

City Council Meeting Minutes

**June 14, 2016
City Hall, Council Chambers
749 Main Street
7:00 PM**

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

Roll Call was taken and the following members were present:

City Council: *Mayor Muckle, City Council members: Jeff Lipton, Ashley Stolzmann, Dennis Maloney, Susan Loo and Jay Keany.*

Absent: *Councilmember Leh*

Staff Present: *Malcolm Fleming, City Manager
Kevin Watson, Finance Director
Aaron DeJong, Director of Economic Development
Robert Zuccaro, Planning & Building Safety Director
Carol Hanson, Acting City Clerk*

Others Present: *Sam Light, City Attorney*

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Mayor Pro Tem Lipton. All were in favor. Absent: Council member Leh

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Nancy Holloway, 155 W. Sycamore Lane, Louisville, CO stated she is with the Louisville Community Food Bank which has been housed at the Methodist Church for forty plus years. They are looking for partners because they are out growing their space.

City of Louisville

City Council *749 Main Street* *Louisville CO 80027*
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She noted she has been a resident of Louisville for thirty years and a dog guardian for 25 years. She expressed concern about events downtown allowing so many dogs. She stated communities around Colorado are starting to enforce no pet events and she would like it considered before something bad happens.

APPROVAL OF THE CONSENT AGENDA

Mayor Muckle called for changes to the consent agenda and asked item D be removed and considered as the first item of regular business. He moved to approve the consent agenda as amended, seconded by Council member Maloney. All were in favor.

A. Approval of Bills

B. Approval of Minutes: May 17, 2016

C. Approve Resolution No. 27, Series 2016 – A Resolution Approving a Final Planned Unit Development (PUD) to Construct a 62,400 Square Foot Single Story Industrial/Flex Building with Associated Site Improvements on Lots 6 & 10, Block 3, CTC Filing 1

D. Approve Resolution No. 28, Series 2016 – MOVED TO REGULAR BUSINESS

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

No comments.

CITY MANAGER'S REPORT

No report.

REGULAR BUSINESS

APPROVE RESOLUTION NO. 28, SERIES 2016 – A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE KESTREL PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW NINE ADDITIONAL RESIDENTIAL UNITS ON LOT 1 OF THE KESTREL SUBDIVISION

Mayor Muckle called for a staff presentation.

Planning and Building Safety Director Zuccaro noted the applicant, Boulder County Housing Authority, requests a PUD amendment to allow nine additional residential units and remove 3,100 square feet of commercial space from the first phase of development within Planning Area A. The property is located northwest of the South Boulder Road and Colorado State Highway 42 (96th Street) intersection. The City of Louisville has partnered with the Boulder County Housing Authority on this affordable housing, mixed use project to include a minimum of 80% affordable housing units. The first phases of

the development are under construction with permits issued for 14 buildings and 3 buildings currently under review. The current PUD includes 191 residential units and 5,977 square feet of commercial area with areas of the project site reserved for future phases of development. The General Development Plan (GDP) allows up to 231 residential units and 64,488 square feet of commercial development. The first phase is heavy on the residential and the future phases are intended to be heavy on the commercial.

The applicant proposes four of the nine units on the ground floor of the live/work building adjacent to Hecla Dr., replacing 3,100 square feet of commercial area in this building. The proposal also includes increasing the live/work building from a two-story to three-story building. The building height will increase only slightly from 32'-0" to 32'-8" due to a decrease in ceiling heights.

The application proposes the additional five units within the community center building, which would be changed from a one-story to a two-story structure in order to accommodate the additional units. The building height would increase from 19'5" to 30' 1".

A total of 31 parking spaces would be required for Planning Area 1 under the proposed PUD amendment. The proposal includes 38 parking spaces.

Staff recommends approval with no conditions.

PUBLIC COMMENT

Michael Menaker, 1827 W. Chokecherry Drive, Louisville, CO thanked Council for taking this off the consent agenda and noted it was in reply to a question he asked. He stated staff answered the question thoroughly and he appreciated the responsive of Council and staff.

APPLICANT PRESENTATION

Ian Swallow, with Boulder County Housing, 2525 13th Street, Boulder, CO noted the proposal asks to move 9 residential units from the future phase of development up to the current phase, adding a second story to the community building; as well as 4-one bedroom units to the live/work building. The housing authority had heard from the community there was a need for one bedroom units, especially from the senior population and persons with disabilities. The flex place was to be shared with Art Underground; they have found another place making the need for that commercial space not the same. The additional affordable units seemed like a benefit to the project.

