

City Council Meeting Minutes

**December 5, 2023
City Hall, Council Chambers
749 Main Street
6:00 PM**

Call to Order – Mayor Leh called the meeting to order at 6:00 p.m. **Roll Call** was taken and the following members were present:

City Council: *Mayor Chris Leh
Councilmember Deborah Fahey
Councilmember Barbara Hamlington
Councilmember Dietrich Hoefner*

Absent: *Mayor Pro Tem Caleb Dickinson
Councilmember Judi Kern*

Staff Present: *Jeff Durbin, City Manager
Samma Fox, Deputy City Manager
Meredyth Muth, City Clerk*

Others Present: *Kathleen Kelly, City Attorney*

APPROVAL OF AGENDA

Mayor Leh noted that due to the illness of two members this evening the agenda has amended and Resolution No. 80 will be continued. He called for changes to the amended agenda and hearing none asked for a motion. **Motion:** Councilmember Fahey moved to approve the agenda, seconded by Councilmember Hoefner. **Vote:** All in favor.

Mayor Leh stated Council will not be taking comments on Resolution No. 80 Redtail Ridge this evening those will be taken when the public hearing is rescheduled.

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

Cynthia Corne, Louisville, thanked City Manager Durbin for increasing communication with residents. She stated the City Manager should be handling large development project in the city and not delegating it to other staff.

Cathern Smith, Louisville, requested changes to the Louisville Municipal Code related to the new developments including requiring developers to mitigate impacts on the fire survivors; to require Council to make development decisions and not delegate them to staff; and to require development applications and staff analysis be posted to the website 14 days prior to a public hearing.

Tamar Krantz, Louisville, asked Council to allow people to speak to the Redtail continuance date. Mayor Leh asked the City Attorney if that is allowed. City Attorney Kelly stated the decision to continue an item is at the discretion of City Council and public comments are generally not taken as it is simply a Council agenda decision.

Shawn Howe, Louisville, asked Council for their help with problems with contractors in the fire rebuild zone. There have been problems with negligence undergrounding causing thousands of dollars of damage and their refusal to pay for damages. She asked Council to intervene.

Sonali Marlin, Louisville, also asked for help with the contractor who is refusing to pay for damage they have done or accept liability.

Sherry Sommer, Louisville, pooled time with Jan Prokop, stated the scheduling and postponing of the Redtail resolution has caused a lot of angst with the community. She asked for Council to take all comments for this item.

APPROVAL OF THE CONSENT AGENDA

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

- A. ***Approval of Bills***
- B. ***Approval of Resolution No. 76, Series 2023 – A Resolution Approving an Addendum to Wastewater Treatment Plan Solids Handling Upgrade Project Pre-Construction Phase Services with Aslan Construction Inc.***
- C. ***Approval of the Purchase of One Hydro Excavator and one Combination Sewer Cleaning Vac Truck***
- D. ***Approval of Resolution No. 77, Series 2023 – A Resolution Approving and Intergovernmental Agreement with the Town of Estes Park Regarding the Sharing of a License for a Public Works Computerized Maintenance Management Service***
- E. ***Approval of Change Order #1 to the 2023 South Boulder Road Culvert Lining Project***
- F. ***Approval of Third Amended Employment Agreement for City Manager Jeff Durbin***

- G. *Approval of Contract for Presiding Municipal Judge for the Louisville Municipal Court for 2024-2025***
- H. *Approval of Contract with Kelly PC for City Attorney Services for 2024-2025***
- I. *Approval of Resolution No. 78, Series 2023 – A Resolution Setting Certain Fees, Rates, and Charges for the City of Louisville, Colorado***
- J. *Approval of Resolution No. 79, Series 2023 – A Resolution Approving an Intergovernmental Agreement to Share Costs for a Regional Minimum Wage Economic Analysis***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Councilmember Fahey stated there will be a Ward II meeting to hear from residents on December 13 at the Rec Center.

Mayor Leh noted there may be a ballot issue next year related to metro rail.

CITY MANAGER’S REPORT

None.

REGULAR BUSINESS

RESOLUTION NO. 80, SERIES 2023 – A RESOLUTION APPROVING THE REDTAIL RIDGE FILING NO. 1 PRELIMINARY SUBDIVISION PLAT

Mayor Leh stated that as two Councilmembers are out sick this evening staff is recommending the item be continued to January 16, 2024 at 6 pm.

Councilmember Hoefner stated he will be recusing himself from this item due to a professional conflict of interest and he left the room.

Mayor Leh opened the public hearing.

MOTION: Councilmember Fahey moved to continue the item to January 16 at 6 pm; Councilmember Hamlington seconded the motion.

Councilmember Hamlington asked if the date could be set for after the appointment of the new Ward I member.

Mayor Leh stated he supports moving it sooner so as not to delay this any longer. He stated it will likely take more than one meeting to complete the hearing and that will make the process even longer.

Councilmember Hamlington stated that with Councilmember Hoefner's recusal and not having a Ward I member the Council is short two members. If the process will take more than one meeting anyway it makes sense to wait until February so the new Ward I member can fully participate in the process.

