

# ***City Council Meeting Minutes***

**April 21, 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: Sue Loo, Ashley Stolzmann,  
Chris Leh and Jay Keany (arrived at 9:05 p.m.)*

**Absent:** *Council member Jeff Lipton*

**Staff Present:** *Malcolm Fleming, City Manager  
Heather Balser, Deputy City Manager  
Kevin Watson, Finance Director  
Dave Hayes, Police Chief  
Troy Russ, Planning & Building Safety Director  
Suzanne Janssen, Cultural Arts & Special Events  
Allan Gill, Parks Project Planner  
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 Mayor Pro Tem Dalton. All were in favor. Absent: Council members Lipton and Keany.

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

Bruce MacKenzie, 1612 Cottonwood Drive, Louisville, CO addressed the public notice

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process and noted the March 17<sup>th</sup> public hearing on the DELO project was held near midnight without any public participation. He felt Council members Loo, Leh and Keany wanted to hear the public voice, but stated there was not proper notification for such an important public hearing. He explained public notice is an honest notification of an important issue to the residents of Louisville. He urged the City Council to take this matter up for discussion before making a decision.

Robin Silk, 751 Peach Court, Louisville, CO, a Monarch High School Senior, explained he is on the committee to raise awareness for the open house and After Prom event. It is designed to be a safe and fun event for students to attend after the Prom. The Prom will be held on Saturday, April 25<sup>th</sup> at Monarch High School and this years' theme is Willy Wonka. He invited Council to attend the open house from 8:00 to 10:00 p.m.

Cory Nickerson, 2351 Senator Court, Louisville, CO explained she is a volunteer for the After Prom reception. They have raised \$20,000 to promote the event and to provide prizes to entice the students to stay for the After Prom event. She invited and welcomed the community to the open house. She thanked Council member Stolzmann and City Manager Fleming and their spouses for volunteering for this project and the Louisville Police Department for volunteering two Police Officers. She thanked the Louisville Recreation Center for donating two passes for the raffle event and the City Council for their support.

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

MOTION: Mayor Muckle moved to approve the consent agenda, seconded by Council member Leh. All were in favor. Absent: Council members Lipton and Keany.

- A. *Approval of Bills***
- B. *Approval of Minutes –April 7, 2015***
- C. *Approve Resolution No. 19, Series 2015 – A Resolution Recommending Approval of a Replat to Subdivide a Single 334,325 SF Lot into Two Separate Lots in the P-C Zone District, Located at 248 Centennial Parkway/1172 W Century, Lot 1, Block 2, Centennial Valley Business Filing 6***
- D. *Approve Resolution No. 20, Series 2015 – A Resolution Approving an Intergovernmental Agreement between Boulder County and the City of Louisville Concerning Boulder County's Environmental Sustainability Matching Grant Program for Award of a Community Garden Grant***
- E. *Approve Resolution No. 21, Series 2015 – A Resolution Approving the Community Development Block Grant – Disaster Recovery Collaborative Intergovernmental Agreement***
- F. *Approval of License and Improvement Agreement Between the City of Louisville and the Downtown Business Association for use of the Steinbaugh Pavilion for the Annual Street Faire***
- G. *Approve 2015 Arbor Day Proclamation***

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

Council member Loo reported on the Arbor Day celebration held on Saturday, April 18<sup>th</sup>. She thanked the Cub Scouts and the families for helping to plant 22 trees along Via Appia. The City received a \$6,000 grant from the Colorado Tree Coalition, which is funded by Xcel Energy. Six different species were planted, one of which is called Zelkova and it is believed it is the first of its kind to be planted in Louisville. Other species were Elms and Red Oaks.

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

City Manager Fleming noted the winter/spring weather had been very hard on the City's streets. He reported there will be a very robust street resurfacing program this summer. The City purchased new equipment to patch the roads. This years' street resurfacing program will include all of Via Appia and parts of McCaslin and Old Town.

### **REGULAR BUSINESS**

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#### **LOUISVILLE CELEBRATION OF POETRY DAY PROCLAMATION**

Mayor Muckle recited a poem entitled *The King's Breakfast*, by A.A. Milne in honor of Poetry Day. He then read the proclamation, which proclaimed May 17, 2015 as Louisville Celebration of Poetry Day in Honor of Julia Falkner. Julia is a resident 17-year old senior at Monarch High School, who was appointed by the President's Committee on the Arts & the Humanities to the National Student Poets Program (NSPP).

Suzanne Janssen, Cultural Arts & Special Events Coordinator accepted the proclamation on behalf of Julia Falkner and the Louisville Library. She stated it is quite an honor to have Julia as a member of the community. She encouraged Council and the public to attend the Poetry Day Celebration workshop on Sunday, May 17<sup>th</sup> at the Louisville Public Library. The workshop is designed for beginner poets as well as seasoned poets.

#### **LOUISVILLE LAW ENFORCEMENT MEMORIAL AT HELBURG PARK – DISCUSSION AND DIRECTION**

Mayor Muckle requested a staff presentation.

