

City Council Meeting Minutes

**February 16, 2016
City Hall, Council Chambers
749 Main Street
7:00 PM**

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

Roll Call was taken and the following members were present:

City Council: *Mayor Muckle (arrived at 7:04 p.m.)
Mayor Pro Tem Jeff Lipton, City Council members,
Dennis Maloney, Chris Leh, Susan Loo, Jay Keany and
Ashley Stolzmann*

Staff Present: *Malcolm Fleming, City Manager
Heather Balsler, Deputy City Manager
Kevin Watson, Finance Director
Sean McCartney, Principal Planner
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 Pro Tem Lipton called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Council member Maloney. All were in favor. Absent: Mayor Muckle.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

John Willson, Fire Chief, Louisville Fire Protection District, 895 Via Appia, Louisville, CO provided his quarterly update and to respond to Council's questions. He reported on a fire two weeks ago near Monarch, which spread to 27 acres. Several surrounding fire departments responded including North Metro, Lafayette, Rocky Mountain and Boulder

Rural. He also announced the Fire District will be conducting election for officers on the Fire Protection Board this May. The applications are available for those desiring to serve.

Debbie Fahey, 1118 W. Enclave Circle, Louisville, CO recognized the contributions made by the late Don Buffo. She reported the Heat Relief Dinner is Thursday, February 18th at the Louisville Recreation/Senior Center, from 5:00 to 7:30 p.m. Tickets are \$15.00 each for adults and \$10.00 for children (20 years and younger). All proceeds from the dinner and silent auction are used for energy assistance, aid in scholarships and emergency funds for seniors. She had tickets available for those who wished to purchase them. She donated two tickets to the City Clerk, Nancy Varra, in honor of her retirement.

A two-year Louisville resident named Bob, addressed efforts made by Police Officer Logan Haymore, who helped his daughter across Main Street to get to the Louisville Middle School. He noticed at the beginning of this year, police officers parked in front of the Middle School and wrote speeding tickets instead of helping children cross the street. He was unhappy with the priority of writing tickets. He spoke with a police sergeant about the problem, who said he would speak to the school resource officer. The next day at the middle school, the principal and the teachers were at the intersection, but not the police officer. In the following days the police officers returned to writing tickets, but not to assist students cross the street. He requested Council consider asking the police officers to assist the students in lieu of writing tickets.

Jean Morgan, 1131 Spruce Street, Louisville, CO stated one year ago she, Claudia Lund, from the Lafayette Miner's Museum, Lafayette resident Lyle Laughlin, and Mining Engineer Louie Gaz, drove along the area of the mines in Lafayette and along South Boulder Road. Their recollection of the mines was recorded and transcribed by Ms. Morgan. Last month the group met with Erie resident Bob Canaday for a tour of the Erie mines. She noted those transcriptions are available at the Louisville, Lafayette and Erie Libraries. She presented a copy of the transcripts to the Mayor and Council and to City Clerk Varra, in honor of her retirement.

APPROVAL OF THE CONSENT AGENDA

Mayor Muckle called for changes to the consent agenda. Council member Stolzmann requested a change to the minutes as follows: Page 9: Under Council Discussion: Council member Stolzmann: "She did feel a new property appraisal would be necessary."

MOTION: Mayor Muckle moved to approve the consent agenda as amended, seconded by Council member Stolzmann. All were in favor.

A. *Approval of the Bills*

B. *Approval of Minutes; January 26, 2016; February 2, 2016*

- C. *Approve Resolution No. 6, Series 2016 – A Resolution Approving an Intergovernmental Agreement (IGA) Between the Colorado Department of Transportation (CDOT) and the City of Louisville Concerning the Maintenance of the Diverging Diamond Interchange (DDI) at US 36 and McCaslin Boulevard***
- D. *Approve Contract Between the City of Louisville and Glacier Construction for the Construction of the Side Copeland Chlorine Contact Chamber Improvements***
- E. *Award Landscape Maintenance Service Contract***
- F. *Approve Resolution No. 7, Series 2016 – A Resolution Approving the Fifth Interim Agreement between the Municipal Subdistrict, Northern Colorado Conservancy District Windy Gap FIRMing Project Water Activity Enterprise, and the City of Louisville for Participation in the Windy Gap Firm Project***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Mayor Muckle agreed with the resident about the police monitoring to see students safely cross Main Street.

