs for new facilities if a permit is not issued in 36 Months; loss of PUD/SRU approval if an existing facility discontinues use for 12 Months; and requires EV fast charging stations for any new facilities.

The Planning Commission added the fast charger requirement and recommends approval. The Sustainability Board recommends approval with conditions to reduce the cap to five if the recently approved station is not built, and to eliminate the exception for a seventh facility in a marketplace development. The Economic Vitality Committee took public comments on the proposed ordinance but made no recommendation. Staff is recommending approval.

Councilmember Hoefner asked if there are other areas where the City limits the number or placement of certain types of businesses. Community Development Director Zuccaro stated the City has limited retail marijuana stores to six. Clerk Muth stated there are also state regulations requiring 1500 feet between liquor stores.

Mayor Maloney asked if gas stations could convert to hydrogen fuel in the future if that happens. Director Zuccaro stated the current definitions in the code probably don't address that and the code would need to be updated for future uses.

Councilmember Leh asked if there are any constitutional concerns with such a property limitation. Director Zuccaro stated the City has the right to change uses on a property as long as there are still viable uses allowed on the property. City Attorney Kelly stated the ordinance as presented would not impair the property rights of the recently approved Murphy's application.

Councilmember Hamlington asked if this would impact a business that had a large commercial fleet and provided fuel on site. Director Zuccaro stated this would not impact them as the ordinance addresses the sale of fuel.

#### Public Comments

Eric Lund, Chamber of Commerce, stated the Chamber board unanimously voted to urge Council to deny the ordinance as written. They would prefer the installation of more EV chargers but not limit the building of more gas stations. Rapid charging should be required for all new buildings and shopping areas. They don't believe it will impact climate change but will negatively impact businesses. They polled their full membership and 77% of the responding members supported a no vote.

Josh Cooperman, Louisville, urged approval as one way to help reduce the building of new fossil fuel infrastructure. He asked Council to consider a version that includes more

from the draft initiated ordinance. He wants people to do anything and everything we can, as best as we can, to impact climate change. This is a narrow measure not affecting all businesses in Louisville. He urged passing a stronger ordinance.

RJ Harrington, Louisville, agreed the ordinance needs to be strengthened and he would like to reduce the cap to five stations. He asked have the ordinance reduce the cap by one each time a station closes. He stated that any dollar spent towards fossil fuels is a dollar away from renewables.

Jojo Follmar, Louisville, encouraged a yes vote and asked to add the changes outlined by previous speakers as a way to transition away from fossil fuels in Louisville and create an easier transition to renewables. They agreed the cap should be lowered each time a station closes.

Cathern Smith, Louisville, asked how many gas stations is enough; she stated she has never waited in line for gas and new stations are not needed. She stated this is needed due to climate change, due to the environmental consequences of a gas station's impacts on ozone noncompliance, and also to help reduce the impacts on air quality and human health.

Shira Nathan, Lafayette, urged approval of the ordinance to stop contributing to the impacts of climate change. She urged the Council to adopt a stricter ordinance than what is presented.

Tamar Krantz, Louisville, stated no new fossil fuel infrastructure should be added in Louisville. It won't solve climate change but we must take actions to reduce fossil fuel infrastructure. Gas stations are a major contributor to VOCs in our atmosphere.

Sherry Sommer, Louisville, urged approval of the ordinance and also to think differently about what we can do about climate change. She stated this is not a divisive issue and people support these ways to address climate issues. We need to look forward and have solutions.

Mike Deborski, stated business owners in town don't have the time to be here to speak this evening. The Chamber represents 295 local businesses but Eric speaks for many. These decisions affect businesses and are far reaching. He asked Council to take into account the impact of this ordinance on businesses and the optics of this for the larger business community.

John Cowley, Louisville, stated he feels strongly that we don't need a new filling station at the entrance to town. He would rather see restaurants and other businesses in this location. He stated this is not antibusiness. Electric vehicles numbers are growing faster than the population of Louisville and fueling stations are facing a diminishing future.

Tiffany Boyd, Louisville, urged Council to approve the ordinance. She stated this is a better option than having a special election on an initiated ordinance. This ordinance is supported by the Planning Commission and the Sustainability Board. She does not feel this will impede business but will show that Louisville cares about the community and future generations. She asked council to consider the changes requested by the Sustainability Board.