Mayor Muckle asked if a comparable number of units were now not going to be built in other parts of Area A.

Mr. Swallow said yes, 231 units are in the GDP, the current PUD is 191. Nine units that were not going to be in the current development are being added as affordable units now rather than being market rate units in future development.

Mayor Muckle asked if the Commercial space would be added anywhere else. Mr. Swallow felt the commercial space will be at its maximum. There has been a lot of interest in the commercial spaces.

Council member Loo asked if the economic analysis would be more negative now. Mr. Swallow did not feel the economic analysis would change much.

Council member Loo encouraged putting in as much commercial space as possible.

Mayor Muckle called for public comment and hearing none, asked for Council comments or a motion.

MOTION: Council member Loo moved to approve Resolution No. 28, Series 2016, seconded by Council member Keany. All in favor. Absent: Council member Leh.

RESOLUTION NO. 29, SERIES 2016 – A RESOLUTION APPROVING A BUSINESS ASSISTANCE AGREEMENT WITH GBS PARTNERS, INC. FOR AN ECONOMIC DEVELOPMENT PROJECT IN THE CITY OF LOUISVILLE

Mayor Muckle called for a staff presentation.

Economic Development Director DeJong stated the proposed business assistance package is with GBS Partners, Inc. d/b/a Boulder Sausage, Inc., a producer of pork sausage and bacon products, founded in 1961 in Boulder and moved to Louisville in 1994.

- They distribute to major grocery chains throughout Colorado and the Rocky Mountain Region.
- The company's CEO is Jim Burton.
- Project is to expand their operations at 513 South Pierce.
 - Approximately doubling the size of the facility.
 - 5,000 SF addition.
- Experiencing significant growth and will outgrow their footprint soon.
- Retain 26 jobs in Louisville
- Expand to 35 within 5 years
 - Wages meet Boulder County average wage
- \$750,000 in construction and tenant improvements with expansion.
 - \$23,500 in City Permit Fees, Use taxes
 - \$1,800 is for Open Space and Historic Preservation purposes
- Considering locations in Aurora, Commerce City and Lafayette
 - Land rates vary from \$2.10 - \$3.50
 - Louisville listings vary from \$3.50 - \$5.75

- Expansion is more costly than new construction.

Proposed Assistance:

- 50% rebate of City Building Permit Fees
 - \$5,300 value
- 50% rebate of Construction Use Taxes
 - \$5,500 value
- Incentives capped at \$12,500.
- Meets the general criteria of the BAP Program
 - Retention and expansion of jobs,
 - Project utilizes and existing building,
 - Encouraging the diversity of jobs or employment opportunities,
 - Value added by moving the company's corporate headquarters to the city,
 - Project conforms to the comprehensive plan

Action Requested: Resolution approving a Business Assistance Package with GBS Partners, Inc. doing business as Boulder Sausage.

Mayor Muckle asked if the applicant would like to make any comments.

APPLICANT PRESENTATION

Jim Burton, CEO of GBS Partners, Inc. noted they have been in Louisville since 1994 and have outgrown their facility. He noted the total investment in this project would likely be in excess of \$1.5 million. The plan is to not only add the building space, but to add a large refrigerated production area and a second production line.

Mr. Burton stated the company is pleased to be in Louisville, would like to continue to be here and they are appreciative of any assistance.

Mayor Muckle called for public comment and hearing none called for Council comment.

MOTION: Council member Keany moved to approve Resolution No. 29, Series 2016 seconded by Council member Loo.

Council member Stolzmann was in favor of the motion, noted it meets the criteria and felt it would be great if the company stayed in Louisville. Mayor Muckle agreed.

Roll Call vote 6-0. Motion carries. Council member Leh absent.

ORDINANCE NO. 1720, SERIES 2016 – AN ORDINANCE AMENDING SECTION 4.03.060 OF THE LOUISVILLE MUNICIPAL CODE REGARDING LIABILITY FOR VIOLATIONS OF OPEN SPACE REGULATIONS – 2nd Reading – Public Hearing

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1720, Series 2016.

