

# ***City Council Meeting Minutes***

**May 21, 2024  
City Hall, Council Chambers  
749 Main Street  
5:00 PM**

**Call to Order** – Mayor Leh called the meeting to order at 5:00 p.m. **Roll Call** was taken and the following members were present:

**City Council:**     **Mayor Chris Leh**  
                          **Mayor Pro Tem Caleb Dickinson**  
                          **Councilmember Tim Bierman (joined at 6:23 pm)**  
                          **Councilmember Deborah Fahey**  
                          **Councilmember Barbara Hamlington**  
                          **Councilmember Dietrich Hoefner (arrived 5:15 pm)**  
                          **Councilmember Judi Kern**

**Staff Present:**    **Jeff Durbin, City Manager**  
                          **Samma Fox, Deputy City Manager**  
                          **Kurt Kowar, Public Works Director**  
                          **Rob Zuccaro, Community Development Director**  
                          **Amelia Brackett Hogstad, Senior Planner**  
                          **Rafael Gutierrez, Police Chief**  
                          **Meredyth Muth, City Clerk**

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

## **EXECUTIVE SESSION**

### **Property Acquisition (Louisville Charter, Section 5-2(d) – Authorized Topics – Real Property Acquisitions and Dispositions Louisville Home Rule Charter Section 5-2(c) and C.R.S. 24-6-402(4)(a))**

The Mayor introduced the item and City Attorney Kelly stated City Manager is Requesting the City Council Convene an Executive Session for the Purpose of Real Property Acquisitions Concerning Properties in Louisville Only as to Appraisals and Other Value Estimates and Strategy pursuant to Section 5-2(c) and C.R.S. 24-6-402(4)(a)).

The City Clerk read Section 2.80.130 of the Louisville Municipal Code which outlines the topics permitted for discussion in an executive session.

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### ***City of Louisville***

*City Council   749 Main Street   Louisville CO 80027  
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City Attorney Kelly stated the Section 5-2(c) of the home rule charter authorizes an executive session for the purpose of discussing real property acquisitions and dispositions, but only as to appraisals and other estimates of value and strategy. An executive session for these purposes is also authorized by the Open Meetings Law, Section 24-6-402(4)(a) of the Colorado Revised Statutes. The request involves potential disposition of property.

**MOTION:** Mayor Leh moved the City Council adjourn to executive session for the purpose of discussing real property acquisitions and dispositions, and that the executive session also include City Manager Jeff Durbin, Deputy City Manager Samma Fox, Community Development Director Rob Zuccaro, and City Attorney Kathleen Kelly. Seconded by Mayor Pro Tem Dickinson.

**Vote:** Motion carried by unanimous roll call vote (Councilmember Hoefner absent).

The City Council adjourned to executive session at 5:05 pm.

### **REGULAR BUSINESS ITEMS SUSPENDED**

The City Council meeting reconvened at 6:00 pm.

### **REGULAR BUSINESS ITEMS CONTINUED**

### **REPORT – DISCUSSION/DIRECTION/ACTION**

City Attorney Kelly reported the Council had the discussions as noted on the agenda. No follow up to the executive session is needed at this time.

### **APPROVAL OF AGENDA**

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

**Motion:** Councilmember Hoefner moved to approve the agenda, seconded by Councilmember Fahey. **Vote:** All in favor.

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

None.

### **APPROVAL OF THE CONSENT AGENDA**

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

- A.** Approval of Bills
- B.** Approval of Minutes: July 11, 2023; September 26, 2023; February 20, 2024; May 14, 2024
- C.** Approve May 28 and June 11 as Special Meetings
- D.** Award Contract for the 2024 Miscellaneous Asphalt and Concrete Project
- E.** Approval of Contract Between the City of Louisville and Kimley Horn and Associates for the Sid Copland Water Treatment Plant Residual Management Design
- F.** Approval of Resolution No. 25, Series 2024 – A Resolution Approving an Intergovernmental Agreement Between the City of Louisville, Boulder County, and Play Boulder Foundation Louisville Concerning the Community Forestry Corps' Urban Forestry Pilot Program
- G.** Approval to Write-Off an Uncollectible Account

### **COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA**

Mayor Leh reported he helped the American Legion with a cemetery clean up over the weekend.

