

City Council Meeting Minutes

**January 20, 2015
City Hall, Council Chambers
749 Main Street
7:00 PM**

Call to Order – Mayor Muckle called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

City Council: *Mayor Robert Muckle, Mayor Pro Tem Hank Dalton.
City Council members: Ashley Stolzmann, Jeff Lipton,
Jay Keany, Chris Leh and Susan Loo,*

Staff Present: *Malcolm Fleming, City Manager
Heather Balsler, Deputy City Manager
Kevin Watson, Finance Director
Troy Russ, Planning & Building Safety Director
Kurt Kowar, Public Works Director
Aaron DeJong, Economic Development Director
Chris Neves, IT Director
Dave Hayes, Police Chief
Scott Robinson, Planner II
Lauren Trice, Planner I
Nancy Varra, City Clerk*

Others Present: *Sam Light, City Attorney*

PLEDGE OF ALLEGIANCE

All rose for the pledge of agenda.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Council member Loo. All were in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Mitchell and Tyler Waters, 1073 Copper Hill Court, Louisville, CO members of the

Louisville Youth Advisory Board presented their year-long project, which is a proposal for a new aquatics center in Louisville. Their choices for projects were drug abuse prevention or a new aquatics center. The Youth Advisory Board feels a new aquatics center should be built between the Police station and the skateboard park. They stated the citizens of Louisville have desired an aquatics center since 2002 and noted there is a conceptual drawing at the Louisville Recreation Center. They are raising awareness for this project and trying to rally support for fund raising. They reported on residents' complaints about the Memory Square pool being overcrowded and having insufficient parking. The Youth Advisory Board will bring information to the City Council on the revenue sources when they have more support. If Council is interested in learning more, they may attend the Youth Advisory Board meetings at 6:30 p.m., on the first Thursdays of each month at the Louisville Recreation Center. They asked for the City Council's support on this project and thanked them for their service.

Council member Loo asked if this area is included in the McCaslin Small Area plan. Planner II Robinson stated it is not included, but there is still time to make a change.

Council member Loo informed Mitchell and Tyler Waters of the purpose of the McCaslin Small Area Plan and encouraged them to attend those meetings.

Mayor Muckle thanked the brothers for their presentation. Mayor Pro Tem Dalton also thanked them for their presentation and for thinking big.

Jean Morgan, 1131 Spruce Street, Louisville, CO, reported 79 years ago on January 20, 1936, eight men lost their lives in the Louisville Monarch mine disaster. Those men were: Ray Bailey, Tony DiSantis, Steve Davis, Tom Stevens, Oscar Baird, Kester Novingger, Leland Ward and Joe Jaramillo. Joe Jaramillo's body still is entombed in the mine. Many of the miners lost their lives, limbs and health in local coal mines. She asked the City to take a moment to honor the memory of those miners and the part they played in Louisville's rich history.

APPROVAL OF THE CONSENT AGENDA

MOTION: Mayor Muckle moved to approve the consent agenda seconded by Mayor Pro Tem Dalton. All were in favor.

- A. Approval of Bills**
- B. Approval of Minutes – January 6, 2015**
- C. Authorize Purchase of Toro Groundsmaster 4500-D Rotary Deck Mower from LL Johnson**
- D. Award Sports Complex Irrigation Pond Improvements to Samora, LLC**
- E. Approve Centurylink Contract Renewal**
- F. Approve Purchase of Complex Chloride (Ice Slicer)**
- G. Approve Third Amendment to the Parbois Place Subdivision Development Agreement**

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Council member Keany noted the Youth Advisory Board members will make a presentation on a new aquatics center to every city board and commission to bring awareness of the project. They will also contact the Dolphins Swim Team and the Monarch High School swim team. He reported in 2002 there was a bond issue for an expanded recreation/senior center, aquatic center and library, however the bond issue failed. The next year a bond issue for a new library passed. The Youth Advisory Board discussed funding for an aquatics center and a ballot issue to continue the library tax to create an aquatics center.

Council member Stolzmann voiced her excitement over the fiber optic ring in the Centurylink Renewal Contract.

CITY MANAGER'S REPORT

City Manager Fleming reported on the following:

The Centurylink Contract renewal will save the City \$500 per month. He thanked IT Director Neves and Matt Bush, IT Support, for negotiating the contract. The contract also delays spending \$250,000 for the fiber ring.

