

# ***City Council Meeting Minutes***

**July 14, 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  
Council members: Susan Loo, Jay Keany, Chris Leh,  
Jeff Lipton and Ashley Stolzmann*

**Staff Present:** *Malcolm Fleming, City Manager  
Heather Balsler Deputy City Manager  
Kevin Watson, Finance Director  
Kurt Kowar, Public Works Director  
Troy Russ, Planning and Building Safety Director  
Aaron DeJong, Economic Development Director  
Meredyth Muth, Public Relations Manager  
Nancy Varra, City Clerk*

**Others Present:** *Sam Light, City Attorney*

## **PLEDGE OF ALLEGIANCE**

All rose for the pledge of allegiance.

## **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.

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

Edie Ortega, Chairperson, for the Foothills United Way Board of Directors, presented a plaque to City Manager Fleming for his service on the Board. City Manager Fleming thanked Ms. Ortega and the Board of Directors. He stated the organization does very good work and it was his pleasure to serve on the Foothills United Way Board.

## APPROVAL OF THE CONSENT AGENDA

- A. Approval of the Bills**
- B. Approval of Minutes – June 2, 2015; June 9, 2015**
- C. Approve Resolution No. 39, Series 2015 – A Resolution Approving a First Amendment to the Amended and Restated Business Assistance Agreement with Cable Television Laboratories, Inc. for the Construction of a New Building or Modification of their Existing Location in the City of Louisville**
- D. Approve Resolution No. 40, Series 2015 – A Resolution Approving a Permanent and Temporary Construction Easement Between the City of Louisville and Robert Mayhoffer and Leannah Mayhoffer Baron for the City-Wide Storm Sewer Outfall Improvements Project (Lafayette-Louisville Boundary Area Drainage Improvements Project)**
- E. Approve Resolution No. 41, Series 2015 – A Resolution Approving a Permanent and Temporary Construction Easement between the City of Louisville and Virginia Chavez and Eva Arroyas for the City-Wide Storm Sewer Outfall Improvements Project (Lafayette-Louisville Boundary Area Drainage Improvements Project)**
- F. Approve Resolution 42, Series 2015 – A Resolution Approving a Community Development Block Grant Disaster Recovery (CDBG-DR) Infrastructure Grant Agreement with the State of Colorado for the County Road Bridge Flood Reconstruction Project**
- G. Approve Resolution No. 43, Series 2015 – A Resolution Approving an Amended Agreement with the Urban Drainage and Flood Control District for the Drainageway A-2 Improvements Project**
- H. Approve Agreement with Resource Based International for 2015 Raw Water Management Plan Update**

MOTION: Mayor Muckle moved to approve the Consent Agenda, seconded by Mayor Pro Tem Dalton. All were in favor.

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

No items to report.

## CITY MANAGER'S REPORT

City Manager Fleming updated Council on the shuttle service for the Street Faire. It has worked very effectively and 969 people used the shuttle at the last Street Faire. The City is working with the DBA and the Police Department to ensure the Street Faire activities generate as little negative impact on the surrounding neighborhoods as possible. He voiced his appreciation to the DBA for volunteering for Street Faire activities. He also reported on the following capital improvement projects:

- Enterprise Resource Planning (ERP) Software Project: The financial module will go live in early 2016. The payroll module will begin on July 20<sup>th</sup> and the Community Development module on July 27<sup>th</sup>. The City will hire new staff in HR, Planning, IT and Finance to assist in the conversion process.
- Completion of the City Services Facility: The equipment and staff will begin to move into the new facility in late August. The move will be complete in September. The old City Shops building will be decommissioned and prepared for leasing. Phase 1 is an environmental assessment and removing the old fueling station. The target date for leasing is December 1<sup>st</sup>.
- County Road Bridge: Staff is coordinating the review of the final construction and environmental documents with CDOT and the Federal Highway Authority. The project is expected to bid in late fall; construction to begin in late 2015 and be completed in the spring of 2016.
- Via Appia Paving Project: The concrete project is expected to start later this month. The milling and resurfacing work will begin in late August and completed in early September.
- South Street Underpass: Staff attended a meeting sponsored by the Colorado Municipal League. Representatives from the Union Pacific and Burlington Northern Santa Fe Railroads were present. Louisville and other municipalities voiced their frustrations on how slowly the railroad responds to various construction projects. The City's representative believes the South Street Underpass could begin in 2016 and completed in 2017.
- Waste Water Treatment Plant: Earthwork is currently underway for the new basins. The work will take 18 months.
- Dillon Road Project: Staff is finalizing construction plans to repair the bridge over Coal Creek on Dillon Road.

## **REGULAR BUSINESS**

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### **RELAY FOR LIFE PROCLAMATION**

Mayor Muckle read the proclamation for the annual Relay for Life of East Boulder County. This year's event will be held on August 1<sup>st</sup> at Waneka Lake in Lafayette. The American Cancer Society will also sponsor a "Paint the Town Purple" event to raise cancer awareness in conjunction with the July 25<sup>th</sup> Street Faire. He presented the proclamation to Lynn Wooton of the American Cancer Society.

**RESOLUTION No. 44, SERIES 2015, A RESOLUTION APPROVING A SPECIAL REVIEW USE (SRU) TO OPERATE A PRESCHOOL/DAYCARE AT 1970 CENTENNIAL DRIVE**

Mayor Muckle requested a staff presentation.

Planning and Building Safety Director Russ explained Resolution No. 44, Series 2015, approves a Special Review use (SRU) to operate a Preschool/Daycare at 1970 Centennial Drive. The property is zoned Community-Commercial (CC), which requires a SRU. La Petite School operated between 1983 and 2009 with 108 students, ages 2 and up. The facility includes parking for 12 vehicles and contains a playground area.

This facility owner has another daycare in Boulder, which has between 75 and 90 children from the age of 2.5 to 8. They have 10 to 14 full time staff members and operate Monday through Friday from 7:30 a.m. to 5:30 p.m. The majority of drop offs are after 8:30 a.m. There are no proposed changes to the site plan.

Staff reviewed the request and determined the proposal meets the 5 SRU criteria and recommended approval of the Special Review Use (SRU) for the Active Louisville Kids daycare/pre-school located at 1970 Centennial Drive.

**COUNCIL COMMENTS**

Council member Stolzmann disclosed she read an article in the Boulder Daily Camera on this facility, but did not feel it would impact her ability to judge this application fairly.

**APPLICANT PRESENTATION**

Kristen Argow Heaton, 820 Sparta Drive, Lafayette, CO agreed with the presentation made by the City staff, but noted the proposed use would change to include infants (6 months) and children up to the age of 6.

