

# ***City Council Meeting Minutes***

**December 19, 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  
Mayor Pro Tem Caleb Dickinson  
Councilmember Deborah Fahey  
Councilmember Barbara Hamlington  
Councilmember Dietrich Hoefner  
Councilmember Judi Kern*

**Staff Present:** *Jeff Durbin, City Manager  
Samma Fox, Deputy City Manager  
Rob Zuccaro, Community Development Director  
Adam Blackmore, Parks, Recreation, & Open Space Director  
Abby McNeal, Parks Superintendent  
Ryder Bailey, Finance Director  
Paulina Bennett, Information Technology Director  
Rafael Gutierrez, Police Chief  
Meredyth Muth, City Clerk*

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

## **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**

Dan Enderson, Avista Hospital, stated the hospital recently transitioned away from the Centura management company and is now managed by Advent Health. Any statements from previous management are no longer valid. The hospital has a contract on a 40-

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

*City Council 749 Main Street Louisville CO 80027  
303.335.4536 (phone) www.LouisvilleCO.gov*

acre parcel in the Redtail Development and they are anxious to move forward with plans in that location.

Sherry Sommer, Louisville, pooling time with Cindy Bedell, stated the planning commission appointments were unfair and should be revisited. She feels some of the applicants were treated differently than others. She feels the process was biased and asked that the appointments be removed from the consent agenda.

Cathern Smith, Louisville, thanked the public for approving the open space and parks ballot issue. She stated residents continue to work on open space issues and they hope to see the parks and opens space departments split into separate departments.

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

Mayor Leh noted there was one change on the consent agenda related to the Recreation Advisory Board appointments as noted in the addendum. **Motion:** Mayor Pro Tem Dickinson moved to approve the consent agenda as amended, seconded by Councilmember Kern. **Vote:** All in favor.

- A. ***Approval of Bills***
- B. ***Approval of Independent Contractor Agreement with Lighthouse Transportation Group, LLC for Traffic Signal Maintenance and Emergency Repairs for Calendar Years 2024-2025.***
- C. ***Approval of Server Replacement for City Hardware***
- D. ***Approval of Addendum to the Sole Source Agreement with Spronk Water Engineers for 2023 Water Rights Administration***
- E. ***Approval of Contract with Axon Enterprise, Inc. for Conducted Energy Devices (Taser) and Training Simulator***
- F. ***Approval of Contract with Be Accessible for Digital Accessibility Audit***
- G. ***Approval of 2024 City Council Appointments to Boards and Commissions***

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

Mayor Pro Tem Dickinson stated the board and commission appointments were once again a very tough process with many amazing applicants. He thanked everyone who applied.

Mayor Leh agreed. He thanked all the board members who volunteer their time.

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

City Manager Jeff Durbin noted there have been changes to the rebuild dashboard on the City's website. He clarified what each number means and noted that over 70% of the homes lost in the fire are complete, building, or in the process of getting a permit.

He reviewed the upcoming holiday hours for City facilities. He stated the City's building staff will be conducting permit inspections for fire rebuilds through the weekend and through Christmas Eve.

Mayor Leh noted the upcoming two-year anniversary of the Marshall Fire. He stated everyone is excited so many fire survivors are moving back. This is important for our community.

## **REGULAR BUSINESS**

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### **PROCLAMATION – NATIONAL LAW ENFORCEMENT APPRECIATION DAY**

Mayor Leh read the proclamation and asked for a motion.

**MOTION:** Councilmember Fahey moved to approve the proclamation; Councilmember Hamlington seconded the motion.

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

### **USE TAX EXEMPTION FOR HOMES DAMAGED IN THE MARSHALL FIRE – 2<sup>nd</sup> READING, PUBLIC HEARING**

**ORDINANCE NO. 1867, SERIES 2023 – AN ORDINANCE EXEMPTING  
CONSTRUCTION MATERIALS FROM THE CITY'S USE TAX FOR BUILDING  
PERMITS ISSUED FOR RECONSTRUCTION OF HOMES DAMAGED OR  
DESTROYED IN THE MARSHALL FIRE BURN AREA – 2<sup>nd</sup> READING (advertised  
*Daily Camera* 12/3/23)**

**ORDINANCE NO. 1868, SERIES 2023 – AN ORDINANCE ADOPTING BY  
REFERENCE THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE AS AN  
ALTERNATIVE FOR THE REPAIR AND REBUILDING OF HOMES THAT  
SUSTAINED SMOKE, HEAT, WATER, ASH OR OTHER DAMAGE AS A RESULT OF  
THE MARSHALL FIRE – 2<sup>nd</sup> READING (advertised *Daily Camera* 12/3/23 &  
12/10/23)**

Mayor Leh introduced the ordinances by title and asked for disclosures. Councilmember Hoefner stated he did have smoke damage in his home but he will participate in the discussion. Mayor Leh stated he also had smoke damage but will participate. Councilmember Kern stated she lost her home in the Marshall Fire and has worked

outside of Council to help those with smoke damage remediate damage but she too will participate.