He thanked Planning and Building Safety Director Russ and Public Works Director Kowar for their work to achieve a lower ISO rating, which will provide Louisville residents and businesses a 30% discount on flood insurance. Planning and Building Safety Director Russ explained it was a result of the City's ability to manage the floodplain and Public Works ability to manage the stormwater system. City Manager Fleming explained staff will work with the Louisville Fire Protection District for a comparable rating for fire insurance. He noted better maps, better procedures and better ordinances helped to achieve a better rating.

Effective today, January 20th, the Building Department began issuing over the counter permits for small projects such as fences, minor interior demolition, patio covers and sheds. Three people came in today and left with their permits. The program is currently committed to Tuesdays between 8 am to 12 pm, but may be expanded to more days and times to make it more convenient for residents.

He thanked Mayor Muckle for the better signage on US 36. Through his influence with CDOT the Mayor was able to have better signage installed. He reported on the progress of the Diverging Diamond Intersection on the McCaslin Interchange. He noted it will get worse before it gets better. Beginning Monday, January 26th, the loop to Denver will be closed and a temporary signal will be installed for traffic heading east.

Mayor Muckle encouraged residents to use other eastbound ramps to US 36.

REGULAR BUSINESS

RESOLUTION No. 3, SERIES 2015 – A RESOLUTION APPROVING A SPECIAL REVIEW USE (SRU) TO ALLOW FOR THE OPERATION OF A PRIVATE FITNESS STUDIO WITH RETAIL SALES IN THE COMMERCIAL BUSINESS (CB) ZONE DISTRICT AT 1817 HWY 42

Mayor Muckle requested a staff presentation.

Planner I, Lauren Trice explained the request is for approval of a Special Review Use (SRU) for 1817 Hwy 42. The applicant Brandon Terry of Moov, LLC, proposes to operate a private fitness studio with retail sales at 1817 Hwy 42.

Project Summary: The property is zoned Commercial Business (CB). The request is for a private fitness studio, primarily CrossFit classes with limited sales. It will be located in the Trek Building beside the recently approved CorePower Yoga. An SRU is required for private studios in the CB zone District.

The primary access is from Hwy 42 (east), but is also accessible from South Boulder Road. The project will fill a vacant commercial space and provide a community service to the Louisville citizenry. There are no foreseeable adverse effects on the surrounding neighborhood.

The Planning Commission recommended approval of the SRU to allow the operation of a private fitness studio with retail sales in the commercial business zone district at 1817 Hwy 42.

COUNCIL COMMENTS

Council member Keany inquired whether this SRU is specific to the applicant or is it transferrable. City Attorney Light stated the Louisville Municipal Code does not specify SRU's are exclusive to an applicant therefore the land use and the conditions of the SRU would be transferrable. If Council determines an operator or specific standard should be considered, they may condition the resolution to make the SRU exclusive to an applicant.

Council member Keany asked if an SRU was revocable. City Attorney Light explained if a new tenant wanted to change the signage, the hours or other changes, it would trigger a new SRU.

MOTION: Council member Keany moved to approve Resolution No. 3, Series 2015, seconded Mayor Pro Tem Dalton. All were in favor.

REVIEW AND ENDORSEMENT OF STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS (SWOT) ANALYSIS AND MEASURES OF SUCCESS FOR SOUTH BOULDER ROAD SMALL AREA PLAN

Mayor Muckle requested a staff presentation.

Planner II Robinson provided an overview of the South Boulder Road Small Area Plan, the SWOT Analysis and measures of success. A Small Area Plan takes the Comprehensive Plan and applies it to a smaller area to get specific zoning and guidelines. The Plan defines desired land uses for the corridor; establishes preferred physical character (design guideline) and outlines public infrastructure priorities. The Comprehensive Plan identified a vision statement, core community values and the framework plan, which divided the City into three development patterns and five area types.

The study area for the project is along South Boulder Road from Via Appia to the east City limits with Lafayette, and Highway 42/96th Street from Coal Creek Station to the north City limits at Paschal Drive. The City partnered with the following private consultants: Cuningham Group, Kimley-Horn Associates, ArtHouse Design, MindMixer, and the National Research Center to develop the plan.

The Cuningham Group PowerPoint presentation used at the kickoff meeting on October 8, 2014 was presented. It noted Louisville is between Broomfield and Boulder, but is unlike either of those communities because of Louisville's unique small town character and sense of community. Some of the elements of the built environment included streets, buildings and open spaces. A comparison of community building between small towns and large cities noted environment can be assembled in a number of ways and several examples were given.

