

City Council Meeting Minutes

**January 10, 2023
City Hall, Council Chambers
749 Main Street
6:00 PM**

Call to Order –Mayor Pro Tem Maloney called the meeting to order at 6:00 p.m. **Roll Call** was taken and the following members were present:

City Council: *Mayor Dennis Maloney
Councilmember Kyle Brown
Councilmember J. Caleb Dickinson (attended remotely)
Councilmember Deborah Fahey
Councilmember Chris Leh
Councilmember Maxine Most*

Staff Present: *Jeff Durbin, City Manager
Megan Davis, Deputy City Manager
Rob Zuccaro, Planning and Building Safety Director
Ellie Hassan, Planner II
Sharon Nemechek, Cultural Services Director
Erica Schmitt, Arts & Events Program Manager
Meredyth Muth, City Clerk*

Others Present: *Kathleen Kelly, City Attorney*

APPROVAL OF AGENDA

Mayor Pro Tem Maloney called for changes to the agenda and hearing none asked for a motion. **Motion:** Councilmember Leh moved to approve the agenda, seconded by Councilmember Fahey. **Vote:** All in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA AND ON THE CONSENT AGENDA

David Banner, Lafayette, asked the Council to consider passing an ordinance requiring restaurants list non sugary drinks for kids on menus. He noted the childhood obesity epidemic and children’s addiction to sugary drinks.

Lily Wood, Louisville, also asked Council to pass a healthy drinks ordinance as a way to assure children have non sugary drink options on restaurant menus.

City of Louisville

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Lakshmi, Broomfield, agreed with the pervious speakers and asked Council to consider an ordinance. She noted statistics on mortality related to sugary drinks and weight gain.

Eric Lund, Chamber of Commerce, came to congratulate the incoming mayor and invite the Council to the Chamber's awards banquet.

APPROVAL OF THE CONSENT AGENDA

Mayor Pro Tem Maloney asked for changes to the consent agenda; hearing none he asked for a motion. **Motion:** Councilmember Fahey moved to approve the consent agenda, seconded by Councilmember Brown. **Vote:** All in favor.

- A. *Approval of Bills***
- B. *Approval of a Request for Proposals for Consultant Services to Develop a Housing Plan***
- C. *Approval to Cancel February 14 Study Session***
- D. *Approval of Appointment of Helana Lechner to Library Board of Trustees***
- E. *Approval of Resolution No. 2, Series 2023 – A Resolution Approving a First Amendment with AMP Robotics Corporation for an Economic Development Project in the City of Louisville***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Councilmember Leh stated the Revitalization Commission met recently to create an annual work plan.

OATH OF OFFICE FOR MAYOR DENNIS MALONEY

At the December 13 City Council meeting the Council voted to appoint Mayor Pro Tem Maloney to fill the mayoral position left vacant with Mayor Stolzmann's election to Boulder County Commissioner. Municipal Judge David Thrower administered the oath of office to Mayor Maloney.

CITY MANAGER'S REPORT

City Manager Jeff Durbin stated Public Works continues to remove snow from recent storms. There are still some vacant board and commission seats if people are interested in applying. And, if anyone is interested in applying for the City Council Ward 3 vacancy those applications are due by Friday.

REGULAR BUSINESS

ELECTION OF MAYOR PRO TEM

MOTION: Councilmember Most nominated Councilmember Fahey for the Mayor Pro Tem position. Councilmember Leh seconded the motion.

Councilmember Most noted Fahey's dedication to the City and her many years of attending various City meetings. She recounted the many years of work Fahey has put in on sustainability issues.

Councilmember Leh agreed with Councilmember Most and stated Councilmember Fahey would be an excellent person for the position. He noted it is important for Marshall Fire survivors to see one of their own in this position.

Councilmember Brown stated Councilmember Fahey represents the best that Louisville has to offer and she has made great contributions to the City, particularly the senior community.

Councilmember Dickinson agreed with everyone and noted Councilmember Fahey is a wonderful colleague who is thoughtful and great to work with. He stated he is happy to support the nomination.

Mayor Maloney agreed with everyone's comments and noted she has been in part of the fabric of the community for many years. He stated her experience makes her a great person for the position.

Councilmember Fahey stated she has lived here for over 40 years and raised her family here. She noted her involvement with the museum and senior center. She stated her work with seniors has been her calling for many years and she wants to continue to work for seniors in the community. She wants to give back to the community.

VOTE: Motion passed by unanimous voice vote.