Police Chief Hayes updated Council on the progress of this project and provided background information on Louisville Marshall Victor Helburg, who on Oct. 28, 1915, was shot and killed in the line of duty. To this day, he remains the only Louisville law

enforcement official to have died in the line of duty. He reported members of the Helburg Memorial Committee and members of the Helburg Family were present in support of the project. In early 2012, a committee of citizens began to plan a memorial park suitable for Victor Helburg, to be located at the Police and Courts Building. The cost of the memorial is estimated to be approximately \$50,000. The City will provide \$10,000 towards the project in 2015 and up to \$20,000 in 2016. The Helburg Committee was asked to raise the remaining \$20,000. The Committee worked with the City's Parks Project Planner Allan Gill, and are in agreement with the design of the park and the memorial. City staff and members of the Helburg Committee are planning a ground breaking for this memorial at 10:00 a.m. on Friday, May 15, 2015 at the site of the new park.

Parks Project Planner Allan Gill presented the design of a Helburg Memorial Park on the grounds of the Police/Courts. The design is intended to create a sense of place, a sense of permanence and simplicity. The memorial is based on the simple classic shape of a circle. The proposed location is northeast of the Police Station and is approached by sidewalks from two opposite sides. There are two typical ballards to provide light and will play off the circle concept. The design includes a 30' trellis, with arms overhead in a circular pattern. Below the arms overhead there are two seat walls. The monument will be placed in the middle along with a simple water feature. Memorial trees and perennial plant beds are proposed, including the Green Tower Boxwood Tree and Native Verbena.

Michael Menaker, 1827 W. Choke Cherry Drive, Louisville, CO explained he is a member of the Committee working to finish the memorial by October 28, 2015. The Committee has raised over \$27,000 toward the project and noted it has been an emotional journey. He asked Council to make note of two dates: May 15, 2015 at 10:15 p.m. for the ground breaking ceremony and October 28<sup>th</sup>, the 100<sup>th</sup> Anniversary of Victor Helburg's death. He requested the City Council support a contribution to the Helburg Memorial.

Members of the committee stood to be recognized and Victor Helburg's great and great-grandchildren introduced themselves to the City Council.

#### COUNCIL COMMENTS

Mayor Muckle stated the City Council supports the project. The Council challenged the Committee to raise \$20,000 for the memorial and they raised \$27,700. He felt the donated amount will exceed \$30,000 and noted The Home Depot has agreed to donate the materials for the project, which is significant. He hoped the City would fund whatever money is necessary to complete the project this year and to fill the gap for next year.

Council member Leh commended the committee who worked on this project and noted the web site for donations is [LouisvilleHistoryFoundation.org](http://LouisvilleHistoryFoundation.org) and on Facebook.

Council member Stolzmann commended the committee for their work and for raising funds for the project. She agreed with the City's 2015 contribution for this project. She encouraged them to work with the Horticultural Forestry Advisory Board and noted they had concerns relative to the long-term maintenance of the memorial.

Council Direction: Council directed staff to provide the 2015 funding for the project.

#### **GATEWAY ANNEXATION**

- 1. ORDINANCE No. 1687, SERIES 2015 – AN ORDINANCE AMENDING ORDINANCES NOS. 1165 AND 1166, SERIES 1994 CONCERNING THE GATEWAY ANNEXATION AND APPROVING AN AMENDMENT TO AN ADDENDUM TO ANNEXATION AGREEMENT – 2<sup>ND</sup> READING – PUBLIC HEARING**
- 2. RESOLUTION No. 22, SERIES 2015 – A RESOLUTION APPROVING AN AMENDMENT TO THE GATEWAY FINAL PLANNED UNIT DEVELOPMENT (PUD) TO MODIFY THE HEIGHT ALLOWANCE LANGUAGE ON LOTS 1 AND 2, BLOCK 1 FROM “1 STORY WITH A 26 FEET MAXIMUM BUILDING HEIGHT” TO “1 OR 2 STORIES WITH A MAXIMUM BUILDING HEIGHT OF 26 FEET”**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1687, Series 2015, which amends Ordinance No. 1165 and 1166, Series 1994 concerning the Gateway Annexation.

Mayor Muckle opened the public hearing and requested a staff presentation.

Planning and Building Safety Director Russ explained the property is situated prominently between McCaslin Boulevard and the western edge of Davidson Mesa and provides a view of the Boulder Valley. The applicant is requesting the City allow the 1 story restriction in the Design Criteria Table of the PUD be modified to allow a 2-story structure without altering the maximum 26 foot building height allowance.

Background: Gateway PUD Amendment. Ordinances Nos. 1165 and 1166, Series 1994 stipulated “no more than two single family dwellings may be constructed on the portion of the property located on the west side of McCaslin Boulevard. Such dwellings shall be single story and not more than twenty six (26) feet in height. The final number of such dwellings will be determined through the P.U.D. process and may be one dwelling or two dwellings.” The PUD uses limited view preservation tools: 1) 26 foot height limit; 2) 1-story and 3) a 10% lot coverage (underlying RR-R District). The lot is 9,800 sf, translating to 9,800 sf footprint. No minimum roof pitch; no unique setback requirements and no landscape controls.

Staff contacted former City Council member Rob Lathrop, who made the motion requiring a 1-story home. Mr. Lathrop could not recall why the 1-story limitation was established. The Cooper Hill Homeowners Association (Gateway Subdivision) Design Review Committee reviewed the proposal submitted by the architect and supports the construction of a two-story house not to exceed 26" maximum in height.

Staff Analysis: 1) The allowed 26 foot, one-story structure will limit the existing unencumbered view; 2) A 26-foot, two-story structure will not worsen the impact on the view shed beyond what is allowed and 3) A two-story structure within the allowed 26-foot would likely minimize view impacts by allowing a smaller building footprint (lot coverage).