Planning Process: The goal of the South Boulder Road Small Area Planning work as follows:

- Phase 1 – Desire: Set goals
- Phase 2 – Discovery: Corridor analysis
- Phase 3 – Design: Develop alternatives
- Phase 4 – Discussion: Select preferred alternative
- Phase 5 – Documentation: Codify results

Phase 1 is at the conclusion of the "Desire" phase and staff requested Council approval of the Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis and project measures of success developed through the process. There were three major avenues for community input: Stakeholder interview; EnvisionLouisvilleCo web site and the public kick-off meeting on October 8, 2014. The stakeholder interviews mostly focused on individual properties or areas of interest; revitalization of commercial areas; improvement of transportation connections; and making the corridor more inviting for

visitors. There were mixed feelings about more residential. The EnvisionLouisvilleCO Web sites comments were as follows: Better bike and pedestrian connections;

automobile traffic is worse; varying opinions on development and lacking small town character and sense of community.

At the kick-off meeting participants were given colored dots and asked to place green dots on areas they liked, red dots on areas they disliked and blue dots for areas for immediate change.

In the small group discussions participants discussed the following topics: Community oriented businesses; Should be more of a destination; Better bike and pedestrian connections; Not well integrated with Louisville; Acts as a barrier between neighborhoods; Traffic and railroad impacts and better sense of community and small town feel. All the information was included in the SWOT Analysis as follows:

	Positive	Negative
Internal	<p><u>Strengths</u></p> <ul style="list-style-type: none"> • Parks and open space near corridor • Physical form of the corridor (parcel sizes and rights-of-way) • Proximity to existing neighborhood 	<p><u>Weaknesses</u></p> <ul style="list-style-type: none"> • Pedestrian and bike connections are lacking, uninviting, and perceived as unsafe • Conformity to community values • Aesthetic appearance of corridor • Connections to adjacent neighborhoods
External	<p><u>Opportunities</u></p> <ul style="list-style-type: none"> • Corridor as transportation link • Shops, businesses, and services on corridor • Valuable mix of uses on corridor 	<p><u>Threats</u></p> <ul style="list-style-type: none"> • Impact of the market and regional competition on existing and desired land uses • Traffic • Train noise and impacts • Lack of community consensus on purpose of corridor • Upkeep of existing buildings

COUNCIL QUESTIONS

Council member Keany inquired how the terms “internal” and “external” relate to the strengths and weaknesses. Planner II Robinson explained the City has more control over the internal factors, but not over the external factors. Planning and Building Safety Director Russ explained the strengths are in the ownership of the parks, pedestrian bike connections. The things the City does not own are either opportunities or threats to the community.

From the SWOT Analysis the following Six Measures of Success were created:

- Principle 1 – Provide for safer and more convenient connections across South Boulder Road and Highway 42 for bikes and pedestrians.
- Principle 2 – Utilize policy and design to encourage desired uses to locate in the corridor.
- Principle 3 – Establish design regulations to ensure development closely reflects the community’s vision for the corridor while accommodating creativity in design.
- Principle 4 – Mitigate impacts of trains and improve safety of railroad crossings.
- Principle 5 – Balance the regional traffic needs of South Boulder Road and Highway 42 with the community’s desire for safety and accessibility.
- Principle 6 – Provide for community gathering spaces and public infrastructure to encourage visitors to spend time in the corridor.

Tentative Schedule:

- January 20 – City Council endorsement
- February 18 – Public meeting #3 – develop alternatives
- March/April – Endorsement of alternatives
- April – Public meeting #4 – review alternatives
- May/June – Plan adoption

Other Items

- Survey – results in February
- Wayfinding – at the February meeting
- McCaslin Blvd plan – Kick-off February 19
- New questions on www.EnvisionLouisvilleCO.com

PUBLIC COMMENTS

Sid Vinall, 544 Leader Circle, Louisville, CO stated he would make some general comments and some specific comments about the SWOT Analysis. Several years ago the City was dealing with the Safeway redevelopment project and noted there was much debate and objection to the high density for the area. Eventually, the Council turned down the original plan, but later approved a new plan, which included the Alfalfa’s Grocery Store, additional commercial space along South Boulder Road and less dense housing units. He stated there are residents who have a very strong interest and concern for what will be developed in this area. He felt the Planning Division did a good job of putting up signage for the meetings providing a walkabout in the area and sending out email reminders. He was encouraged by the large number of attendees on

the October 5th Kickoff meeting and noted there were a lot of comments relative to making the corridor more bike/pedestrian friendly, safer crosswalks and perhaps an

underpass. He stated there was not much interest in building more high density units along the corridor. He addressed the citywide survey and felt it would help refine the SWOT Analysis. He was disturbed by the pictures, which depicted high density development and asked the resident to choose the least worse option. He felt most of the residents want development and improvement, but do not at the expense of the small town character. He asked the following questions: How much development is too much? What is the right development? Progress and change mean different things to different people. He asked the Council to pay close attention to the citizens as well as the large land owners and business owners.

