City of Louisville
COLORADO • SINCE 1878

City Council

Meeting Minutes

Tuesday, October 20, 2015
City Hall, Council Chambers
749 Main Street
7:00 PM

Call to Order – Mayor Muckle called the meeting to order at 7:04 p.m.

Roll Call was taken and the following members were present:

City Council:	***Mayor Robert Muckle, Mayor Pro Tem Hank Dalton. Council members: Jeff Lipton, Jay Keany, Susan Loo Chris Leh and Ashley Stolzmann***
Staff Present:	***Malcolm Fleming, City Manager*** ***Heather Balser, Deputy City Manager*** ***Kevin Watson, Finance Director*** ***Joe Stevens, Parks & Recreation Director*** ***Aaron DeJong, Economic Development Director*** ***Troy Russ, Planning & Building Safety Director*** ***Kurt Kowar, Public Works Director*** ***Beth Barrett, Library & Museum Director*** ***Kathleen Hix, Human Resources Director*** ***Meredyth Muth, Public Relations Manager*** ***Lauren Trice, Planner I*** ***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. Council member Stolzmann moved to amend the Regular Business Agenda to the following order: 8B Discussion/Direction – Special Events; 8C Discussion/Direction – 2016 Street Faire; 8A Resolutions 74, 75, and 76, Series 2015; 8D Public Hearing on City Manager's Proposed 2015 Budget; 8F Discussion/Direction/Action – City-Wide Marginal Cost Fiscal Model; 8G Ordinance No

1704 and Resolution No. 78, Series 2015; 8H Ordinance No 1705 and Agenda Item 8E Resolution No. 77, Series 2015, with the extended closing, extended scope of work and extended business assistance rebate, be moved to the Consent Agenda, seconded by Mayor Muckle. All were in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

No public comments.

APPROVAL OF THE CONSENT AGENDA

- ***A. Approval of the Bills***
- ***B. Approval of Minutes –October 6, 2015; October 12, 2015***
- ***C. Approval to Cancel November 24, 2015 Study Session***
- ***D. Resolution No. 77, Series 2015 – A Resolution Approving a Ninth Amendment to the Purchase and Sales Agreement By and Between Louisville Mill Site, LLC and the City of Louisville***

Mayor Muckle called for changes to the Consent Agenda. Council member Stolzmann moved to remove Consent Agenda Items 4D Approval of Consultant Services, 4E Resolution No. 73, Series 2015 from the Consent Agenda and place them on the Regular Business Agenda as Items 8I and J and add Consent Agenda Item 4E Resolution No. 77, Series 2015, seconded by Council member Loo. 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 reported on the following: Today, the City auctioned off excess equipment and materials at the former City Shops building. The auction netted $24,000. The DDI is now operational and over the next month the contractor will add other elements including concrete walls and barriers to better define the traffic lanes. He thanked the key staff members involved in the earlier stages of the DDI project: Public Works Director Kurt Kowar, Deputy City Manager Balser and Planning and Building Safety Director Russ. The Via Appia Paving Project is underway. The first layer of the pavement is almost complete and two more layers will follow.

Council member Loo reported on Saturday, October 24th, at 10:00 a.m., the Friends of the Louisville Arboretum and the City's Horticulture and Forestry Advisory Board will conduct a tree pruning demonstration at the Arboretum. She invited members of the public to attend to learn about pruning trees, the Emerald Ash Borer and how to identify different types of trees.

REGULAR BUSINESS

DISCUSSION/DIRECTION – SPECIAL EVENTS

Mayor Muckle requested a staff presentation.

Public Relations Manager Muth explained Louisville continues to be a popular location for many events. Some residents love them and others find the impacts of the events to be too great. Staff is now looking to Council for specific direction regarding how special events should be approved for 2016 and beyond. Many of the benefits of the events are not quantifiable but rather they contribute to the variety of activities here in town and the overall quality of life and are frequently cited as things that contribute to Louisville's small town character.

Residents living in Old Town and near Community Park have to contend with street closures, parking issues, noise, and inconvenience. Staff does not limit permits or park rentals or make any determinations as to what events may or may not compete with other events. Any applicant who submits a complete Special Event Application and can meet the conditions placed on the event is permitted. Anyone can rent Community Park as long as they meet the park regulations.

Events are frequently limited by the availability of a facility. Requirements for considering an event also include the following: rental fees; fees for police presence; $500 damage deposit; hours for amplified sound or live music; event notification for surrounding or affected neighbors; a medical plan approved by the Fire District; additional portolets and trash service and an approved traffic control plan with required barricades and staffing for street closures.

City events (Fall Festival, Concerts in the Park): the Downtown Business Association's Street Faire; the Chamber of Commerce's Taste of Louisville and Pints in the Park, and the Farmer's Market, get priority booking of facilities. Other special event numbers and Community Park rentals have stayed fairly consistent from 2014 to 2015. Residents near the park have specifically cited concerns with amplified sound and being shut off when required. Residents feel the requests of out of town events and party organizers have been given priority over the neighbors' concerns. In addition to impacts on residents, there is a lack of staff available to enforce permit conditions as we do not have staff available evenings and weekends. Additionally, the amount of time required to staff all events and permitting takes away from other duties. While the City recovers direct costs, many events present unusual demands and expectations on staff. The City does not currently recapture all indirect costs for special events. Both the Police Department and Fire District are concerned events are taking their staff away from day-to-day work. While event organizers are charged for PD and FD personnel, staffing these events is stretching those departments thin.

Possible changes: Possible ways to address events would be to create a higher non-resident rental rate; block off specific days or weekends for no events or limit amplified sound to specific hours with permission.

Citywide events: Residents have asked the events be limited, capped, or reduced to lessen the impacts. Should there be limits on the number of events permitted and by what criteria: Number of events; location of events; size of event; sponsor of event; traffic impacts, noise impact or other.

Amplified Sound/Live Music: The City does not have an ordinance identifying an acceptable decibel level for music or sound at an event. Staff can regulate live music in a residentially zoned area through a permit process, but there is no way to regulate amplified sound across different zoning areas. To make any sound ordinance enforceable it would have to have a specific decibel level and the police staff will need meters to read noise levels. Staff could draft a noise ordinance with a specific decibel level for Council consideration.

Residents ask if the event promoters are making money off events that impact neighbors. Sometimes event sponsors host fund raisers for charities at City facilities. Those events generate funds for a nonprofit, but also generate substantial profits for event companies. The current process for special event permitting does not differentiate between a resident or non-resident applicant or profit versus non-profit applicant. Some applicants go to great lengths to get the lower rate (by finding an applicant that is local or non-profit) if there is an option. Should the City charge more for a special event permit based on applicant status or should the City require payment of a percentage of the gross revenue for events?

Competing Events: The permitting process does not allow for a discussion of whether one event may compete with another. Staff does not limit permits or make any determinations as to what events may or may not compete with other events. All complete applications, which meet the conditions placed on the event are permitted. Should restrictions be based on who applies first, who brings in the most runners, sponsors, or on returning events?