Council member Loo asked for clarification on the children's ages. Ms. Heaton clarified the age would be from 6 months to 6 years of age.

Mr. Heaton explained this facility will have licensed programs for residents of Louisville and Superior. She presented a video on the Active Boulder Preschool/Day Care Center, which outlined their programs for children and testimonials from parents. She stressed the Louisville facility will have the same programs as those in the Boulder facility. She noted there are parents present who wish to speak in support of the application.

Mayor Muckle inquired whether there were any comments from surrounding neighbors. It was confirmed there were no comments.

## PUBLIC COMMENTS

Carl Wittenbacker, Louisville, Co voiced his support for the Active Louisville facility.

Mary Ann Martin, 1752 W. Barberry Circle, Louisville, CO voiced her support for the Active Louisville facility and the infant care proposal. She supported Kristen's approach and philosophy.

Brendan Line, Louisville, CO also supported the Active Louisville Daycare application.

## COUNCIL COMMENTS

Council member Stolzmann commented the application met all the SRU criteria, particularly No. 1 and No. 2 given it was a daycare facility in the previous use.

MOTION: Council member Lipton moved to approve Resolution No. 44, Series 2015, seconded by Council member Keany.

Mayor Pro Tem Dalton asked City Attorney Light if the resolution should be amended given the ages of the children. City Attorney Light asked Planning and Building Safety Director Russ if he had any concern relative the number of infants at the facility. Planning and Building Safety Director Russ explained staff would only be concerned over the number of employees and visitors in terms of the number of parking spaces. The internal operations of the daycare facility would be a state issue.

VOTE: All were in favor.

## **DELO PLAZA (CONTINUED FROM 06/02/2015)**

- 1. ORDINANCE No. 1693, SERIES 2015 – AN ORDINANCE APPROVING A REZONING OF A 3.9-ACRE PARCEL OF LAND LOCATED AT 1055 COURTESY ROAD FROM CITY OF LOUISVILLE INDUSTRIAL (I) ZONING TO CITY OF LOUISVILLE COMMUNITY-COMMERCIAL (CC) AND CITY OF LOUISVILLE MIXED-USE RESIDENTIAL (MU-R) FOR THE DEVELOPMENT OF DELO PLAZA – 2<sup>nd</sup> Reading – Public Hearing**
- 2. RESOLUTION No. 36, SERIES 2015 – A RESOLUTION APPROVING A FINAL PLAT, FINAL PLANNED UNIT DEVELOPMENT (PUD), AND SPECIAL REVIEW USE (SRU) FOR THE REDEVELOPMENT OF A 3.9-ACRE PROPERTY WITHIN THE CORE PROJECT AREA REFERRED TO AS DELO PLAZA AND INCLUDING THE ADDITION OF APPROXIMATELY 19,308 – 23,000 SQ. FT. OF COMMERCIAL SPACE**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1693, Series 2015 and Resolution No. 36, Series 2015. He noted this is a continuation of a public hearing. The presentation will be on both items and members of the public may comment on either agenda item.

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

Planning and Building Safety Director Russ explained Ordinance No. 1693, Series 2015 approves the rezoning of 3.9-acres located at 1055 Courtesy Road from City of Louisville Industrial (I) Zoning to City of Louisville Commercial Community (CC) and City of Louisville Mixed-Use Residential (MU-R). Resolution No. 36, Series 2015 approved a Rezoning, Final Plat, Final Planned Unit Development (PUD), and Special Review Use (SRU) for the redevelopment of the 3.9 acres property within the core project area. The redevelopment includes the addition of approximately 19,308- 23,000 SF of commercial space.

Rezoning: The property is currently zoned Industrial. Redevelopment of this parcel requires rezoning to comply with Exhibit A. The request is to rezone to CC-Hwy 42 and MU-R- Parking. The purpose of the request is for 23,000 SF of commercial development, a 70 space City parking lot and an extension of Cannon Street.

At the March 12, 2015 Planning Commission meeting, Staff recommended approval of the requested rezoning, final plat, final PUD and SRU for DELO Plaza, with conditions (prior to recordation of the plat). The applicant did not accept staff's conditions. The Planning Commission reviewed the application without conditions and recommended the City Council deny the request. On May 5, 2015 the application was reviewed by the City Council. Council directed staff to work with the applicant on conditions of approval to eliminate the following items identified in the Planning report:

1. The proposed development requires a waiver to the maximum allowed parking spaces. To justify this parking excess, applicant shall develop a shared parking agreement with the City for the private surface parking lot for events at Miners Field and larger downtown special events. The applicant modified the site plan to create 7 to 10 additional permanent on-street public parking spaces on the north side of South Street. Staff believes this condition has been met with the modified site plan.
2. All Signs, including any monument sign, shall comply with Chapter 7 of the CDDSG, as well as Section 17.24 of the LMC, including a 10 foot setback from right-of-way. The applicant has included a note in the PUD stating all signs will comply with the sign standards in the CDDSG. Staff believes this condition has been met.
3. The applicant shall continue to work with Public Works on addressing the comments shown in the February 11, 2015 memo. Staff recommended keeping this blanket condition in the PUD so staff may continue to work with the applicant on the outstanding items. The applicant is comfortable with the condition.

4. The proposed sidewalks shall match the sidewalk design included in the Highway 42 Plan. The applicant has provided a note in the PUD stating the sidewalk will match the sidewalk design in the Highway 42 Plan. Staff believes this condition has been met.
5. Because the Hwy 42 sidewalk is required, the applicant shall modify the landscape sheets prior to recordation to remove the parking stalls, located along Highway 42, and replace them with low growing shrubs and other landscaping. The applicant shall also include an east/west sidewalk, connecting Highway 42 to the larger commercial building, via a sidewalk located within a landscape island. The applicant has modified the PUD to comply with this condition. Staff believes this condition has been met.
6. Staff requests the applicant preserve as many of the existing trees as possible. The applicant shall work with the City Forester and Parks Project Manager, at time of construction drawings, to determine which trees may be preserved. The applicant has modified the PUD to comply with this condition. Staff believes this condition has been met.
7. The applicant shall improve the accessibility of the rear of the project to the adjoining public parking lot. The applicant has provided multiple access points between the project and the adjoining public parking lot. Staff believes this condition has been met.
8. The west façade of the building shall have some architectural character. The applicant has provided “eyebrow” awnings over the rear doors on the western façade as well as areas designated for future murals. The applicant has also increased the landscape buffer/screening between the project and parking area. Staff believes this condition has been met.

Special Review Use: The MUDDSG requires an SRU for “City, State and Federal uses and buildings”. This property is proposed to be used as a City parking lot. Staff believed the parking facility request meets all five SRU Criteria.