Jean Morgan, 1131 Spruce Street, Louisville, CO addressed two items on the SWOT negative column: Weakness “the aesthetic appearance of corridor, and Threats “lack of community consensus on purpose of corridor”. She stated at the kick-off meeting out of 277 comments only 6 referred to “appearance”. During the walkability tour comments were made about the narrow sidewalks, lack of trees on the south side, trail connectivity and a median between the sidewalk and street. She felt those items could be easily fixed and should be considered a major do-over. She did not feel there was a broad split in the community on the purpose of South Boulder Road. The business owners are not asking for a major do-over along South Boulder Road. She stressed the need for business input, but not at the expense of desires of the public. She found it very difficult to read the signage for the South Boulder Road Small Area Plan and requested better signage with more contrast in the color schemes.

Michael Menaker, 1827 W. Choke Cherry Drive, Louisville, CO saw a weakness and threat to the process, which is the fact more people live in apartments than attended all the meetings on the South Boulder Road Small Area Plan. He stresses their voices are absent. He requested the Mayor and City Council reach out to these residents and make them a part of the process.

COUNCIL QUESTIONS

Council member Loo asked for clarification of the weakness “Conformity to community values”. Planner II Robinson explained it is in the core values defined in the Comprehensive Plan. He explained there was a general feeling the South Boulder Road corridor did not conform well to those core values.

Council member Loo stated a lot of people who live on the corridor did not attend the meetings. She felt it would be unfair for Council to define conformity as community values. She stated there are things valued in the community, which do not meet the definition of conformity.

Council member Leh agreed and noted during the meeting there was discussion of the subject of conformity with the community values. He inquired about this debate and

asked why it appears in the SWOT Analysis chart. Planning and Building Safety Director Russ explained it appeared in the chart because it was a key question in all of the stakeholders' interviews and in the community meeting. The question was which core values are not present in the corridor and these four weaknesses were big items. He noted these four are abstract and for each person to interpret and ultimately for Council to interpret. He noted there was general consensus the four values were lacking.

Mayor Pro Tem Dalton cautioned South Boulder Road is a major arterial which is not going away and as long as South Boulder Road runs through the area it will detract from the perception of small town character. He suggested getting as close as possible to small town character and still have a major arterial running through without characterizing it as a nonconforming community value.

Mayor Muckle inquired about the blue dots on the map. Council member Stolzmann explained the blue dots were the participants' desire for purchasing and acquiring open space.

Mayor Muckle addressed the SWOT Analysis on conformity to community values and voiced his belief they are not independent variables and would improve with pedestrian connectivity, open space connections, parks and gathering places. He felt they would be addressed in another part of the plan.

Planning and Building Safety Director Russ explained the intent is to translate from the abstract, the interpretation of what is a vision, to a principle base. There are six principles and measures of success to balance the regional traffic needs of South Boulder Road and Highway 42 with the community's desire for safety and accessibility.

Council member Stolzmann voiced her concern over Principles 2 and 5. Principle 2a) (Allowed uses) and suggested more work on the principle definition. Planner II Robinson stated more work would be done on the next phase (build-out analysis) of the study. Planning and Building Safety Director Russ explained more will be known after the results of the survey.

Council member Stolzmann addressed Principle 5 and reported on attending community meetings and hearing the public talk about driving on South Boulder Road and how they use the corridor. She felt Principle 5 is worded as a low priority for the corridor. She suggested the principle be reworded for a driving/pedestrian use and to mitigate traffic. Council member Loo agreed.

Planner II Robinson explained the principle tries to establish a balance between the residential and regional needs for cars and pedestrians and bicyclists. Planning and Building Safety Director Russ suggested flipping 5a) and 5b). He felt there was a lot that could be done on South Boulder Road through land uses, which would create a better balance. He noted the Planning Commission had the same concern.

Mayor Muckle suggested taking 5a) and begin the sentence with “Mitigate”.

Council member Lipton suggested changing the term “Threats”, as noted by Planning Commissioner Rice, to “Challenges”. He felt there should be some discussion on the opportunities and strengths. He noted one of the constraints is South Boulder Road is a regional corridor and it should be noted in the final conclusions.

Council member Leh agreed. He felt it was a question of putting emphasis on the road being a regional arterial roadway. He agreed with Mayor Muckle’s suggestion of the use of the word “mitigate” and felt it would reflect a better representation of the desires of the residents.