Mayor Leh opened the public hearing.

Director Zuccaro stated these two ordinances would extend the current City use tax exemption and the opt-out from the 2021 to the 2018 International Energy Conservation Code (IECC) to home repairs resulting from smoke, heat, water, ash, or other damage resulting from the Marshall Fire. The City Council previously approved similar exemptions for homes that sustained direct fire damage.

There are over 1400 properties that did not sustain direct fire damage but did have significant damage from smoke, heat, or other fire issues. These homes have unique financial challenges with insurance and other repair issues. These ordinances extends the same exemptions those with direct fire damage received to those who did not have direct burn damage.

To qualify, the applicant has to have been the property owner at the time of the fire, must apply for a permit by the end of 2024, and attest on the application that they are seeking the exemption due to financial hardship due to inadequate insurance coverage. This is the same as those with fire damage.

Councilmember Hamlington asked if a homeowner has already completed work if they can still qualify. Director Zuccaro stated they can apply for a credit of the use taxes.

### Public Comments

Tawnya Samaroo, Louisville, pooling time with Kahlil Somauroo, urged approval of the two ordinances. She noted the hardship many people have faced repairing smoke damaged homes. The toxicity of the damage is significant and these homeowners face the same insurance shortfalls as fire survivors. Reducing the use tax for these residents helps them stay in the community.

Geoffrey Hart, Louisville, reviewed the extensive smoke damage his home received. His insurance company has been very difficult to work with and offered very little coverage but the house is not safe to live in until the damage is remediated. He urged a yes vote.

Jeri Curry, Marshall ROC, urged a yes vote citing the damage people have suffered. She noted many people are questioning if the damage is real or if they are deserving of help. She stated the lack of industry standards for remediation has made this much harder for people. It has been very discouraging for these residents. Any help is appreciated.

Tamara Chagalla, Louisville, stated she has a severely smoke damaged home and stated it would have been better if it had burned because the insurance companies

would then have to pay out. Insurance is fighting paying anything for remediation. Any financial help would be appreciated to get them back in their home.

Kimberly Redublato, Louisville, cited the damage to their home from smoke and the toxicity it has created. She noted what they have spent already in insurance coverage and out of pocket. The insurance company has refused to pay for remediation. She asked for the same treatment as those who lost their homes.

David Summers, Louisville, detailed the damage done to his home from the Marshall Fire and the underinsurance issues he faced. He noted the costs he paid the City for use tax and code upgrades. Anything that helps people get back home is appreciated.

David Chagalla, Louisville, stated their house was the only one left standing in their neighborhood but it would have been easier if it had been a total loss. Insurance is not paying for remediation of the toxic drywall and insulation and it has been a fight the entire time. He urged a yes vote.

Jeremie Dunning, agreed with earlier speakers that this has been a terrible process and has been a constant battle with insurance companies. He urged a yes vote.

Reina Pomeroy, Louisville, stated her house was a total loss but the rest of her neighborhood had severe smoke damage. It has been an impossible situation for these people and there is very little financial help for them. This is an important decision and she urged a yes vote.

Joanne Spiers, Louisville, urged passing these ordinances to help the residents who need to get back home. It is the compassionate thing to do.

Mayor Pro Tem Dickinson stated it was an unfortunate oversight that these homes were not included in the original program. It is unfathomable insurance companies are not paying for these damages. This is a drop in the bucket people need. He apologized for how long it has taken this to happen.

Councilmember Kern agreed with Mayor Pro Tem Dickinson. She noted this is one way for the City to set an example of what cities can do for future catastrophes. She hopes everyone gets home.

Councilmember Hamlington stated this ordinance is a no brainer. She asked if the deadline should be extended further to allow people more time.

Councilmember Fahey agreed with everyone and also wondered what happens to homes that are not habitable and cannot be remediated. She supports both ordinances.

Councilmember Hoefner agreed the deadline might be too quick. He stated this is not a lot of help and he wished there was more the City could do.

Mayor Leh agreed this should have happened earlier. He suggested moving the deadline back an additional year.

#### Public Comments

Cathern Smith, Louisville, urged council to extend the application deadline.

Tawnya Somauroo, Louisville, noted that if the concern is getting all the homes remediated the council may want this to apply to all of the homes, not just owners at the time of the fire.

Jeri Curry, Marshall ROC, agreed extending the deadline is helpful. It may then align with possible new state legislation and new HUD guidelines. We would like everyone to get home so extending the deadline is helpful.

Councilmember Kern asked if there is a way to make sure all permits for fire damage qualify for the use tax rebate. There may be multiple permits needed for a single home including fences, solar panels, landscaping, etc. She would like to make sure the rebate is available for all the permits.

Mayor Leh asked if staff could include language so this covers all permits. Director Zuccaro stated staff could draft language that would include all permits for a primary structure, accessory structures, and fences. A similar ordinance could be done for total loss lots.

Councilmember Hoefner suggested accessory structures and fences could be handled with a later ordinance that addresses both damaged homes and total loss homes.

Mayor Leh closed the public hearing.

**MOTION:** Councilmember Fahey moved to approve Ordinance No. 1867 amending the deadline to December 31, 2025; seconded by Mayor Pro Tem Dickinson.

Mayor Pro Tem Dickinson offered a friendly amendment to include accessory structures and fences. Motioner did not accept the motion.

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

**MOTION:** Mayor Pro Tem Dickinson moved to approve Ordinance No. 1868 with an amendment that the deadline be extended to December 31, 2025; seconded by Councilmember Kern.

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

## **PARKS GENERAL MAINTENANCE MANAGEMENT PLAN UPDATE**

Mayor Leh introduced the item.

Director Blackmore stated that in January of this year the City Council accepted the recommendations for a General Maintenance & Management Plan. Staff is here to provide an update on the implementation of that plan.

Abby McNeal, Parks Superintendent, reviewed the work of Parks Division. She recapped the purpose and findings of the General Maintenance & Management Plan highlighting the goals of proper asset management and maximizing resources. She noted the City provides a much higher level of service with the number of employees and parks we have compared to other cities our size.

She reviewed the key recommendations of the plan and what has been implemented to date including contract work, capital improvement projects, preventative maintenance, new inspection software, sustainable landscaping, and increased service levels. This work will move into 2024.

Public Comments – None.

Council thanked staff for their work on this.

**RESOLUTION NO. 81, SERIES 2023 – A RESOLUTION AMENDING THE 2023 BUDGET BY AMENDING APPROPRIATIONS IN THE GENERAL FUND, OPEN SPACE & PARKS FUND, HISTORIC RESERVATION FUND, RECREATION FUND, CAPITAL PROJECTS FUND, RECREATION CENTER DEBT FUND, WATER UTILITY FUND, WASTEWATER UTILITY FUND, STORM WATER UTILITY FUND, AND GOLF COURSE FUND, AND ADDITIONAL APPROPRIATIONS WITHIN SUCH FUNDS AND ADJUSTING BUDGETED REVENUE IN THE GENERAL FUND, OPEN SPACE & PARKS FUND, RECREATION FUND, CAPITAL PROJECTS FUND, STORM WATER UTILITY FUND, AND GOLF COURSE FUND – PUBLIC HEARING (advertised *Daily Camera* 12/15/2023)**

Mayor Leh introduced resolution by title and opened the public hearing.

Director Bailey stated staff is seeking Council's approval of the final budget amendment to the 2023 City Budget. This amendment is largely administrative and is primarily driven by previously approved Council contract amendments during the year, Marshall Fire expenses, and revenues. In aggregate, this amendment is offset by additional revenues and totals approximately 1% of the total Citywide Budget. All funds with reserve requirements remain in full compliance with the City's Reserve Policies.

The Finance Committee reviewed this amendment at their December 14 meeting. Staff recommends approval of the amendment.

Public Comments - None.

Mayor Leh closed the public hearing.

**MOTION:** Councilmember Hoefner moved to approve Resolution No. 81; seconded by Mayor Pro Tem Dickinson

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

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

None.

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

Councilmember Fahey asked to agenda an ordinance on rebating use tax for accessory buildings and fences on rebuilds.

Mayor Leh stated we should determine if there is a City role to play in any partially mitigated buildings with fire damage.

### **ADJOURN**

Members adjourned at 8:22 pm.

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Christopher M. Leh, Mayor

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Meredyth Muth, City Clerk