CITY MANAGER'S REPORT

City Manager Fleming reported on the following:

- **Downtown Flowers:** The City contracted with Valley Crest for the downtown flowers. The Parks Department issued an RFP and received two responses. Valley Crest has significant experience in this area. The flowers will go out after Mother's Day, weather permitting.
- **The South Boulder Road Area Plan:** The Planning Commission reviewed it last week and will review it again before Council consideration.
- **McCaslin Boulevard Small Area Plan:** The McCaslin Placemaking Workshop #3 is scheduled for Thursday, February 25th, at the City Hall from 6:30 p.m. to 8:00 p.m. Three options will be considered and the public input from the Workshop will assist in developing a preferred alternative.
- **Planning & Building Safety Director Update:** Phone conference with the consultants to review the 35 applications on February 15. The 35 will be narrowed down to a short list of 10 very promising candidates. Staff will work with the consultants to narrow the list to the finalists. The assessments will be on March 15 and 16. A Public Open House to meet the candidates is planned for the evening of March 15. There will be a full series assessment on candidates, followed by an announcement of the best candidate.
- **February 15 - Clean Sweep Day:** Employees took advantage of facility closures to organize files and properly dispose of documents meeting the records retention according to the State Archivist.

- Tactical Training: 128 public safety representatives took part in training at the Louisville Police Department. It was a great turnout and a great training session. He thanked Chief Hayes for organizing the training.
- Dillon Road Underpass: The Dillon Road Underpass will be operational on Wednesday, February 17th.

Mayor Muckle clarified the Dillon Road underpass is a flood repair on Dillon Road.

REGULAR BUSINESS

RECOGNIZATION OF CITY CLERK NANCY VARRA

Mayor Muckle reported the City Clerk, Nancy Varra, is retiring after 43 years of service to the City of Louisville. He outlined Nancy's employment history with the City. The Mayor and City Council recognized Nancy for her service.

The City Council took a 15-minute break for a reception in Nancy's honor at 7:18 p.m., and reconvened at 7:41 p.m.

RESOLUTION No. 8, SERIES 2016 – A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH SUPERIOR METROPOLITAN DISTRICT No. 1 FOR A LIFT STATION EMERGENCY OVERFLOW CONNECTION

Mayor Muckle requested a staff presentation.

City Manager Fleming explained Resolution No. 8, Series 2016 approves an Intergovernmental Agreement (IGA) with Superior Metropolitan District No. 1 (SMD1) for the connection of an emergency wastewater lift station overflow connection from the Superior Town Center. It is modeled after an agreement the City has with the City of Lafayette, which provides for emergency overflow from Louisville to Lafayette. Both IGA's have similar provisions. Those provisions include fees (\$100 per day and \$25 per industrial tap) in the event the emergency overflow is used. There are requirements for Superior to report any potential sources of industrial toxins on an annual basis. Any intentional release of toxins is an illegal, prosecutable offense.

COUNCIL COMMENT

Council member Stolzmann explained she sits on the Louisville/Superior Joint Interest Board along with Council member Maloney. She felt this was a nice effort to have the relationship worked out before an emergency happens. She noted there is already a pipe in place under US 36, which will be utilized. She felt it was a neighborly thing to do. She appreciated the effort of having all the terms spelled out. She felt it was good to move forward with the IGA.

Council member Lipton addressed the \$25 per day per tap and asked if it is specified in the agreement. City Manager Fleming explained it is addressed in the agreement on page 2, d, as follows: "An extra charge of \$25 per day per tap shall be incurred for each SMD1 tap directly contributing non-domestic sewage flow to the flows routed through the emergency overflow connection to Louisville's sanitary sewer collection system. SMD1 shall on an annual basis submit a written report to Louisville identifying all potential toxic pollutants and or hazardous waste and the sources thereof located within the area to be served by the emergency overflow connection." Similar to the IGA with the City of Lafayette, the City has identified all the industrial taps in Louisville requiring pre-treatment services and reporting on an annual basis on the potential pollutants they handle.