Permitting changes for 2016: Staff is planning to make changes to the Special Event Permitting process in 2016. When fees are updated at the end of the year, staff will recommend increasing the special event permit fee. Currently the fee is $200, and it does not cover the staff time involved in reviewing and approving a permit. Permit review takes an estimated 15-20 hours of staff time spread across the following departments: City Manager's Office, Police Department, Operations, Open Space, and Parks (and the Fire District). At this time staff is considering increasing the fee to $500 and creating a simple $50 permit to be used for extremely simple requests to use city property for events, which have very small attendance, do not require traffic control, do not need a police presence, do not have music, etc.

Fiscal Impact: Limiting events would likely reduce permit and park rental revenue. Adjustments to the fee structure could pass along more of the costs the City is currently covering to event organizers.

PUBLIC COMMENTS

Tom Pathe, 901 Rex Street, Louisville, CO, has lived in Louisville for 20 years and felt the City has gotten lopsided toward commercial interests and evaluates the events on how much they can get. He noted a local restaurant has music so loud, it can be heard five blocks away. He felt this is an insult and a disregard for people who live within the circumference of these events. He did not feel the residents have any voice in the matter.

Lindalee Schwinnen, 729 Front Street, Suite B, Louisville, CO, Director, Louisville Chamber of Commerce read a letter from Nick Saia, who could not attend the meeting. Mr. Saia felt the permitting process should limit competing events to ensure similar events are not placed in close temporal proximity to each other. He witnessed the effect of a new beer festival in Louisville, the Rocky Mountain Pizza and Pints Festival, held on July 18, 2015 in Community Park. The City of Louisville had previously approved the 2nd annual Pints in the Park Beer Festival sponsored by the Louisville Chamber held on August 29, 2015 in Community Park. Having similar events in close temporal proximity in the same venue creates a duplication of the noise and inconvenience for the same neighbors on multiple days and dilutes the success of each event. This occurred with substantially lower numbers of attendees and revenue for the Chamber from this year's Pints in the Park Beer Festival.

Shelley Angell, 901 Main Street, Louisville, CO and Sarah Giammaria, Louisville Chamber of Commerce, recommended the City implement a policy, which restricts the events similar to the ones already taking place. One example was the Chambers Pints in the Park Event, which they introduced in 2014 and was a great success. The Chamber secured their permits with the City in 2015 and were surprised to learn the City permitted a similar event two weeks before titled Pizza and Pints in the Park. This caused a lot of confusion between the two events and created a negative impact for the Chamber. They believe once an organization brings in an event, it should not be duplicated.

Andy Johnson, 920 Lincoln Avenue, Louisville, CO, explained he is the President of the Sonic Boom Racing Team, a local competitive racing team, which hosts the Lucky Pie Race Criterion. This year was the Colorado State Championship for Criterions, which included 500 participants and 100 children participants. Their team was awarded best all-around team in Colorado. For five years the race course was in the downtown area and this year it was at Community Park. They leased Community Park for the entire day and received very positive feedback from the residents. He stressed alcohol is not

part of their event. They feel the application process should contain stringent criteria on how events get selected. He supported well run events receiving priority.

COUNCIL COMMENTS

Council member Loo inquired how the City would determine whether an event was well run. Mr. Johnson stated he was willing to work with the City to make such a determination.

PUBLIC COMMENTS

Tom Rafferty, 945 Rex Street, Louisville, CO read a letter from his neighbor, Rich Gomer, who resides at 504 Main Street. Mr. Gomer has lived in Louisville since 2014, but had previously lived in Louisville in the 1990's. He was amazed how much Louisville had changed. He stated the Parade of Lights brought a massive line-up of large vehicles, idling their engines for 90 minutes. He was also impacted by the two-day Elks Club Octoberfest, which was the worst event of the year. The setup was two days and take down was three days. The music on the day of the event was too loud and the event planners were reluctant to turn the music down. He was not opposed to community events, but took issue with how they are managed. He hoped the Council would consider the size, noise levels and frequency of the event or try to move them to different sections of the City to share the inconvenience.

Cynthia Bargman, 443 E. Raintree Court, Louisville, CO, a 27-year resident, stated she lives several blocks from Community Park and is concerned over the larger events, the lack of parking and the volume of the music. She favored limiting the number of events and reducing the volumes. She addressed the Art Walk and noted the music from the courtyard behind the Marketplace is so loud, the music from the galleries cannot be heard. She asked the City to consider one quiet weekend day, without amplified music. She expressed her enjoyment of the Thursday night Music in the Park event.

Jean Morgan, 1131 Spruce Street, Louisville, CO complimented the City Council for their time and energy devoted to the citizens of Louisville. She addressed parking for special events and thanked the parking ambassadors. She asked Council to consider painting the curbs yellow, which would make the intersections more visible and safer. She encouraged the public to participate in the McCaslin Small Area Plan to ensure that area includes parks and gathering areas for future events. She felt the benefits and the impacts of such venues should be shared throughout the City.

COUNCIL COMMENTS

Council member Stolzmann addressed the public comments with respect to the noise issue. She supported staff bringing back a noise ordinance, which identified hours of amplified music in addition to a maximum decibel level. Mayor Muckle voiced his

support for a noise ordinance. Mayor Pro Tem Dalton requested the ordinance also address a one-day a weekend without any amplified music for Council consideration.

Council member Leh asked staff if there is an after event review process. Public Relations Manager Muth explained there is an informal email review process between the City departments. If there are specific complaints regarding an event, the applicant is notified. She stated the City receives complaints, but it is not generally specific to any event and people don't call during an event, so it's difficult to identify the event.

Mayor Muckle stated Louisville has many wonderful events and the City Council does not think about making money from events. He received calls and emails from people who enjoy the events and want them to continue. He stressed the importance of addressing impacted areas and focusing on the noise issue.

Council member Stolzmann stated it is about a balance and making sure the community character is what the citizens want and there are not any negative impacts overweighing the benefits of the special events. She felt there is some fatigue from the number of events in certain areas. She proposed staff come back with some different permitting processes triggered by the number of people at events and criteria for small, medium and large events. One suggestion from last year was to improve the follow-up. It would be beneficial if the applicant was required to canvass the neighborhoods and pick up trash and respond to complaints, which could have a positive impact. She stressed the importance of setting the appropriate fee to enable additional staff help to follow-up on the impacts of the large events. She proposed considering the number of large events per park per year. She recommended only holding 8 large events per park per year. She felt having a limit would encourage event planners to use another park.

Council member Keany felt Council should look at a noise ordinance. He requested more discussion on the proposal for a quiet weekend day community-wide. He supported addressing competing events, unless it is a series of events like Movies in the Park or Music in the Park. With respect to the complaint about the lineup of the Parade of Lights, he suggested flipping the parade route and having it start at the Middle School. He also has received a lot of emails from people supporting the events. He was not opposed to limiting large events to certain parks. He stated the balance is a challenge.