Councilmember Fahey asked the City Attorney if the hearing is split between two meetings and the new councilmember was appointed between meetings would they be able to vote on the issue. City Attorney Kelly stated if the new member watched the first meeting and participated in the second meeting they would be allowed to vote as they would then have the same evidence as the rest of the of the councilmembers.

Mayor Leh stated he is concerned about a long delay in the process and we can't wait for the perfect conditions before we start a hearing.

Mayor Leh asked what the timetable is for appointing the new councilmember. Clerk Muth stated the application will be available shortly with a deadline of January 16, interviews on January 30 and appointment on February 6.

Mayor Leh stated he wants to keep things moving but he has no objection to moving it to the February 6 date.

Mayor Leh made a friendly amendment to move the date of the hearing to February 6, 2023. Councilmember Fahey did not accept the friendly amendment.

Councilmember Fahey stated she feels that waiting until January 16 is long enough.

VOTE: Motion failed. Councilmember Fahey voting yes; Councilmember Hamlington and Mayor Leh voting no. (Councilmember Hoefner recused.)

MOTION: Mayor Leh moved to continue the public hearing to February 6, 2024 at 6 pm. Councilmember Hamlington seconded the motion.

VOTE: Motion carried by unanimous roll call (Councilmember Hoefner recused.)

Councilmember Hoefner returned to the room.

**DISCUSSION/DIRECTION/ACTION – COMMITTEE RECOMMENDATION OF
APPLICANTS TO APPOINT OR INTERVIEW FOR BOARD AND COMMISSION
VACANCIES**

Mayor Leh introduced the item. He stated that this process is never perfect and we are always trying to improve it.

Clerk Muth stated the City Council appointed Councilmembers Hamlington and Hoefner to review the written applications for board and commission vacancies and make recommendations. The committee met on November 27 to review the written applications and the meeting packet includes their recommendations on who to appoint to a board without an interview, and who to bring back for an interview with the full council.

Muth noted there was an error in the packet and Jennifer Hunt's application was omitted. Councilmembers Hamlington and Hoefner both agree Ms. Hunt should be added to the Planning Commission interview list.

The Council should discuss the recommendations from the committee, determine if the Council has any changes, and approve a final list of applicants for interview. After the interviews, the Council will discuss the appointments for all positions. The Council will then vote on the final board appointments on December 19.

Councilmember Hoefner noted the quality of the applications was amazing and the fact that so many people are willing to volunteer for the City speaks to the quality of residents we have. He and Councilmember Hamlington used the same criteria and compared scores and generated recommendations based on that. They tried to be objective and fair to both those reapplying and new applicants. In a perfect process we would have interviewed everyone but that is just not possible.

Councilmember Hamlington stated we have such an engaged community and she thanked everyone for their interest in serving. It was very difficult to create this recommended list. She reiterated the process they used to make the list and the intent is to have a robust discussion of the list this evening.

Councilmember Hoefner stated they do recommend Jennifer Hunt be added to the interview list for the Planning Commission. Councilmember Hamlington stated when Ms. Hunt's application was scored with the criteria she ranked highly and she should be added to the interview list.

Public Comments

Sherry Sommer, Louisville, stated she would all like all of the Planning Commission members who reapplied be included in the interview list.

Josh Cooperman, Louisville, recommended that Julia Cline be included in the interview list as she would bring new perspectives to the City as a renter and a female board member.

Maxine Most, Louisville, asked that applications should be complete or not be included in the review. She asked to see the criteria rubric that were used be made public.

Councilmember Fahey asked that all reapplying members of boards be included in the interviews and that Jonathan Mihaly be included on the interview list for the Planning Commission.

Councilmember Hamlington stated she has no problem including all the reapplying members on the interview list. She stated that to be equitable the Council should focus on the applications as not everyone has the ability to have someone come and advocate for them in this process.

Mayor Leh agreed that all members reapplying for Planning Commission should be on the interview list as well as Ms. Hunt, Mr. Mihaly, and Ms. Cline. He also would like all of those reapplying for the Sustainability Board be on the interview list.

Mayor Leh stated he disagreed with Councilmember Hamlington on using only the application for review. Many of these people have served on boards and worked with Council and that experience should be taken into consideration. It may not be weighted as more important than the application but should be taken into consideration.

Members agreed to add Ms. Hunt, Mr. Mihaly, and Ms. Cline to the interview list for the Planning Commission along with those listed to appoint without an interview. Additionally, they added those reapplying members of the Sustainability Advisory Board to the interview list.

CITY ATTORNEY'S REPORT

None.

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

Councilmember Hamlington thanked everyone involved in the Parade of Lights. Mayor Leh also noted it was a great event.

Mayor Leh asked for consideration of a future item for discussion of the building code board of appeals and adding to their duties a review of building codes.

ADJOURN

Members adjourned at 7:33 pm.

Christopher M. Leh, Mayor

Meredyth Muth, City Clerk