Council member Lipton asked if this would rule out all residential, commercial or retail. City Manager Fleming explained Superior must specifically identify commercial per tap. The residential component is covered by the \$25 per day fee and the commercial is covered under the \$100 per tap fee.

Council member Maloney supported reciprocal agreements with surrounding communities. He asked what kind of risks the City would assume if the service could not be provided and what is the liability. City Manager Fleming stated staff believes the amount of sewer flow anticipated could be accommodated by the City's wastewater treatment plant. The tap has been sized accordingly and the plant can handle those flows on a temporary basis.

City Attorney Light explained the overflow connection is intended to minimize the risk if the lift station failed. It is a contingency to assist Superior if the lift station failed and they did not have a backup plan. It is primarily a feature of Superior's system, which allows them an overflow connection. The operation/maintenance risk is primarily related to Superior system. It is intended to be a temporary backup system until their system comes back online.

Council member Loo stated if there was a massive flood, the Town of Superior would still be required to notify the City. She was comfortable there was a failsafe mechanism in place. City Attorney Light explained it is noted in Sub Section 1g of the agreement.

MOTION: Council member Maloney moved to approve Resolution No. 8, Series 2016, seconded by Council member Stolzmann. Roll call vote was taken. The motion carried by a vote of 7-0.

**RESOLUTION No. 9, SERIES 2016 – A RESOLUTION APPROVING A
REPLAT TO SUBDIVIDE A SINGLE 20,569 SF LOT INTO TWO SEPARATE
LOTS IN THE RESIDENTIAL LOW (RL) ZONE DISTRICT, LOCATED AT 1104
GARFIELD AVENUE, LOT 102, PARKWOOD MINOR SUBDIVISION**

Mayor Muckle disclosed the subject property is directly behind his property and would likely affect him more economically than a larger group of people. He recused himself from the discussion and the vote and left the meeting room.

Mayor Pro Tem Lipton opened the public hearing and requested a staff presentation.

Principal Planner McCartney addressed the modification to Resolution No. 9 Series 2016, which modifies the language in the second paragraph as follows: WHEREAS, the City Staff has reviewed the information submitted and found it to comply with applicable provisions of Louisville Municipal Code Titles 16 and 17. He explained Resolution No. 9, Series 2015 approves a replat to subdivide a single 20,569 SF lot into two separate lots in the Residential Low (RL) Zone District, located at 1104 Garfield Avenue, Lot 102, Parkwood Minor Subdivision. The subject property is located on the northeast corner of Garfield and Short and is zoned Residential Low (RL).

The lot is 20,569 SF and contains a 1,763 SF house; a 450 SF attached garage; a 362 SF deck and a 566 SF patio for a total of 3,131 SF. All the structures would be retained on Lot 102A and would be 11,035 SF. The structures cover 28% of the lot (30% is permitted). The minimum lot area in RL is 7,000 SF with 30% lot coverage. Lot 102A would be 11,035 SF and allows 3,301 SF of coverage. Lot 102B would be 9,534 SF and allows 2,860 SF of coverage. The neighborhood average is 8,600 SF. New lots would be compatible with the neighborhood subdivision. The subdivision would create an additional dwelling unit. The request complies with the 2013 Comprehensive Plan for this area. There are no requests for waivers.

The Planning Commission unanimously recommended approval of the minor subdivision request. The Staff recommended the City Council approve Resolution No. 9, Series 2016.

COUNCIL QUESTIONS

Council member Maloney requested clarification the lots within the area averaged 8,600 SF lots. Principal Planner McCartney confirmed the staff performed an analysis around the property and in larger neighborhoods to determine the compatibility.

APPLICANT PRESENTATION

The applicants: Joni Fournier, 1727 Mapleton Avenue, Apt D, Boulder, CO and Eliot Marshall, 1019 Topaz Street, Superior, CO.