Mayor Pro Tem Dalton suggested when staff brings back information; Council consider limiting street closures.

Council member Keany stated there is quite a number of running events in Louisville and noted other communities are beginning to limit the areas for running events. He thought Council could consider limiting the areas for running events.

Mayor Pro Tem Dalton suggested giving priority to local businesses and non-profits, which benefit Louisville. Council member Lipton agreed preference should be given to

residents and local businesses in Louisville. He was concerned about the pricing, and felt it should not be so high as to be prohibitive for residents, and not so low as to have every event planner flocking to Louisville. He stated limiting the number of events has some merit, but felt the City would have to be cautious in setting a number.

Mayor Muckle supported the idea of limiting the number of large events, but was not convinced eight was the correct number.

Council member Loo has heard how much people love Louisville because there is so much to do. She cautioned Council from going from one direction to another. She did not want to overcorrect the problem. She asked how the City can pick and choose an event over another. She cautioned against setting up complex guidelines.

Council member Leh commented the City collects direct costs, but has difficulty collecting staff costs. He asked how it could be best managed. Parks and Recreation Director Stevens explained it depends on the event and group. The organizers have good planning, but sometimes they miss a lot in the setup. There has to be clear expectations on what the City can and cannot do to setup the perimeter for such things as a beer garden and air inflated jumping castles. Those areas impact the turf in the parks and it could take 5-14 days to bring the grass back. He stated some groups don't understand all the City does to make the events successful.

Council member Leh would like to have some connection between the event and Louisville. He agreed with Council member Loo's comment about not making the process overly complicated.

Council member Lipton stated his belief Ward II would welcome any event. His concern centered on a noise ordinance and how it is applied to the City's parks. He felt the noise ordinance should be applied uniformly, but with respect to the Street Faire, it would not work. There may be some events, which may be an anomaly.

Council member Stolzmann agreed one groups' events such as fundraisers for non-profits should not be duplicated by another group. She asked staff to bring back the rules and restrictions on a permit by land use area. She also agreed street closures impact neighborhoods. She suggested adding the picnic shelter behind the golf course as a rental shelter to the Recreation Web site. She addressed parking and stated parking was added next to the Lucky Pie. She felt City employees should be encouraged to park in the new lot and under the library and not on neighborhood streets. She suggested the City should move all their events (employee picnic, volunteer appreciation day) out of Community Park and into other parks. She felt the Thursday Concert in the Park should be moved back to Cottonwood Park.

Council member Keany suggested the Thursday Concert in the Park should be moved around to different parks. He agreed with reviewing the zoning and suggested looking

at hours of amplified music. Mayor Muckle voiced this concern with moving the Concert in the Park to different parks. He agreed the process should not be too complex.

Council member Keany stated it should not be so hard on staff that a new employee would have to be hired.

PUBLIC COMMENT

Jeff Suffolk, 225 Roosevelt Avenue, Louisville, CO stated his company, Human Movement, puts on events around the world. There are some City Councils around the United States having the opposite conversation. He agreed with Council member Loo the process should not be too complex. He addressed a score card, which tallies whether the event was successful and if the event followed the rules. He did not support a lot of running events on Sundays. He stated there was no answer to the problem, if you have a special area, such as for the Street Faire and the Taste of Louisville that is where people want to be. He felt the City staff does a great job.

David Benjes, 519 Adams Avenue, Louisville, CO presented the City Council a white paper on special events. He has put on events for over 15 years and felt special events should reach out to the community and benefit the City. He stated the score card system, mentioned by Mr. Suffolk, has been used in other markets and been very successful. He noted the events do cause problems and suggested the City set the bar. He addressed the noise ordinance and the decibel levels and stated there is no limit the City will be happy with. He suggested putting together a task force to discuss the issues and gather ideas. He noted there are pros and cons associated with events.

Sherry Sommer, 910 S Palisade Court, Louisville, CO agreed some people really enjoy the events, but some people's enjoyment can come at other people's expense. She did not agree there is no answer to the problem and it should be left status quo. She felt it was important to limit the negative externalities. She agreed the events are not special if they happen all the time. She stressed the importance of considering all the residents of Louisville.

Sarah Giammaria, Louisville Chamber of Commerce, asked Council to consider quality versus quantity. She stated Louisville is unique because the events were started by local businesses and non-profits that care about the community and want to give them something special. She supported a task force made up of business owners and residents coming together to discuss issues and taking the pressure off City staff.

Michael Menaker, 1827 W Choke Cherry Drive, Louisville, CO stated he was conscious of the size of the City staff and their current workload. He felt their time was being stretched to its limit. He agreed with Council member Loo, the process should not be too complex, but clearly stated so as not to put the burden of interpretation on staff. He supported limiting events and giving a preference to local business and non-profit events. With respect to moving events to other parks, many of the neighborhood parks

do not have an infrastructure, any running water, electricity, or bathrooms. He supported one quiet weekend day and Ms. Morgan's idea to expand a park facility at Centennial Valley. He felt events planners should clean up after themselves.

John Leary, 1116 LaFarge Avenue, Louisville, CO stated he did not know if there was such a thing as an outdoor acoustic science, but stated his belief Community Park was not designed correctly, which has led to some problem with sound amplification. He suggested the City look into outdoor acoustic measures, such as a band shell.

Mayor Muckle asked Council if they want to only have one running event in the summer. Mayor Pro Tem Dalton felt it would be a reasonable discussion item in consideration of the list of events. Council member Stolzmann stated when reviewing staff's proposals, there should be more detail for running races. She felt in some areas there may be limits and in others no limits. She was also interested in seeing staff's proposal on athletic rentals, such as youth soccer.

Council member Loo stated her understanding some event planners use a non-profit in order to obtain a permit. Public Relations Manager Muth explained some events use other non-profit organizations (501 c 3) in order to get a liquor license.

City Manager Fleming clarified Council direction as follows: Prepare an ordinance; consider a one day per weekend when there is no amplified sound; permits based on the number of people; requirement follow-up on cleanup after the events; set fees to recoup the expense of monitoring; consider the limits of large events for each park; rules for different zones; limits on running events; encouraging use of the club house at the golf course; imposing limits on competing events; limit shutting down streets; priority for Louisville businesses and residents, find the right balance of pricing and don't make the process too complex.

COUNCIL DISCUSSION:

Council member Lipton did not support limiting running events. Mayor Muckle agreed running and fitness events should not be limited. He also felt the events should be spread throughout the City.

Mayor Pro Tem Dalton suggested instead of an ordinance, staff prepare a report for Council review before an ordinance is prepared. Mayor Muckle felt the ordinance would address noise and the balance of the list would be incorporated into a policy. There was Council consensus.

Council member Stolzmann asked the list also include the City's hosted events be spread around the City. Council member Loo stated she was not opposed, but noted not all parks have facilities.

Council member Loo noted there are bathroom facilities at the Arboretum.