Staff recommendation: Staff recommended the City Council approve Ordinance No. 1687, Series 2015 and Resolution No. 22, Series 2015.

#### APPLICANT PRESENTATION

Vern Seieroe, 417 Vivian Street, Longmont, CO, Architect for the project used a white board to indicate the site and a model to illustrate the house configuration on the lot and the footprint between a 1-story and 2-story home. He addressed the request to design a two-story home by the owners and noted the view corridor is very important. The design proposes the second floor bedrooms be orientated to the west and bathrooms and closets on the east side of the home. If a one-story building was built on the lot, the footprint would be larger, the view would be lost and the value in the property would go down. The design for the home is in the American craftsman style because of the 26' height limit. The roof is of a 4/12 pitch, whereby American craftsman style is typically an 8/12 roof pitch and presented examples of American craftsman architecture. He noted they are limited with the footprint of 9,800 SF. The design they propose has a footprint of 4,950 SF, which is half of what is allowed. If the applicant is subject to the PUD they would have a larger footprint.

[REDACTED], stated they are the owners of the property and have designed a home to accommodate themselves, their three small children and her parents. The living space will be on the first floor and the bedrooms on the second floor. Their motivation for building a 2-story home was to reduce the footprint. She stressed there are three environmental problems with a single story home 1) A bigger footprint requires more cement and more heat radiation; 2) A 2-story house decreases the landmass water absorption and 3) If the footprint is smaller the views can be maintained. Mr. Seieroe noted there is motivation for a two-story home because a one-story home has a larger footprint and is more costly to build.

Dan Boyd, Louisville, CO explained he is the owner of the property south of the subject property and voiced his support for this project. He felt the 2-story house will provide a smaller footprint.

## COUNCIL COMMENT

Mayor Muckle inquired about the proposed floor ratio of the home. Planning and Building Safety Director Russ explained there is no floor ratio outside of Old Town. There is a 10% maximum lot coverage and the applicant is proposing half of the maximum allowable lot coverage.

Council member Stolzmann stated she has struggled with this matter. After reading the minutes on the PUD approval it appears there was a desire to preserve the view corridor and not have any houses on the west side of McCaslin. However the original plan was to have fewer houses in the subdivision and to have only 1-story homes. The City code provides criteria for functional open space in terms of optimum preservation of natural features including trees, drainage areas, recreational areas, views and density relief. She felt the views were essential and although she understood if a home is spread out the view will be blocked, she felt 1-story homes were suitable on the west side of McCaslin.

Mayor Muckle inquired about limiting lot coverage for new homes in this area. Planning and Building Safety Director Russ felt lot coverage is a far more effective view preservation tool than height. If Council decided to put in a lot coverage limitation, it would be an effective tool to preserve the view corridors. The applicant is proposing a reduced footprint of 5% lot coverage. They have not submitted construction plans. It can be reviewed at the building permit process.

Mayor Muckle asked the applicant if there would be a problem of reducing the lot coverage to 5,000 SF. He agreed the intent was to preserve the view corridor and felt reduced lot coverage would accomplish that.

Mayor Pro Tem Dalton stated at one time, the City Council turned down a proposal from McStain Neighborhood to build homes on the east side of McCaslin. Had that development been authorized, those two lots would have remained empty. He supported the proposal.

Council member Loo was on Planning Commission when this development came forward and she concurred with some of Mayor Pro Tem Dalton's comments. She supported saving as much of the view shed as possible in cooperation with the applicant. She noted if the applicant sold the property, the Council does not want to be obligated to allow the next owner to build a home, which could block the view shed.

██████████ stated the homes on the west side of McCaslin are not in Louisville. She asked about the lot coverage and the height restriction for those homes, which might block their view. She noted the trees in the area are Blue Spruce, which grow to be very large trees. She stated if their proposal is not approved and the land is sold, would Council want a 9,600 SF home on this property.

Michael Menaker, 1827 W. Choke Cherry Drive, Louisville, CO stated whether it is a 2-story or 1-story home, 26 feet is still 26 feet. He urged Council to approve this proposal without condition. He voiced his support for the proposal.

Mayor Council called for public comment and hearing none closed the public hearing.

## COUNCIL COMMENTS

Council member Loo stated for the record, with respect to the original vote on the PUD, the minority of the Planning Commission and the City Council felt the open space was valuable and the development east of McCaslin was reasonable.

Council member Stolzmann agreed with many of Council's comments, but noted things changed in the future and supported adding a description of what Council hopes to accomplish.

Mayor Pro Tem Dalton stated it is still 26' across the lot whether it is a 1-story or 2-story home. Council member Leh agreed and stated he did not see much difference between 1-story or a 2-story home. He supported a 7% lot coverage limitation.

Council member Loo asked if there is any way to preserve the view shed that is left in exchange for what the applicant is proposing. Planning and Building Safety Director Russ explained there is an open space corridor off of the highest volume road (the intersection of McCaslin and South Boulder Road). He did not see a change by allowing a second story. If the house is moved to the north, the view of the Flatirons is preserved, but if it is moved to the south, Indian Peaks is preserved. He stated the current height allowance is dictating what can be done.

██████████ noted any other structure such as secondary house, sheds or barns must go before the HOA design review committee. He suggested leaving it at 10% lot coverage and let the design review committee decide what they will allow.