Staff Recommendation: Staff recommended the City Council approve Ordinance No. 1693, Series 2015, and Resolution No. 36, Series 2015, which approves the rezoning, final plat, final PUD and RU for DELO Plaza, with the following condition.

1. The applicant shall continue to work with Public Works on addressing the comments shown in the February 22, 2015 memo.

#### APPLICANT PRESENTATION

Justin McClure, 21 S. Sunset Street, Longmont, CO and 105 Cherrywood Lane, Louisville, CO, representing the applicant, stated he was available to respond to Council’s questions.

#### COUNCIL COMMENTS

Council member Stolzmann noted the packet materials stated the signage would comply with the standards. She asked if there were any renderings of the signs. Mr. McClure explained the rendering of the signs and associated annotations with the final development plan have been resubmitted to the City staff and are compliant with the CDDSG.

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

City Attorney Light explained there is a proposed second reading amendment to Ordinance No. 1693, Series 2015, which would add the following:

Section 2. The zoning amendment provided for in this ordinance shall be effective only upon the conveyance to the City of Lot 4, Delo Plaza Subdivision (per plat approved by Resolution No. 36, Series 2015), in accordance with the terms of the Purchase and Sale Agreement therefor. In the event such conveyance does not occur, the zoning amendment provided for in this ordinance shall not take effect.

City Attorney Light requested the second reading amendment to Ordinance No. 1693, Series 2015 be included in the motion. He explained this Plat and PUD is part of the purchase and sales agreement for Lot 4, which would be a parking facility for the City. There were certain zoning terms and conditions subject to City Council decisions over land use matters.

Mayor Muckle noted the City Council reviewed this development earlier in the year and the City staff and the applicant made a lengthy presentation.

#### **ORDINANCE No. 1693, SERIES 2015**

MOTION: Council member Keany moved to approve Ordinance No. 1693, Series 2015, including the second reading amendment (Section 2) as outlined by the City Attorney, seconded by Mayor Pro Tem Dalton. Roll call vote was taken. The motion carried by a vote of 7-0.

#### **RESOLUTION No. 36, SERIES 2015**

MOTION: Mayor Muckle moved to approve Resolution No. 36, Series 2015, seconded by Council member Keany. All were in favor.

#### **RESOLUTION No. 45, SERIES 2015 – A RESOLUTION APPROVING A PRELIMINARY SUBDIVISION PLAT AND PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD) FOR 245 NORTH 96<sup>TH</sup> STREET TO ALLOW THE DEVELOPMENT OF 231 RESIDENTIAL UNITS AND 18,406 SF OF COMMERCIAL DEVELOPMENT**

Mayor Muckle requested a staff presentation.

Planning and Building Safety Director Russ explained the resolution recommends approval of the Preliminary Subdivision Plat and Preliminary Planned Unit Development (PUD) for 245 North 96<sup>th</sup> Street to allow the development of 231 residential units and 18,406 SF of commercial space.

Preliminary Plat & PUD: 13.404 Acres with a PCZD-C/R Zoning for 231 dwelling units and 18,404 SF of Commercial. There are four Planning Areas: A) Commercial 18,404 SF; A) Residential – 28 units; B) Residential – 103 units (Senior Living); C) 69 Residential Units; D) 31 Residential Units. Plat: 13 acres. Block size varies between 300' and 350', which is consistent with Chapter 16.

Streets and Alleys: The streets proposed are intended to serve local traffic and provide alternative routing options to Hwy. 42 and a small amount of through-traffic west of Hwy 42. West Hecla Drive is identified as a collector road and Kaylix Avenue as a local street. Right-of-ways and street widths match the right-of-ways and street widths of the existing portions of both West Hecla Drive and Kaylix Avenue within the Takoda (Steel Ranch) subdivision.

Total Public Land Dedication: The applicant is obligated to dedicate 1.93 acres of unencumbered public land. The applicant is proposing to provide 1.626 acres of public land with only .4 acres being unencumbered. The LMC requires the applicant provide a payment in lieu for the remaining .304 acres of required public land dedication.

Planned Unit Development – Land Use Mix includes a bike trail; market rate housing; affordable multifamily units; affordable senior multifamily units; community orchard; a neighborhood park; community center; Live Work and commercial development.

Easement Holders: City of Lafayette (water line) and Xcel utility Easements. Staff recommended approval of the Preliminary PUD be conditioned on the applicant providing as part of the Final PUD application an executed easement use agreement between the City of Lafayette and BCHA allowing the County to construct surface improvements proposed on the City of Lafayette's utility easement.

Drainage/Goodhue Ditch: Staff recommends a condition of approval of the Preliminary PUD requiring an agreement between the Goodhue Ditch Company and BCHA be executed and submitted as part of the Final PUD application.

Planned United Development (PUD) – A multi-phased development: Phase 1 Phasing Project: Affordable Senior Housing, Multi-family Housing and Market rate units.-

Staff recommendation: Staff recommended approval of the Preliminary Plat and Preliminary PUD for the 245 North 96<sup>th</sup> Street Development with five conditions:

1. The applicant shall provide an emergency access plan using the Fire District apparatus dimensions as part of the final Plat and PUD submittal. The emergency access plan shall demonstrate all corners are navigable before the City of Louisville and the Louisville Fire Protection District give final approval to the requested street sections.
2. The public land dedication recommendation for the property shall be resolved between City staff and the applicant prior to the submittal of the Final Plat.
3. The applicant shall provide as part of the Final PUD application, an executed easement use agreement between the City of Lafayette and BCHA allowing the County to construct surface improvements proposed on the City of Lafayette's utility easement.
4. The applicant shall provide as part of the Final PUD application an executed agreement between the Goodhue Ditch Company and BCHA.
5. The applicant shall provide as part of the Final PUD application an executed easement use agreement between Xcel Energy and BCHA for the County to construct surface improvements proposed on Public Service Company of Colorado's utility easement.

#### APPLICANT PRESENTATION

Norrie Boyd, Boulder County Housing Authority, 2525 13<sup>th</sup> Street, Boulder, CO introduced Master Planner Nicole Delmage of Barrett Studio Architects. Ms. Boyd explained the project has been renamed Kestrel, which is a small falcon found throughout Boulder County. The Kestrel represents the organization's philosophy of upward momentum toward self-sufficiency. This project provides housing for a diversity of residents; working families, the elderly, people with disabilities and self-sufficient clients with a strong connection to the local community. Programs in place include Longs Peak Energy Conservation and Housing Choice vouchers program in the rental units and for the new construction. The County owns and manages 611 units in seven Boulder County communities.

