

**RESOLUTION NO. 35  
SERIES 2008**

**A RESOLUTION REFERRING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LOUISVILLE AT THE NOVEMBER 4, 2008, SPECIAL MUNICIPAL ELECTION A TABOR BALLOT ISSUE TO AUTHORIZE THE IMPOSITION OF A ONE-EIGHTH OF ONE PERCENT (0.125%) SALES TAX TO PROVIDE REVENUES FOR HISTORIC PRESERVATION PURPOSES**

**WHEREAS**, the City of Louisville (the “City”), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter (the “City Charter”); and

**WHEREAS**, Article XX of the Colorado Constitution grants plenary power to home rule cities to levy and collect taxes within the City limits; and

**WHEREAS**, pursuant to voter authorization, the City has previously adopted a permanent sales tax of three percent (3%) and, for a ten-year period commencing January 1, 2004, an additional three-eighths of one percent (0.375%) sales tax, with revenues from such temporary tax being collected, retained and spent exclusively for designated open space, parks and other purposes; and

**WHEREAS**, the City Council finds and determines that the City and its residents value the historic charm and character of Historic Old Town Louisville which is unique to Louisville; and

**WHEREAS**, City Council finds that establishment of a one-eighth of one percent (0.125%) sales tax, collected for a ten-year period commencing January 1, 2009 and dedicated for historic preservation purposes within Historic Old Town Louisville, will allow the City to: (a) provide financial incentives to preserve historic resources, including funding of programs to identify and attempt to preserve buildings which qualify for listing on the Louisville Register of Historic Places; (b) provide financial incentives to preserve buildings that contribute to the historic character of Old Town Louisville but do not qualify for listing on Louisville Register of Historic Places, with such buildings to be treated the same as historic buildings but with lower priority; and (c) provide financial incentives for new buildings and developments within Historic Old Town Louisville to limit mass, scale, and number of stories; to preserve setbacks; to preserve pedestrian walkways between buildings; and to utilize materials typical of historic buildings, above mandatory requirements; and

**WHEREAS**, Article X, Section 20 of the Colorado Constitution, also referred to as the Taxpayer’s Bill of Rights (“TABOR”) requires voter approval for any new tax, any tax policy change directly causing a net revenue gain, and the spending of certain funds above limits established by TABOR; and

**WHEREAS**, pursuant to and as required by the Constitution and laws of the State of Colorado, it is necessary to have voter approval of a TABOR ballot issue concerning the imposition of the sales tax provided for herein, and it is also necessary to have voter approval to allow funds collected through such sales tax to be reserved for and carried over to subsequent years; and

**WHEREAS**, TABOR requires that the City submit ballot issues, as defined in TABOR, to the City's registered electors on specified election days; and

**WHEREAS**, the City will hold a special municipal election on November 4, 2008, to be conducted as part of the coordinated general election, and such date is one of the election dates at which TABOR ballot issues may be submitted to the registered electors of the City; and

**WHEREAS**, City Council finds it is in the best interest of the City and its citizens to submit to the registered electors of the City the question of imposing, for a ten-year period commencing January 1, 2009, a one-eighth of one percent (0.125%) sales tax for historic preservation purposes, as further stated in this resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:**

**Section 1.** The following ballot issue, certified in substantially the form set forth below, is hereby referred to the registered electors of the City and shall appear on the ballot of the City of Louisville special municipal election to be held on November 4, 2008:

SHALL CITY OF LOUISVILLE TAXES BE INCREASED \$340,000 IN 2009 (FIRST FULL FISCAL YEAR INCREASE) AND ANNUALLY THEREAFTER IN SUCH AMOUNTS AS ARE RECEIVED EACH YEAR FROM THE LEVY OF AN ADDITIONAL SALES TAX OF ONE-EIGHTH OF ONE PERCENT (0.125%); WITH SUCH TAX TO COMMENCE ON JANUARY 1, 2009 AND EXPIRE DECEMBER 31, 2018, WITH THE NET PROCEEDS OF SUCH ONE-EIGHTH PERCENT SALES TAX TO BE COLLECTED, RETAINED AND SPENT EXCLUSIVELY FOR THE FOLLOWING PURPOSES WITHIN HISTORIC OLD TOWN LOUISVILLE, WHICH AREA INCLUDES THE "HISTORIC OLD TOWN OVERLAY DISTRICT" AND "DOWNTOWN LOUISVILLE" AS DEFINED BY THE CITY ZONING MAP AND ORDINANCES, IN ORDER TO PRESERVE THE UNIQUE CHARM AND CHARACTER OF HISTORIC OLD TOWN LOUISVILLE THAT IS A VITAL PART OF OUR IDENTITY AS A COMMUNITY:

1. PROVIDE INCENTIVES TO PRESERVE HISTORIC RESOURCES, INCLUDING FUNDING OF PROGRAMS TO

IDENTIFY AND ATTEMPT TO PRESERVE BUILDINGS WHICH QUALIFY FOR LISTING ON THE LOUISVILLE REGISTER OF HISTORIC PLACES;