Council member Loo felt the views should be preserved for all the citizens of Louisville. She questioned whether the HOA is preserving the views for the HOA or for the citizens. Mr. Seieroe explained the HOA design review committee has a specific process and they have the right to review, accept or reject any proposal. They stipulated the south side of the house at a particular location to preserve the views.

Council member Stolzmann proposed the PUD be amended to reflect a 2-story with a 5,000 SF footprint. Mayor Pro Tem Dalton voiced his opposition.

City Attorney Light explained part of the application is to amend the Annexation Agreement from 1-story home with a height restriction of 26' to a 2-story home with a 26' height restriction. He recommended amending the Annexation Agreement prior to amending the language in the PUD and continuing both matters.

City Attorney Light explained the amendment includes both lots; one owned by the Boyd's and the second by the applicant. He recommended asking Mr. Boyd his position. Mr. Boyd stated his home is already under construction and is a single story, but voiced his support for the PUD amendment.

**ORDINANCE No. 1687, SERIES 2015**

MOTION: Mayor Muckle moved to continue Ordinance No. 1687, Series 2015, to May 5, 2015, seconded Council member Stolzmann. Council member Stolzmann requested more discussion prior to the vote to give direction to the City staff.

Mayor Pro Tem Dalton did not feel the footprint should be limited to the second house on the lot. There is no difference in the view sheds whether a 1-story house or a 2-story house is built because they are limited to 26'. He noted the HOA Design Review Committee will review proposals and dictate what can be built. He was opposed to Council redesigning houses. Mayor Muckle felt a 2-story house appears more massive.

Planning and Building Safety Director Russ stated the area along McCaslin is a rural. Council member Loo noted the views have changed with the addition of a berm and trees and questioned the rural nature of the area.

Mayor Muckle suggested directing staff to work with the applicant. Mayor Pro Tem Dalton suggested directing staff to negotiate a sufficient amount of leeway. There was Council support.

VOTE: All were in favor. Absent: Council members Lipton and Keany.

**RESOLUTION No. 22, SERIES 2015**

MOTION: Mayor Muckle moved to continue Resolution No. 22, Series 2015 to May 5, 2015 seconded by Council member Stolzmann. All were in favor. Absent: Council members Lipton and Keany.

**FLATIRONS REHABILITATION PLANNED UNIT DEVELOPMENT (PUD) AND GENERAL DEVELOPMENT PLAN (GDP)**

- 1. ORDINANCE No. 1688, SERIES 2015 – AN ORDINANCE APPROVING AN AMENDMENT TO THE CENTENNIAL VALLEY GENERAL DEVELOPMENT PLAN TO ALLOW INSTITUTIONAL USES ON PARCEL G2 - 2<sup>ND</sup> READING – PUBLIC HEARING**
- 2. RESOLUTION No. 23, SERIES 2015 – A RESOLUTION APPROVING AN 8<sup>TH</sup> AMENDMENT TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR CENTENNIAL VALLEY**

**3. RESOLUTION No. 24, SERIES 2015 – A RESOLUTION APPROVING A FINAL PLANNED UNIT DEVELOPMENT (PUD) PLAN TO ALLOW FOR THE CONSTRUCTION OF A 44,000 SQUARE FOOT, 48 BED SKILLED REHABILITATION FACILITY AT 1107 CENTURY DRIVE, LOT 1, BLOCK 3, CENTENNIAL VALLEY BUSINESS PARK 1**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light read Ordinance No. 1688, Series 2015. He explained Resolutions No. 23 and 24 also pertain to the Flatirons PUD and GDP request and stated the public may speak on any of the three items.

Mayor Muckle opened the public hearing and requested a staff presentation.

Planning and Building Safety Director Russ explained the request is for a Final Planned Unit Development (PUD) and subdivision agreement amendments for a new 44,000 square foot, 48 bed skilled rehabilitation facility at 1107 Century Drive in Centennial Valley. The property is zoned Planned Community Zone District – Commercial (PCZD-C) zone district and governed by the Centennial Valley General Development Plan (GDP).

The request is to amend the GDP to allow for institutional use. It is allowable if compatible with the Comprehensive Plan. The designated “Urban Special District” contains a mix of uses, including institutional. Such use is considered a compatible, complimentary use. The proposal for the facility includes the following: A 44,000 sf structure; 48 beds; 709 parking spaces. It complies with setback and coverage requirements and includes trash and generator enclosures. The proposed 26.5’ tall building includes articulation and variation in colors and materials and additional detailing on wing ends with landscape buffers adjacent to the Centennial Lofts residential area.

The Planning Commission reviewed this request and by a vote of 6-1 approved the proposal. The dissenting vote was concerned over the design and wanted a more walkable and approachable building. Staff recommended approval of the final PUD and GDP and subdivision agreement amendments for Flatirons Rehab with one condition:

- 1) The trash and generator enclosure shall be constructed of durable materials such as stone, brick or metal with dark finishes in compliance with section 6.1 (F) of the CDDSG.

#### APPLICANT PRESENTATION

Fred Hermes, Part Owner of the Physicians Development Group, 7200 W. 13<sup>th</sup> Street N, Wichita, KS, explained this is a proposal for a skilled nursing facility for individuals who

are in need of services, basically seniors, although services are available for persons 16 years of age and older. The average stay is three weeks for rehabilitating broken bones or debilitating medical conditions such as strokes or similar maladies. The facility will employ a total of 75 caregivers; 25 registered nurses; 16 physical, speech and occupational therapists, nurse practitioners; 2 social workers; dietary and housekeeping staff. The design for this facility is for a home environment rather than an institution.