Cynthia Corne Musslewhite, Louisville, stated coming out of the Marshall Fire we now have to view this through a lens of climate action. The community is fully behind these types of actions. We need to prioritize the community and the health of people. She urged a yes vote.

Mayor Pro Tem Fahey stated she supported the original moratorium, however, this is more symbolic than it is impactful. This change would not impact the supply or availability of fossil fuels. She would prefer to use incentives rather than restrictions or negative requirements. She would rather see time, money, and resources spent on making City facilities more sustainable, building more bike lanes, and encouraging electric vehicles and bicycles. There are more effective ways to address this.

Councilmember Dickinson stated this does seem a lot like optics; doing something that isn't going to have a huge effect but it gets a lot of attention. This likely won't change the amount of gas sold only where it is sold, however he also noted he doesn't see the business need for another station. We have a declining number of gas cars, but they aren't going away. Not building another gas station won't save the world, but adding one more is not a gain to the City of Louisville. We need to focus on other more impactful things in the end. This won't have a major impact on the environment or the economy but it is the right thing to do.

Councilmember Hoefner stated he agrees with Mayor Pro Tem Fahey and Councilmember Dickinson, this isn't the highest impact sustainability item. He sees it more as a land use issue and the question is what is the appropriate number moving forward. It seems in the future gas will likely not be the priority it might be electric or hydrogen and for the most part the market will take care of that.

Councilmember Hamlington asked if the City has the authority to enact rules for decommissioning should a fueling station go out of business. Director Zuccaro stated the City could adopt regulations but it would be a large undertaking. The state does oversee and regulate decommissioning of gas stations and has rules in place for that.

Councilmember Most agreed with Councilmember Dickinson this is a step we can take to help climate impact. It sends a signal that we want change. Additionally, it limits the emissions of volatile chemicals in Louisville and that impacts air quality locally. It doesn't make sense to promote more fossil fuel infrastructure. We have an obligation to balance the interests of business and our residents. We want to have a positive business climate but this is a community value we want to support.

## Public Comments

Katie Lacz, urged a yes vote both for a climate change perspective and public health perspective. She stated the people she knows want the community to be a leader in climate change and support this ordinance.

RJ Harrington, Louisville, stated he owns a business and as a business owner he supports the move away from fossil fuel infrastructure. Any new fuel station incents the use of fossil fuels. He stated that installing charging stations is the best way to support people in town.

Tamar Krantz, Louisville, stated the state tracks petroleum release events and many come from gas stations. Not allowing stations will help prevent contamination.

Cathern Smith, Louisville, stated we are faced with a large problem and we alone can't solve it, but this is one way make a small change here in Louisville. She does not support the exception for a marketplace location.

Councilmember Hamlington stated she believes the community members and businesses all have a shared goal of creating an economically successful and sustainable future. While we may not agree on what that path looks like, this ordinance is step in the right direction. The ordinance is a good compromise, it is a cap not a ban, it does not punish current fuel station owners, but it does recognize that the longevity of new stations is a reasonable question. She stated this is a step in the right direction to meet our carbon goals.

Mayor Maloney stated the Council needs to be thoughtful with changes to our ordinances and not create unintended impacts. He noted everyone on Council supports our sustainability goals. We can't solve the climate crisis but we can be a part of a solution. People will be driving gas cars for years to come simply because the transition will take some time. He supports the ordinance but worries it will preclude any future changes in the industry that might allow for different types of fueling stations such as hydrogen. He doesn't want to create something that won't be adaptable to future technology, but that will have to wait for a future discussion.

Councilmember Most agreed people will be using cars for a long time and will rely on gas, but she wants to move something forward now even if we have to change it later to adapt to future technology.

Councilmember Leh stated he didn't support the moratorium only because he did not like the process that preceded the vote. However, he agrees everyone wants a vibrant, sustainable community. He stated there are many values to balance here, what the community want, market forces, and more, but this ordinance balances those. He stated he supports the ordinance.

**MOTION:** Councilmember Hoefner moved for approval of the ordinance;  
Councilmember Most seconded the motion.

Mayor Maloney closed the public hearing.