2. PROVIDE INCENTIVES TO PRESERVE BUILDINGS THAT CONTRIBUTE TO THE HISTORIC CHARACTER OF HISTORIC OLD TOWN LOUISVILLE BUT DO NOT QUALIFY FOR LISTING ON THE LOUISVILLE REGISTER OF HISTORIC PLACES, WITH SUCH BUILDINGS TO BE TREATED THE SAME AS HISTORIC BUILDINGS BUT WITH LOWER PRIORITY; AND

3. PROVIDE INCENTIVES FOR NEW BUILDINGS AND DEVELOPMENTS WITHIN HISTORIC OLD TOWN LOUISVILLE TO LIMIT MASS, SCALE, AND NUMBER OF STORIES; TO PRESERVE SETBACKS; TO PRESERVE PEDESTRIAN WALKWAYS BETWEEN BUILDINGS; AND TO UTILIZE MATERIALS TYPICAL OF HISTORIC BUILDINGS, ABOVE MANDATORY REQUIREMENTS;

WITH RECEIPT OF FINANCIAL INCENTIVES FUNDED BY SUCH PROCEEDS TO BE CONDITIONED UPON HISTORIC LANDMARKING OF THE RECEIVING PROPERTY IF THE PROPERTY QUALIFIES FOR LISTING ON THE LOUISVILLE REGISTER OF HISTORIC PLACES, OR CONDITIONED UPON THE CITY RECEIVING A CONSERVATION EASEMENT IF THE RECEIVING PROPERTY DOES NOT SO QUALIFY; WITH ANY SUCH LANDMARKING OR EASEMENT TO BE WITH CONSENT OF THE PROPERTY OWNER; AND WITH SUCH FINANCIAL INCENTIVES TO INCLUDE ANY OF THE FOLLOWING:

GRANTS TO PRESERVE HISTORIC BUILDINGS OR THEIR FACADES;

ACQUISITION OF CONSERVATION EASEMENTS ON HISTORIC PROPERTIES OR OTHER ELIGIBLE PROPERTIES;

ACQUISITION AND REHABILITATION OF HISTORIC PROPERTIES TO BE SOLD WITH CONSERVATION EASEMENTS;

GRANTS OR LOW INTEREST LOANS TO PRESERVE AND REHABILITATE ELIGIBLE PROPERTIES;

FUNDING FOR TAX OR FEE REBATES FOR ELIGIBLE BUILDINGS;

FUNDING OF A PUBLIC-PRIVATE PARTNERSHIP FOR PRESERVATION OF BUILDINGS OF HISTORIC SIGNIFICANCE; AND

FUNDING OF OTHER PROGRAMS TO PRESERVE HISTORIC BUILDINGS AND BUILDINGS WHICH CONTRIBUTE TO THE CHARACTER OF HISTORIC OLD TOWN LOUISVILLE;

WITH ELIGIBILITY FOR HISTORIC LANDMARKING TO BE DETERMINED BY THE LOUISVILLE HISTORIC PRESERVATION COMMISSION AND APPROVED BY THE CITY COUNCIL PURSUANT TO CITY ORDINANCES, AND ALL INCENTIVE FUNDING DECISIONS TO BE APPROVED BY THE CITY COUNCIL;

AND SHALL THE CITY BE PERMITTED TO COLLECT, RETAIN AND EXPEND ALL REVENUES DERIVED FROM SUCH TAX FOR SUCH PURPOSES AND FOR CITY STAFF TIME TO ADMINISTER THE PROGRAMS FUNDED BY SUCH TAX, AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES \_\_\_\_\_  
NO \_\_\_\_\_

**Section 2.** The City Council may submit additional ballot issues or other referred measures to appear on the ballot of the November 4, 2008 regular municipal election by the adoption of an appropriate resolution or ordinance as required by law.

**Section 3.** The officers and employees of the City are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this resolution in accordance with Colorado law.

**Section 4.** Pursuant to C.R.S. Section 31-10-102.7, the City will utilize the requirements and procedures of the Uniform Election Code of 1992, articles 1 to 13 of title 1, C.R.S., as amended, in lieu of the Colorado Municipal Election Code of 1965, article 10 of title 31, C.R.S., as amended, with respect to the regular municipal election to be held on November 4, 2008, and such election shall be conducted as part of a coordinated election.

PASSED AND ADOPTED this 5<sup>th</sup> day of August, 2008.