### **CITY MANAGER'S REPORT**

City Manager Jeff Durbin reported there will be an open house on Thursday for the Downtown Visioning Plan.

### **REGULAR BUSINESS**

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### **PROCLAMATION – LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUEER PLUS PRIDE MONTH**

Mayor Leh introduced the item and Councilmember Kern read the proclamation.

**MOTION:** Councilmember Kern moved to approve the proclamation; seconded by Councilmember Hamlington.

**Vote:** Motion passed by unanimous voice vote.

**ORDINANCE NO. 1874, SERIES 2024 – AN ORDINANCE AMENDING LOUISVILLE MUNICIPAL CODE CHAPTER 15.56 FOR THE PURPOSE OF EXPANDING THE ROLE OF THE BUILDING CODE BOARD OF APPEALS TO REVIEW AND MAKE RECOMMENDATIONS TO THE CITY COUNCIL ON BUILDING CODE ADOPTIONS – 1ST READING, SET PUBLIC HEARING 6/4/24**

Mayor Leh introduced the ordinance by title.

**MOTION:** Mayor Pro Tem Dickinson moved to approve the ordinance on first reading and set the public hearing for June 4, 2024; seconded by Councilmember Fahey.

**VOTE:** Motion passed by unanimous voice vote.

**RESOLUTION NO. 26, SERIES 2024 – A RESOLUTION APPROVING A PRESERVATION AND RESTORATION GRANT FOR THE A & L PORTA HOUSE AT 928 LAFARGE AVENUE**

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

Planner Brackett Hogstad stated this is a request for a Preservation Grant for 928 LaFarge Avenue. The building was previously landmarked. The requested work is identified in the Historic Structure Assessment and is for preservation, restoration, and/or rehabilitation. The alterations have been approved by the Historic Preservation Commission (HPC) subcommittee and include a mix of completed and proposed work.

The HPC and staff both recommend approval of the grant request.

Public Comments – None.

Mayor Pro Tem Dickinson thanked the applicant for preserving their home.

Mayor Leh closed the public hearing.

**MOTION:** Councilmember Fahey moved to approve the resolution; seconded by Councilmember Kern.

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

**RESOLUTION NO. 27, SERIES 2024 – A RESOLUTION APPROVING A CONTRACT WITH THE STATE OF COLORADO FOR THE POLICE DEPARTMENT'S CO-RESPONDER PROGRAM**

Mayor Leh introduced the item.

Chief Gutierrez stated that earlier this year the Council approved an IGA with Boulder County to contract mental health co-response services. This IGA provides for two mental health co-responders to be based at the Louisville Police Department to support call response for those experiencing mental health crisis. The program was included in the 2024 budget amendment process and was budgeted as a one-year pilot program for 2024. The Police Department sought grant funding opportunities to help support the

program in future years and was awarded funding from the Colorado Department of Human Services Behavioral Health Administration in the amount of up to \$230,872 for program cost reimbursement during the State's Fiscal Year 2025.

As part of this grant funding process, the State of Colorado Department of Human Services Behavioral Health Administration is seeking to enter into a contract with the City of Louisville to allow the City to receive reimbursement for the co-responder program costs for State FY 2025.

Public Comments – None.

Members agreed this is an important program for both the Department and the City.

**MOTION:** Councilmember Kern moved to approve the resolution; seconded by Councilmember Hoefner

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

#### **DISCUSSION/DIRECTION/ACTION – VIA APPIA STRIPING CHANGES**

Mayor Leh introduced the item.

He stated this Council is committed to traffic safety and this is not being discussed arbitrarily. He stated he has been very disappointed in the comments and the personal attacks of staff he has seen related to this project. He encouraged everyone to listen to the presentation with an open mind.

Director Kowar stated staff has given this presentation for the public as well. He noted changing the streets does bring out emotion in people and staff has heard a lot of feedback on this.

He reviewed Colorado traffic law and how pedestrians should be treated. If everyone followed the law there would be no accidents however the trends over the past few years are showing a big increase in pedestrian and cyclist deaths. He reviewed specific traffic incidents in Louisville since 2018, including three deaths. Since then City Council has given staff a directive to improve safety. The goal is to make the bike lanes and pedestrian crossings safer.