The design team, Barrett Studio Architects, is working on the master plan; the design of the community building and the live work component. Humphreys Poli is the architectural firm designing the senior and multi-family units. Olsen and Associates is the Civil Engineering firm assisting with the Goodhue Ditch, Xcel Energy and CDOT and Noel Underwhite is the contractor. The Boulder County partners are Finance, Housing & Human Services, Mental Health and Imagine.

Nicole Delmage, Barrett Studio Architects, 1944 20<sup>th</sup> Street, Boulder, CO reviewed the regional trail connections, and the Hwy 42 improvements, street networks, and mix of land uses. She stressed the regional trail connections are a high priority for the City and the region. Multiple use trails will be linked through this site. The design allows for the Highway 42 improvements through a dedication to CDOT; there is a good use of property mixes throughout the site. The street networking is an important component to the City, which will relieve traffic stress throughout this area of the City.

The guiding principles for the design are affordability, connectivity, sustainability and diversity. The Master Plan features include family and senior housing, mixed use and live work, walkable areas which connect to trails and street network, including a walking loop, a community center, multiple play areas and sustainability.

Community Feedback: The County hosted six community meetings and has bi-weekly meetings with the Louisville Planning staff. As a result of those meetings, they have increased the number of one bedroom units and created smaller scaled buildings to respect pedestrian scale and community gardens were added. There were also changes made in the community building based on neighborhood input about design and materials, landscaping and public art. To address public questions relative to building size and materials, 3D imagery was used. With public feedback the 3D imagery illustrates how the design has evolved.

Ms. Boyd outlined the project schedule: October 2014 – Entitlements; December 2015 – Financing Closing / Begin Construction / Underground Ditch; 2<sup>nd</sup> Quarter 2017 - Senior Housing Building Complete; 2<sup>nd</sup> Quarter 2017 - Family Building Complete; Late in 2016 – Begin Leasing for Senior Housing and Early in 2017 – Begin Leasing Family Housing. She explained the BCHA has established an interest list. She reviewed the housing options for rental rates for one-bedroom, two bedroom and three bedroom units and noted all units are income limited. The BCHA will host two community meetings on July 29<sup>th</sup> at the Louisville Senior Center

Mayor Muckle requested the PowerPoint Presentation be submitted into the record.

#### PUBLIC COMMENT

Randy Caranci, 441 Elk Trail, Lafayette, CO addressed market rate housing and the City's contribution to the project. He asked if the senior and affordable housing units were for rent or for sale. It was confirmed it was for rent. He asked if flood displaced victims would have first preference. It was confirmed flood displaced victims would have first preference. He asked if the income limit was capped or is it the minimum requirement. It was confirmed it was capped.

#### COUNCIL COMMENT

Mayor Muckle clarified the City's contribution to the project will only be for the senior/affordable housing project and not the market rate housing units.

Council member Loo inquired about the difference between the interest list and the preference list. Ms. Boyd explained the interest list is only to keep people informed about the project. The actual leasing process will have a leasing agreement, which will stipulate the preference. The preference policy is shared and reviewed by the financial lenders, the Colorado Financing Authority and the Office Fair Housing/HUD and they grant approval of the policy.

## PUBLIC COMMENT

Debbie Fahey, 1118 W. Enclave Circle, Louisville, CO stated this project will be a wonderful addition to Louisville because it serves seniors, low-income families and people with disabilities. She expressed concern for the safety of crossing over Highway 42, South Boulder Road and the railroad tracks. She urged Council to move forward with addressing these connections.

## COUNCIL COMMENTS

Council member Loo requested clarification on the 31 units, and asked if Council will see the placement of the buildings in the Final PUD or would it be blank. Planning and Building Safety Director Russ explained it will probably be phased and appear blank on the PUD. Ms. Boyd explained there has not been any written commitment on the for-sale or commercial component. The County will actively market those properties and contract with a broker for the for-sale housing and commercial sites.

Council member Loo asked Public Works Director Kowar for clarification on the challenges of channeling storm water into the drainage ditch. Public Works Director Kowar explained the challenge is the ditch company because it is not a right to use the irrigation ditch for stormwater. He explained this particular case is not in the manual, but is a practice. There are other areas in Louisville where this is a documented practice, some not documented and some are historic.

Council member Loo inquired about other types of property using this practice. Planning and Building Safety Director Russ explained there is one on South Boulder Road west of Via Appia, where the City has an agreement with the Goodhue Ditch Company.

Council member Lipton explained the concern centers on the liability of putting drainage into the ditch and that is why a carriage agreement is put into place to accommodate the additional flows. Public Works Director Kowar stated this development will have a stormwater pond to capture the improved flows and the agreement deals with historical flows.

Council member Loo inquired about the encumbered land for public land dedication. Planning and Building Safety Director Russ stated staff is working with the applicant on an agreement for the County to do the maintenance and this is a condition of approval.

Council member Loo was not in favor of the City accepting any maintenance on the orchards. She also expressed her concern over the prairie dogs located on the property and asked if staff had considered a condition the applicant be required to remove them. Planning and Building Safety Director Russ explained the Louisville Municipal Code does not provide any guidance on this matter.

Council member Loo felt the prairie dogs would be a problem. Planning and Building Safety Director Russ stated the applicant has a mitigation plan. Ms. Boyd explained as part of the County's due diligence and environmental review, a habitat analysis and a prairie dog count was done. There are between 102 and 136 prairie dogs on the site. The County will do live relocations and is working with the State for relocation permits and getting estimates for relocating services.

Council member Stolzmann thanked the County for working with the City in addressing the affordability issues in Louisville. She explained Louisville is a very desirable community because of the open land and parks. She voiced her hope this new development has the same opportunities as the rest of the community. She requested Council direct staff to stick to the LMC to address desirable land dedication. She quoted the LMC, which stated "retention ponds and other lands left solely for the purpose of the development, such as land under power lines, shall not be considered land dedication".

Mayor Muckle agreed public land is very important to Louisville. He was open to looking at the trail benefit on encumbered land and supported the orchard. He reminded the transportation colleagues at the County the City would like to see the underpass project brought forward at the same time. Deputy City Manager Balser reported staff met with Boulder County Transportation staff today to go over the CIP list of projects and Highway 42 is on schedule.

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

#### **RESOLUTION No. 45, SERIES 2015**

MOTION: Mayor Muckle moved to approve Resolution No. 45, Series 2015, seconded by Mayor Pro Tem Dalton.