  
\_\_\_\_\_  
Charles E. Sisk, Mayor

ATTEST:

  
\_\_\_\_\_  
Nancy Varra, City Clerk

**ORDINANCE NO. 1544  
SERIES 2008**

**AN EMERGENCY ORDINANCE AMENDING CHAPTER 3.20 OF THE LOUISVILLE MUNICIPAL CODE TO IMPOSE THE HISTORIC PRESERVATION TAX AS APPROVED BY THE VOTERS AT THE NOVEMBER 4, 2008 ELECTION, AND ESTABLISHING THE HISTORIC PRESERVATION FUND**

**WHEREAS**, the City of Louisville (the “City”), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter; and

**WHEREAS**, pursuant to voter authorization, the City has previously adopted a permanent sales tax of three percent (3%) and, for a ten-year period commencing January 1, 2004, an additional three-eighths of one percent ( $\frac{3}{8}\%$ ) sales tax, with revenues from such temporary tax being collected, retained and spent exclusively for designated open space, parks and other purposes; and

**WHEREAS**, pursuant to Resolution No. 35, Series 2008, the City referred to the voters and the voters approved a TABOR ballot issue to levy an additional one-eighth of one percent ( $\frac{1}{8}\%$ ) sales tax, collected for a ten-year period commencing January 1, 2009, with the net proceeds of such one-eighth percent sales tax to be collected, retained and spent exclusively for historic preservation purposes within historic Old Town Louisville; and

**WHEREAS**, the City Council by this Ordinance desires to amend the Louisville Municipal Code to impose such additional one-eighth of one percent sales tax as approved by the voters at the November 4, 2008 election;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:**

**Section 1.** Subsection A of Section 3.20.200 of the Louisville Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken~~ through):

**Sec. 3.20.200. Levy of tax; rate.**

A. There is hereby levied, and there shall be collected and paid, a sales tax equal to the three percent of the purchase price of tangible personal property at retail or the furnishing of services, except that (1) for the ten-year period beginning on January 1, 2004, the amount shall be  $\frac{3}{8}\%$  percent of the purchase price thereof there is hereby levied, and there shall be collected and paid, an additional sales tax of three-eighths of one percent of the purchase price of tangible personal property at retail or the furnishing of services, as authorized at the November 5, 2002 election, and (2) for the ten-year period beginning on

January 1, 2009, there is hereby levied, and there shall be collected and paid, an additional sales tax of one-eighth of one percent of the purchase price of tangible personal property at retail or the furnishing of services, as authorized at the November 4, 2008 election.

**Section 2.** Chapter 3.20 of the Louisville Municipal Code is hereby amended by the addition of a new Section 3.20.605, to read as follows:

**Sec. 3.20.605. Sales Tax—Historic preservation tax and fund.**

A. The historic preservation fund is established as a special revenue fund to account for revenues derived from the temporary one-eighth of one percent sales tax for historic preservation purposes imposed for the ten-year period beginning on January 1, 2009.

B. Revenues from such temporary one-eighth percent sales tax imposed for the ten-year period beginning on January 1, 2009 shall be deposited into the historic preservation fund and the net proceeds of such one-eighth percent sales tax shall be collected, retained and spent exclusively for the following purposes within historic Old Town Louisville, which area includes the “Historic Old Town Overlay District” and “Downtown Louisville” as defined by the city zoning map and ordinances, in order to preserve the unique charm and character of historic Old Town Louisville:

1. Provide incentives to preserve historic resources, including funding of programs to identify and attempt to preserve buildings which qualify for listing on the Louisville Register of Historic Places;
2. Provide incentives to preserve buildings that contribute to the historic character of historic Old Town Louisville but do not qualify for listing on the Louisville Register of Historic Places, with such buildings to be treated the same as historic buildings but with lower priority;
3. Provide incentives for new buildings and developments within historic Old Town Louisville to limit mass, scale, and number of stories; to preserve setbacks; to preserve pedestrian walkways between buildings; and to utilize materials typical of historic buildings, above mandatory requirements; and
4. For city staff time to administer these programs.

C. Receipt of financial incentives funded by such proceeds shall be conditioned upon historic landmarking of the receiving property if the property qualifies for listing on the Louisville Register of Historic Places, or conditioned

upon the city receiving a conservation easement if the receiving property does not so qualify. Any such landmarking or easement shall be with consent of the property owner.

D. Financial incentives funded by revenues from such temporary one-eighth percent sales tax may include any of the following:

1. Grants to preserve historic buildings or their facades;
2. Acquisition of conservation easements on historic properties or other eligible properties;
3. Acquisition and rehabilitation of historic properties to be sold with conservation easements;
4. Grants or low interest loans to preserve and rehabilitate eligible properties;
5. Funding for tax or fee rebates for eligible buildings;
6. Funding of a public-private partnership for preservation of buildings of historic significance;
7. Funding of incentives for new buildings and developments within historic Old Town Louisville to limit mass, scale, and number of stories; to preserve setbacks; to preserve pedestrian walkways between buildings; and to utilize materials typical of historic buildings, above mandatory requirements; and
8. Funding of other programs to preserve historic buildings and buildings which contribute to the character of historic Old Town Louisville.

E. Eligibility for historic landmarking shall be determined by the Louisville Historic Preservation Commission and any approval thereof shall be by the city council pursuant to city ordinances as in effect from time to time.

F. All incentive funding decisions shall be approved by the city council. Incentive programs and the procedures applicable to the administration and receipt of such incentives shall be as provided by city council ordinance or resolution, the provisions of which shall not be inconsistent with the provisions of this section and ballot issue 2A approved at the November 4, 2008.

