

City Council Meeting Minutes

**March 7, 2023
City Hall, Council Chambers
749 Main Street
6:00 PM**

Call to Order – Mayor 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
Mayor Pro Tem Deborah Fahey
Councilmember Caleb Dickinson
Councilmember Barbara Hamlington
Councilmember Chris Leh
Councilmember Maxine Most***

Absent: ***Councilmember Dietrich Hoefner***

Staff Present: ***Jeff Durbin, City Manager
Megan Davis, Deputy City Manager
Rob Zuccaro, Planning and Building Safety Director
Lisa Ritchie, Planning Manager
Elizabeth Kay Marchetti, Senior Planner
Kurt Kowar, Public Works Director
Adam Blackmore, Parks, Recreation & Open Space Director
Meredyth Muth, City Clerk***

Others Present: ***Kathleen Kelly, City Attorney***

APPROVAL OF AGENDA

Mayor Maloney called for changes to the agenda and hearing none asked for a motion. **Motion:** Councilmember Dickinson moved to approve the agenda, seconded by Mayor Pro Tem 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 Maloney requested that Item E be moved to the regular agenda. Seeing no other changes to the consent agenda; he asked for a motion. **Motion:** Councilmember Leh moved to approve the consent agenda, seconded by Mayor Pro Tem Fahey. **Vote:** All in favor.

- A. ***Approval of Bills***
- B. ***Approval of Minutes: October 3, 2022; November 1, 2022***
- C. ***Approval of Contract Addendum #1 for Lot Grading Review of Marshall Fire Building Permits with AECOM Technical Services, Inc.***
- D. ***Approval of Resolution No. 13, Series 2023 – A Resolution Approving an Agreement for the Installation of a Golf Ball Tracking System at the Coal Creek Golf Course***
- E. ***Award Contract for the 2023 Concrete Replacement Project – moved to regular agenda***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Councilmember Most noted it is Women's History Month and asked everyone to recognize the contribution and impacts women have had on the community and world.

Mayor Pro Tem Fahey noted the recent passing of Virginia Caranci a lifelong Louisville resident.

CITY MANAGER'S REPORT

None.

REGULAR BUSINESS

AWARD CONTRACT FOR THE 2023 CONCRETE REPLACEMENT PROJECT

Director Kowar stated this is a contract for concrete work in the City this year and it includes many additional alternatives that could be included if Council would like.

Public Comments

David Blankinship, Louisville, stated there is an option to include paving about ½ mile of the Coal Creek Trail as an additional alternative in the proposed contract. He urged the Council to not pave this section of the Coal Creek Trail but rather to preserve it as gravel and in a more natural state. He suggested sending this to the Open Space Board

for a recommendation. This section is not called out in the Transportation Master Plan (TMP) for paving and it is not needed.

Josh Cooperman, Louisville, also asked Council not to pave this section of the Coal Creek Trail as residents do not support this, it is not necessary for upkeep of this section of the trail, there are other paved options for cyclists, and it would increase greenhouse gas emissions. He asked Council to get additional input before making a decision.

John Milanski, Louisville, agreed with the other commenters and asked that this section not be paved. He also asked this item be sent to the Open Space Board for their input.

Charles Danforth, Louisville, also asked this section to remain unpaved. There are plenty of other paved routes in town for those that want that. There is no need to spend money on this when it is not in the TMP and it is not supported by residents. There needs to be more public process.

Kevin Lombardo, Louisville, stated that as a runner he supports keeping this as a soft surface trail and more natural. He suggested more public process is needed.

Mayor Maloney stated public process is very important. He noted the TMP was approved in 2019 as a way to address multimodal transportation. At that time, he noted the plan does not have a way to connect the US 36 Bikeway with Downtown. Paving this section of the Trail is only a part of making that connection. He stated there are ways to do that other than paving this section, which can be looked at. We need to continue the conversation to find that solution. Mayor Maloney noted this connection has been discussed for some time and it was directed by Council, not by staff.

Mayor Maloney proposed the Council approve the paving contract to include bid alternate #1 and drop bid alternate #2 (paving on Coal Creek Trail from Dillon Road to US 36).

