

# ***City Council Meeting Minutes***

**January 3, 2022  
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 Pro Tem Dennis Maloney  
Councilmember Kyle Brown  
Councilmember Caleb Dickinson  
Councilmember Deborah Fahey  
Councilmember Chris Leh  
Councilmember Maxine Most*

**Absent:** *Mayor Ashley Stolzmann*

**Staff Present:** *Jeff Durbin, City Manager  
Kurt Kowar, Public Works Director  
Rob Zuccaro, Planning and Building Safety Director  
Elizabeth Kay Marchetti, Senior Planner  
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 Brown 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**

None.

## **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 Dickinson. **Vote:** All in favor.

- A. Approval of Bills
- B. Approval of Minutes: November 29, 2022; December 12, 2022; December 13, 2022
- C. Approval of Designation of Places for Posting Notices for Public Meetings
- D. Distribution of 2022 Open Government Pamphlet
- E. Approval of A Sole Source Agreement with KRW Associates for 2023 Police Chief Recruitment Services
- F. Approval of Contract Between the City of Louisville and Goodland Construction, Corp. for the South Boulder Road and Centennial Improvement Contract

### **COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA**

Councilmember Most stated she would like the Council to revisit the rules of procedure for electronic meetings.

Noting this will be the last meeting that Mayor Stolzmann will be the mayor, Councilmember Fahey thanked Mayor Stolzmann for her years of service and leadership to the City and wished her good luck as a County Commissioner.

Councilmember Leh also thanked Mayor Stolzmann for her service and noted her analytical and problem solving skills as well as her ability to create and maintain regional relationships.

Councilmember Brown noted the Mayor's exceptional work and leadership over the years. He noted her dedication and the time she put into her role as Mayor.

Councilmember Dickinson stated it was an honor to work with Mayor Stolzmann and noted her dedication to important issues will continue at the County level.

Councilmember Most said that Mayor Stolzmann is a great mentor. She noted her depth and understanding of the issues as well as her dedication.

Mayor Pro Tem Maloney also noted Mayor Stolzmann's ability to lead and teach others. He noted she was a great influence on the Council and her dedication is second to none. He wished her luck as a Boulder County Commissioner.

### **CITY MANAGER'S REPORT**

City Manager Durbin agreed with all of the comments from Council and thanked Mayor Stolzmann for her work at the City and stated he looks forward to working with her as a County Commissioner.

## **REGULAR BUSINESS**

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### **RESOLUTION NO. 1, SERIES 2023 – A RESOLUTION APPROVING A PLANNED UNIT DEVELOPMENT AMENDMENT TO ALLOW CONSTRUCTION OF AN 84,164 SF OFFICE/FLEX-INDUSTRIAL BUILDING WITH WAIVERS, INCLUDING THE REMOVAL OF UNDERGROUND PARKING SPACES, BUILDING GROSS SQUARE FOOTAGE INCREASE, AND REDESIGNED PARKING, LANDSCAPING, AND DRAINAGE LOCATED AT 1411 S ARTHUR AVENUE**

Mayor Pro Tem Maloney introduced the item and opened the public hearing.

Planner Kay Marchetti reviewed the location of this parcel in the Colorado Tech Center and reviewed the proposed site plan showing the anticipated building locations, parking and landscaping. The proposed architecture of the buildings would have flat roofs allowing for installation solar panels. The applicant requests a waiver of the 30-foot wide landscape buffer between dissimilar uses. The second waiver request is to change the location of the proposed entrance and reduce the parking requirement to 2.9 spaces per 1,000 square feet of developed space. Staff supports both waivers and recommends approval of the amendment.

Andy Johnson, DAJ Design, representing the applicant, stated this will be a mix of Class A office and flex industrial space with a smaller building area, and lower overall average building height. The parking will include 15 EV ready spaces, 21 EV installed spaces, and 31 EV capable spaces. A 30-foot land dedication for an access road and emergency access easement were detailed. The project was designed for 100% electrification, renewable capacity, stormwater/water quality detention pond design, and considering LEED certification for the project.

Jeff Wellber, with Alliance Investments, as a developer wanted to maintain as close to possible the conception of the previous developer. Wanted to rely on the flex-space rather than Class A office. They wanted a campus/community feel to the project.

Councilmember Most asked for clarification on what the code calls for and the waivers. She also asked for more information on the water conservation area and the inability to plant trees in this area.