**Section 3.** The City Council herewith finds, determines and declares that this ordinance is necessary for the immediate preservation of the public health and safety in order to



timely effectuate the commencement of the historic preservation tax on January 1, 2009 in accordance with voter approval, and to avoid the need for retailers, vendors and others required to collect, pay or account for sales tax to collect, pay or account for taxes of different rates within a single reporting period if the provisions hereof took effect upon another date. This ordinance shall take effect January 1, 2009 provided the same has been adopted and signed by the Mayor and approved by two-thirds of the entire City Council.

**Section 4.** If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed and approved this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

**Section 5.** The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**Section 6.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED** this 18<sup>th</sup> day of November, 2008.



Nancy Varra  
Nancy Varra, City Clerk

A handwritten signature in black ink, appearing to read "C. L. Sisk", written over a horizontal line.

Charles L. Sisk, Mayor

APPROVED AS TO FORM:

A handwritten signature in black ink, written over a horizontal line.

Light, Harrington & Dawes, P.C.  
City Attorney

**PASSED AND ADOPTED ON SECOND AND FINAL READING, AND ORDERD  
PUBLISHED IN FULL, this 2<sup>ND</sup> day of December 2008.**



*Nancy Varra*  
Nancy Varra, City Clerk

*Charles L. Sisk*  
Charles L. Sisk, Mayor

**RESOLUTION NO. 20  
SERIES 2009**

**A RESOLUTION ENACTING PROVISIONS RELATED TO ADMINISTRATION AND USES OF THE HISTORIC PRESERVATION FUND, AND ESTABLISHING REQUIREMENTS AND PROCEDURES APPLICABLE TO THE FUNDING OF INCENTIVES FOR HISTORIC PRESERVATION PURPOSES**

**WHEREAS**, the City of Louisville (the “City”), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter; and

**WHEREAS**, at the November 4, 2008 election, the voters approved a ballot issue to levy an additional one-eighth of one percent (1/8%) sales tax, collected for a ten-year period commencing January 1, 2009, with the net proceeds of such one-eighth percent sales tax to be collected, retained and spent exclusively for historic preservation purposes within historic Old Town Louisville; and

**WHEREAS**, by Ordinance No. 1544, Series 2008, the City established the historic preservation fund as a special revenue fund to account for revenues derived from the historic preservation tax; and

**WHEREAS**, City Council by this resolution desires to enact additional provisions related to administration and uses of the historic preservation fund; and

**WHEREAS**, City Council by this resolution further desires to establish requirements and procedures applicable to the funding of incentives for historic preservation purposes; and

**WHEREAS**, the City of Louisville Historic Preservation Commission has reviewed at public meetings the provisions hereof regarding the historic preservation fund and funding of historic preservation incentives, and has recommended adoption of such provisions;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:**

In order to facilitate the purposes of 2008 Louisville Ballot Issue 2A and Ordinance No. 1544, Series 2008, the following provisions shall be enacted:

**Section 1. Historic Preservation Fund:** There exists a “Historic Preservation Fund” (“HPF”) in the City of Louisville, as established by Ordinance 1544, Series 2008.

- a. The HPF shall be funded by:

- i. Proceeds from the 1/8% sales tax established by 2008 Louisville Ballot Issue 2A and Ordinance 1544, Series 2008;
  - ii. Private and public donations, bequests, grants and funding from other sources made to the City for historic preservation purposes;
  - iii. Interfund loans from the City of Louisville; if approved by ordinance; and
  - iv. Earnings on such amounts as may be deposited in the HPF.
- b. The City of Louisville Historic Preservation Commission (HPC) shall make recommendations regarding expenditures from the HPF, but final action shall be taken by City Council by resolution. The HPF should be managed to achieve maximum preservation of historic structures and the character of historic Old Town Louisville.
- c. The HPC shall submit an annual statement of goals and recommendations to City Council, and may supplement, modify or update this document throughout the year as necessary.
- d. As further detailed in Sections 2-5 below, the HPF shall consist of the following four categories of funds:
- i. Administrative;
  - ii. Incentives for Historic Preservation, to Preserve Character, and for New Construction;
  - iii. Acquisitions; and
  - iv. Contingency/Emergency Reserve.
- e. As used in this resolution, “resources” shall include, but not be limited to, primary structures, accessory structures, outbuildings, fences, existing or historic landscaping, archaeological sites, and architectural elements of structures.

**Section 2. Administrative Funds:** Administrative Funds shall be used for purposes consistent with the establishment of the HPF, and shall include, but not be limited to:

- a. Historical building surveys, other site surveys or reconnaissance-level or intensive-level historic and architectural surveys;

- b. Staff to support HPC and City activities in administering programs funded by the tax, including, but not limited to, interns, preservation planners, staff to conduct research for the HPC's demolition review functions and to assist vendors in conducting historic preservation surveys, and other support staff;
- c. Plaques or other designations to honor structures that are landmarked or add to the character of historic Old Town Louisville;
- d. Public outreach and education efforts; and
- e. Funding of public-private partnerships for preservation of buildings of historic significance.