Director Kowar noted this is not meant to be a final decision but rather is a pilot project before the street is repaved in two to three years. It is simply changing the paint and it is not permanent. We can see how it goes before making any final decisions. He reviewed some of the previous discussion of this project.

He noted the three options up for discussion. 1) leaving it as is at four lanes with bike lanes; 2) reducing it to one lane in each direction with wider bike lanes and buffers; or 3)

keeping four lanes but reducing their width to increase the width of the bike lanes. He reviewed the costs for each. Staff is recommending the restriping to two lanes.

The two-lane plan includes an acceleration lane for those turning west out of the Recreation Center. A right turn lane is still included at Pine Street, but removed at Church Lane and Tyler. Very few people are making right turns at those intersection and removing the turn lane reduces the chance of accidents with cyclists. Left turn lanes are added at Griffith, Harper and Via Capri.

This plan also includes improvements at Via Appia and South Boulder Road. It maintains the dedicated left and right turn lanes, increases the right turn lane queue, has a dedicated bus pull out area, and adds a bike queue box. He noted complaints about the no right on red at this intersection. That design is being maintained for safety for cars and pedestrians as there have been accidents at that intersection.

This plan increases pedestrian and bicycle safety by reducing speeds from 6-8 mph over the speed limit to around 3 mph over the posted speed limits; adds buffered bike lanes; shortens crosswalks or risk areas on average from 30 to 100 feet wide to 20 feet wide. The most important goal in the plan is getting people across the street safely.

He reviewed the pros and cons of this plan. Likely pros: speeds will be reduced by up to 5 mph, this decreases accident severity for cars, bikes, and pedestrians; crossings will be shortened for bicycles and pedestrians for increased comfort, safety, and less stress; buffered bike lanes will improve safety and open usage to a wider audience; Recreation Center left turn will be significantly safer; added left turn safety for the Harper, Griffith, and Via Capri; improved bus interaction at South Boulder Road area; improved right turn queue at South Boulder Road; and improved crossings near transit stops that don't have flashing beacons. Possible cons: the slow car you can't get around it; additional 30 seconds added to trip through the entire corridor when reduced from 40 mph to 30 mph; no gaps in traffic for those accessing Via Appia; removal of right turn lanes at Church and Tyler.

If the plan doesn't work there are other options to consider including changing the striping back or installing four-way stops, roundabouts, beacons, or HAWK signals.

Director Kowar reviewed the data on level of service, turning ability on to Via Appia, traffic counts and speeds, and design standards. He noted the goal is to allow for all ages and abilities to be able to use the street safely. Level of service is increased for all users with the two-lane plan.

Many people don't cycle or walk on Via Appia as it does not feel safe. He stated more and more people want to be out on bikes, including ebikes, and the road needs to be designed for that.

He stated many people say this feels like traffic calming but the goal of the project is better bike and pedestrian safety and comfort. He noted the goals of the 2019 Transportation Management Plan (TMP) including enhanced crosswalks, pedestrian refuges, and additional pavement for bike lanes. This also improves crossings for students going to Louisville Middle School.

He added that the road is currently designed to take on average 35,000 cars per day; two lanes can handle on average 20,000 cars per day. Currently, Via Appia is averaging 9,000-10,000 cars per day. He cited streets in other communities that already have this type of street design and carry more traffic. He stated the new design will reduce speeds to about 38 mph.

Director Kowar noted that the bike lanes are buffered but not fully protected. To keep the street wide enough for evacuation purposes the buffered lanes are preferred.

The level of service for drivers will be just as good and people can turn onto Via Appia more easily as there are fewer lanes of traffic to cross. The bike level of service improves as does the pedestrian level of service with the two-lane design.

He reviewed the public input they received and the main themes staff heard.

He reviewed the option to stay at four lanes but reduce the lane width to increase the size of the bike lanes and reviewed the costs of each option.

Mayor Pro Tem Dickinson stated there have been resident concerns about evacuation routes. He asked if restriping to one lane in each direction would limit evacuation routes. Director Kowar stated there were a lot of lessons learned from the Marshall Fire; this configuration does not change the capacity of the street for evacuation.

Mayor Pro Tem Dickinson asked if the bus stops will block cars and hold up traffic. Director Kowar stated the bus will have a buffer and be completely out of traffic.

Mayor Pro Tem Dickinson stated there are concerns that people will cut through on side roads to avoid Via Appia putting more traffic in neighborhoods. Director Kowar stated staff does not anticipate this given the layout and timing.

Mayor Pro Tem Dickinson asked why acceleration lanes were not included in places other than the Rec Center. Director Kowar stated staff evaluated the options all along the corridor and there is not enough width in every location to do that and if there is a crosswalk at an intersection adding that lane affects the safety of the crosswalk. There are places an acceleration lane could be added later if needed.

Mayor Pro Tem Dickinson asked why a traffic signal is not being considered for Via Appia and Pine Street. Director Kowar stated the wait time for a traffic signal is actually

longer than the reduced two-lane option and would be a lower level of service. A signal could be added later if Council decides that is preferable.

Mayor Pro Tem Dickinson asked why not put in a four-way stop at intersections. Director Kowar stated the data shows this will work better and doesn't stop every car if we don't need to.

Mayor Leh asked if any beacons or HAWK signals are needed in the two-lane option. Director Kowar stated that with pedestrians only crossing one lane of traffic at a time and having refuge areas, those types of signals are not usually needed.

Mayor Leh asked if beacons would be added if the reduced four-lane option was used. Director Kowar stated that option would include beacon at Via Capri and Eldorado.

Councilmember Bierman stated he would like to see the use of beacons at crosswalks.

Councilmember Hoefner asked if the reduced four-lane option or the two-lane option has the greatest safety. Director Kowar stated the two-lane option is the safest option. Councilmember Hoefner asked which has the higher level of service for all users. Director Kowar stated the two-lane option has the highest level of service across all users.

Councilmember Kern asked if a roundabout at Pine would be a viable option. Director Kowar stated it would work in either a four-lane or two-lane option; it is warranted but just barely at this traffic level.

Councilmember Kern stated people do like the idea of bike safety but people are concerned about how the road will be used in an emergency evacuation. She asked if we could start with the reduced four lanes and then determine if it reduces speeds. If it doesn't work, then we can move to the two-lane option. Director Kowar stated that could work but may have additional costs if beacons and other changes are added.

Councilmember Kern asked if removing left turn lanes with the reduced four lanes would allow for better flow of traffic. Director Kowar stated that removing left hand turn lanes would delay traffic much more and make it more dangerous for those turning left.

#### Public Comments

Rebecca Whalen, Louisville, urged Council to choose the two-lane option to make it safer for children crossing Via Appia. She stated the four lanes encourage speeding and people don't stop for pedestrians. The slower street will be safer.

Larry Donner, Louisville, asked Council to keep Via Appia as it is and reject the pilot project.



Tim Crean, Louisville, stated he is concerned about everyone adjusting to a new traffic pattern and it causing more accidents. He would like data from a comparable road in another community to see if this will really work. He has reservations this will be safer.

Ethan Hunter, Louisville, stated he fully supports the two-lane option. He crosses the street every day and the proposed plan is a clear improvement for drivers, pedestrians, and cyclists. He stated it is very dangerous to cross at the crosswalks as it is currently configured. He stated it will be better for all users.

Maxine Harnett, Louisville, stated she crosses Via Appia many days each week and it is dangerous to cross. Some lanes stop for pedestrians but others don't making it very difficult; two lane roads are safer. Lane reductions on similar roads have been proven to be safer. She urged Council to approve the two-lane option.

Lisa Hughes, Louisville, stated she is concerned about the amount of time it will take to turn left onto Via Appia from her neighborhood. She would like an education campaign to explain the street configuration if the two-lane option is chosen. She would like to see Council approve the reduced four-lane road.

John Dolliver, Louisville, stated he opposes the two-lane option. He would like more enforcement on Via Appia to slow down the drivers. He would like more beacons to help pedestrians cross. He supports the reduced four-lane option.

Sherry Sommer, Louisville, stated she supports the two-lane option to make the street as safe as possible. It also keeps the space available in case of an evacuation.