Planner Kay Marchetti stated that the code requires a 30' wide buffer between dissimilar uses. On this parcel that buffer aligns with the water conservation district easement. Planting trees in the conservation easement is prohibited but other landscaping is

allowed. The waiver is asking to plant other shrubs in this area as trees are not allowed in the easement but are required by code.

Councilmember Most asked what that does to the residents north of there as they don't get screening from the building. Planner Kay Marchetti explained that due to the distance of the residences and the fact that they are 8 feet higher in elevation means the planting of trees would not screen the proposed site for many years.

Councilmember Most was encouraged by the sustainability measures of the project but asked if there is more blacktop with this new configuration of the buildings. Andy Johnson stated the amount of paved areas is about the same. There is a little bit more on the north side to satisfy the requirements of the fire department and add accessibility to the light industrial, but for the most part it is the same. The increased building footprint gives more area for renewables.

Councilmember Fahey asked about the elimination of underground parking and if that increases the concrete surface area of the development. Andy Johnson stated the underground parking was a very small amount. Councilmember Fahey asked if the total amount of landscaping decreased due to increased parking. Andy Johnson stated it actually remained about the same even with the increased surface parking.

Councilmember Brown asked if the previously requested waivers apply to this application. Planner Kay Marchetti said that they were approved by Council so this application seeks to reaffirm the previous approval. Councilmember Brown asked if they could be changed or if they are already granted to the applicant. Director Zuccaro stated that since this is a new application every part of the application needs to be approved. The waivers don't carry forward, Council will have to actively approve the previous waivers.

#### Public Comments

Herb Newbold, neighbor to the north of this project. The footprint of the building has changed to be 37% bigger and open space has decreased by 10%. He disagrees with the parking space count on the application. There has been comments that you can't put in landscaping easily, but if the original footprint is maintained landscaping would not be an issue and trees would help with screening. He feels the comments regarding the fire department requirement for access are not true. While the applicant says the building will be LEED certified, there is nothing that says that is what they are going to do and what they might do. When the solar panels are installed that is going to make the building much higher.

Josh Cooperman, Louisville, stated the application has some really great points. He encouraged changing building options for the CTC to have more density and larger undeveloped spaces with native plants. If he was one of the property owners to the north he would be concerned about the truck traffic that would come into the project.

Mayor Pro Tem Maloney stated he likes the use of the topography as well as the design and sustainability elements of the building. He stated these waivers make sense based on the topography and other challenges of the site. He thinks the parking demand will be less in the future for flex buildings.

Councilmember Leh appreciates the concerns of the neighbors and asked if the applicant has any response, in particular the parking count discrepancy and the foot print issue. Andy Johnson stated there was underground parking in the previous application that has been moved inside the building. He also stated that the proposed building is eight to ten feet shorter than the previous submission for the site. In terms of the parking, there are eight spaces inside the building. This is not semi-truck access, the largest vehicle will be a fire department vehicle. Fundamentally this is a different type of use with potentially lower vehicle traffic. This building is a 360 building, so there is no back or “ugly side” of the building.

Councilmember Brown asked about the materials waiver and why painted metal and unfinished concrete are being waived for this project. Director Zuccaro stated that when the design standards were written they didn’t want a stark concrete building. This project has architectural concrete and metal which is a higher level of construction.

Councilmember Most stated she is concerned about the waiver for the area that cannot contain trees. She feels like the project should be moved back to allow trees to be planted in that area. When it comes to buffers and the relationship between different types of buildings, especially residences, there is a responsibility to uphold the standards.

Councilmember Dickinson stated he doesn’t want to see a parking lot that is never going to be used or filled. To the materials waiver, this is artistic metal and a standard above what is mentioned in the code. He noted the lack of tree coverage to the north, and believes that if the applicant were allowed to plant trees within the setback they would, but moving the building to the south to add additional area for trees would have created other issues. He is supportive of the project.

Councilmember Fahey doesn’t feel that trees are the only option on the north side to shield the building from the residences. Some shrubbery may actually be more effective.

Mayor Pro Tem Maloney closed the public hearing.

**MOTION:** Councilmember Dickinson moved to approve Resolution No. 1, Series 2023; seconded by Councilmember Fahey.

Councilmember Dickinson spoke in favor of the motion and appreciates some of the issues raised by other councilmembers, but believes that staff has reviewed the waivers and they do meet the code.

Councilmember Most agrees with some of the waivers, but takes issue with the lack of trees in the buffer and will be voting no because it is very important protect the interests of the residents.

**VOTE:** Motion passed 4-1 with Councilmember Most voting no and Councilmember Leh absent.

### **ADOPTION OF FUTURE 42: CONNECTING PEOPLE AND PLACES STUDY**

Mayor Pro Tem Maloney introduced the item.

Director Kowar stated that this is a corridor plan for Highway 42 between Louisville and Lafayette which was previously discussed. Staff moved forward with Council's preferred option which is what is before Council this evening. This is the result of consultation with Colorado Department of Transportation Lafayette, and Boulder County. This report is also under consideration in Lafayette. He recommends approval of the report as it will allow the City to go forward with applying for grants to fund various pieces of the project.

Councilmember Most questioned if the underpass at South Boulder Road is in the best location for helping get kids to school. She stated this is an important update to the corridor but asked why previous development has not paid for some of these improvements. She noted her concerns that residents north of South Boulder Road can cross safely to reach schools.

Councilmember Fahey thanked the staff for all the work that has been done to reconfigure Highway 42. She mentioned the underpass by the Balfour development and that can get residents across Highway 42 to the west side. Do we need to partner with others to get the other underpasses built?

Councilmember Dickinson noted the need for an underpass at South Boulder Road. It's a huge project that will take many years.

#### **Public Comment**

Josh Cooperman, Louisville, supports the work and study that has gone into this project. He is glad to see the recommended lower speed limits and would prefer the 35 mph limit. He also appreciates the protected bicycle lanes and sidewalks on both sides of the street. He encouraged the City to find an alternative to expanding Highway 42 to two lanes in both directions.

Linda Newbold, Louisville, likes round-a-bouts on the major streets. Regarding where her property is there has been something rather new is the expansion of the right turn lane from eastbound South Boulder Road to southbound Main Street. No one has talked to her about that project.

Mayor Pro Tem Maloney closed the public. He noted this plan is aspirational and it may take decades and a lot of funding to see this through.

Councilmember Fahey emphasized the importance of the safety improvements in the plan.

**MOTION:** Councilmember Fahey moved to adopt Future 42; seconded by Councilmember Brown.

**VOTE:** Motion carried by unanimous roll call vote.

**ORDINANCE NO. 1848, SERIES 2023 – AN ORDINANCE AMENDING SECTION 2.02.090 OF THE LOUISVILLE MUNICIPAL CODE REGARDING THE MAYOR’S AND MAYOR PRO TEM’S SALARIES – 1<sup>ST</sup> READING, SET PUBLIC HEARING 2/7/23**

**MOTION:** Mayor Pro Tem Maloney introduced Ordinance No. 1848 by title. Councilmember Fahey moved to approve the ordinance on first reading and set the public hearing for February 7, 2023; seconded by Councilmember Most.

**VOTE:** Motion passed by unanimous voice vote.

**EXECUTIVE SESSION  
CITY MANAGER ANNUAL EVALUATION**

(Louisville Code of Ethics, Section 5-2(b), CRS 24-6-402(4)(f) – Authorized Topics

Mayor Pro Tem Maloney stated he is requesting the City Council convene an Executive Session for the purpose of conducting an annual performance review of the City Manager.

City Attorney Kelly introduced the request for executive session.

City Clerk Muth 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 Kelly stated the authority to conduct this executive session comes from the Louisville Code of Ethics, Section 5-2(b) and CRS 24-6-402(4)(f). This discussion Section 5-2(b) authorizes an executive session for the purpose of reviewing the performance of an employee directly appointed by the City Council. This request

involves an evaluation of the performance of the City Manager who is an employee directly appointed by the City Manager.

**MOTION:** Mayor Pro Tem Maloney moved the City Council adjourn to executive session for the purpose of an annual performance review of the City Manager as authorized by the laws noted by the City Attorney and the executive session include the City Council and the City Attorney; seconded by Councilmember Dickinson.

**VOTE:** Motion carried by unanimous roll call vote.

The City Council adjourned to executive session at 8:54 pm.

The City Council meeting reconvened at 10:16 pm.

### **CITY ATTORNEY REPORT ON THE EXECUTIVE SESSION**

City Attorney Kelly reported that while in executive session, the City Council discussed the annual performance review of the City Manager.

Mayor Pro Tem Maloney stated he and Councilmember Leh will formalize the discussion the group had as well as develop goals for the City Manager for 2023. They will work with the manager for contract changes for 2023.

### **CITY ATTORNEY'S REPORT**

None.

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

None.

### **ADJOURN**

Members adjourned at 10:18 pm.

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Dennis Maloney, Mayor

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Meredyth Muth, City Clerk