#### COUNCIL COMMENTS

Council member Loo stated there was some confusion initially, that the proposal was for alcohol and drug rehabilitation. From reading the materials and the applicant's report, she stated her understanding that is categorically not the case. Mr. Hermes stated that is correct. It is not, in fact the case.

Council member Loo asked whether there are any plans to add such rehabilitation as part of this facility. Mr. Hermes stated no.

#### COUNCIL COMMENTS

Cyril Sadowsky, President of the CPL HOA, Board of Directors, 1057 W. Century Drive, Unit 121, Louisville, CO, asked if Council had read his letters relative to the drainage problems on the east side of the property. He explained they have had serious problems with the drainage and wanted assurances this proposal will not recreate a similar drainage problem. He also voiced his concern over the noise and light pollution this facility will bring and requested the project architect and engineer to be conscientious of the 66 families living adjacent to the proposed property.

Council member Loo explained any proposal must be approved by the City Council.

Lionel Sadowsky, a Centennial Plaza Lofts resident, Louisville, CO stated there has been serious drainage problems in the past. The new facility will bring noise and light pollution and residents' views will be obstructed.

Council member Loo asked Planning and Building Safety Director Russ to present a map of the area. Planning and Building Safety Director Russ provided a map and noted the City Engineer has reviewed this proposal's drainage plan and he feels the drainage pond should manage the current overflow of water.

Priscilla Carlson, 1053 W. Century Drive, Unit 208, Louisville, CO explained she and her husband Dave Bahr, live in the Centennial Plaza Lofts. She asked the builders to make sure they clean up any construction debris, which would prohibit her mobility and possibly cut the paw of her husbands' guide dog. She addressed the problems with the drainage and noted the underground parking garage has had water and voiced her concern her high-tech handicapped accessible vehicle would be damaged.

Dave Bahr, 1053 W. Century Drive, Unit 208, Louisville, CO, explained the Centennial Plaza Lofts underground, heated garage which has drainage problems, also has odor problems. With respect to the aesthetics of the proposed building, he requested it be pleasing and not a hospital/institutional looking structure.

Jason Messaros, BHA Design Inc., Architect Design Team member, 1603 Oakridge Drive, Fort Collins, CO explained there have been very few changes in the proposal from the last presentation, other than the materials, which will conceal the trash enclosures. He noted with respect to the adjacent property, there is a parking lot between the rehab facility and the residential lofts, to provide a greater buffer. He explained Drexel Barrel is their civil engineering firm and they will be working on the drainage aspects. He felt the parking lot would capture more of the surface drainage.

Mr. Sadowsky explained the surface drainage is not the problem; it is the subsurface drainage seeping into the Centennial Plaza Lofts parking lot. He noted the HOA has spent over \$70,000 to resolve this problem. He stated the seepage is coming from the upper hill and suggested the developer dig a deeper trench to contain the subsurface water from seeping onto the Centennial Plaza Lofts parking lot.

#### COUNCIL COMMENTS

Council member Loo asked if the Planning Commission reviewed the drainage issue. Planning and Building Safety Director Russ explained every PUD has a drainage report, grading plan and stormwater management plan, which is reviewed by the City Engineer according to the City and State standards. With respect to sub-drainage and water table issues, the Chief Building Official would review the foundation improvements.

City Attorney Light stated the fundamental drainage tenant law is to do no harm. The Public Works department will review the drainage plan to ensure it ties into the public water drainage. The developer must insure the drainage does not have an adverse effect on their neighbors.

Council member Loo stated the Council's responsibility is for the City's liability. She inquired whether the drainage problem at Centennial Lofts is a private issue. City Attorney Light stated the problem may be a private issue, however if the ground water seepage is affecting neighbors the City would look at the construction standards for the drainage plan.

Mayor Muckle asked Planning and Building Safety Director Russ to address the light and noise pollution and pedestrian access to the building. Planning and Building Safety Director Russ explained the application, other than the trash enclosures, met the standards of the Commercial Guidelines, including pedestrian access and lighting. Planning Commissioner Russell's concern the design was not compatible with the Comprehensive Plan are not applicable. He noted the small area plan would review and create new Commercial Guidelines.

Council member Keany arrived at 9:05 p.m.

Council member Stolzmann explained how she reviewed this proposal. First she looked at the zoning for commercial (defined as well planned shopping centers and facilities). Then she looked at the General Development Plan (GDP) (defined as research, office and retail). She felt a commercial area includes hospital and medical offices, but the confusion is in the GDP, which limits development to research and office. She felt Council is being asked to change the GDP to be clear on the usage. She takes into account public comment and voiced her concern over the underground drainage. She stated the project does include a drainage plan, but it may be a problem with ground water. She encouraged the neighbors to work with the developer. She addressed the construction debris and noted there are EPA requirements and encouraged the residents to contact Public Works should problems arise. She suggested changing the use to commercial, but felt the project should go forward.

Planning and Building Safety Director Russ explained this proposal is required to have a Stormwater Management Plan and Public Works Department makes their inspections on a weekly basis to make sure they are in compliance.

Mayor Muckle encouraged the two property owners to look into the ground water issues.

Mayor Muckle called for public comment and hearing none, closed the public hearing.