DISCUSSION/DIRECTION/ACTION – 2016 STREET FAIRE

Economic Development Director DeJong explained The Downtown Business Association (DBA) is seeking a partnership with the City of Louisville to operate the Downtown Street Faire in 2016 and beyond. The Street Faire completed its 15th Season, which helped foster downtown's growth and was mostly volunteer-operated.

For 2016, the Street Faire needs to evolve because of less volunteer coordination and increasing costs to operate. The DBA needs City assistance to continue the event for 2016 and beyond.

Financial Terms: Mayor Pro-tem Dalton and DBA President Jim Tienken have been discussing a business term sheet. Their most recent meeting was October 14, 2015. Terms changed to incorporate Council's discussion on October 13, 2015.

DBA Commitments: Create a Street Faire committee where the operations of the event are discussed and decided. A City representative will be part of the committee and the financials of the event will be provided. Transition the Street Faire program into a 7-night program throughout the summer. National acts will continue to be the focus of band recruitment. The Committee maintains artistic autonomy concerning musical palette, genre, band size and budget. The DBA will handle costs and operations of the event except for Police, Street Faire Coordinator, and parking shuttle services.

City Commitments: City will provide police services for the Street Faire season; parking shuttle services; full funding to the DBA to hire an event coordinator to handle planning and operations duties of the Street Faire (estimated at $50,000). Should Street Faire revenues not exceed the DBA's costs to operate the Street Faire; the City will provide a backstop payment equal to 100% of the net loss from operations.

Estimated Costs: Staff analysis to estimate costs for the commitments: Extrapolated 2015 actual costs to a 7 night concert program; reduced revenue to 90% of 2015 to reflect weather related reductions (2015 had no weather impacts). 1) City police services $8,556; 2) Parking Shuttle $3,578; 3) Street Faire Coordinator $50,000 4) City 'backstop' for loss from operations $8,752. Total $70,886.

Flowers & Lights: 2016 downtown flowers and winter lights' programs handled outside of Street Faire assistance: $25,000 for downtown flowers and $25,000 for winter lights

Staff requested Council direction on the following: 1) including the 2016 downtown flowers and winter lights programs in the City budget, and 2) direct staff to prepare a formal agreement outlining the City's participation in the Street Faire.

COUNCIL COMMENT

Mayor Pro Tem Dalton clarified there will be seven events and not nine. Those events will not be nationally known acts, but notable bands from around the Front Range.

Mayor Muckle explained the thought behind the City backstopping any losses was to reduce the size and the number of shows, which would limit the impacts on the neighborhood, but could potentially increase the risk of not being able to cover the cost of the event.

Mayor Pro Tem Dalton explained the event coordinator would work for the DBA Events Committee. He stated the DBA has sufficient interest and with a significant incentive they will carefully manage the money so there will not be any backstopping of losses.

PUBLIC COMMENT

Michael Menaker, 1827 W. Choke Cherry Drive, Louisville, CO thanked Jim Tienken, DBA Board, Mayor Pro Tem Dalton, City Council and staff for working together to maintain the Street Faire. He stated there are many concerns; some are concerned about the backfilling loses; he was concerned the 7-Day Street Faire event would not be enough, especially if one of them was rained out. He suggested a unanimous vote of approval for continuing the Street Faire.

Jim Tienken, 404 W. Spruce Lane, Louisville, CO, President of the Downtown Business Association (DBA) stated he, Mayor Pro Tem Dalton and Economic Development Director DeJong have worked since September to put the agreement together. The DBA unanimously supports the agreement. The DBA has always managed a very lean Street Faire budget and kept the expenses as low as possible in order to realize any type of revenue. The Street Faire has added value to the City and the DBA is proud to have produced the Street Faire.

Linda Boyer, Business owner of Instant Imprints, 1148 W. Dillon, Louisville, CO, explained they have been in business for eleven years. She was supportive of the special events and the Street Faire, but commented on the downtown lights and flowers and noted there are other business areas in Louisville. She wondered what the budget would be for lights and flowers in other business areas. She noted McCaslin and South Boulder Road have very large business areas.

David Benjes, 519 Adams Avenue, Louisville, CO addressed the white paper he previously presented to Council, and stated it focuses on the economic benefit of the Street Faire. Two bullet points in the paper identify the economic benefit and the parking problem. He met with RTD and Via to discuss public transportation and noted the Turkey Trot brought the Park n Ride to the City. He felt the Park n Ride could be expanded for high volume events. He suggested forming a Street Faire task force.

Sherry Sommers, 910 S. Palisade Court, Louisville, CO stated she understood why the Street Faire started; it was a time when the local economy was down. She felt the City

is in a different position now and the Street Faire is going in the opposite direction. She felt if the Street Faire is to be a benefit to the City it should stand on its own two feet because right now it is causing parking problems and inconveniences for residents.

COUNCIL COMMENTS

Council member Loo stated her problem with the agreement was backstopping any losses which may occur in the Street Faire and that she had a larger fiduciary responsibility to the taxpayers of Louisville. She felt reducing the number of Street Faire events from nine to seven is a huge risk. She could not support the agreement unless there is a limit on the backstop of losses. She noted part of the reasons the Street Faire was so successful was because the City has not been involved. She preferred giving the DBA a grant of $100,000 for the Street Faire and not being responsible for backstopping any losses. She did not support the agreement. She thanked Jim Tienken, Chris Pritchard, the DBA, Mayor Pro Tem Dalton and Economic Development Director DeJong for their work on the agreement.

Council member Stolzmann commented on the wonderful volunteer efforts it takes to put on the Street Faire. She voiced her appreciation for reducing the number and size of the Street Faires, which will reduce the impacts to the neighborhoods. She addressed the role of government and event planners and felt there should be an expectation set up on how the events are managed. If an economic benefit package is to be offered, she wanted to know what the benefits would be to the City. She did not think the DBA needed the City's help running the Street Faire, but if the DBA no longer wishes to continue the Street Faire because of the requirements, the City should execute an RFP. She wanted to create a partnership, but was uncomfortable with the backstop and stressed the City's budget is very tight. She voiced her appreciation for the McCaslin business owner's comments. She supported the DBA managing the Street Faire, but would require more analysis on any potential grant amount.

Council member Keany voiced his support for the agreement for a one- year period, but also had concerns about limiting the backstop. He stated there is a lot of public support for the Street Faire, but noted it impacts the neighborhoods. He did not see any analysis on taking out the two big name bands and using that number for averaging the number of nights.

Council member Lipton also supported the agreement for a one-year period because the City will have representation on the committee. He addressed the backstop loss and noted the DBA is a non-profit organization and does not have the resources to backstop any losses.