RESOLUTION NO. 3, SERIES 2023 – A RESOLUTION APPROVING A PLANNED UNIT DEVELOPMENT TO ALLOW CONSTRUCTION OF A 31,220 SQUARE-FOOT FLEX INDUSTRIAL BUILDING AND A LOT CONSOLIDATION PLAT OF LOTS 2 AND 3, BLOCK 3 OF THE CTC FILING 1 SUBDIVISION

Mayor Maloney introduced the item and asked for disclosers; seeing none he opened the public hearing.

Planning Hassan stated this is a request for a Planned Unit Development and Plat at 578 and 632 South Pierce Avenue. She noted the site has a cumulative area is 2.53 acres and is zoned industrial. The original plat was approved in 1979 as the CTC First

Filing. A PUD and Special Review Use for an 8,700 square-foot pet care facility at 578 South Pierce Avenue was approved in 2020, but was never developed.

The site currently consists of two lots and the applicants are asking to consolidate this into one lot. A 15-foot wide maintenance and access easement is proposed, which grants access to the existing drainage easement on the east side of the property.

The application proposes a 31,220 sf, two-story flex industrial building that faces South Pierce Avenue. The proposal meets parking requirement for flex buildings. Hassan reviewed the proposed building architecture and materials. Staff analysis finds the application is compliant with the final plat criteria, as well as the PUD criteria, the IDDSG, and the CTC special district framework in the Comprehensive plan.

Hassan noted the applicant is requesting waivers. The first is a waiver reallocating where trees are planted on the perimeter of the lot. The total perimeter tree count on the north, south, and east perimeters would be 36 total trees where 33 are required additionally the applicants propose shrubs in the gaps of the southern landscape perimeter area in lieu of the tree plantings. Staff supports the waiver request because the northern landscaping is provided elsewhere on the site and provides significant screening. The southern portion of the site provides large shrubs, which also helps with the screening and buffering that trees would provide.

The second waiver request is alter the building frontage landscaping. Staff supports the different plant materials in some areas due to soils and to create better visual impacts

Staff Recommends approval of Resolution No. 3, Series 2023.

Vahe Christianian gave the applicant presentation. He gave a history of his company and stated this building is to be used to expand their existing business of recycling photo equipment. He noted they are asking for a waiver for a reduction of 6 trees down from the 75 required. However they are above code on the overall landscaping requirements. They hope to move in by the end of the year.

Public Comments

Josh Cooperman, Louisville, stated he feels the waivers make sense as the landscaping is made up in other places on the lot. He asked Council to consider changing the land use rules in the CTC to allow for more density to conserve more land in large parcels for a better environment.

Mayor Pro Tem Fahey stated she thinks the landscaping with increased native plantings and other shrubs makes up for the reduction in trees. She appreciates the green focus of the building and the nature of the business.

Councilmember Most stated it is a beautiful building and she appreciates the applicant's efforts to address the issues raised at the Planning Commission.

Councilmember Brown stated he feels the application meets the code and the landscaping deficiencies are offset in other areas. He supports the application.

Councilmember Dickinson concurred that this will be a great addition to the CTC and that it meets the code with the waivers.

Councilmember Leh stated he agrees the application meets the code and the new larger lot will create a better use of the space. He stated he appreciates the design.

Mayor Maloney stated he appreciates that staff worked with the applicant to meet the intention of a code that was created in the 1990s but now has different needs. He also noted that combining the two parcels is a better use of the land.

MOTION: Mayor Pro Tem Fahey made a motion to approve Resolution No. 3; seconded by Councilmember Most.

Mayor Maloney closed the public hearing.

VOTE: Motion carried by unanimous roll call vote.

**DISCUSSION/DIRECTION/ACTION – PROPOSED MARSHALL FIRE SCULPTURE
“RESILIENCE”**

Mayor Maloney introduced the item.

Arts & Cultural Events Manager Schmitt reviewed the Public Art Process for this item. In 2022, the Louisville Cultural Council (LCC) commissioned a sculpture to commemorate the Marshall Fire. A public “call for entry” was sent out asking for a new sculpture to be located in the downtown area. 16 unique entries received. A jury composed of Louisville residents including business owners, artists, law enforcement, and fire survivors reviewed the entries and unanimously selected this sculpture, titled “Community Resilience.”

Public notice signs were posted at two possible locations in downtown and the LCC Public Art Subcommittee met at the end of the public notice period and voted in favor of the location outside of City Hall. Per City process, the City Council called up this item for review this evening.