**Section 3. Funds for Incentives for Historic Preservation, to Preserve Character, and for New Construction:**

- a. All incentives shall be applied for and given on a voluntary basis. Property owners are encouraged to participate in these programs to preserve their historic resources and the character of Louisville.
- b. Funding for incentives for historic preservation or to preserve the character of historic Old Town Louisville shall be used for purposes consistent with the establishment of the HPF, and shall include, but not be limited to:
  - i. Grants to fund the restoration or rehabilitation of existing resources. Grants may be given in installments upon the satisfactory completion of portions of the project, or given in total upon the satisfactory completion of the project. Conditions for the satisfactory completion of the project shall be given when the grant is awarded. Grants may be revoked if the conditions are not met. Grants given prior to the beginning of a project may be given only in suitable situations, as recommended by the HPC and approved by City Council;
  - ii. Low-interest loans to fund the restoration or rehabilitation of existing resources. The loans shall be administered by the City or a designee appointed by City Council, with loan payments returning to the HPF. Loans shall be evidenced by a loan agreement, guaranteed by the borrower (with individual guarantees as the City may in its discretion require), and secured by a lien on the property. The loan may provide for default and acceleration of the loan if the completed work is not as contemplated by the conditions of the loan. Further, if the work is not completed in compliance with the conditions of the loan, the loan amount shall be returned forthwith, with interest. Any costs in collecting the loan upon default shall be charged to the HPF;

- iii. Reimbursements of City taxes or fees, to be given after the completion of work as outlined by the conditions of the incentives. Reimbursements might be for the sales taxes paid on materials purchased for the project, a portion of property taxes for a given time, inspection fees related to the project, or other taxes or fees.
- c. While preservation is the primary purpose of this resolution, new structures may also qualify for the incentives outlined in section 3.b to preserve the character of historic Old Town Louisville. The purpose of these incentives is to limit mass, scale, and number of stories, to preserve setbacks, to preserve pedestrian walkways between buildings, and to utilize materials typical of historic buildings, above mandatory requirements. Review by the HPC of these projects for eligibility for incentives is not a substitute for City planning processes, but applications for incentives for new construction should be submitted to the HPC at the earliest possible point in the planning process. As part of its review, the HPC may make recommendations for variances from City codes that would provide incentives for preserving the character of historic Old Town Louisville, irrespective of whether its recommendations include HPF funding.
- d. Except as noted below, to be considered for incentives funding, the owner must complete an application and submit it to the HPC, together with sufficient building plans, if appropriate. Applications may be submitted at any time. Applications shall initially be reviewed by HPC staff, followed by a recommendation to the HPC. The HPC shall make a recommendation to City Council for final action. Any recommendation by the HPC may be to grant some, all or none of the requested incentives. If the HPC recommendation is to grant the requested incentives in whole or part, it shall also forward recommendations regarding the terms of an agreement which must be met for receipt of the incentives. Priority shall be given to requests for loans, then rebates, then grants. All recommendations are subject to approval, rejection and/or modification by City Council, and City Council may return recommendations for further information or review. All incentives are subject to budgetary requirements and considerations, including review of amounts currently and foreseeably available in the HPF and appropriation in the discretion of City Council. Additions to existing structures may qualify for incentives if so recommended by the HPC and approved by City Council.
- e. In all cases, receipt of incentives funding shall be conditioned on an agreement between the property owner and the City of Louisville that if eligible, the structure shall be landmarked pursuant to Louisville Municipal Code Chapter 15.36 and if not eligible, the owner shall grant the City a conservation easement to preserve the outside appearance of the structure or other historical attributes of the structure or site. If the property is subject to a mortgage, the City may condition incentive funding on provision of lender consent to the creation of the conservation easement. If the structure is

landmarked, then future alterations to the structure shall be determined in compliance with Louisville Municipal Code Chapter 15.36. The divestment by the City of any conservation easement granted to it shall require an affirmative vote of at least two-thirds (2/3) of the entire City Council. No divestiture may be approved prior to 15 years after the granting of the easement.

- f. In the first year of the existence of the HPF, 50% of the incentives funds shall be set aside for residential projects. Any allocations thereafter shall be as determined by City Council. The HPC may provide recommendations on allocations of incentive funds on an annual basis.