**VOTE:** Motion carried by unanimous roll call vote.

### **DISCUSSION/DIRECTION – CHANGES TO BOARDS AND COMMISSIONS**

Clerk Muth noted this item is a part of the 2023 work plan. She reviewed the current boards and commissions noting nine may be sunsetted or changed and five are required by the City Charter. Some boards could be combined and board duties could be amended. She stated the Council has also been interested in making changes to the board application process. Staff is asking for direction in any areas the Council wants to see changes. Staff will bring back additional information based on what Council discusses this evening.

#### Public Comments

Susan McEachern, Louisville, member of the Open Space Advisory Board, stated she can understand the interest in term limits but stated she sees the value in having long serving members with experience continuing to serve. They understand the issues and have knowledge that is needed. She would propose if there is a term limit it should be 12 years but also bring in new people to boards. She suggested asking for board input in the new member process. She asked Council to have more contact with the boards.

Sherry Sommer, Louisville, stated she thinks term limits of eight years is appropriate. She would like to see the terms on the Planning Commission be changed so every member has a four-year term. She would like the attendance requirements to be enforced and that midyear appointments be discussed by the full Council.

Josh Cooperman, Louisville, member of the Sustainability Advisory Board, agreed the boards need more interaction with Council. He suggested getting input from the board's staff liaison in the appointment process. He would like to see ways to get more diversity on the boards.

Mayor Maloney asked if the Parks Board could be combined with the Open Space Board given they both are funded from the same tax. City Attorney Kelly will review that to see if it is an option.

Councilmember Most would like to see more Equity, Diversity, and Inclusion considerations being applied to board appointments. She would like to know how much time staff is spending on working with the boards. She supports term limits and would like to see all the boards have the same length terms.

Councilmember Leh stated he has heard that many of the boards would like closer communication with City Council. He noted there seems to be a lack of clarity of the roles of the boards and what Council wants from them. He would like to determine what role expertise plays for those applying to boards; in some boards it is critical but in others it is not. He stated he has heard that people think we don't listen to the boards and that is not our intent. We need to make sure there is no disconnect between the Council and the boards. He stated in some areas term limits could be a problem. Planning Commission for example is hard to learn all you need to know to serve well. He would like to see roles clarified.

Councilmember Dickinson stated he would be interested in possibly combining the Recreation Advisory Board and the Parks and Public Landscaping Advisory Board. He stated the Historical Commission and Library Board may be another combination that would work. He would like to find ways to have a more diverse applicant pool. As to term limits he stated the Council always has the opportunity to not reappoint people but Council should look at the membership and decide what mix they want on each board. He prefers that to forced term limits. He agrees the Council needs better communication with the boards.

Mayor Maloney stated we get a large number of very qualified applicants each year and he thanked all the members for their service. He stated it is up to Council to make sure it is clear in what it wants from the boards. Each board needs to have a clear mission and exact duties. If we are asking staff and community members to spend time on this we need to know what we want from that. He stated consolidating certain boards might make a lot of sense.

Mayor Pro Tem Fahey stated that attending board meetings is a way to learn so much about what they boards are doing and talking about. We need more interaction between the boards and the Council. There may be ways to consolidate boards that makes sense. We do need to fully define the roles of the boards and what we expect them to be doing. She stated she is not a big fan of term limits, the Council can determine what they want in the application process.

Councilmember Hoefner stated he would like feedback from the board on how members are participating in meetings when considering reappointments. He agreed more meaningful interaction with Council would be great.

Councilmember Hamlington stated consolidating boards may make sense. If there are term limits she would like a clear process on how they are enforced so as not to introduce bias into the process. For those boards that do not require expertise we should not ask about it in the application.

Councilmember Most reiterated that asking for expertise will limit the number of applicants. Staff can provide the expertise and we should look for new ideas from board members and give people the opportunity to serve.

Councilmember Leh stated the Council needs to communicate with the boards and listen to what they say. If we want to consolidate any boards we should discuss it with the board members before we make that decision. We also need to be giving the boards meaningful and worthwhile work to do and then the Council needs to listen to their input.

Mayor Maloney asked staff to consider combining certain boards as Council noted tonight. He asked staff to bring suggestions on clarifying the board roles and how to create better communication between the Council and the boards.

Staff will bring back options for Council to consider.

### **ADJOURN**

Members adjourned at 9:22 pm.

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Dennis Maloney, Mayor

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Meredyth Muth, City Clerk