**ORDINANCE No. 1688, SERIES 2015**

MOTION: Mayor Pro Tem Dalton moved to approve Ordinance No. 1688, Series 2015, seconded by Council member Loo. Roll call vote was taken. The motion passed by a vote of 5-0. Council member Keany abstained. Absent: Council member Lipton.

**RESOLUTION No. 23, SERIES 2015**

MOTION: Mayor Pro Tem Dalton moved to approve Resolution No. 23, Series 2015, seconded by Mayor Muckle. The motion passed by a vote of 5-0. Council member Keany abstained. Absent: Council member Lipton.

**RESOLUTION No. 24, SERIES 2015**

MOTION: Mayor Pro Tem Dalton moved to approve Resolution No. 24, Series 2015, seconded by Council member Stolzmann. The motion passed by a vote of 5-0. Council member Keany abstained. Absent: Council member Lipton.

RECESS: Mayor Muckle called for a five-minute recess at 9:10 p.m. The meeting reconvened at 9:25 p.m.

## **DOWNTOWN/OLDTOWN PARKING STATUS UPDATE**

Mayor Muckle requested a staff presentation.

City Manager Fleming provided Council and the public a status update on actions to be taken and the plan to address parking issues in Downtown and Old Town. To date by June 5<sup>th</sup> (the date for the Taste of Louisville), the following actions will be complete:

- Stepped-up enforcement on violations (blocking driveways, alleys, too close to intersections).
- “Parking Ambassadors” during major special events.
- Special Event parking requirements: designated parking for event vendors/employees/volunteers.
- Shuttle service into the Street Faire
- Agreement making 56 spaces at KoKo Plaza available for public parking after 6:00 PM.
- Bids on 28-spaces at 611 Front/Negotiated terms of acquisition
- Waiting to close on Tebo property providing 70 parking spaces on future Cannon Street.
- Installing 100 additional bicycle parking loops in Downtown.
- Installing traditional “Parking” signs.

Planned and/or Future Actions:

- More leases of private spaces for public parking.
- Finalize agreement with BNSF for right of way parking.
- Install additional downtown way-finding signage
- Council decision on whether to (1) install No-Parking Signs in Old Town, (2) extend white paint-designated parking spaces beyond those within a block of Main Street, (3) install No-Parking signs and paint curbs in Old Town, or (4) some combination of these alternatives.
- Designating motorcycle/moped parking areas.
- More discussion and public involvement on a neighborhood parking permit program.
- Evaluate parking structure(s): specific sites, utilization data, pedestrian activity areas, walking distances, vehicle traffic patterns, parking facility utilization; design, cost estimates, potential revenue streams and financing
- Potential Louisville Municipal Code changes: Revise parking standards for Downtown; update the payment in-lieu of parking fee; restrict or prohibit parking lots as a primary use by-right in Old Town (RM) Zone.
- County Eco-pass program.

**COUNCIL COMMENTS**

Council member Stolzmann inquired where the bicycle loops and no parking signs would be placed. Planning and Building Safety Director Russ explained 100 bike parking spaces have been planned in the bulb-outs from Spruce Street to the south and there are some underutilized bike spaces at the library and the City Hall.

Council member Stolzmann suggested more bicycle racks at the library in the skateboard spaces. She inquired about where the parking signs would be placed. Planning and Building Safety Director Russ explained the City's Principal Planner is working with the McCaslin wayfinding expert to locate those areas on key intersections.

Mayor Pro Tem Dalton inquired when the lease with BNSF would be finalized. City Manager Fleming could not provide a deadline, but stated staff is working with the railroad.

Mayor Pro Tem Dalton voiced his support for Option 2 (extend white paint-designated parking spaces beyond those within a block of Main Street).

Mayor Muckle inquired about the diagonal striping of South Street. Planning and Building Safety Director Russ stated diagonal parking on South Street did not yield a change because of existing driveway cuts and the alley opening. Staff is working on a different solution, however for now South Street will remain as it is.

Council member Keany inquired about the estimate on the no-parking signs. City Manager Fleming stated the estimate on the no-parking signs is under \$15,000 for 120 different signs, which involves boring through concrete and staff time.

Council member Keany asked if there is a price difference between painting curbs and no-parking signs. City Manager Fleming did not have an estimate at this time.

Mayor Muckle also supported Option 2. Planning and Building Safety Director Russ explained painting stalls for parking is likely a reduction in parking spaces.

Council member Stolzmann commented she plans to bring up eco-passes for employees during the budget process. Mayor Muckle inquired about the County's eco-pass program. Council member Stolzmann stated they are conducting additional studies. If the study directs a positive interest in eco-passes, the voters will be asked in the 2016 election to consider funding community-wide eco-passes.

Mayor Pro Tem Dalton inquired how many employees used the eco-passes. City Manager Fleming stated several years ago the City offered free eco-passes as part of a county-wide incentive, however, the participation was not enough to justify the cost.

Mayor Muckle stated he was impressed how many spaces the City will get from KoKo Plaza. He encouraged staff to continue working on obtaining more parking spaces.

Council member Leh noted some residents in Old Town are disabled and asked if there was a way to accommodate them. City Manager Fleming stated the City supplies ADA compliant parking spaces for municipal facilities. Staff could investigate to determine if there are a sufficient number of spaces in the downtown area.

Council member Leh inquired whether there is a real-time phone app for available parking spaces during an event. City Manager Fleming noted the DBA advertises designated parking spaces and shuttle services on their web site.