**Section 4. Acquisitions Funds:** Use of Acquisition funds of the HPF shall include, but not be limited to:

- a. The purchase of historic properties or properties which contribute to the character of historic Old Town Louisville. These properties, if eligible, shall be landmarked pursuant to Louisville Municipal Code Chapter 15.36 and if not eligible, shall have a conservation easement placed upon them to preserve the outside appearance of the structure or other historical attributes of the structure or site. Prior to the purchase of any property, a financial risk analysis shall be conducted, although City Council may base its approval on considerations other than financial. The City may perform any restoration or rehabilitation work necessary on properties the City acquires, subject to availability of funds therefor, and may then sell the properties unless retained for a municipal purpose. A conservation easement for historic preservation purposes may be placed on the property prior to or in connection with any sale. Any loss and any costs resulting from the acquisition, rehabilitation and sale of the property shall be charged to the HPF, while any profits shall be deposited to the HPF; and
- b. The purchase of conservation easements to protect the appearance of structures that contribute to the character of historic Old Town Louisville. Easements funded by the City may be held solely by the City or jointly with another governmental entity or a third-party non-profit preservation organization.

**Section 5. Contingency/Emergency Reserve Funds:** In the first year of the existence of the HPF, 20% of the funds of the HPF shall be placed in a Contingency/Emergency Reserve. On an annual basis, the HPC and City Council shall reevaluate how much should be allocated to this Reserve. These funds shall be accessed only for incentives or acquisitions that become necessary due to exigent circumstances, upon the recommendation of the HPC and approval of City Council. “Exigent circumstances” for purposes of this section shall mean that the HPC has determined, with concurrence of City Council, that without urgent action, significant damage will be done to the historic fabric or character of Louisville.

**Section 6.** Nothing in this resolution is intended or shall be construed to require any appropriation of City funds.

PASSED AND ADOPTED this 2<sup>nd</sup> day of June, 2009.



Nancy Varra  
Nancy Varra, City Clerk

Charles L. Sisk  
Charles L. Sisk, Mayor



**RESOLUTION NO. 20, SERIES 2010**

**A RESOLUTION ESTABLISHING ADDITIONAL INCENTIVES FOR THE HISTORIC PRESERVATION FUND TO ENCOURAGE LANDMARK DESIGNATIONS OF HISTORIC PROPERTIES IN THE CITY OF LOUISVILLE**

**WHEREAS**, historic properties in the City of Louisville (the "City") are a major contributor to the character and quality of life of our City; and,

**WHEREAS**, the City Council, pursuant to the City Charter, established a Historic Preservation Commission to assist it in the preservation and landmarking of these properties; and,

**WHEREAS**, when properties are locally landmarked they are preserved for future posterity and enjoyment and continue to contribute to the unique character of our City; and

**WHEREAS**, at the November 4, 2008 election, the voters approved a ballot issue to levy one-eighth of one percent (1/8%) sales tax for purposes of historic preservation purposes within Historic Old Town Louisville; and,

**WHEREAS**, City Council by Ordinance No. 1544, Series 2008, imposed the tax approved by the voters and established the Historic Preservation Fund; and

**WHEREAS**, the City Council by Resolution No. 20, Series 2009, created provisions related to the administration and uses of the Historic Preservation Fund; and

**WHEREAS**, Resolution No. 20, Series 2009, authorizes the creation of grants programs to assist property owners in the rehabilitation and restoration of historic properties;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:**

In order to facilitate the implementation of Resolution 20, Series 2009, the following provisions shall be enacted:

**Section 1. Incentive program to encourage owners of historic homes to seek landmark designations:**

- a. An incentive of \$1,000 shall be awarded to property owners whose properties are declared landmarks pursuant to Chapter 15.36 of the Louisville Municipal Code, with the attendant protections for landmarks pursuant to that chapter.
- b. While property owners are encouraged to enhance and preserve the historic character of their property, incentives made under this section have no attached conditions and shall be approved by the City Council in conjunction with its approval of a landmark designation.

**Section 2. Grant program for preserving, restoring, rehabilitating, or protecting landmarked property:**

- a. Grant categories. Grants of up to \$5,000 will be made available to owners of properties that have been declared landmarks pursuant to Chapter 15.36 of the Louisville Municipal Code, if applied for within one year of the landmark designation. These grants are available for the following purposes:

- i. Preservation and restoration. These projects include measures directed towards sustaining the existing form, integrity, and materials of a historic property, including preliminary measures to protect and stabilize the property.
- ii. Rehabilitation. These projects include measures directed toward adapting a property to make efficient contemporary use of it while sensitively preserving the features of the property, which are significant to its historical, architectural, and cultural values. Sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make the property functional is appropriate within a preservation project. This category also includes the restoration of a property to a specific, significant point in its history.

Routine maintenance is an allowable expense as a project. Routine maintenance includes painting, refinishing and exterior cleaning.

- iii. Pre-development. These projects include assessments of past and present historical features of a property for the purpose of properly and adequately documenting these characteristics. This includes assessing the physical condition of any existing historic features. Grants for this


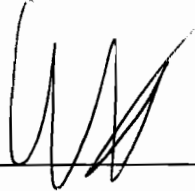

purpose will be available to individuals desiring to do restoration and renovation projects.

Only proposals for projects to be completed on landmarked portions of a property will be considered.

Properties will still need to apply for and receive an Alteration Certificate from the Historic Preservation Commission prior to beginning work on the property.