Councilmember Most asked for more detail on bid alternate #1. Director Kowar stated it includes repairing concrete on a roundabout on Coal Creek Lane that is the responsibility of the City. Bid alternates #3 and #4 include paving of social trails that lead to the Monarch Campus that were not proposed for inclusion this evening to stay within budget.

Councilmember Most stated she would support including bid alternates #3 and #4 to help kids access to schools.

Councilmember Dickinson agreed the paved connection to Downtown is needed and he would like to see options for both soft surface and pavement options eventually. Mayor Pro Tem Fahey agreed.

Councilmember Hamlington stated she would like to see a better reason as to why to pave this section and would like to see different options to consider.

MOTION: Mayor Maloney moved to award the contract to include bid alternates #1, #3 and #4. Seconded by Councilmember Dickinson.

VOTE: Motion passed by unanimous roll call vote.

RESOLUTION NO. 14, SERIES 2023 – A RESOLUTION APPROVING AN AMENDMENT TO THE CORNERSTONE FINAL PLANNED UNIT DEVELOPMENT REGARDING FENCE REGULATIONS

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

Planner Ritchie stated that recognizing fences contributed to the spread of the Marshall Fire in some instances, the City approved Ordinance 1838, Series 2022 which provided an automatic exemption from any Planned Unit Development (PUD) standards for certain wood fences, thereby allowing homeowners to install non-combustible fence materials immediately adjacent to homes to potentially reduce impact from wildfire.

Following the fire, Planning staff met regularly with affected neighborhoods to discuss issues related to recovery. Some neighborhoods, including Cornerstone, expressed a desire to amend their PUD fence regulations in order to address combustible fence designs. The proposed amendment reflects the neighborhood's collective preference and staff is presenting the application on their behalf.

She reviewed the regulatory history of the neighborhood and the proposed fence standards which removes interior fence standards and revises the exterior fences to non-combustible materials. The neighbors in these areas have coalesced on these changes and worked together to bring this forward. Staff recommends approval.

Public Comments

Lisa Hughes, Cornerstone resident, urged approval stating the residents of the neighborhood have worked together and support these changes.

Christian Dino, Cornerstone resident, stated this has been a neighborhood driven plan with a lot of input and good compromise. This brings more fire resilience to the neighborhood and materials that will weather well.

Judy Kern, Cornerstone resident, agreed with her neighbors and that this has been driven by the neighbors. She asked for quick approval as people are moving back home and need a decision.

Tawnya Samauroo, Cornerstone resident, also asked for approval noting this is needed quickly as people are ready to move back.

Frank Valdez, Cornerstone resident, asked if the City could allocate funding for those impacted by the fire and for a fire protection program for the entire city.

Suzanne McKee, Cornerstone resident, also asked the City to spend funds to help those rebuilding.

Councilmember Leh thanked the community for their work on this process and noted their ability to reach consensus. He feels the PUD criteria have been met and he supports the resolution. He added that fire hardening and resilience will be an issue for years to come.

Mayor Pro Tem Fahey asked if wood fences are required in other PUDs. Ritchie stated yes, there are PUDs that require that. Mayor Pro Tem Fahey asked that we look at removing that requirement citywide at some point.

MOTION: Councilmember Leh moved to approve Resolution No. 14; seconded by Councilmember Dickinson.

Mayor Maloney closed the public hearing.

VOTE: Motion carried by unanimous roll call vote.

**RESOLUTION NO. 15, SERIES 2023 – A RESOLUTION APPROVING AN
AMENDMENT TO THE COAL CREEK RANCH FILING 3 FINAL PLANNED UNIT
DEVELOPMENT REGARDING FENCE REGULATIONS**

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

Planner Ritchie reviewed the history of the neighborhood noting almost all homes were destroyed in the Marshall Fire. As with the previous item, the neighbors in this area are requesting changes to their fence standards. She noted this neighborhood has an active homeowners association (HOA) that led the process.

This proposal removes all interior fence standards from the PUD so the City will no longer enforce those but the HOA will control fencing design requirements. The section abutting Dillon Road remains unchanged. Neighbors may want to change that at a later date, but that is not being requested this evening. The remaining exterior sections of the neighborhood would either have no fence standard or black metal fencing.