Council member Leh inquired if there was a radio signal for the City. Police Chief Hayes explained the City now owns two FM radio stations and one station could be used for directing parking during City events. He suggested a continuing loop, which would direct visitors to available parking spaces.

### **AWARD BID FOR THE 2015 PARKING LOT EXTENSION: 611 FRONT STREET**

Mayor Muckle requested a staff presentation.

City Manager Fleming explained per Council's actions regarding the Downtown/Old Town Parking Plan, Council supported extending the surface parking on the City's property at 611 Front Street to add 28 additional parking spaces. \$100,000 was budgeted based on staff's cost estimate. \$50,000 of the cost of all the work was to prepare and pave the surface parking lot on the City's property. The low bid for the work is \$238,995. Based on Council's direction and comments on other, similar "basic services" issues, staff recommends Council award the bid so the work can proceed, with the understanding that a budget amendment will be necessary to cover the \$190,995 shortfall. However, there are other options Council may wish to consider. Funding for the shortfall could come from Capital Projects Fund (CPF) reserves or potentially covered by funds saved from other projects.

### **COUNCIL COMMENTS**

Mayor Pro Tem Dalton asked if the City had considered scraping the lot and using railroad ties to mark off the spaces. City Manager Fleming explained there has been discussion on this however, if the City does not allow other businesses to scrape for parking spaces, the City should not do so.

### **Other Options:**

- Request proposals to partner with adjacent land owners to design and develop a parking structure on the site wrapped with retail and/or office space. This option would require significant time (and resources) to fully explore and may not be viable.
- Deferring the project to provide time to evaluate whether the other actions taken to address parking in downtown have reduced the need for this project.

Mayor Muckle asked if this could be included in the downtown resurfacing project. City Manager Fleming confirmed it could.

#### PUBLIC COMMENT

Randy Caranci, 441 Elk Trail, Lafayette, CO inquired how the parking would be approached at the KoKo Plaza one-way parking area. Planning and Building Safety Director Russ explained South Street is one-way; Walnut Street and the alley could be used to access the parking at KoKo Plaza. Local residents can access Front Street.

Mr. Caranci felt it would be very cumbersome to get people in and out of those parking spaces and it will not be fully utilized unless the City does something to advertise the parking. Planning and Building Safety Director Russ explained ultimately when the South Street Underpass comes in South Street to Main Street will be a two-way street.

Mr. Caranci inquired about the BNSF lease for parking areas and its location. Planning and Building Safety Director Russ explained the fencing negotiations are from Griffith Street to the end of Mr. Caranci property. The project was from the underpass to Pine Street, but staff worked with the BNSF engineers to fence to the edge of Mr. Caranci's lease.

Mr. Caranci requested the City include him in the negotiations with the BNSF railroad. Planning and Building Safety Director Russ explained during the BNSF negotiations for fencing, the staff was able to negotiate for head-in parking north of Pine Street and diagonal parking south of Pine Street.

Mr. Caranci stated his recollection that the TEBO project would provide 20 parking spaces through the dedication of Cannon Street. Mayor Muckle explained the TEBO parking lot has always been 70 spaces.

Mr. Caranci asked how the citizens would safely cross the railroad tracks to the downtown area. Planning and Building Safety Director Russ explained it is a land acquisition.

Mr. Caranci asked about the approval of the land acquisition. Mayor Muckle explained the Council is not discussing the land acquisition this evening. They are discussing the parking at 611 Front Street.

Mr. Caranci addressed the cost of paving the 611 Front Street lot and suggested using crushed road base and also allowing private parties to do so. Mayor Pro Tem Dalton explained the bidding environment has changed since last year.

Mr. Caranci disagreed and stated he wanted to be heard. He felt the City was using the citizen's money foolishly.

## COUNCIL COMMENTS

Council member Stolzmann voiced her appreciation for the public comments, but felt the parking lot must be completed this year. She agreed with an interim gravel solution, which would be consistent with the Downtown Design Handbook. She noted there is a lot of difference between the two bids and suggested changing the scope of work and completing some of the improvements in-house. She called some contractors and inquired about the cost of paving a parking lot. A local contractor estimated between \$60,000 and \$80,000. She questioned whether the project was bid correctly.

Mayor Muckle also wanted the project completed this year and inquired about the storm water project. Planning and Building Safety Director Russ stated he would speak with the City's Engineering Department.

Mayor Pro Tem Dalton apologized to Mr. Caranci and stated he had every right to be heard.

Council member Loo stressed the importance of having parking and was in favor of a simpler solution.

Mayor Muckle proposed the Council direct staff to come back with a less expensive resurfacing package. City Manager Fleming noted staff could explore other options, but the bids will not be back in time for the summer events beginning June 5th.

City Attorney Light addressed the City's Procurement Policy and noted the City Council has the authority to reject any and all bids and rebid the project. The Louisville Municipal Code provides if the Council determines all bids are too high they can reject all bids and rebid a new project with different elements. Under the Procurement Policy if the Council rejects all bids because they are too high, they can negotiate a contract as long as the negotiated price shall not exceed the lowest bid received.

**MOTION:** Mayor Muckle moved to reject all bids for the 611 Front Street Parking Lot Extension because they are too high, seconded by Council member Loo. All were in favor. Absent: Council member Lipton.