Council member Stolzmann asked for Council consensus for staff direction on the public land dedication. Planning and Building Safety Director Russ explained the detention drainage area is the orchard and current conversations include the County maintaining it. The public land dedication is not ponds or under power lines. Only the trails and the orchard are on encumbered land. If Council requires a no encumbered land dedication, there may be a request by the applicant for cash in-lieu.

Council member Lipton was more concerned over the encumbered land which requires maintenance. Mayor Muckle was comfortable about the direction to the staff.

VOTE: All in favor.

#### **ORDINANCE No. 1695, SERIES 2015 – AN ORDINANCE APPROVING A LEASE PURCHASE AGREEMENT WITH ALPINE BANK FOR 145.89**

**KILOWATT CAPACITY OF COMMUNITY SOLAR WITH CLEAN ENERGY  
COLLECTIVE – 2<sup>nd</sup> Reading –Public Hearing**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No.1695, Series 2015.

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

Public Works Director Kowar explained the Clean Energy Collection proposal for an investment in community solar panel arrays. The proposal provides for a lease purchase agreement for community solar capacity in the amount of 145,890 watts. The proposal was based upon a return on investment for electricity usage at the Sid Copeland Water Treatment Facility and Louisville Sports Complex, which experience peaking factors escalating average monthly bill costs.

The proposed 15-year agreement provides for a lease purchase of 606 solar panels representing 145.89 kilowatts of capacity with an initial estimated annual output of 245,686 kilowatt-hours of energy. The proposal represents non tax exempt financing at a rate of 4.75% until April 24, 2018. The City may then, through written communication, request a tax exempt rate at 3.50%. This results in a net reduction in the City's costs for electricity over a 20 year life cycle of \$631,883.

Staff supported the lease agreement and believes it will increase the solar capacity within the City by 50% and help offset the demand rates for the City's larger facilities. He introduced Amy Thompson from Clean Energy Collection, who would address Council's questions.

Staff Recommendation: Staff recommended the City Council approve the lease with Alpine Bank.

**COUNCIL COMMENT**

Council member Lipton requested more information on the non-tax exempt financing, which could be converted to a tax exempt financing at a later time. City Attorney Light explained for the initial period of five years, in order for the private investors to get the tax exemption, there cannot be public use of the financing facility. Restrictions prohibit ownership to rest with the City during the initial five year period. After five years the City may request a tax exempt rate to convert it to a beneficial public use for tax purposes.

Public Works Director Kowar explained there are specific attorneys who review the agreement for qualification, which affects the lending rate Alpine Bank can offer.

**PUBLIC COMMENT**

Debbie Fahey, 1118 W. Enclave Circle, Louisville, CO supported the use of solar or any alternative energy. She noted the 50-year benefits are the 50 million pounds of CO<sub>2</sub>, not be put into the atmosphere; 20 million car travels avoided; and 28,000 trees planted. She urged Council to approve the agreement no matter what the cost because it will benefit the earth and the health and well-being of the residents.

## COUNCIL COMMENT

Mayor Muckle asked whether this amount of solar energy was sufficient to avoid the peaking prices. Public Works Director Kowar explained it does not affect all of the peaking factors on all the City facilities and additional agreements can be explored in the future.

Council member Lipton addressed the rate of nearly 50 cents per kilowatt hours for power on 1200 Courtesy Road. He asked if it represented the cost during peaking hours. Public Works Director Kowar confirmed it was during peak hours.

Council member Lipton asked if the City's cost will go down after the solar array is in place. Public Works Director Kowar stated there will still be a peaking demand cost, but bill credits and renewal energy credits will offset the costs.

Council member Lipton felt the City should look at some aggressive options to reduce the rate from other solar option or reduced demand. He felt this should be discussed at a later time.

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

Council member Stolzmann agreed with Debbie Fahey's comments. She also agreed with Council member Lipton that this should be discussed at a future meeting.

MOTION: Council member Stolzmann moved to approve Ordinance No. 1695, Series 2015, seconded by Council member Loo. Roll call vote was taken. The motion carried by a vote of 7-0.

## **DISCUSSION/DIRECTION/ACTION - DOWNTOWN PARKING IMPROVEMENTS**

Mayor Muckle requested a staff presentation.

Public Works Director Kowar reviewed how the parking for special events affects streets in Downtown, Old Town and around the Community. Staff evaluated several options for improving parking in the area currently most impacted in Downtown and Old Town. These options include the following: 1) No Parking Signs Only; 2) Curb Painting; 3) No Parking Signs and Curb Painting and 4) Parking Space Markings extended one block from Main Street.

Staff requested Council direction on whether to (1) implement any of the options described above in 2015 and request a subsequent budget amendment, (2) identify a preferred alternative and proposed funding in the 2016 budget for implementation in 2016, or (3) maintain the existing level of parking markings and enforcement.

## COUNCIL COMMENTS

Mayor Muckle favored painting curbs and suggested beginning in the downtown area.

Council member Lipton was in favor of signs. He felt signs have a lower initial cost and the cost for ongoing maintenance is also lower. He felt the stencils are difficult to see, but signs are very explicit where parking is allowed or prohibited. He supported starting with signs because it is customary. He felt enforcement is difficult with stencils and painted curbs. Council member Keany agreed.

Council member Stolzmann favored painting curbs red opposed to the proposed yellow. She suggested beginning with starter streets critical to the downtown area.

Mayor Muckle inquired whether the signs would be placed at the driveways and alleys. Public Works Director Kowar stated the signage would only be at dangerous intersections.

Council member Loo inquired about the public sentiment about signage or curb painting. Public Works Director Kowar has heard some preference for curb painting and stencils. He had not heard public demand for signage. City Manager Fleming commented he heard diverse comments; some want painted curbs, some want signs and some like the stencils.

Planning and Building Safety Director Russ stated the Parking Committee was interested in getting cars off the corners.

Council member Loo asked Chief Hayes if he has a preference on enforcement on parking signs or curb painting. Chief Hayes explained the police department prefers a clear indication of what is allowed and what is prohibited. He explained because there may not be a sign, it would not prohibit the police department from doing parking enforcement. The direction given to police officers and parking ambassadors has been to look at cars parked too close to intersections, which may cause a safety hazard. Whether the Council approves signs or curb painting, the police department is interested in public safety. To date, from the Street Faire and the Taste of Louisville, 109 tickets have been written for safety violations, 58 written warning were issued and 54 verbal warning were given.

Mayor Pro Tem Dalton felt Public Works Director Kowar's description of placing signs at dangerous intersections was vague. He felt staff should present a more comprehensive list, but until then, Council should direct staff to install signs in the downtown area.