Mayor Muckle asked Mr. Tienken for the worst loss on an annual basis over the past six years. Mr. Tienken stated the Street Faire has never suffered a loss and has never operated in the red, but due to the cost of production, the DBA can no longer generate enough revenue to sustain the lights and flowers' program. He noted two largest

contributors of hours to the Street Faire will no longer be involved and the loss of the institutional knowledge will impact the program. He reported one of the most expensive events was the least revenue generating Street Faire because of the fixed expenses. Council member Stolzmann stated her understanding the DBA membership is voluntary and not all downtown business owners are members. She noted the membership dues are very low ($150.00) and asked if the DBA would consider increasing the membership fees to offset the event and have all the downtown businesses participate. Mr. Tienken stated all the downtown businesses benefit from the Street Faire and the DBA, but it is difficult to enforce payment of dues or to force businesses to be members. The DBA wants to be inclusive and benefit all the businesses downtown. He noted they have members who are not downtown businesses and even Boulder businesses who are members.

Council member Leh voiced his appreciation to the DBA and the volunteers for their contributions to the Street Faire. He stated there are members of the public who are impacted by the Street Faire, but noted there are economic benefits from the Street Faire. He voiced his appreciation for cutting back the number of Street Faire events. He was comfortable with part of the agreement. He asked if the City would share the profits. Economic Development Director DeJong stated the business sheet does not address the profits. The profits would remain with the DBA to be used at their discretion.

Council member Leh stated he was uncomfortable with the City not sharing the profits. He supported a one-year agreement, followed by a review process.

Mayor Muckle supported the agreement, but wanted to have some discussion on profit sharing and a member of staff and City Council to be on the Street Faire Committee.

Council member Loo stated the risks are not only the weather and she wanted to see a better analysis of what the worst case scenario could be on the backstop of losses.

Council member Stolzmann stated the City has taken over the patios, the lights and flowers and she wanted some consideration for profit sharing for those items, in lieu of new programs. Mayor Pro Tem Dalton explained there is incentive for the DBA to oversee the events coordinator to ensure money isn’t wasted.

Council member Keany stated the lights and flowers could be evaluated during the budget process. There was consensus to have staff continue to work on the agreement and to provide a better analysis of a worst case scenario of the backstop of losses.

FINAL PLANNED UNIT DEVELOPMENT, LANDMARK REQUEST, AND GRANT REQUEST FOR 945 FRONT STREET

1. **RESOLUTION No. 74, SERIES 2015 – A RESOLUTION APPROVING A FINAL PLANNED UNIT DEVELOPMENT TO ALLOW FOR THE CONSTRUCTION OF A 2,985 SQUARE FOOT ADDITION TO THE 1,292 SQUARE FOOT EXISTING COMMERCIAL BUILDING AT 945 FRONT STREET**
2. **RESOLUTION No. 75, SERIES 2015 – A RESOLUTION DESIGNATING THE STEINBAUGH HOUSE AT 945 FRONT STREET A HISTORIC LANDMARK**

3. **RESOLUTION No. 76, SERIES 2015 – A RESOLUTION APPROVING A PRESERVATION AND RESTORATION GRANT AND NEW CONSTRUCTION GRANT FOR THE STEINBAUGH HOUSE LOCATED 945 FRONT STREET**

Mayor Muckle requested a staff presentation.

Planner I Trice explained this proposal is to allow for a 2985 SF addition at 945 Front Street, Landmark the structure and award $149,800 in grant funding. The 1,292 SF building was constructed in 1913 by J.J. Steinbaugh and is currently used as a law firm. The proposed commercial addition is 2,985 SF. The zoning is CC, Downtown Framework Plan - Transition Zone. The applicant is applying for landmark status and HPF grants.

Architecture: The proposed one-story connects to a two story addition. The proposed FAR for the addition is .71 (Transition Zone Max 1.3). The height proposed of the addition is 24’6” (Transition Zone Max of 35’). The materials include horizontal shiplap, vertical cement boards, and steel panels. The Historic Preservation Commission reviewed the proposal and found it to be compatible.

Parking Space Requirements: 2,985 SF new floor area requires 4 parking spaces. There is also the removal of an existing one-car garage. 5 total parking spaces are required (4 spaces provided on proposal). The applicant requests a waiver based on the public benefit of landmarking. The removal of the existing garage creates an opportunity for an additional on-street public parking space.

Parking Accessibility: The applicant requests parking extend beyond the north property line and into the public right-of-way by approximately 3.5’. The Downtown Design Handbook requires 5’ buffer between parking and the sidewalk. Parking Alternative provides 5 parking spaces; parking pavers and the access aisle becomes a landscape buffer.

History: The home was constructed circa 1913 by J.J. Steinbaugh. It has a high level of architectural integrity and provides a gateway into downtown. Architectural significance: Exemplifies special elements of an architectural style or period. The one-story, vernacular structure has a high level of integrity. The structure is a rare wood frame example of the Classic Cottage style. Social Significance: Association with a

notable person(s) or the work of a notable person(s). The house was the residence of John Jacob Steinbaugh, one of Louisville's leading citizens and business men.

Preservation & Restoration Grant: $64,800 (20% contingency). New Construction Grant: $75,000. Landmark Signing Bonus: $10,000. Total $149,800.
The current balance of HPF is $905,271. Planner I Trice noted, if authorized, this will be the City's 30th landmarking.

Historic Preservation Commission Action: The HPC reviewed the landmark and grant request at their July 20, 2015 meeting, and expressed strong support for landmarking the structure. The Commission unanimously passed resolutions recommending approval of the landmarking and both grant requests. The HPC also approved an alteration certificate to allow the proposed work including the addition to be completed.

Planning Commission Action: The Planning Commission reviewed the proposed PUD at their September 10, 2015 meeting and expressed their support for the proposal and unanimously recommended approval of the project with the following conditions:

1. The applicant meet and resolve the comments in the Public Works memo dated September 1, 2015 related to water demand calculations, South Street improvements, and storm water discharge.
2. The applicant meets the accessible parking requirements prior to the City Council hearing. (Resolved)
3. The applicant shall successfully complete the landmarking process or make a payment-in-lieu if unsuccessful. (Resolved)

Staff Recommendation: Staff recommended approval of Resolution Nos. 74, 75 and 76, Series 2015 conditioned upon the following:

1) The applicant resolve the comments in the Public Works memo dated September 1, 2015 related to water demand calculations, South Street improvements, and storm water discharge.

APPLICANT PRESENTATION

Andy Johnson, DAJ Design, Main Street, Louisville, CO voiced his excitement over the project. The project is positioned in an important area in Louisville; it was owned by a prominent business man, it is near the future South Street Underpass and it is very close to Main and Pine Streets. He noted the building is leaning and the foundation has settled, however the structure is adequate for years to come. He reviewed photos of the home from various angles. The porch and the garage were not a part of the original home and will be removed in order to build a 2,000 SF new addition. The design for the addition will have its own character, but will have materials reflected in the original building. There will be a connection from the historic structure to the new two-story, flat roofed structure. The existing and new junipers will provide screening. The project is

well within the required City standards, other than the one parking space, which is limited by a very large Xcel Energy transformer in the southwest corner of the lot. However, they propose one on-street parking space once the garage street cut is removed. He felt this project would add a huge economic value to the City. He introduced the property owners, Sherri Murgallis and Rori Bass.