Council member Keany commented on public comments of residents feeling slighted by not having pedestrian crosswalks. He noted a right-turn at Eisenhower is difficult without a light. He asked if it is possible to have an underpass on part of South Boulder Road or put in an overpass somewhere along the corridor. He asked from an engineering point-of-view, if an under or overpass was possible. He agreed with Council member Lipton relative to the SWOT chart terminology.

Mayor Muckle stressed the importance of endorsing the principles. He asked if there was Council consensus on the principles. Council member Stolzmann inquired about the process from this point. Mayor Muckle stated staff is waiting for information from the consultant and the survey.

Planner II Robinson explained the survey results will be available in February. Staff is currently working with the existing conditions analysis for the next public meeting on February 18. There were two public meetings last week, including a walkability audit to look at different areas of the corridor. This information will be presented to the consultants for three different alternatives, which will be reviewed by the public, Planning Commission and City Council. The data will then be used for a fiscal model and a preferred alternative, which will be presented to the public, the Planning Commission and the City Council.

Planning and Building Safety Director Russ stressed the value of the principles as they create general rules. They are a guide to staff and the community and will lead to a preferred alternative.

Council member Stolzmann stated her understanding the results of the survey would drive the three alternatives. The alternatives would be consistent with the survey results, but vary on how the built environment could change.

There was City Council consensus on endorsement of the SWOT analysis and measurers of success (with the inclusion of flipping 5b to 5a).

McCASLIN AND WASHINGTON INTERSECTION CROSSWALK

Mayor Muckle requested a staff presentation.

Public Works Director Kowar updated Council on the options available regarding the crosswalk at the McCaslin/Washington intersection. Since the opening of the underpass, there have been numerous discussions regarding the necessity of the at-grade crossing and concern that maintaining the crosswalk creates an unsafe condition. Many comments received by the City have been to remove the crosswalk and direct pedestrians to the newly constructed underpass.

The Manual on Uniform Traffic Control Devices (MUTCD) suggests this intersection should be marked with a crosswalk. It is important to follow the MUTCD to create consistent traffic control throughout the City. Unique, customized solutions confuse motorists, cyclists, and pedestrians. Staff is concerned that a non-standard solution at the McCaslin and Washington intersection would establish an inappropriate precedent suggesting pedestrians crossings in similar situations elsewhere need to be discouraged from crossing when they have the legal right to cross.

He asked if the City should remove the crosswalk marking and install warning signs advising the use of the underpass. The crosswalk could give a false sense of security and lead to more people using it instead of the underpass. Or, should the City leave the crosswalk marking in place and install warning signs. Some people will still cross and the warning signs would alert drivers they may encounter pedestrians and be prepared to yield.

PUBLIC COMMENT

Terre Rushton, 671 W. Ash Street, Louisville, CO stated she originally opposed the underpass because of the expense, but she is now a proponent. She stated it is not about urban planning or about making Louisville more pedestrian/bicyclist friendly or how to mark the intersection, it is about safety. The City Council constructed the underpass because they felt it was the safest way to provide a crossing for pedestrians or bicyclists. There was discussion of a traffic signal at the intersection however the City staff was opposed because the steep grade on McCaslin would make it difficult for northbound traffic to stop in icy or wet conditions. The underpass is well designed, well-lit and provides a safe crossing. She referred to CDOT research on crosswalks, which indicate when traffic volumes and speed increase at a marked intersection, pedestrian accidents increase more at marked crosswalks than unmarked crosswalks. She stated the speed limit on McCaslin is 40 mph and noted traffic volumes have increased because many drivers are using McCaslin to avoid traffic congestion on US 36. She stated the question of do we want a marked crosswalk or not, should instead be the most effective measure to help pedestrians cross the street. Crosswalks are not considered safety devices and are not used to stop traffic.

Michael Menaker, 1827 W. Choke Cherry Drive, Louisville, CO addressed warning signs and stated they would only be effective if they were large and dramatic. He did not feel this crosswalk affects any other crosswalk in the city. He recommended directional

signs to the underpass. He agreed the underpass is well designed and well lit. He did not agree with the principle that the intersection is intended to improve safety for any pedestrian/bicyclists and noted the City will never stop people from crossing McCaslin. He felt marking the crosswalk is an invitation for people to cross McCaslin and the City should remove the invitation.