Mayor Muckle opened the public hearing and called for a staff presentation.

The Louisville Municipal Court Prosecutor, Colette Cribari, noted the ordinance would amend section 4.03.060 of the Louisville Municipal Code changing the references from “this title” which is much broader and seems to apply to all of Title 4, to “this chapter or Chapter 4.01 or 4.02.”

When Title 4 was first adopted, the fourth Chapter was not included. Chapter 4.04 was added later. This amendment clarifies that violations of chapters 4.01, 4.02 and 4.03, pertaining to the management of Open Space, would not be a municipal offense. However, violations of chapter 4.04, pertaining to Open Space Regulations, would be a municipal offense.

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

MOTION: Council member Loo moved to approve Ordinance No. 1720, Series 2016, seconded by Council member Stolzmann. Roll Call Vote 6-0. Absent: Council member Leh

RESOLUTION NO. 30, SERIES 2016 – A RESOLUTION APPROVING A FINAL PLANNED UNIT DEVELOPMENT (PUD) FOR A 17,940 SF SINGLE STORY INDUSTRIAL FLEX BUILDING WITH ASSOCIATED SITE IMPROVEMENTS ON LOT 1 OF THE BUSINESS CENTER AT CTC

Mayor Muckle introduced the item and called for a staff presentation.

Planning and Building Safety Director Zuccaro stated this final Planned Unit Development (PUD) is for a building located at 305 S. Arthur Avenue.

- Located in CTC
- Property zoned PCZD-Industrial (PCZD-I)
- Required to follow IDDSG
- Dedication of right-of-way for a portion of a future road connecting 96th Street to S. Arthur Avenue
- Studied in CTC Connectivity Study
- Alternative 2, recommended road alignment
- No final design for roadway
- Lot coverage (building, parking, driveways):
 - Current plan: 54.3%
 - With future road: 66.8%
 - IDDSG: maximum 75%
- Side setback:
 - Current plan: 45' side setback
 - With future road: 15'
 - IDDSG: 30'
- 72 parking (4 spaces/1,000 for office)
- Access points:

- Current plan: one
- With future road: three
- Temporary sidewalk to be redesigned with future road construction
- Concrete tilt-up panels and aluminum storefront windows
- Varied roof line between 24-27 feet
- IDDSG allows for 40 feet
- Main entrance accented with blue panels, 27 foot parapet and horizontal steel canopy

The applicant is requesting the following waivers:

- An additional monument sign along the future road to be installed after the road is constructed.
- Three surface mounted signs, where one per street frontage is allowed, totaling 120 SF, where 80 SF is allowed, with a maximum character height of 24 inches, where 18 inches is allowed.
- A decrease in the side-yard setback from a local public street from 30 feet to 15 feet when the future road is constructed.

Staff supports these waiver requests and recommends approval of Resolution 30, Series 2016 with the following condition:

1. The applicant shall continue to work with Public Works Department on the items listed in the May 6, 2016 memo. Each item shall be completed prior to recordation.

Mayor Muckle called for Council questions.

COUNCIL QUESTIONS

Council member Maloney asked about the waiver for the setback in the side-yard; was 15 feet enough.

Planning and Building Safety Director Zuccaro noted in staff's discussion of this waiver, it was noted it is on the back side of the building and the future road is a local road without high traffic speeds. There will also be room for a sidewalk and landscape buffer between the building and the road. The project is under maximum lot coverage requirements so there are more open, landscaped areas.

Mayor Muckle asked about the landscaping between 96th Street and the parking lot. He called for an applicant presentation to answer that question.

APPLICANT PRESENTATION

Liz Cox, Construction Manager with Etkin Johnson, 1512 Larimer Street, Suite 100, Denver, CO introduced herself to Council. This single story 17,940 sf building sits on 2.3 acres. The building will be constructed with concrete tilt up panels with varying parapet heights will and several reveals. The majority of the parking is to south near

Arthur Avenue with trash enclosure and landscaping surrounding the area. There is a detention pond near Arthur Avenue. There will be 2 patios for indoor/outdoor office space and to allow sunlight in the building.

There is a tenant, Accurrence, founded in 2005 as an inspection company for casualty homeowner insurance. The company has advanced to a software service driven company which allows adjusters and contractors to assess inspection data and find insurance solutions.