Ms. Fournier felt the Principal Planner did a good job of outlining the request. She stressed a new dwelling unit will be created and will be built according to the City's design and zoning standards.

COUNCIL COMMENT

Council member Stolzmann questioned the angle of the lot line. She referenced Section 16.16.050 F, which stipulates “Side lot lines shall be substantially at right angles or radial to street lines”. She inquired how the lot line was derived. Principal Planner McCartney explained the lot is angled because of the way the house is askew on the lot. The lot line was set so the existing house complies with the 25’ setbacks, and was taken parallel to the askew of the house so there would not be any request for waivers.

Council member Stolzmann asked if a new structure would be able to fit on the new lot given the odd shape. Principal Planner McCartney confirmed there would be sufficient space for a second structure.

Council member Stolzmann addressed the code referencing double frontage: Section 15.15.050 – Lots E. Double-frontage, reverse-frontage, and reverse-corner lots shall be prohibited. She asked Principal Planner McCartney to explain those types of frontages. Principal Planner McCartney explained this request is to create a single frontage and a single lot. A double coverage would have a through lot. A reverse corner would have an indent into the property. He explained the request is to create a subdivision plat to comply with the required zoning.

Mayor Pro Tem Lipton called for public comment and hearing none, closed the public hearing.

MOTION: Council member Loo moved to approve Resolution No. 9, Series 2016, seconded by Council member Keany.

City Attorney Light requested confirmation the vote was on the revised resolution. Council member Loo and Keany accepted the amendment for the revised resolution.

COUNCIL COMMENT

Mayor Pro Tem Lipton stated he would vote against the motion. He did not support subdividing properties within neighborhoods. He felt it is important to preserve the neighborhood lots. He did not want to open the door to development investors on oversized lots and replats.

Council member Keany voiced his appreciation of Mayor Pro Tem Lipton’s comments, but felt until there is a discussion about changing the ordinance, the Council has to vote on what is presented to them. He noted the application met all the criteria.

Mayor Pro Tem Lipton stated the application did not meet all the criteria and Council has the legal right to vote against the request if it does not meet all the criteria.

VOTE: Roll call vote was taken. The motion carried by a vote of 5-1. Mayor Pro Tem Lipton voted no. Recused: Mayor Muckle.

**APPROVE RESOLUTION No. 10, SERIES 2016 – A RESOLUTION
APPROVING AN AMENDMENT TO THE LOUISVILLE PSYCHIATRIC
HOSPITAL PUD TO ALLOW FOR A 12,560 SF ADDITION TO THE EXISTING
HOSPITAL AND PARKING EXPANSION**

Mayor Muckle requested a staff presentation.

Planner I Trice addressed the modification to Resolution No. 10, Series 2016, which changes the 5th paragraph to read as follows: NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Louisville, Colorado does hereby approve an amendment to the Louisville Psychiatric Hospital PUD to allow for a 12,560 SF addition to the existing hospital and parking expansion, with the following condition: 1) The applicant must make the changes stated in the memo from Public Works, dated January 4, 2015 prior to recordation.

Planner I Trice explained the request is to approve an amendment to the Louisville Psychiatric Hospital PUD to allow for a 12,560 SF addition to the existing hospital and parking expansion. The subject property is located at 100 Health Park Drive between Avista Adventist Hospital to the west and assisted living, offices and Monarch School Campus across 88th Street to the east. The Coal Creek Ranch neighborhood is to the north.

Background: The Louisville Psychiatric Hospital PUD was approved by CC in 1987. The PUD was amended in 2012 to allow for the height of the fence to extend to 10 feet. The Zoned Planned Community Zone District – Commercial (P-C) is part of Avista Adventist GDP. The existing facility is 52,347 sf and 72-bed inpatient.

Request: The request is for an additional 12,560 SF (32 beds) to the northeast corner of the existing structure; the creation of a courtyard for patients and expand the parking area to the north. The site plan and security plan have been reviewed by the Police Department.