Josh Cooperman, Louisville, urged going to the two-lane option to heighten safety for all users; reduce speeds; bring more equity for cyclists and pedestrians; bring more accessibility for pedestrians; improve connections between neighborhoods; and help encourage less driving to address climate change.

Mayor Leh noted this is a major issue for many people and this is a change to people's patterns which can be hard. He noted the cost difference of the options is significant.

Mayor Leh asked how decreasing vehicle speeds affects pedestrian safety. Director Kowar stated that reducing the speed of cars significantly decreases the chances of a fatality on the road.

Mayor Pro Tem Dickinson stated there are residents who asked for safer and more multi modal roads. The TMP calls for safer roads and to be more pedestrian and bike friendly. This project addresses this issue just as Council asked staff to do. He stated the 8-month delay and the community engagement has improved some aspects of the project. He stated the two-lane option is the safest plan; fits the TMP; and only slightly increases the drive time in the corridor.

Councilmember Kern asked if beacons are included in the two-lane option. Director Kowar stated more beacons can be added if they are needed after the striping is complete.

Councilmember Kern stated she likes the reduced four-lane option as it helps meet the TMP goals and will help people transition to a two-lane road if that is still needed. It addresses some of the concerns people have about going to two-lanes but also increases safety.

Councilmember Hoefner stated he prefers the two-lane plan as it is supported by the data and analysis. He stated this alternative is most consistent with the TMP goals and brings the highest level of service for all users. Most importantly it prioritizes human life. The two-lane approach is the safest option and doesn't reduce level of service.

Councilmember Hamlington agreed with Councilmember Hoefner. She stated the two-lane option is a high level of service with improved safety for all users. This supports the Comprehensive Plan and the TMP. The concerns of residents have been addressed with data and evacuation routes can be addressed with this plan. She stated her concerns can be addressed by education.

Councilmember Bierman stated he feels this is trying to solve for a problem that doesn't necessarily exist on Via Appia. He supports the reduced four lane option with additional beacons. If that doesn't work then we can consider the two-lane option.

Councilmember Fahey stated she supports the two-lane option. The data from staff shows this is the best option to try. She noted it is just paint on the road so if it doesn't work it can be changed.

Mayor Leh stated he is inclined to try the reduced four-lanes to see if it works first. There is a problem to be resolved to address speeding and pedestrian safety.

Mayor Leh asked if reducing the width of the four lanes would be expected to reduce speeds. Director Kowar stated narrowing the lanes on South Boulder Road a few years ago did not reduce speeds.

Mayor Leh asked if future development on McCaslin will bring more traffic to Via Appia and what that will do. Director Kowar stated the road can be designed to encourage more traffic if there is new development or discourage it by staying at two lanes. That is a policy decision for the City Council.

Mayor Leh stated all of the data has convinced him that two-lanes makes the most sense. The statistics show reducing speeds by five miles an hour and that impacts pedestrian safety. This has changed his mind. If this passes, it will certainly cause concern with residents that we will need to address.

Councilmember Kern is concerned future development will bring more traffic to Via Appia and she still prefers the reduced four lanes to allow time to see how it works and see if it reduces speeds. If it is not effective enough we can look at moving to two-lanes in a couple of years. She is concerned about how much angst such a large change will bring to the community.

Mayor Pro Tem Dickinson stated spending \$500,000 on new beacons and reducing the lane width of four lanes is the bigger first step. It is easier and cheaper to go to two lanes with just restriping. If that doesn't work then we can spend the more money on new infrastructure for the reduced four lane option.

Mayor Leh stated people are having a hard time with the traffic flow be affected, but the data tells us it won't be affected. The education efforts will need to be significant.

**MOTION:** Councilmember Hoefner moved to adopt the staff recommendation for a two-lane pilot project and added the importance of having a robust communication plan and information about evacuation included in the plan; seconded by Mayor Pro Tem Dickinson.

Mayor Leh stated a communication plan is particularly important for the Cornerstone neighborhood.

**VOTE:** Motion passed 5-2 with Councilmember Kern and Councilmember Bierman voting no.

### **CITY ATTORNEY'S REPORT**

None.

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

None.

### **ADJOURN**

Members adjourned at 9:07 pm.

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Christopher M. Leh, Mayor

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Meredyth Muth, City Clerk