- b. The Historical Preservation Commission (HPC) will review all grant applications and make recommendations to the City Council for approval or disapproval. The City Council may approve, deny or return a proposal to the HPC for further information.
- c. Grants may be given in installments upon the satisfactory completion of portions of the project, or given in total upon the satisfactory completion of the project. Conditions for the satisfactory completion of the project shall be given when the grant is awarded. Grants may be revoked if the conditions are not met. Grants given prior to the beginning of a project may be given only in suitable situations, as recommended by the HPC and approved by City Council.
- d. Grants awarded pursuant to this Resolution do not preclude the award of other incentives from the Historic Preservation Fund.
- e. In addition to the procedures outlined herein, the administration of grants shall be in compliance with all applicable procedures in Resolution No. 20, Series 2009.

PASSED AND ADOPTED this 20<sup>th</sup> day of April, 2010.

  
  
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Nancy Varra, City Clerk

Charles L. Sisk, Mayor

**RESOLUTION NO. 2  
SERIES 2012**

**A RESOLUTION ESTABLISHING ADDITIONAL INCENTIVES FROM THE HISTORIC PRESRVATION FUND TO ENCOURAGE HISTORIC LANDMARK DESIGNATIONS AND NEW BUILDINGS OF CHARACTER FOR RESIDENTIAL AND COMMERCIAL PROPERTIES IN THE CITY OF LOUISVILLE AND TO FACILITATE THE ASSESSMENT OF PROTECTED STRUCTURES**

**WHEREAS**, historic properties and buildings of character in the City of Louisville (the "City") are major contributors to the City's economic prosperity and quality of life; and,

**WHEREAS**, the Louisville City Council, pursuant to the City Charter, established a Historic Preservation Commission to assist it in the preservation and landmarking of these properties; and,

**WHEREAS**, when properties are locally landmarked they are preserved for future posterity and enjoyment and continue contribution to the unique character of the City; and

**WHEREAS**, at the November 4, 2008 election, the voters approved a ballot issue to levy one-eighth of one percent (1/8%) sales tax for purposes of historic preservation purposes within Historic Old Town Louisville; and,

**WHEREAS**, City council by Ordinance No. 1544, Series 2008, imposed the tax approved by the voters and established the Historic Preservation Fund; and

**WHEREAS**, the City Council by Resolution No. 20, Series 2009, created provisions related to the administration and uses of the Historic Preservation Fund; and

**WHEREAS**, Resolution No. 20, Series 2009, authorized the creation of a grant program to assist property owners in the rehabilitation and restoration of historic properties and new buildings of character;

**WHEREAS**, Resolution No. 20, Series 2010, authorized the creation of incentives to assist property owners in the rehabilitation and restoration of historic properties;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:**

In order to further facilitate and enhance the implementation of Resolution 20, Series 2009, and Resolution No. 20, Series 2010 the following provisions shall be enacted:

**Section 1.** Incentive program to encourage owners of historic structures and buildings of character to seek designations as landmarks or structures of merit:

- a. An incentive of \$10,000 shall be awarded to commercial property owners whose properties are declared landmarks pursuant to Chapter 15.36 of the Louisville Municipal Code, with the intended protections for landmarks pursuant to that chapter.
- b. An incentive of \$10,000 shall be awarded to commercial property owners whose properties are designated a Structure of Merit and who grant a conservation easement approved by the Louisville City Council. A property subject to a conservation easement is also subject to requirements for alteration certificates.
- c. While property owners are encouraged to enhance and preserve the historic character of their property, incentives made under this section have no conditions other than landmark status or designation as a structure of merit.

**Section 2.** Grant program to conduct structural assessments of protected structures:

- a. Any structure that is declared a landmark pursuant to Chapter 15.36 of the Louisville Municipal Code, or which is declared a Structure of Merit by the Historic Preservation Commission, shall undergo a building assessment to develop a preservation plan to establish priorities for the maintenance of the property.
- b. For a period of 18 months from when a property is declared a landmark pursuant to Chapter 15.36 of the Louisville Municipal Code, or declared a Structure of Merit by the Historic Preservation Commission, the owner of the property shall be eligible for a grant from the Historic Preservation Fund in the amount of up to \$900 for residential properties or up to \$6,000 for commercial properties. Such grants shall be used solely to offset a portion or all of the cost of conducting a building assessment as described in this Section.
- c. The assessment shall be conducted by a qualified consultant under contract with the City, or by a qualified consultant of the owner's choosing.

- d. An exception to the requirement for a building assessment may be granted by the Historic Preservation Commission for good cause.