Council member Leh asked if there is any information about which option the public would obey. Planning and Building Safety Director Russ stated it would be the most conspicuous option. The key recommendation from the Downtown Parking Committee was to provide help to the police department to enforce the laws. The proposal for placement of signs is an attempt to assist the police department. The cost estimates presented was for the core area of downtown; from Front Street to Lincoln and from Short to Elm Street. This is the area most affected by Street Faire, downtown events and from Memory Square events.

Council member Stolzmann stated on the City's Web the parking plan includes one street west of Lincoln to include the elementary school.

Mayor Muckle summarized parking signs should focus on the highest priority streets and intersections; around the schools. Council members Leh, Lipton and Keany agreed.

Council members Loo and Stolzmann preferred painted curbs. Council member Stolzmann explained she favored painted curbs because the sidewalks are narrower in Old Town. For long range planning she felt curb bollout parking should not be allowed.

**COUNCIL DIRECTION:** There was Council consensus for signs to be installed beginning in 2015.

Council member Stolzmann felt some spaces are too close to the intersection and suggested measuring those spaces and moving them back appropriately.

#### **PUBLIC COMMENT**

Michael Menaker, 1816 Choke Cherry Drive, Louisville, CO stated he reviewed the guidelines for curb markings and the standard is red paint. He supported painting curbs red and noted it would be less expensive. Council member Keany explained, according to staff's calculations, curb painting is more expensive than no parking signs.

Council member Keany assumed the street with bulbouts would not be signed. Public Works Director Kowar confirmed the signage would not include streets with bulbouts.

Council member Stolzmann asked if Council supports looking at the spaces too close to the intersection. There was Council consensus.

#### **DISCUSSION/DIRECTION - SPECIAL EVENTS PERMITTING**

Mayor Muckle requested a staff presentation.

Public Relations Manager Muth explained in June, Council asked staff how special event permits are issued and if staff limits or denies events, which may compete with another event in town. Staff does not limit permits or make any determinations as to

what events may or may not compete with other events. Currently, any applicant who submits a complete application and can meet the conditions placed on the event is permitted. The following events do get priority booking of facilities: City events; the Downtown Business Association's Street Faire; Chamber of Commerce's Taste of Louisville and Pints in the Park, and the Farmer's Market.

Fees: Council asked staff if we charge a lower rate for non-profit event permits compared to for profit events. Staff does not. Past experience has been that many organizations will bring on board a non-profit 501c3 simply to use their name to apply for the permit. This has been a frequent case with liquor permits as State law requires Special Event Liquor Permits only be given to a non-profit. When this happens, staff works with the applicant on permitting issues only to find the applicant is really in name only and the group actually working the event is someone else. This has created communication problems with some events and leads to a problem with who is agreeing to conditions on a permit and who is providing insurance for the event.

The DBA and the Chamber are not charged fees for their special event permits as the City is a co-sponsor of their events either directly with funding or indirectly with in kind donations of City staff time and equipment. Currently the fee is \$200, and it does not cover the staff time involved in reviewing and approving a permit. At this time staff is considering doubling the fee to \$400 for 2016.

Summary: Staff does not think it is appropriate for permits to be reviewed to determine if an event competes with another event in town. As these are public spaces, anyone who applies and can meet the City's permitting criteria should be allowed to use the space. If criteria are needed to limit events, it would have to be very specific to enable staff to implement them on a case-by-case basis.

#### COUNCIL COMMENT

Council member Loo asked if there were any legal aspects to limiting events. City Attorney Light explained in order to avoid legal problems the process must be transparent and equitable. Also a special event permit should not be denied for an improper reason.. He stated the special event permit should allocate the resources in an equitable way. He stated Council may want to direct staff to define a set of criteria to manage the calendar.

Council member Leh asked if there were would be a problem in adding criteria requiring a positive impact on Louisville. City Attorney Light explained such criteria would require a set of evaluation points

Mayor Muckle stated the Council will review the special events permitting process this year, but he did not anticipate it would change any events this fall.

Public Relations Manager Muth addressed Council member Leh's question relative to an event making a positive impact on Louisville. She noted staff struggles with this as well as what an event promoter may think is a positive impact such as bringing lots of people to town, may not be a positive impact for residents near the event.

#### PUBLIC COMMENT

Sarah Giammaria, Louisville Chamber of Commerce Vice-President, 801 Main Street, Ste. 300, Louisville, CO expressed concern for their "Pints in the Park" event in August. They would like a consideration to be added to the policy on giving permits to events which will directly impact one another in the same venue. The Chamber's concern is not another beer festival; it is with venue, proximity and date. The City approved a "Pizza and Pints" event, which will cause confusion with the Chamber's "Pints in the Park" events. The Chamber requests the Council dig deeper into the policy to ensure similar events do not impact one another.

#### COUNCIL COMMENTS

Mayor Pro Tem Dalton asked Ms. Giammaria for suggestions on how to change the City's policy to address similar events and times and how to draw the line on events. Ms. Giammaria felt events with a similar name in a similar time frame; should be separated by at least four months or by different seasons.

Council member Loo asked if the Chamber spoke to Boulder Creek Events about their name of the event. Ms. Giammaria stated this was brought to the Chambers' attention after the permit was approved.

Council member Loo asked if their event has been trademarked. Ms. Giammaria explained they do not have the same name, but the events are similar enough in name to cause confusion.

#### PUBLIC COMMENT

Karen Pickering, Grouse Court, Louisville, CO, Louisville Chamber of Commerce Director, voiced her confusion over the special events liquor laws for non-profit 501c3. Public Relations Manager Muth explained the Colorado Liquor Laws only allow non-profit 501c3 organizations to apply for special events liquor permits and Boulder Creek Events is a 501c3 organization.

Wayne Varra, 224 Main Street, Louisville, CO, Louisville Chamber of Commerce President had two concerns with the Boulder Creek event. As his home borders Community Park, he was concerned about the late hour and number of people attending this event. He felt they would negatively impact the neighborhood. His second concern centered on the number of similar beer events in the same area and timeframe. He felt there should be some sort of non-compete clause.

Deb Kolaras, Louisville Chamber of Commerce, noted all of the Chambers in the area coordinate their events so as not to impact any other planned event.

#### COUNCIL COMMENTS

Council member Leh was troubled by a request to direct staff to choose one event over another.

Council member Stolzmann agreed there is a problem with similar events and she understood the Chamber's position. She felt this should be reviewed in the fall and limits be put on the number of events per year. She favored setting criteria for staff.

Council member Lipton favored reviewing and discussing this matter in October. Mayor Pro Tem Dalton agreed.

Mayor Muckle agreed with discussing this matter in the fall. He suggested the Chamber reach out to Boulder Creek Events to ask them to help promote the Chamber event.