Staff recommends approval.

Public Comments

Jerome McQuie, resident of Coal Creek Ranch, asked for approval. He has some trepidation about the cedar fence requirement for part of the neighborhood abutting Dillon Road and thinks that may need to be changed at some point.

Councilmember Dickinson asked if the City is requiring the Dillon Road section to remain cedar. Ritchie stated the City does not require that. If the neighbors and HOA want to revise that standard, staff would support the change. It would also require updating the neighborhood covenants. It could come back as a separate item at a later date if they decide to do that.

Councilmember Leh stated he feels the PUD criteria have been met and he supports the changes.

Mayor Maloney stated council should move this forward tonight to allow those moving in to make their fencing decisions, another amendment can come later if the neighbors would like one.

MOTION: Mayor Pro Tem Fahey moved to approve Resolution No. 15; seconded by Councilmember Dickinson.

Mayor Maloney closed the public hearing.

VOTE: Motion carried by unanimous roll call vote.

SECOND REPLAT OF THE ENCLAVE – 1214, 1216, 1220, 1222, 1224 WEST PINE COURT

ORDINANCE NO. 1849, SERIES 2023 – AN ORDINANCE APPROVING THE VACATION OF FOUR DRAINAGE EASEMENTS LOCATED BETWEEN LOTS 13 AND 14, LOTS 14 AND 15, LOTS 15 AND 16, AND LOTS 16 AND 17 OF BLOCK 1 DEDICATED BY THE REPLAT OF THE ENCLAVE – 2ND READING, PUBLIC HEARING (advertised *Daily Camera* 2/12/23)

RESOLUTION NO. 16, SERIES 2023 – A RESOLUTION APPROVING A MINOR SUBDIVISION TO REPLAT LOTS 13, 14, 15, 16, AND 17 OF THE REPLAT TO THE ENCLAVE TO CREATE FOUR LOTS AND ADJUST LOT LINES BETWEEN THE SAME LOTS WITH SUBDIVISION AGREEMENT (1214, 1216, 1220, 1222, 1224 WEST PINE COURT)

Mayor Maloney introduced both items by title and asked for disclosures; seeing none he opened the public hearing.

Planner Kay Marchetti reviewed the request which is for a minor subdivision replat to create four lots from the existing five lots in the Enclave Subdivision. This includes a subdivision agreement to ensure the work is completed to abandon one water service line and one sewer service line that were to serve the old Lot 15. It also establishes new drainage easements that parallel the new interior side lot lines for each new lot.

She reviewed the history of these parcels. Two of the lots have been vacant since being platted in 1988. In 1995, a small section of lot 14 was deeded to lot 15 to fix a zoning nonconformity, but this was never officially replatted. She noted the change adjusts the lot line between lots 16 and 17, while lots 14 and 15 are being combined. All lots would now comply with the lot size standards in the PUD.

Staff finds the replat conforms with the municipal code, the comprehensive plan, and the Enclave PUD. Staff recommends approval.

Councilmember Hamlington asked if any of these drainage changes would affect the City's open space. Kay Marchetti stated there are none we know of, but that would be reviewed specifically when a new building permits is submitted for any of these parcels.

Public Comments

None.

Councilmember Hamlington asked if the area neighbors had been engaged in this conversation. Thomas Yarnell, applicant, stated the neighbors have been informed of the request and are supportive. The goal is to maintain the views on these lots and have more room for better fire protection.

Public Comments

None.

Mayor Pro Tem Fahey supports the change and feels it leaves less untended vacant land in the City.

MOTION: Mayor Pro Tem Fahey moved to approve Ordinance No. 1849; seconded by Councilmember Leh.

Mayor Maloney closed the public hearing.

VOTE: Motion carried by unanimous roll call vote.

MOTION: Councilmember Dickinson moved to approve Resolution No. 16; seconded by Mayor Pro Tem Fahey.

VOTE: Motion carried by unanimous roll call vote.

CITY ATTORNEY'S REPORT

None.

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

None.

ADJOURN

Members adjourned at 7:33 pm.

Dennis Maloney, Mayor

Meredyth Muth, City Clerk