COUNCIL COMMENTS

Council member Loo stated she also uses the intersection twice a day and noted in the last snow storm the underpass was icy and dangerous so she used the crosswalk because McCaslin was clear. She suggested alternative signage to alert pedestrians they are crossing at your own risk and point them to the underpass. Public Works Director Kowar stated such signage could be considered as one of the alternatives. Staff is trying to embrace standards, but it is a pedestrian/bicyclists choice.

Planning and Building Safety Director Russ stated it is also about motorist awareness. This intersection is a major destination and pedestrians and bicyclists like the line of sight. The crosswalk alerts motorists a pedestrian may be present.

Council member Lipton stated there are sidewalks which take pedestrians to the crosswalk. He suggested there should some physical changes and better signage to encourage pedestrians to use the underpass. He addressed the speed of traffic and suggested speed enforcement and physical improvements to the sidewalk flow.

Council member Stolzmann was not in favor of re-painting the crosswalk.

Mayor Pro Tem Dalton was in favor of eliminating the crosswalk. He suggested signage directing pedestrians to the underpass.

Council member Keany was in favor of eliminating the crosswalk. He felt it was an invitation to cross at that intersection.

Council member Leh was in favor of eliminating the crosswalk. He felt it would be better to encourage the public to use the underpass.

Council member Loo did not support eliminating the sidewalks. She felt people will then make a social path.

There was Council consensus to eliminate the crosswalk and encourage pedestrians to use the underpass.

**DISCUSSION/DIRECTION/ACTION PREPARATION OF AN URBAN RENEWAL
PLAN FOR 550 S. MCCASLIN BOULEVARD**

Mayor Muckle requested a staff presentation

Economic Development Director DeJong explained the staff is requesting City Council direction to begin preparation of an Urban Renewal Plan for 550 S. McCaslin Boulevard, the former Sam's Club property, which closed in 2010. The 13-acre property includes a 128,000 sf building, which is sitting mostly vacant today. Centennial Valley Investment, LLC (Centennial Valley) purchased the property in January 2014. Several concerns arose from the vacancy including: reduced viability of adjacent properties; potential to contribute to neighborhood decline and weakening the McCaslin Corridor.

The City Council directed staff on May 6, 2014 to commission a Conditions Survey. An Urban Revitalization Consultant looked at defined blight factors in State Urban Renewal Law and a Conditions Survey was completed in July of 2014. The survey identified 4 blighting factors on the property. 1) Faulty lot layout; 2) Deterioration of site or other improvements; 3) Defective or unusual conditions of title rendering the title nonmarketable and 4) Existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings or other improvements.

The City Council made a blight determination on October 7th by approving Resolution No. 60, Series 2014 but did not direct staff to begin preparation of an Urban Renewal Plan to address the blighting factors. The blighting factors continue to limit potential for redevelopment or re-tenanting the building. An Urban Renewal Plan would outline the steps and actions necessary to address the blighting factors. Approving a plan must follow rules in State Statutes.

Staff proposed to develop an Urban Renewal Plan outlining the steps and actions necessary to address the identified blighting factors. The main steps in the process outlined in the Colorado Revised Statutes to approve an Urban Renewal Plan include a Planning Commission recommendation as to its conformity with the Comprehensive Plan.

Fiscal impact: Staff believes the plan can be prepared internally with assistance from the City's urban renewal attorney Malcolm Murray at a cost of less than \$5,000, which is available in the Economic Development budget. If an outside consultant is required to prepare the Plan, it is estimated the cost could be as much as \$30,000.

Staff recommendation: Staff recommended City Council direction to begin preparation of an Urban Renewal plan for the former Sam's Club building.

PUBLIC COMMENTS

Michael Menaker, 1827 W. Choke Cherry Drive, Louisville, CO stated although he is an advocate for urban renewal, he opposed an urban renewal plan for this property. He felt it was inappropriate to use the power of government to take property rights. He noted the covenants were mutually agreed upon by all the property owners in the area. He stated the faulty lot configuration and other conditions of blight were known at the time of purchase. He felt the scope of blight was narrow and may not be addressed by urban renewal, but may be addressed by zoning. He noted big boxes are a dying format. He felt it was more appropriate to consider a different zoning and allow different uses. He urged Council to include this area in the Small Area Plan or direct staff to be more comprehensive in their approach to an urban renewal plan and include the entire area.

COUNCIL COMMENTS

Mayor Muckle stated although he is not in favor of using urban renewal powers, he felt this may be the only viable solution for this property. He noted an enormous effort has been made by the public sector to redevelop this property and the City has explored other avenues, including attending the shopping center convention to obtain a large retailer for this site, but all efforts have failed. He felt this property may blight other businesses within the area. He stated it is appropriate for City government to explore the urban renewal process.