Current Parking: 116 standard spaces; 5 accessible; 3 bicycles. The required parking is 3 spaces/2 beds = 156 spaces. The proposed parking is 171 standard spaces; 9 accessible; 18 bike spaces (1bike/10 auto) to minimize neighborhood impact. Landscaping: 30% open space is required; 57% open space is proposed. Circulation: Proposed second entrance further north; Additional sidewalk in proposed parking expansion.

Architecture: Design elements of existing structure; 17'7" parapet, and 21'3" mechanical screen (below CDDSG requirement of 35'). The majority of addition is behind the privacy fence for minimal neighborhood impact.

The Planning Commission reviewed the proposal at its January 14, 2016 meeting and unanimously recommended approval with one condition. Staff recommended City Council approval of the revised copy of Resolution No. 10, Series 2016.

APPLICANT PRESENTATION

The applicants introduced themselves: Stacey Root, Public Architect, Boulder Associates, Inc., 1426 Pearl Street, #300, Boulder, CO, and Malissa Benson, Centennial Peaks Hospital Representative, 2255 S. 88th Street, Louisville, CO.

Ms. Root explained the proposal is to expand the hospital away from the neighborhood and Monarch High School and toward the Avista Campus. The land is owned by Avista Hospital and Centennial Peaks leases the land. She stressed Avista Hospital is very supportive of this project. With respect to architecture, they propose a combination of stucco and brick to be consistent with Avista Hospital. She reviewed a 1998 Site Plan Map, which showed the hospital site with a potential for an expansion of the campus. The current proposal requires 156 parking spaces. The hospital currently has 121 spaces, but there is a significant overflow problem, due to outpatient parking. The total amount of parking provided is 180 parking spaces, which exceeds the requirement by 24 spaces. A Neighborhood Meeting was held on December 22 for the purpose of updating the neighbors and residents of the project. Only 3 people showed up, but all were in full support of the project.

Ms. Benson addressed the mission of Centennial Peaks Hospital and why the expansion is required. She explained Centennial Peaks Hospital's community partnership includes PEN, Sister Carmen and Hope Arapahoe House. They provide a complimentary level of care assessment to the community 24 hours a day, 7 days a week and 365 days a year. Their call center responds to over 11,000 calls annually. She stressed one of the reasons for expansion is that Colorado ranks 50th in the United States in the number of beds per capita and nationally, Colorado ranked 9th in suicides per capita and in 2015. The Centennial Peaks Hospital is currently unable to serve approximately 200 patients per month due to the lack of beds. With the expansion Centennial Peaks Hospital expects to have the capacity to serve an additional 1,500 to 2,000 patients annually and estimates they will be providing 75 new jobs.

Ms. Root noted they have worked very closely with Police Chief Hayes to address all of his concerns and will be installing a metal detector. They have also worked with the Facilities Director at Avista Hospital and the project has his full support.

MOTION: Mayor Pro Tem Lipton moved to approve the revised Resolution No. 10, Series 2016, seconded by Council member Loo. All were in favor.

ORDINANCE No. 1716, SERIES 2016 – AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE (LMC) TO ADD HEALTH OR ATHLETIC

**CLUBS, SPAS, DANCE STUDIOS AND FITNESS STUDIOS AS A LISTED USE
GROUP AND SPECIFYING IN WHICH ZONE DISTRICTS THESE MAY BE
DEVELOPED – 1ST READING – SET PUBLIC HEARING 03/08/2016**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1716, Series 2016.

MOTION: Mayor Muckle moved to approve Ordinance No 1716, Series 2016, on first reading, ordered it published and set a public hearing for March 8, 2016 seconded by Mayor Pro Tem Lipton.

COUNCIL COMMENTS

Council member Stolzmann requested at the next meeting staff provide the following information: She noted the Use Group table in the ordinance does not match the Use Group Table in the Council Communication. She voiced her preference for the Use Group Table in the Council Communication. She also requested a discussion on using the word gymnasium in the Use Group.

Council member Maloney asked for information on how broad the definition is for gymnasium.

VOTE: All were in favor

DISCUSSION/DIRECTION/ACTION – CITY COUNCIL MEETING SCHEDULE

City Manager Fleming noted last year the Council had a six week break. He outlined the proposed Council Meeting Schedule and requested Council discussion and direction.