**MOTION:** Mayor Muckle moved to direct staff to negotiate a contract for this project for no more than the lowest bid, or change the scope of the project to achieve the goal, seconded by Council member Loo. All were in favor. Absent: Council member Lipton.

## **APPROVAL OF 2016 GOALS**

Mayor Muckle requested a staff presentation.

City Manager Fleming explained earlier this year at the Council's goal setting meeting, there was discussion relative to a more programmatic based budget. Staff presented a draft of programs, goals and measurements. Council reviewed and suggested edits to staff's draft Program Summary. Staff requested Council confirm the final draft reflects the programs, goals, sub-programs and key indicators around which staff should organize the 2016 budget. The Major 2015 Programs and Goals are as follows: Transportation; Utilities; Public Safety & Justice; Parks; Open Space & Trails; Recreation; Cultural Services; Community Design; Economic Prosperity and Administration & Support Services. Each of these programs has a defining statement. The programs are then broken up into sub-programs containing performance measures, which will become a new part of the City budget. Many people have relied on the way the budget was presented in the past, but staff will develop the 2016 budget for City Council consideration later this year, which will provide an organization around the programs and goals.

#### COUNCIL COMMENT

Council member Loo requested an asterisk in the CMRA chart if there is not room to spell out the description. This will allow the public to identify what the item is.

Mayor Muckle agreed with the changes made at Council's request, but questioned the Open Space acquisition subprogram including maintenance, and education. Council member Stolzmann felt the goals are a general aspiration for the program and the sub-programs serve the program. Mayor Muckle agreed.

Council member Stolzmann voiced her recollection when the Council added streetscapes as a sub-program to the Transportation Program they removed horticulture as a sub-program from the Parks Program. She explained if Horticulture is not removed from the Parks program there will be an overlap.

Council member Loo asked if the Arboretum is in the Parks Program. City Manager Fleming explained the Parks sub-programs are Parks, Forestry, and Cemetery.

Council member Stolzmann stressed the importance of having the streetscapes to differentiate purchases between streets and parks. She felt there are only a few items which fall into the horticulture and she would rather put it into another category. City Manager Fleming would discuss the requested changes with Parks and Recreation Director Stevens.

**ORDINANCE No. 1689, SERIES 2015 – AN ORDINANCE REPEALING AND REENACTING CHAPTER 14.16 OF THE LOUISVILLE MUNICIPAL CODE REGARDING SPECIAL EVENTS PERMITS – 1<sup>st</sup> Reading – Set Public Hearing  
05/05/2015**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1689, Series 2015.

MOTION: Mayor Muckle moved to approve Ordinance No. 1689, Series 2015 on first reading, ordered it published and set a public hearing for May 5, 2015, seconded by Mayor Pro Tem Dalton. All were in favor. Absent: Council member Lipton.

**ORDINANCE No. 1690, SERIES 2015 – AN ORDINANCE AMENDING SECTION 2.32.060 OF THE LOUISVILLE MUNICIPAL CODE REGARDING THE COLLECTION OF MUNICIPAL COURT ASSESSMENTS – 1<sup>st</sup> Reading – Set Public Hearing 05/05/2015**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1689, Series 2015

Mayor Muckle moved to approve Ordinance No. 1690, Series 2015 on first reading, ordered it published and set a public hearing for May 5, 2015, seconded by Mayor Pro Tem Dalton. All were in favor. Absent: Council member Lipton.

**EXECUTIVE SESSION**

**1. PENDING LITIGATION**

(Louisville Charter, Section 5-2(d) – Authorized Topics – Consultation with an attorney representing the City with respect to pending litigation, and C.R.S. 24-6-402(4)(b).

The City Manager and City Attorney requested the City Council convene an executive session for the purpose of consultation with respect to pending litigation.

**REGULAR BUSINESS ITEMS SUSPENDED**

City Attorney Light explained the executive session is at the request of the City Manager and City Attorney for the purpose of consultation with an attorney representing the City with respect to pending litigation.

City Clerk Varra read Section 2.90.050 public statement from the Louisville Municipal Code, which governs the topics, which may be discussed in an executive session.

City Attorney Light stated the authority for conducting the executive session is the Louisville Charter, Section 5-2(d) Authorized Topics – Consultation with an attorney representing the City with respect to pending litigation and C.R.S. 24-6-4-402(4)(b)).

MOTION: Mayor Muckle moved the City Council convene an executive session for the purpose of consideration of a consultation with respect to pending litigation and the executive session include members of the City Council, City Manager, Planning and Building Safety Director, and the City Attorney, seconded by Mayor Pro Tem Dalton. All were in favor. Absent: Council member Lipton.

The Council adjourned to executive session at 10:25 p.m. The regular meeting was reconvened at 11:05 p.m.

**REGULAR BUSINESS ITEMS CONTINUED  
REPORT – DISCUSSION/DIRECTION/ACTION –PENDING LITIGATION**

City Attorney Light reported in executive session the City Council consulted with an attorney representing the City with respect to pending litigation. The City Attorney provided legal advice to the City Council with respect to a possible law suit however no action is required at this time.

**CITY ATTORNEY’S REPORT**

No items to report.

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

No items to report.

**ADJOURN**

MOTION: Mayor Muckle moved for adjournment, seconded by Council member Loo. All were in favor. Absent: Council members Lipton and Keany. The meeting adjourned at 11:10 p.m.

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Robert P. Muckle, Mayor

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Nancy Varra, City Clerk