Public Comments

Keely Taylor, member of the LCC Public Art Subcommittee, stated the process to get here was a thoughtful one that included many residents. The sculpture is meant to help

the community heal from the collective trauma of the past year. Main Street is a visible, high traffic location where people can engage with the art. The process has included fire survivors and they were an integral part of this process. The Subcommittee feels this location creates the most exposure and engagement for the artwork.

Mark Cathcart, member of the LCC but speaking on his own behalf, stated he submitted comments via email for the record as well. He stated those comments outline his concerns with this process and the Cultural Council. He asserted that many LCC members have not yet taken open government training and the appropriate process was not followed.

Councilmember Leh asked what process was followed. Schmitt stated the public art process was followed. The jury included 14 people including residents who lost homes in the fire, business owners, and LCC members.

Councilmember Most asked who selected the 14 person jury. Schmitt stated the jury was chosen by members of the LCC Public Art Subcommittee and they extended the invitation to business owners, residents who lost homes, and LCC members. Members did disclose any conflicts of interest.

Mayor Pro Tem Fahey stated she very much likes the sculpture but feels it is not the correct location. She stated the arboretum would be a more appropriate location as it was in the fire, it is visible from Via Appia, and it would be visible from homes that are being rebuilt after the fire. She added there is parking and accessibility there and Via Appia has more traffic. She also noted this is not just an art sculpture but also a memorial for the fire victims and as such would be more appropriate being in the burn area. She would like to see it put at the arboretum.

Councilmember Most asked why the call for entry specified a location in downtown and wondered if that was not in the call if it would have affected the sculpture design, scale and mass. Schmitt stated if the location is changed the LCC would start the process again with a new Call for Entries.

Councilmember Dickinson stated he is ok with the location at City Hall, but agreed it may not be the perfect location for all people.

Councilmember Brown stated this location was supposed to be a place of honor but we need to be sensitive to everyone. He stated he feels the sculpture is good, but he is uncomfortable with the location.

Councilmember Leh stated the process was created to give the LCC appropriate leeway and that process has been followed. He stated it wouldn't be appropriate to approve the sculpture but not the location. This is not likely to be the only Marshall Fire memorial.

Mayor Maloney stated the Marshall Fire affected the whole community and whatever we do, we need to do it right. The call did limit the location options and perhaps others should be considered. He stated he would like to see a process for a piece of art designed for placement at the arboretum.

MOTION: Councilmember Brown moved that this item be sent back to the LCC for additional discussion. Councilmember Leh seconded the motion.

Councilmember Leh suggested to table this proposal for now to allow for a discussion additional options and perhaps a second process for a piece to be placed in the arboretum.

Councilmember Most stated she likes the motion so that perhaps the LCC can consider a second process for a piece to be placed in the arboretum using 2023 money.

Councilmember Brown stated his goal is to have some options and discuss the concerns about the location. He wants to know if there are other options or additional public art projects that can be dedicated to the Marshall Fire.

Mayor Maloney stated the Councilmembers all want to support the process but he feels they would be remiss to create a process from the dais. He asked the City Manager to bring back options.

Councilmember Dickinson suggested this sculpture could be accepted for City Hall and a second process could happen for the arboretum. The committee went through the proper process and this is a prominent and appropriate place to put it. He supports moving this forward as presented.

Councilmember Leh stated maybe this is an issue about which fire victims should have a greater say. He is concerned the process was insufficient in including fire victims.

Mayor Maloney asked for a vote on tabling this item and have staff bring back options after additional discussion with the LCC.

VOTE: Members voted 5-1 to table the item with the plan to bring it back with additional options with Councilmember Dickinson voting no.

CITY COUNCIL COMMITTEE ASSIGNMENTS

Mayor Maloney announced the following appointments

Board/Commission/Committee	Councilmember Assignment
City Council Economic Vitality Committee	Leh chair, Most, Fahey
City Council Finance Committee	Dickinson chair, Brown, Leh
Colorado Communities for Climate Action	Fahey

Commuting Solutions	Fahey, Most alternate
Consortium of Cities	Brown, Dickinson, alternate
DBA Street Faire Committee	Maloney
Denver Regional Council of Governments	Brown, Fahey alternate
Joint Issues Committees (Superior & Lafayette)	Most, Brown
Revitalization Commission Member	Leh
RMMA Round Table	Brown, Most, alternate

CITY ATTORNEY'S REPORT

None.

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

Mayor Pro Tem Fahey reported on the legislative breakfast of Commuting Solutions.

Councilmember Brown stated he was elected to be vice chair of the RMMA roundtable.

ADJOURN

Members adjourned at 8:08 pm.

Dennis Maloney, Mayor Pro Tem

Meredyth Muth, City Clerk