Option 1:

- May 31 – 5th Tuesday, no meeting
- June 7 – cancel regular meeting
- June 14 – cancel study session four weeks between meetings
- June 21 – regular meeting
- June 28 – regular meeting, budget retreat
- Regular - July schedule

Option 2:

- June 7 – regular meeting
- June 14 – regular meeting, budget retreat
- June 21 – cancel regular meeting
- June 28 – cancel study session
- July 5 – cancel regular meeting four weeks between meetings

- July 12 – regular meeting
- July 19 – study session
- July 26 - regular meeting

Option 3:

- May 31 – 5th Tuesday, no meeting
- June 7 – cancel regular meeting
- June 14 – study session three weeks between meetings
- June 21 – regular meeting
- June 28 – regular meeting, budget retreat
- Regular - July schedule

Option 4:

- May 31 – 5th Tuesday, no meeting
- June 7 – regular meeting, budget retreat
- June 14 – cancel study session two weeks between meetings
- June 21 – regular meeting
- June 28 – study session
- Regular - July schedule

COUNCIL DISCUSSION

Mayor Muckle voiced his support Option 2, but suggested the July 5th meeting not be skipped. This would provide a three week break.

Council member Loo stated in light of the Recreation/Senior Center Aquatic expansion and improvements, she was not sure the Council should take a summer break. She was concerned about the timelines for public hearing on the ballot measures. She agreed Option 2, without skipping the July 5th meeting is the best option. She noted the public hearing for the Recreation/Senior Center ballot issue was to be the first meeting in June. She did not feel the ballot issue and the budget should be put on the same meeting. Council member Maloney also supported the modified Option 2.

Council member Lipton was not sure Council should take a summer break, but felt there should be some flexibility within the summer sessions. He noted there is an anticipated public hearing for the Recreation/Senior Aquatic expansion in June.

City Manager Fleming and Mayor Muckle reviewed the revised Option 2 for the Council Summer Schedule. There was Council consensus. The schedule is as follows:

- June 7 – regular meeting, budget retreat
- June 14 –regular meeting (Tentative Public Hearing - Recreation Center)
- June 21 – cancel regular meeting
- June 28 – cancel study session

- July 5 – regular meeting
- July 12 – study session
- July 19 – regular meeting
- July 26 – study session

CITY ATTORNEY'S REPORT

City Attorney Light explained later on the City Council will have to adopt a motion for the adjusted summer meeting schedule. City Manager Fleming confirmed this will be on a future agenda.

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

Council member Stolzmann reported on the Finance Committee meeting where the City's bill paying was discussed. Generally, the bills are not paid until the City Council approves them, but during the summer break there may be a significant amount of time between Council's approvals. These bills may be budgeted or under contract so the bills will be paid, rather than being held for the Finance Committee's review. This will appear as a future consent agenda item to be approved by Council.

Mayor Muckle stated Council approval of the bills provides accountability and transparency. The Finance Committee is planning on changing the strategy, but Council will still approve the bills. Mayor Pro Tem Lipton supported changing the bill paying process.

Council member Stolzmann reported on the Joint Louisville/Superior Committee and a presentation made by Drewberry Consulting. Due to EPA regulations, the City is making changes to their Waste Water Treatment Plant. Superior will also have to make changes to their wastewater plant, but on a different timeline. The engineers provided information to make a decision on whether there would be economic, environmental or efficiency reasons to join the two plants together. It does not appear there will be a large financial savings. Superior would have to pay approximately \$3.5 Million more. There was discussion about the Superior staff discussing this with the Trustees to see if they wish to continue the discussion.

Council member Leh reminded everyone about the Senior Heat Relief Dinner and noted it is for a good cause. He also reported on the Valentine's Dinner at the Sweet Spot at the Golf Course. He encouraged everyone to support the golf course.

ADJOURN

MOTION: Mayor Muckle moved for adjournment, seconded by Mayor Pro Tem Lipton. All were in favor. The meeting was adjourned at 8:40 p.m.

Robert P. Muckle, Mayor

Carol Hanson, Acting City Clerk