#### PUBLIC COMMENT

Sarah Giammaria, Louisville Chamber of Commerce, stated when Boulder Creek proposed their event, they were turned away by other cities.

COUNCIL DIRECTION: There was Council consensus to discuss this matter further in the fall.

#### **SALE OF 637 FRONT STREET**

- 1. RESOLUTION No. 48, SERIES 2015 – A RESOLUTION APPROVING A PURCHASE AND SALES AGREEMENT FOR THE CITY'S DISPOSITION OF PROPERTY LEGALLY DESCRIBED AS LOTS 1 AND 2, BLOCK 4, TOWN OF LOUISVILLE, BOULDER COUNTY, COLORADO, AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH**
- 2. ORDINANCE No. 1698, SERIES 2015 – AN ORDINANCE AUTHORIZING THE SALE AND CONVEYANCE OF PROPERTY OWNED BY THE CITY AND DESCRIBED AS LOTS 1 AND 2, BLOCK 4, TOWN OF LOUISVILLE AND APPROVING A PARKING LEASE AGREEMENT AND REVOCABLE LICENSE AGREEMENT IN CONNECTION WITH SALE – 1<sup>st</sup> Reading – Set Public Hearing 07/28/2015**

Mayor Muckle requested a City Attorney introduction.  
City Attorney Light introduced Ordinance No. 1698, Series 2015.

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

Economic Development Director DeJong reviewed the background of the property located at 637 and 611 Front Street. The City purchased the property in 2008 (Lots 1-6) for \$1,500,000. It was leased to the United States Post Office for \$83,500 per year until March of 2009. In 2010 the City approved a 10 year lease to Lucky Pie for 637 Front Street. 611 Front Street was leased to Radcliff Upholstery and Alta Alma Organics until May of 2015.

Lucky Pie and Sweet Cow are strong additions to downtown and have invested over \$300,000 in the building and site. The City expanded the parking in 2012 and added more parking on Lot 6 in 2015. The owner of Lucky Pie wants to continue to invest in the property, but would like to own the property to feel comfortable about the reinvestment. He plans to improve the kitchen, front of house and the bar area.

A commercial appraisal was done in 2013 by Graff Appraisals, who looked at Lots 1-5 (the purchase is for Lots 1-2). With the existing lease it was appraised at \$1,150,000. If the lease was a market lease at \$15/sf it would be \$1,360,000.

Summary: The offer is to purchase Lots 1-2 from Front Street Ventures, LLC, with a revocable license, which includes a loading dock and trash enclosure; parking lease for 12 spaces and a development restriction on height and on the number of stories.

Sales Agreement: Sale of Lots 1 and 2, Block 4, Town of Louisville, purchase price of \$1,200,000, with a deposit of \$60,000 and the balance due at closing and a 60 day examination. The purchaser shall have an ALTA survey prepared for the property and closing will occur within 120 days of the execution of the agreement. The purchaser may assign the agreement to a different entity wholly owned by purchaser. The purchaser's related entity will agree to terminate the existing lease upon the property.

The Parties agree to the Revocable License upon Lot 3, the Parking Lease upon Lot 3, and a Development Restriction upon Lots 1 and 2. This allows a portion of the loading dock and the trash enclosure to remain. The purchaser will be responsible for its care and maintenance. The City may terminate with 120 day notice. The purchaser must remove the building on Lot 3 at their expense.

Parking Lease: As the sale area does not meet the City's parking requirements the 12 stalls on Lot 3 will be leased at an annual rate of \$9,000 (increasing by CPI) for a 10-year period. The City may relocate the parking stalls as long as they are within 500 feet of the restaurant.

**Development Restriction:** Limits the property to no more than a two-story building at a maximum height of 30 feet. Preserves a smaller building on the SW corner of Pine and Front Street.

**Summary:** The purchase price of \$1,200,000 for Lots 1 - 2 is greater than the as-is appraisal conducted in January 2013 for Lots 1-5. This sale is only for Lots 1 and 2 and allows for Lucky Pie to reinvest in the property and helps to ensure a successful Louisville business remains in the community. It unencumbers 16 existing parking spaces. The remaining land can still accommodate parking and the City will receive \$9,000 in annual parking lease revenue. It ensures a maximum two story building on a key downtown corner should the property be redeveloped.

**Staff Recommendation:** Adopt Resolution No. 48, Series 2015 to approve the Purchase and Sale Agreement, Parking Lease, Revocable License, and Development Restriction for Lots 1 and 2 Block 4, Town of Louisville and approve Ordinance No. 1698, Series 2015 on first reading and set a public hearing for July 28, 2015.

## PUBLIC COMMENT

Michael Menaker, 1826 W. Choke Cherry Drive, Louisville, CO remembered when the City owned a vacant Post Office building, which could not be rented. He felt part of the success of downtown is the investment made by Lucky Pie and Sweet Cow. He urged Council to support the sales agreement. He noted the property was for parking solutions for downtown and requested the sale be dedicated to downtown parking.

Randy Caranci, 441 Elk Trail, Lafayette, CO voiced his surprise that there was not any mention of the emails sent to the City Council. He agreed with Mr. Andrew's summation of this proposed sales agreement. He did not support using an outdated appraisal or the low sale price for the property. He cited a state statute stipulating an election to sell public property. He urged Council to slow down the process and re-evaluate the sale of this process.

Brendon McManus, owner of Lucky Pie, stated Lucky Pie and Sweet Cow are very successful businesses and the next step to secure their futures would be to purchase the property. They feel purchasing the property is key to investing in their businesses, Louisville and their futures.

## COUNCIL QUESTIONS

Council member Leh stated his understanding the appraisal was for the entire parcel and not just one building. Economic Development Director DeJong explained the appraisal was for everything but 611 Front Street.

Council member Leh stated there has discussion relative to this property not being on the market and he asked Economic Development Director DeJong for confirmation.

Economic Development Director DeJong stated the property has not been on the market. City Manager Fleming explained the City marketed the property in 2009 for about one year. Then, through an RFP the City received two responses. Council member Stolzmann reported on positive feedback on these two businesses and she felt they are both popular places for residents. She requested the City acquire a current appraisal.

Council member Keany noted real estate in Louisville has changed a lot since 2013. He felt it was a stronger market. A property along Front Street recently sold for \$4 Million. He thought the Council had discussed holding on to City owned properties. He favored slowing down the process and looking at current market conditions in Louisville.

Council member Lipton felt the offer for the land was a good offer. He was concerned the Council was giving direction to staff to negotiate an agreement and once a good faith offer is received, the Council changes their minds. It's not fair to the buyers or the sellers and it is a bad business practice. He asked if the appraisal came in higher, would the City market the property and lose a valued tenant. Mayor Pro Tem Dalton agreed with Council member Lipton's comments.