Council member Loo asked how this urban renewal plan proposal fits in with the McCaslin Small Area Plan. She noted the results of the small area plan will not be available until the end of the year. Economic Development Director DeJong stated the urban renewal plan would only be for the Sam's Club property. It would present opportunities to help in eliminating the blighting factors. It does not change property rights or the zoning or force eminent domain, it just provides the tool.

Council member Loo stated her understanding that a small area plan is not a legally binding document and it is not zoning or design guidelines. Planning and Building Safety Director Russ confirmed a small area plan sets the framework for discussion.

Council member Loo stated the property is a very large piece of the McCaslin corridor. She felt the McCaslin Small Area Plan and an urban renewal plan would not connect. City Manager Fleming stated an urban renewal plan can provide for more options in the small area plan process. The blighting factors identified can limit the types of development, but an urban renewal plan could eliminate the blighting factors and create more opportunity to be explored through a small area plan.

Mayor Muckle agreed and would prefer to push the McCaslin Small Area Plan back to see what options are available for the property through the urban renewal plan.

Council member Lipton stated if Council authorizes staff to prepare an urban renewal plan that does not mean the Council has adopted the plan it simply moves the process along. He felt eminent domain plays a legitimate role in the healthy development of the

community and financial sustainability and is a common tool used by municipalities. He felt there were some distortions in the free market for this area and was not convinced the free market could work out the issues on this property. He stated the merger between Albertsons and Safeway will provide some clarity on the future of the Louisville store. He was willing to provide direction for staff to proceed with the preparation of an urban renewal plan.

Mayor Pro Tem Dalton stated despite the Council's finding of blight, there is no blight on this property. This process breaks agreements between businesses located on the area. This process is aimed at the disadvantage of all the other businesses in favor of one. He felt it was a misuse of government power to favor one business over another. He opposed the process on that basis. He stated it has already cost staff time and the price of one consultant. It will cost more staff time and consultants time if the process continues, which will ultimately cost the taxpayers more money if the condemnation process goes forward. He voiced his opposition to an urban renewal plan.

Council member Loo disagreed and stated there was a finding of blight and the City Council is within their rights to declare blight. She asked City Attorney Light for a legal opinion on the potential of litigation for directing staff to prepare an urban renewal plan. City Attorney Light stated direction to prepare an urban renewal plan does not provide a legal right to challenge the action. He noted there are procedures, which must be followed before adopting a plan, such as Planning Commission approval; 30-day notice on a public hearing and an additional public hearing before the City Council. If an urban renewal plan is approved there might be a right, under the statute, to challenge the plan.

Council member Keany stated he has been generally supportive of the process in the past, but now opposes moving forward with this urban renewal plan process.

Council member Stolzmann reported she has spoken to a lot people in the area and there is a sincere desire to eliminate blight and redevelop the property. She agreed with Council member Loo, within the definitions of blight, there are certainly blight conditions on the property. She stated the building owner supports an urban renewal plan and wants to work with the City and there is public support for redeveloping the property. She agreed the Council is within their right to proceed with an urban renewal plan.

Council member Leh asked City Attorney Light what would be lost by waiting on the urban renewal plan until after the completion of McCaslin Small Area Plan. City Attorney Light explained according to the statutes, once blight has been found, putting off the urban renewal plan for an extended period of time would prohibit the City from using the current condition survey.

Council member Lipton stated his understanding that there could be a problem if the property owner's use was not optimal for the City, which could hinder the City's goals for revitalization and financial sustainability. Planning and Building Safety Director Russ stated there are so many layers of issues between the General Development Plan, this

property and other issues. The urban renewal blight study has an opportunity to remove the constraints on the property.

Council member Leh stated his main concern was to respect the public interest and

enabling the public to have substantial input over what is developed in the corridor. He was interested in maximizing the City's choices, but wanted to ensure the resources are used properly. Economic Development Director DeJong was confident the urban renewal plan could be completed in-house with the assistance of the City's urban renewal attorney.

Mayor Pro Tem Dalton addressed the statement the property might be used for something the City may not like. He found that highly unlikely because any different use of the property would have to be reviewed by the Planning Commission and the City Council. He acknowledged there are people who want the City to fill the Sam's Club vacancy, but there are also other property owners who may not want a condemnation process and those voices should be heard as well.

Council member Lipton stated his understanding that the current property owner can use the property or lease it for a use, which Council may not like. If it is a use by right or meets the criteria of a SRU process, the City Council would have to approve it. He noted none of the surrounding property owners have attended any of the City Council meetings on this subject. He requested Planning and Building Safety Director Russ discuss what is permissible by use and through the SRU process.

Planning and Building Safety Director Russ explained there is a General Development Plan, which governs and allows up to 22 uses. If there aren't any modifications to the exterior of the building a number of those uses can come in by right. If the exterior of the site or building is modified it would require a PUD. If it is a use outside the 22 uses, it would require a General Development Plan and zoning approval. The building as designed does not accommodate the majority of the 22 uses.

MOTION: Mayor Muckle moved to direct staff to begin preparation of an Urban Renewal Plan for 550 S. McCaslin Boulevard, for City Council consideration, seconded by Council member Lipton. The motion carried by a vote of 5-2. Mayor Pro Tem Dalton and Council member Keany voted no.

CITY SERVICES FACILITY PROJECT UPDATE

Mayor Muckle requested a staff presentation.

City Manager Fleming updated Council on the City Services Facility (CSF). The construction is going well, the weather has been favorable and there is a strong design team and contractor. It is anticipated there will be substantial completion by August. However, the cost of this project will exceed the amount when Council approved the construction contract with Bryan Construction, Inc. on September 2, 2014. The

guaranteed maximum price was \$11.9 million based on a 60% completion of the design. Between the 60% and 100% design completion there are contract specification changes, which in some cases reduce the scope and in other cases increases the scope associated with the project. That process has resulted in significant increases in the scope of work. Staff, the design and construction team continue working to identify cost savings and “Value Engineering” in design, materials, equipment and other changes. They identified \$600,000 of ways to scale back without compromising the functionality and long-term cost effectiveness of the facility. Although staff will continue to look for ways to save, it is unlikely to identify other significant savings. At the high end it may add \$500,000 over what was previously projected. Staff believes the project is closer to \$300,000 over what was projected.

City Manager Fleming requested a January 23 study session, including visiting the City Services Facility site, and having the contractor and design team in attendance to ensure the most qualified response to all questions/comments City Council may have on the project. Staff anticipates a range of up to an additional \$500,000 beyond the 2014-2015 budget communication, which failed to highlight the remaining uncertainty and unavoidable risks of cost increases in September. Staffing and procedural changes have been made to prevent such communication lapses from happening in the future.

Fiscal Impact: The potential cost increases to the project may be up to \$300,000, which would require a budget appropriation.

There was Council consensus to review this matter at the January 23 study session.

SUMMER CITY COUNCIL MEETING SCHEDULE

Deputy City Manager Balsler reported some members of the City Council have asked about creating a longer break between meetings this summer to allow for extended vacation time. The City Charter requires the City Council hold at least two regular meetings each month. The three possible scenarios for a summer City Council meeting schedule are as follows:

- Option 1: June 2 – regular meeting
 June 9 – budget retreat and regular meeting
 July regular schedule (*Three weeks between meetings*)

- Option 2: June 2 – regular meeting
 June 9 – budget retreat and regular meeting
 July 14 – regular meeting
 July 21 – study session
 July 28 – regular meeting (*Four weeks between meetings*)

- Option 3: June 2 – regular meeting
 June 9 – budget retreat and regular meeting

July 21 – regular meeting
July 28 – regular meeting (*Five weeks between meetings*)

COUNCIL COMMENT

Mayor Pro Tem Dalton inquired whether the City staff had a preference. City Manager Fleming stated he has not polled the staff, but feels there is a general interest in having flexibility. He noted there are pros and cons, but he felt staff can work within this schedule.

MOTION: Mayor Muckle moved to approve Option 2 of the Summer City Council meeting schedule, seconded by Mayor Pro Tem Dalton. All were in favor.

ATTORNEY'S REPORT

City Attorney Light reported on the consent agenda item, which approved the Third Amendment to the Parbois Place Subdivision Development Agreement. He noted it is the intent to schedule a “closing” with the developer to finalize the details of the public improvement issues on January 21st.

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

Council member Leh complimented the Planning Staff for their work on the South Boulder Road Small Area Plan process. He felt the work has been very productive.

Council member Loo reported the Legal Committee met and discussed doing the preliminary work on pending litigation prior to executive session. City Attorney Light stated this might be a discussion item for a future study session. The Legal Committee is looking at the parameters of their role in handling pending claims. Council policy direction would be helpful in determining if a legal committee recommendation should be requested on pending litigation.

ADJOURN

MOTION: Mayor Muckle moved for adjournment, seconded by Council member Stolzmann. All were in favor. The meeting adjourned at 9:45 p.m.

Robert P. Muckle, Mayor

Nancy Varra, City Clerk