PUBLIC COMMENTS

Peter Stewart, 1132 Jefferson Avenue, Louisville, CO voiced his support for the project and the new construction grant. He stated this is a good project for Louisville; it supports the past, embraces the future and accommodates new needs. This project is compatible with Old Town and will be an economic benefit for the City. He stated this is a historically significant structure and a valuable resource to the City. He addressed the new construction grant, which limits the mass, scale and number of stories and preserves setbacks. In terms of the character of the addition, he noted the Louisville Municipal Code has very specific requirements to protect the integrity of historic properties. One of the core principals of historic preservation and the proper treatment of historic properties is authenticity.

COUNCIL QUESTIONS

Council member Loo referred to Resolution No. 2, Series 2012, which addresses historic character and asked what other features would be required to make it appear the new structure belongs next to an historic landmark. Planner I Trice explained as Mr. Stewart pointed out, it speaks to the authenticity of the buildings. The new proposed building has elements of mass and scale of the original structure and how much space it takes up in relationship with the new structure. Those qualities are what allow this addition to fit into the landmarked property's character.

Mr. Johnson explained the most important feature is to allow a commercial addition of a reasonable scale to be built on the site and preserves the important historic structure. The structure will provide economic viability to the City and the gateway into the community.

Mayor Muckle asked how the shiplap treatment fits into Old Town. Mr. Johnson explained materials are one thing, but scale, and proportion and mass are more important. The overall character of the structure to be built within the same addition is very different from the historic structure. The addition has windows, which relate to the existing building. The one-story structure between the historic structure and the new addition gives more prominence to the historic structure.

Council member Stolzmann thanked the applicant for bringing this project forward. She understood the value of landmarking the historic property and new construction grant to incentivize the applicant to landmark. She addressed the PUD and stated her difficulty in understanding how this project meets all the requirements of the PUD. She asked if

the Downtown Design Handbook applies to this project. It was confirmed the Downtown Design Handbook applies to the project. She addressed the side yard, and asked if there was any consideration of keeping the same side yard. Mr. Johnson explained with such a small site, it is difficult to meet all the criteria. He was not sure on such a small property that a side yard for a corner property should be treated the same way. The applicant is treating South Street as a secondary frontage. He noted there is already a significant buffer created by the historic structure. He felt it would be a lost opportunity to not provide a frontage for the businesses occupying the space.

Council member Stolzmann noted the property is in the transition area (commercial going into a residential). She noted the Downtown Design Handbook addresses the stepdown and she did not see this in this new building or the connector building. She felt the stepdown would highlight the historic building and follow the PUD requirements. Mr. Johnson explained this is a very small property and in order to maintain a buffer, the parking, the Xcel Energy transformer, and all the other site issues, it did not allow for a stepdown. He felt the overall benefits outweigh the other concerns.

Rori Bass, property owner explained the new courtyard will mimic the historic building and will have flagstone and flowers. The patio will also mimic the front porch.

Council member Stolzmann asked why there is not more of a stepdown at the alley as required by the handbook. Mr. Johnson confirmed the addition does step down from the alley and appears where the stairs are going up to the second level. He noted every effort was made to bring the roofline down as low as possible, but still maintain a new commercial character.

Council member Stolzmann addressed the Framework Plan relative to the transition area and the roofing area, which suggests the use of gabled roofs. She felt the gabled roofs met the requirements.

Mayor Muckle asked if the zero-setback was only a requirement to the front of the building. Planning and Building Safety Director Russ explained in Chapter 17.12 of the Louisville Municipal Code, downtown is exempted from districts having front yard setbacks or side setbacks, or side setbacks from streets. However the Downtown Handbook governs downtown, therefore both documents have to be reviewed together. It is important to look at the design intent of the handbook and not violate the yard and bulk, of Chapter 17.12. Typically the side setbacks are five feet, but there have been zero setbacks in downtown. He stated it is a matter of finding a balance.

Mayor Muckle addressed the ballot language for the Historic Preservation Tax stipulation for a new construction grant requirement to have a conservation easement on the building, which buys down the height and mass of buildings. City Attorney Light explained The Rex has a conservation easement providing the City an easement to maintain the façade. The ballot language provides various incentives for new buildings in historical Old Town to limit mass, scale, number of stories, to preserve setbacks,

preserve pedestrian walkways and to utilize materials typical of historical buildings. These incentives are conditioned by landmarking of the receiving property, or upon receiving a conservation easement for new construction. Planner I Trice noted the new construction grant at 740 Front Street was handled through a conservation easement. Council member Loo inquired whether this would be the first time such a parking waiver would be granted for a landmark structure. Planning and Building Safety Director Russ confirmed it was and noted the waiver was a Planning Commission act and not the Historic Preservation Commission's.

Council member Loo stated her understanding there was not a policy on the matter. Planning and Building Safety Director Russ stated the Planning Commission felt it was justifiable, but if Council chose not to landmark, there is a condition for a payment in lieu requirement.

COUNCIL COMMENTS

Mayor Pro Tem Dalton agreed with Mr. Stewart's comments and supported the juxtaposition of a new modern building/old structure. He stated this is what Louisville has done historically to create its eclectic downtown area.

Council member Loo stated she would support both the grants. She felt the Historic Preservation Commission and staff would have to explain to the taxpayers how this new building fits in Old Town.

Mayor Muckle felt the value of keeping the height down exceeds having a gabled roof and a zero side yard is a reasonable compromise for landmarking the historical structure. He agreed the mass and scale matches the neighborhood. He stated the Historic Preservation Tax has done a range of homes and businesses throughout Old Town. He voiced his support for the project.

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

COUNCIL COMMENTS

Council member Stolzmann saw the benefit of landmarking the historic structure, but was not in favor of the parking waiver. She would be supportive of the waiver if there was some sort of public benefit. She was comfortable with the setbacks and felt the PUD requirements were met. She was in favor of having the applicant providing a parking space or paying the fee in lieu.

Council member Keany supported the proposal and noted one on-street parking space will be obtained when the curb cut for the driveway is removed.

Council member Lipton agreed with Council member Stolzmann relative to the parking waiver. He did not support a parking waiver on a landmarking and felt the applicant

should be required to pay the parking fee, which would be expected of any other developer or property owner. Other than that issue, he supported the proposal.

Sherri Murgallis, property owner, addressed Council member Loo's comment about explaining to the taxpayers why a new modern structure was being built next to a historic structure. She explained in exchange for landmarking the property the new structure will be built. The compromise is to incentivize the applicant to landmark the property to preserve the historic structure, which allows them to build a new addition. They could have leveled the building and built a huge building, but decided to land mark and build an addition. She noted had Xcel Energy not placed a transformer on the property they would have the extra parking space. She voiced her appreciation for Council's time.

RESOLUTION No. 74, SERIES 2015

MOTION: Mayor Muckle moved to approve Resolution No.74, Series 2015, seconded by Council member Keany. Roll call vote was taken. The motion carried by a vote of 5-2. Council members Lipton and Stolzmann voted no.

RESOLUTION No. 75, SERIES 2015

MOTION: Mayor Muckle moved to approve Resolution No. 75, Series 2015, seconded by Mayor Pro Tem Dalton. All were in favor.

RESOLUTION No. 76, SERIES 2015

Mayor Muckle asked City Attorney Light for an amendment to require a conservation easement. City Attorney Light added a condition under Section 2 as following: 3.Such grant is conditioned upon the granting of a conservation easement to the City to be recorded at the time of recording of the PUD.

MOTION: Mayor moved to approve Resolution No. 76, Series 2015, as amended by the addition of Condition 3, seconded by Mayor Pro Tem Dalton. All were in favor.

PUBLIC HEARING ON CITY MANAGER'S PROPOSED 2015 BUDGET AND 2016-2020 CAPITAL IMPROVEMENTS PLAN

Mayor Muckle suggested the City Council consider continuing the public hearing on the 2016 budget. Council decided to continue the public hearing on the 2016 Budget to a Special Meeting on Monday, October 26, 2015 at 7:00 p.m.

Mayor Muckle opened the public hearing and called for public comment.

Jim Bradford, 1845 Tyler, Louisville, CO, Sustainability Advisory Board member, addressed the Sustainability Coordinator position, which was cut from the 2016 budget.

He felt this position could be very practicable and valuable to the City. It could also be optimized by assisting with solar gardens, working with vendors and helping with the City facilities and performing analysis on sustainability efforts throughout the City. He noted the County was willing to provide grants for sustainability efforts. He felt this position would provide quantifiable benefits.

Mayor Muckle requested a City Manager presentation.

City Manager Fleming noted over the past two meetings, the City Council has emphasized the importance of paving and resurfacing City streets. Council adopted this as one of their goals in 2014. Council Members set a minimum standard of OCI rating of 75 by 2019 and achieve a standard of no street less than OCI of 35 by a defined date. The paving program for 2015 will achieve an OCI of 75. This is a program which will bring virtually all the City streets up to a standard of 55 and only a few streets would be below 55. It requires sacrifices of $25.5 million over the next five years. Budget cuts have been identified for 2016, which are relatively modest. The cuts later on during the five-year period will be more significant. Staff will have more accurate information later on in the year when the survey of streets conditions throughout the City is made. That information can be prioritized and be used to optimize the paving program. There will also be time for Council to consider specific programs they wish to trade for paving or provide a longer timeframe for achieving the paving objectives.

Public Works Director Kowar stated staff understands Council's direction to eliminate the backlog of roads needing to be paved beyond the average score goal. He noted it will take three to five years of Council support through the budget process, to achieve this goal.

COUNCIL COMMENTS

Council member Lipton voiced his appreciation of staff's efforts to look at the budget again. He was still concerned over the goal after spending $25 Million in five years, having what could be defined as poor streets. He stated an OCI of 55 is still in the poor category. He would be disappointed if a substantial down payment is not made in 2016. It will come at the expense of sacrificing some programs. He could not make sense of some of the tables relating to the budget cuts and requested staff clarification at the next meeting.

Public Works Director Kowar explained he only had three days to put together the information and was not sure he could calculate the numbers to convince Council this could be accomplished in five years. He could create a map showing all the OCI in the City, but it might be beneficial for Council to see the streets and determine what level of OCI they should be. He understood the concern with the backlog of arterials, the downtown area and residential areas that could be smooth and aesthetically pleasing. He explained there is a large middle ground of streets, which are acceptable. He

traveled all the streets last week and compared the OCI rating with the road. He felt they are going in the right direction.

Mayor Pro Tem Dalton suggested the City Council take a field trip and inspect the OCI ratings against the roads and streets. Mayor Muckle felt if there is a sense there could be a catchup within the next five years.

Council member Loo agreed with Council member Lipton that the tables were difficult to understand. She understood Council's direction to staff was to cut $1 Million Dollars. She felt there was an overlap and requested the staff provide simplified information at the next meeting.

City Manager Fleming reviewed a table, which cut expenditures from the 2016 – 2020 budgets to implement the paving program and to get all streets over 55. The table identified $214,000 in cuts to the 2016 budget and the necessary cuts over the next four years. These cuts are exclusively CIP projects. This is what would be required to get all streets above the OCI 55 rating level and would probably result in an average rating of approximately 80. The next table represents a complete list of budget cuts of slightly more than $1 Million in 2015 and a total of $4.2 Million over the five-year period. Council may select items from the list to cut from the budget. Staff recommended avoiding the items highlighted in yellow as they would have a negative impact. He did not feel it would be necessary to make $1.5 Million cuts in the 2016 budget. He felt there will be time to reevaluate the program when there is better information available.

Mayor Muckle noted the Council makes revisions to the budget during the year. He agreed more cuts in 2016 are not necessary to make more street repairs.

Council member Stolzmann felt it comes down to the level of the streets and Council does not want any street categorized as poor. She agreed with Public Works Director Kowar the Council should look at the streets and decide what metric should be used and a level of service should be established. She stated the program doesn't get every street to the level of poor. She stated the City had a $25 Million problem over the course of five years. She felt a $1 Million down payment seems prudent. She stated Council asked for a list of $1.5 Million of proposed budget delays for Council discussion.

Council member Lipton stated the Council reviews the CIP budget in the spring, but Council did not have the knowledge about the issue of the streets. He stated staff estimates it will take $25 Million over a five-year period to get the level of the street above poor. He was not opposed to delaying projects in order to bring up the level of the streets. He felt $1 Million in budget cuts or delays would be a down payment of addressing the street problems.

City Manager Fleming clarified the 2016-2020 Budget includes $25 Million for streets for a minimum condition of the streets in the City being above 55, which is in the good or fair range, but not a poor range. Public Works Director Kowar confirmed the ASTM

standard the City uses places 55 to 75 in fair range; 75 to 85 is good and above 85 is very good. As an example he explained the OCI of Spruce Street in front of Library is categorized as a 42, which does not appear to be a poor street.

Mayor Pro Tem Dalton stressed the importance of the City Council going into the field to actually look at the conditions of the streets and score them.

Council member Loo inquired if Council is directing staff to provide budget cuts in a certain amount for in the 2016 budget. She noted if everything in yellow is cut, it would only amount to $265,000 and that is nowhere near $1 Million. Mayor Muckle stated staff's recommended budget currently has $25 Million for streets over a five-year period.

Council member Loo did not see the $25 Million and voiced her concern for the City's basic services. She asked Council what they wanted to cut in 2016. Council member Stolzmann stated she has not received any new information on streets. She saw the need to address the street issue. She felt the Council should take care of basic services first and then try to accomplish all the other things. She stated things may have to be pushed out, like funding the resurfacing of the parking lot in the urban renewal area. She felt the City could partner with the LRC on that project. She would like to have a discussion of what can be delayed and reprioritized.

Council member Lipton requested an analysis on where the $25 Million for roads in the next five-year period will come from. Mayor Muckle agreed it would be good to know where the money will be coming from.

MOTION: Mayor Muckle moved to continue the public hearing on the 2016 Budget to a Special Meeting on Monday, October 26, 2015 at 7:00 p.m., seconded by Mayor Pro Tem Dalton. All were in favor.

Mayor Pro Tem Dalton stated Council is looking for $1 Million in cuts from the 2016 budget to be a down payment on bringing the streets up to a higher standard.

DISCUSSION/DIRECTION/ACTION – CITY-WIDE MARGINAL COST FISCAL MODEL

Mayor Muckle explained the Finance Committee met earlier this evening with the Planning and Finance staff to discuss the City-wide Marginal Cost Fiscal Model. Although significant progress was made, the Finance Committee recommended the City Council continue this matter to November 2, 2015.

MOTION: Mayor Muckle moved to continue the City-wide Marginal Cost Fiscal Model to November 2, 2015, seconded by Council member Stolzmann. All were in favor.

DELO FLATS PRELIMINARY

1. **ORDINANCE No. 1704, SERIES 2015 – AN ORDINANCE APPROVING A REZONING OF A 4.39 –ACRE PARCEL OF LAND LOCATED AT 1100 GRIFFITH STREET, 1331 CANNON STREET, AND 1301 COURTESY ROAD FROM CITY OF LOUISVILLE INDUSTRIAL (I) TO CITY OF LOUISVILLE MIXED-USE RESIDENTIAL (MU-R) AND MIXED-USE COMMERCIAL (MU-CC) – 1ST Reading – Set Public Hearing 11/02/2015**
2. **RESOLUTION No. 78, SERIES 2015 – A RESOLUTION APPROVING A FINAL SUBDIVISION PLAT, SPECIAL REVIEW USE (SRU) AND A FINAL PLANNED UNIT DEVELOPMENT (PUD) TO DEVELOP MIXED-USE COMMERCIAL, 13 LIVE/WORK UNITS AND 33 APARTMENT UNITS – Set Public Hearing 11/02/2015**

Mayor Muckle requested a City Attorney introduction

City Attorney Light introduced Ordinance No. 1704, Series 2015. Resolution No. 78, Series 2015 will be continued with the companion ordinance.

MOTION: Mayor Muckle moved to approve Ordinance No.1704, Series 2015 on first reading, ordered it published and set a public hearing for November 2, 2015, seconded by Council member Stolzmann. All were in favor.

ORDINANCE No. 1705, SERIES 2015 – AN ORDINANCE REPEALING CHAPTER 14.20 AND AMENDING SECTIONS 4.02.030, 8.12.170, 8.12.200 AND 8.12.240 OF THE LOUISVILLE MUNICIPAL CODE REGARDING THE PARKS AND PUBLIC LANDSCAPING ADVISORY BOARD – 1st Reading – Set Public Hearing 11/02/15

Mayor Muckle requested a City Attorney introduction

City Attorney Light introduced Ordinance No.1705, Series 2015.

MOTION: Mayor Pro Tem Dalton moved to approve Ordinance No. 1705, Series 2015 on first reading, ordered it published and set a public hearing for November 2, 2015, seconded by Mayor Muckle. All were in favor.

Council member Loo asked Public Relations Manager Muth if she will be completing a list of duties for the new board. Public Relations Manager Muth explained the City is conducting a Board & Commission Open House on Wednesday, October 28th at 6:30 p.m., this list will be completed before the open house so interested members can find out about the duties.

APPROVAL OF CONSULTANT SERVICES FOR THE POSSIBLE EXPANSION OF THE RECREATION/SENIOR CENTER AND AQUATIC CENTER OPTIONS WITH SINK COMBS DETHLEFS

Mayor Muckle requested a staff introduction.

Parks and Recreation Director Stevens reported on a successful RFP process and selection of a wonderful consultant. The consultant team will concentrate on the Recreation/Senior Center and pool to push this project forward.

Council member Stolzmann requested this matter be removed from the consent agenda primarily because of Exhibit B, Scope of Services and made two minor changes.

MOTION: Council member Stolzmann moved to amend Exhibit B, Scope of Services, to strike the words within the recreational and senior center campus from the third bullet; and modify the fourth bullet to read evaluate the current Memory Square swimming pool revenue and cost and recommend programming, capital, operation changes that would improve the fiscal performance. The motion was seconded by Mayor Muckle. All were in favor.

Council member Stolzmann stated the first comment was to allow the Task Force and the contractor to consider other locations other than the Rec Center Campus. With respect to the second change, she felt the language on Memory Square Pool seems to express a desire to eliminate the pool. She wanted to ensure there was no intention of closing Memory Square Pool, but only the desire to improve it.

MOTION: Mayor Muckle moved to approve the consultant services for the possible expansion of the recreation/senior center and aquatic center options with Sink Combs Dethlefs, seconded by Council member Stolzmann. All were in favor.

Council member Loo asked if this was the same firm who worked on a previous bond issue. Parks and Recreation Director Stevens confirmed this firm has been engaged to do work on the recreation center campus in 2002.

Council member Loo stated she felt it looked like this firm was using old drawings from the last bond issue. She suggested this was not a prudent way to proceed. Parks and Recreation Director Stevens stated those drawings were not the same as what was presented in 2002. He noted some of the team were members of the consulting team in 2002.

APPROVE RESOLUTION NO. 73, SERIES 2015 – A RESOLUTION APPROVING AN AMENDED AND RESTATED COOPERATION AGREEMENT BETWEEN THE CITY OF LOUISVILLE AND THE LOUISVILLE REVITALIZATION COMMISSION

Mayor Muckle explained Resolution No. 73, Series 2015 deals with a Cooperation Agreement between the City and the LRC and has to do with the City agreeing to pay the expenses on the old Sam’s club site because the City did not approve TIF revenues at this location to the LRC.

MOTION: Council member Stolzmann moved to continue Resolution No. 73, Series 2015, seconded by Mayor Pro Tem Dalton**.**

Council member Solzmann requested this matter be removed from the consent agenda because she wanted to continue the resolution in order to discuss agreement. She felt it would be reasonable in a partnership for the LRC to consider since there is not a tax increment associated at Sam's Club the City would pay for that. She felt it would also be reasonable in a partnership, if there is tax increment coming in on the North End and other areas the Revitalization Commission could start repaying the City on the South Street Underpass. She felt both items are rational and fair. She felt a good partnership should have some good give and take.

VOTE: All were in favor of continuing Resolution No. 73, Series 2015.

CITY ATTORNEY'S REPORT

City Attorney Light reported the Burlington Northern/Santa Fe Railroad Construction Agreement was finalized and signed by both parties for the South Street Underpass. He also reported he attended the closing on the sale of the Lucky Pie/Sweet Cow, which was Tuesday, October 13, 2015.

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

There were no comments.

ADJOURNMENT

MOTION: Mayor Muckle moved to adjourn, seconded by Council member Leh. All were in favor. The meeting was adjourned at 11:25 p.m.

_____
Robert P. Muckle, Mayor

_____
Nancy Varra, City Clerk