Mayor Muckle addressed the history of the City's ownership of the property and explained the City purchased the land to provide parking downtown for a rail stop. RTD projects commuter rail coming to Louisville in 2042. The City will still maintain 2/3 of the property for parking. He addressed the issue of value and price and agreed with Council member Lipton and Mayor Pro Tem Dalton. He was prepared to take action this evening. Council member Loo agreed.

Council member Stolzmann felt the property should not be sold because the community enjoys the restaurant. She felt the money for the sale should be reserved for downtown parking. She supported getting an updated appraisal and questioned why the sales agreement includes the trash enclosure. Mayor Muckle agreed.

#### **RESOLUTION No. 48, SERIES 2015**

MOTION: Mayor Pro Tem Dalton moved to approve Resolution No. 48, Series 2015, seconded by Council member Loo. Roll call vote was taken. The motion carried by a vote of 5-2. Council members Keany and Stolzmann voted no.

#### **ORDINANCE No. 1698, SERIES 2015**

MOTION: Mayor Muckle moved to approve Ordinance No.1698, Series 2015 on first reading; ordered it published and set a public hearing for July 28, 2015, seconded by Mayor Pro Tem Dalton. The motion passed by a vote of 5-2. Council members Keany and Stolzmann voted no.

**ORDINANCE No. 1694, 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 – 1<sup>st</sup> Reading – Set Public Hearing 07/28/2015**

Mayor Muckle requested a City Attorney introduction.

City Attorney introduced Ordinance No. 1694, Series 2015.

MOTION: Mayor Muckle moved to approve Ordinance No.1694, Series 2015 on first reading; ordered it published and set a public hearing for July 28, 2015, seconded by Mayor Pro Tem Dalton. All were in favor.

**MCCASLIN MARKETPLACE – 994 W. DILLON ROAD**

- 1. ORDINANCE No 1696, SERIES 2015 – AN ORDINANCE APPROVING AN AMENDMENT TO THE CENTENNIAL VALLEY GENERAL DEVELOPMENT PLAN TO INCREASE THE RETAIL SQUARE FOOTAGE ALLOWED UNDER THE PLAN BY 7,259 SQUARE FEET AND AMEND CERTAIN USE RESTRICTIONS AFFECTING A PORTION OF PARCEL H -1<sup>st</sup> Reading Set Public Hearing 07/28/2015**
  
- 2. RESOLUTION No. 46, SERIES 2015, A RESOLUTION APPROVING THE 9<sup>TH</sup> AMENDMENT TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR CENTENNIAL VALLEY**
  
- 3. RESOLUTION No. 47, SERIES 2015 – A RESOLUTION APPROVING A FINAL PLANNED UNIT DEVELOPMENT AND GENERAL DEVELOPMENT PLAN AMENDMENT FOR A NEW 12,772 SQUARE FOOT, SINGLE STORY BUILDING WITH RETAIL AND RESTAURANT SPACE AT 994 W. DILLON ROAD**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1696, Series 2015 and reviewed the accompanying action documents.

**ORDINANCE No 1696, SERIES 2015**

MOTION: Mayor Muckle moved to approve Ordinance No.1696, Series 2015 on first reading; ordered it published and set a public hearing for July 28, 2015, seconded by Mayor Pro Tem Dalton. All were in favor.

**ORDINANCE No. 1697, SERIES 2015 – AN ORDINANCE AMENDING SECTIONS 3.08.030 AND 13.12.020 OF THE LOUISVILLE MUNICIPAL CODE TO ADDRESS WATER SERVICE CONNECTIONS AND WATER TAP FEES FOR LIVE-WORK LAND USES –1<sup>st</sup> Reading - Set Public Hearing 07/28/2015**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1697, Series 2015.

**COUNCIL COMMENT**

Council member Stolzmann requested more information at the next meeting. She asked how many users will be in this customer class; is the City creating a new customer class for billing; the billing tiers and will the two units be metered individually. She requested minutes of the Water Committee meeting. She asked if any City has made a customer class for these few number of users. She requested justification for creating customer classes in such a manner. She also requested information about restrictions on the properties.

MOTION: Mayor Muckle moved to approve Ordinance No.1697, Series 2015 on first reading; ordered it published and set a public hearing for July 28, 2015, seconded by Mayor Pro Tem Dalton. All were in favor.

**ORDINANCE No. 1699, SERIES 2015 – AN ORDINANCE APPROVING THE VACATION OF A .002 ACRE PORTION OF THE 50-FOOT WIDE UNIMPROVED SHORT STREET RIGHT-OF-WAY DEDICATED TO THE CITY BY THE PLAT OF INDUSTRIAL AREA SUBDIVISION IN THE CITY OF LOUISVILLE 1<sup>st</sup> Reading - Set Public Hearing 7/28/2015**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1699, Series 2015. This is a follow-up ordinance on the vacation.

MOTION: Mayor Muckle moved to approve Ordinance No. 1699, Series 2015 on first reading; ordered it published and set a public hearing for July 28, 2015, seconded by Council member Lipton. All were in favor.

**ORDINANCE No. 1700, SERIES 2015 – AN ORDINANCE AMENDING CHAPTER 13.32 OF THE LOUISVILLE MUNICIPAL CODE REGARDING SEWER USE REGULATIONS – 1<sup>st</sup> Reading – Set Public Hearing 07/28/2015**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1700, Series 2015.

MOTION: Mayor Muckle moved to approve Ordinance No. 1700, Series 2015 on first reading; ordered it published and set a public hearing for July 28, 2015, seconded by Council member Lipton. All were in favor.

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

No items to report.

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

Council member Stolzmann noted on the warrant list of bills there was a payment for the Stormwater Master Plan. She requested a presentation on the Stormwater Master Plan at a study session.

Council member Loo stated the Horticulture and Forestry Advisory Board (HFAB) has expressed concern they are consulted about landscaping plans too late in the planning process to have positive impact. Seeing the landscaping issues involved with the Kestral orchard and the McCaslin Market Place trees, Loo requested staff work with HFAB to secure earlier input.

Council member Lipton reported the Water Committee met on July 10 and the meeting went very well. He requested the staff prepare written minutes to distribute to the City Council within the next two weeks.

### **ADJOURNMENT**

MOTION: Mayor Muckle moved to adjourn, seconded by Council member Keany. All were in favor. The meeting was adjourned at 10:10 p.m.

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Robert P. Muckle, Mayor

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Nancy Varra, City Clerk