**Section 3.** Flexible grants for preserving, restoring, rehabilitating, or protecting landmarked property:

- a. For a period of 18 months from when a property is declared a landmark pursuant to Chapter 15.36 of the Louisville Municipal Code the owner of the property shall be eligible for a grant from the Historic Preservation Fund in the amount of up to \$5,000 for residential structures and up to \$65,000 for commercial structures. These grants are available for the following purposes:
  - i. Preservation and restoration: These projects include measures directed towards sustaining the existing form, integrity, and materials of a historic property, including preliminary measures to protect and stabilize the property. Up to 10% of a grant may be used for one-time actions considered routine maintenance. Routine maintenance includes painting, refinishing and exterior cleaning.
  - ii. Rehabilitation: These projects include measures directed toward adapting a property to make efficient contemporary use of it while sensitively preserving the features of the property, which are significant to its historical, architectural, and cultural values. Sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make the property functional is appropriate within a rehabilitation project. This category also includes the restoration of a property to a specific, significant point in its history.
  - iii. Pre-development: These projects include assessments of past and present historical features of a property for the purpose of properly and adequately documenting these characteristics. This includes assessing the physical condition of any existing historic features. Grants for this purpose will be available to individuals desiring to do restoration and renovation projects.
- b. Grant funding may only be expended for the activities listed in this section for landmarked portions of a property.

**Section 4.** Incentive grants to encourage conservation easements on properties which contribute to the character, historical or architectural merit in Downtown Louisville and which are not eligible to be landmarked:

- a. For a period of 18 months from when a property is designated by the City Council as a structure of merit, the owner of the property shall be eligible for a grant from the Historic Preservation Fund in the amount of up to \$50,000. These grants are available for:
  - i. Preserving, rehabilitating, restoring or protecting the property.
  - ii. Offsetting costs of preserving the structural merit of a building that is being expanded pursuant to Section 17.16.280 and 17.28.050 of the Louisville Municipal Code.
- b. Grant funding may only be expended for the activities listed in this section for those portions of a property designated to be a structure of merit.

**Section 5.** Focused preservation and/or restoration grants with matching funding requirements:

- a. In addition to being eligible for the grants listed elsewhere in this Resolution, a property declared a landmark pursuant to Chapter 15.36 of the Louisville Municipal Code is eligible for a grant from the Historic Preservation Fund in the amount of up to \$100,000 for commercial structures and up to \$15,000 for residential structures activities described in this Section, or a series of grants totaling \$100,000 for commercial structures and up to \$15,000 for residential structures.
- b. In addition to being eligible for the grants listed elsewhere in this Resolution, a property designated by the City Council as a structure of merit is eligible for a grant from the Historic Preservation Fund in the amount of up to \$75,000 for commercial structures activities described in this Section.
- c. Grants specified in this section may only be used for preservation and/or restoration projects: These projects include measures directed towards sustaining the existing form, integrity, and materials of a historic property. None of the funding awarded pursuant to this section may be used for any actions considered routine maintenance. Routine maintenance includes painting, refinishing and exterior cleaning.
- d. All grants authorized under this Section shall be conditioned on the applicant matching at least one hundred percent (100 %) of the

amount of the grant with expenditures or an equivalent value of approved in-kind services that are integral to the project that is deemed eligible for a grant from the Historic Preservation Fund.

**Section 6. New construction grants:**

Owners of property on which new commercial structures or additions to existing commercial structures are proposed are eligible for grants of up to \$75,000 total from the Historic Preservation Fund in order to limit mass, scale, and number of stories; to preserve setbacks, to preserve pedestrian walkways between buildings; and to utilize materials typical of historic buildings, above mandatory requirements.

**Section 7. Maximum grant amounts and procedures:**

- a. The maximum combined amount of incentive and grant funding from the Historic Preservation Fund that any property may receive is limited to the following:
  - i. \$21,900 per property for a landmark residential structure
  - ii. \$181,000 per property for a landmark commercial structure
  - iii. \$141,000 per property for a designated commercial structure of merit
  - iv. \$75,000 for any new commercial construction project that limits the mass, scale, and number of stories; preserves setbacks, preserves pedestrian walkways between buildings; and utilizes materials typical of historic buildings, above mandatory requirements.
- b. These limitations may be exceeded upon recommendation of the Historic Preservation Commission and approval by City Council upon a showing of extraordinary circumstances. Any grant exceeding the above limitations shall be conditioned on the applicant matching at least one hundred percent (100%) of the amount of the grant with expenditures or an equivalent value of approved in-kind services that are integral to the project that is deemed eligible for a grant from the Historic Preservation Fund.
- c. The Historic Preservation Commission will review all grant applications and make recommendations to the City Council for approval or disapproval. The City Council may approve, deny or return a proposal to the HPC for further information.



- d. Grants may be given in installments upon the satisfactory completion of portions of the project, or given in total upon the satisfactory completion of the project. Conditions for the satisfactory completion of the project shall be given when the grant is awarded. Grants may be revoked if the conditions are not met. Grants given prior to the beginning of a project may be given only in suitable situations, as recommended by the HPC and approved by City Council.
  
- e. In addition to the procedures outlined herein, the administration of grants shall be in compliance with all applicable procedures in Resolution No. 20, Series 2009.

PASSED AND ADOPTED this 3<sup>RD</sup> day of January 2012.



Nancy Vaara  
Nancy Vaara, City Clerk

Robert P. Muckle  
Robert P. Muckle, Mayor