Ms. Cox noted there is a lot of landscaping between 96th and the building which includes a variety of trees and ornamental grasses.

Etkin Johnson has over a million square feet and eleven buildings and has been working in Colorado for over 25 years. They specialize in development, acquisition and ownership and management of income producing properties. Etkin Johnson strives to provide the highest quality space with highest quality service to their tenants.

Mayor called for Council questions and hearing none called for public comment. No public comment was heard.

City Attorney Light asked about the timing of the right of way dedication. He noted the language of conveyance was not on the PUD. He suggested a condition be added to clarify the vehicle to be used to make sure the dedication occurs.

Jim Vasbinder, Etkin Johnson Real Estate Partners, suggested a condition of PUD the right-of-way will be dedicated by separate instrument and could be conditioned on being done prior to the issuance of the building permit.

MOTION: Mayor Muckle moved to approve Resolution 30, Series 2016 seconded by Council member Keany.

City Attorney Light added a friendly amendment to add an additional condition which states "at or prior to recordation of the final PUD, the applicant shall enter into a development agreement with the City requiring the conveyance of the thirty foot future road right-of-way to the City, which conveyance shall be made at the time of recording of the PUD".

Applicant agreed. Motioner and seconder agreed. All in favor. Council member Leh absent.

**ORDINANCE NO. 1721, SERIES 2016 – AN ORDINANCE APPROVING A
BOUNDARY LINE AGREEMENT CONCERNING CERTAIN BOUNDARIES OF
MEMORY SQUARE PARK – 1st Reading – Set Public Hearing 07/05/16**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1721, Series 2016.

MOTION: Mayor Muckle moved to approve Ordinance No.1721, Series 2016 on first reading, ordered it published and set a public hearing for July 5, 2016, seconded by Council member Loo. All were in favor. Absent: Council member Leh

EXECUTIVE SESSION

REAL PROPERTY ACQUISITIONS AND DISPOSITIONS

(Louisville Charter, Section 5-2(c) – Authorized Topics – Consideration of real property acquisitions and dispositions, only as to appraisals and other value estimates and strategy and C.R.S. 24-6-402(4)(a)).

The City Manager requested the City Council Convene an Executive Session for the Purpose of Consideration of Potential Real Property Acquisitions and Dispositions concerning property in Louisville.

REGULAR BUSINESS ITEMS SUSPENDED

City Attorney Light introduced the request for executive session. The City Manager requested the City Council convene an executive session for the purpose of consideration of potential real property acquisitions and dispositions concerning property in the Louisville area.

Acting City Clerk Hanson read Section 2.90.050 – Public statement of the Louisville Municipal Code, which outlines the topics permitted for discussion in an executive session.

City Attorney Light stated the authority to conduct an executive session: (Louisville Charter, Section 5-2(c) – Authorized Topics – Consideration of real property acquisitions and dispositions, but only as to appraisals and other value estimates and strategy, and C.R.S. 24-6-402(4)(a)).

MOTION: Mayor Muckle moved the City Council adjourn to executive session for the purpose of consideration of potential real property acquisitions and dispositions concerning property in the Louisville area, but only as to appraisals and other value estimates and strategy for such potential acquisition and disposition, and the session include the City Council, City Manager, City Attorney, Economic Development Director, Planning and Building Safety Director. Council member Maloney seconded the motion. The motion carried by a vote of 6-0. Council member Leh absent.

Council member Stolzmann noted the executive session was scheduled to consider multiple properties and she would vote to go into executive session but would likely object to one of the topics in the discussion in executive session.

The City Council adjourned to executive session at 7:53 p.m.

The City Council meeting reconvened at 9:00 p.m.

REGULAR BUSINESS ITEMS CONTINUED

**REPORT – DISCUSSION/DIRECTION/ACTION – REAL PROPERTY DISPOSITION
AND PENDING LITIGATION**

City Attorney Light reported in executive session the City Council discussed a matter concerning real property acquisitions and dispositions in the Louisville area. Staff was given direction by the City Council on strategies for potential acquisitions and dispositions of properties.

CITY ATTORNEY’S REPORT

No report.

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

No comments.

ADJOURN

MOTION: Mayor Muckle moved for adjournment, seconded by Council member Keany. All were in favor. The meeting was adjourned at 09:01 p.m.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk