

City Council Meeting Minutes

**June 6, 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 Dietrich Hoefner
Councilmember Chris Leh*

Absent: *Councilmember Maxine Most*

Staff Present: *Jeff Durbin, City Manager
Rob Zuccaro, Community Development Director
Amelia Brackett Hogstad, Planner II
April Kroner, Economic Vitality Manager
Ryder Bailey, Finance Director
Paulina Bennett, Information Technology Director
Rafael Gutierrez, Police Chief
Monai Myles, Equity, Diversity, and Inclusion Manager
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 Councilmember Hoefner. **Vote:** All in favor.

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

City of Louisville

*City Council 749 Main Street Louisville CO 80027
303.335.4536 (phone) www.LouisvilleCO.gov*

Eric Lund, Chamber of Commerce, thanked the City for supporting the Taste of Louisville this year. It had many great events over three days and record turnout of participants.

APPROVAL OF THE CONSENT AGENDA

Mayor Maloney asked that Item C be moved to the regular agenda and moved to approve the consent agenda as amended, seconded by Councilmember Leh.

Vote: All in favor.

- A. ***Approval of Bills***
- B. ***Approval of Minutes: May 16, 2023***
- C. ***Approval of a Proclamation Observing Juneteenth National Independence Day – moved to regular agenda***
- D. ***Approval of additional funding, awarding bid and contract with Green Landscape Solutions for the 2023 Tier I Median Landscape Renovations.***
- E. ***Approval of a contract with Design Workshop for consultation services to develop a Comprehensive Plan update***
- F. ***Colorado Communities for Climate Action (CC4CA) Policy Statement proposed updates***
- G. ***Resolution No. 32, Series 2023 – Approving an Amendment to the Annual Budget for the Louisville Revitalization Commission for the Fiscal Year 2023.***
- H. ***Approval of Contracts Between the City of Louisville and National Coatings and Fusion Inspections and Consultants for Wastewater Treatment Plant Clarifier Coating and Inspection Services***
- I. ***Approval of Contract Between the City of Louisville and ICON Engineering, Inc. for Storm Water Quality Master Plan Pilot Project Design***
- J. ***Award Bid for 2023 Water Main Replacement***
- K. ***Approval of Amendment #1 to Contracts for the 2023 Street Resurfacing Project***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Councilmember Leh thanked the Chamber for the new Main Street dinner event and said it was a great success.

CITY MANAGER'S REPORT

City Manager Jeff Durbin stated the City Clerk's office is hosting a Candidate Informational Forum on June 12th for residents interested in running for City Council. He noted that the Street Faire starts next week.

Introduced the new Police Chief Rafael Gutierrez and Information Technology Director Paulina Bennett.

REGULAR BUSINESS

LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUEER PLUS PRIDE MONTH PROCLAMATION

Councilmember Hamlington noted the growing anti LBGTQ legislation across the United States and across the world. She stated the city continues to welcome and supported the LBGTQ community. She noted the June 19 event the City is sponsoring which will have panelists that will discuss what it means to be LBGTQ in this current moment in time.

Councilmember Hamlington read the proclamation.

MOTION: Councilmember Hamlington moved to approve the proclamation; seconded by Mayor Pro Tem Fahey.

Public Comment - None

VOTE: Motion passed by unanimous voice vote.

PROCLAMATION OBSERVING JUNETEENTH NATIONAL INDEPENDENCE DAY – *moved from consent agenda*

Councilmember Leh noted that Juneteenth was recognized as a federal holiday in 2021 and a State of Colorado holiday in 2022. This holiday commemorates the day that the final enslaved Americans were made aware of the Emancipation Proclamation and also commemorates the end of slavery in the United States.

Councilmember Leh read the proclamation.

MOTION: Councilmember Leh moved to adopt the proclamation; seconded by Councilmember Dickinson.

Public Comments – None

EDI Manager Myles stated that there will be a community film screening on June 15 at the library with information on Juneteenth prior to the movie and discussion afterward.

VOTE: Motion passed by unanimous voice vote.

929 PARKVIEW STREET

RESOLUTION NO. 33, SERIES 2023 – A RESOLUTION RECOMMENDING APPROVAL OF A LANDMARK DESIGNATION FOR A HISTORICAL RESIDENTIAL PROPERTY LOCATED AT 929 PARKVIEW STREET.

RESOLUTION NO. 34, SERIES 2023 – A RESOLUTION APPROVING A PRESERVATION AND RESTORATION GRANT FOR THE MADONNA HOMESTEAD AT 929 PARKVIEW.

RESOLUTION NO. 35, SERIES 2023 – A RESOLUTION APPROVING A PRESERVATION AND RESTORATION LOAN FOR THE MADONNA HOMESTEAD AT 929 PARKVIEW.

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

Planner Brackett Hogstad stated the home was built in the minimalist ranch style in 1952 and has a long history with the Madonna family. There is a grant request for matching funds of \$51,974. The Historic Preservation Commission approved the restoration work and noted that there are extraordinary circumstances that require foundation work to bring the home up to code and make it habitable. A loan request for \$51,974 is also being brought forward to cover the matching portion of the grant. The applicant has qualified for the Impact Development Fund. Staff is recommending approval of the landmark, the grant funding, and the loan funding.

Gordon Madonna, applicant, thanked the Council and staff for helping him preserve the property.

Public Comments – None

Mayor Pro Tem Fahey mentioned how wonderful it is to see another home in Louisville landmarked.

Mayor Maloney closed the public hearing.

Councilmember Dickinson stated this is a really important program. While the upfront costs are high, there are amazing benefits for doing these projects. He thanked the applicant for putting in the time, effort, and money and for taking care of this property.

Councilmember Leh noted it was nice to see the Madonna family in Chambers and he appreciate the contribution they have made to the City. He is pleased Council will be doing the designation of their home.

Councilmember Hamlington noted she also landmarked her home and knows it is no small task to preserve a property and thanked the family for helping maintain the charm of the city.

Mayor Maloney stated that in his time on Council he can see the impact of this program and he knows that using incentives is the right approach. This application reflects the intention of the program.

MOTION: Mayor Pro Tem Fahey moved to approve Resolution No. 33, seconded by Councilmember Leh.

VOTE: Motion carried by unanimous roll call vote

MOTION: Mayor Pro Tem Fahey moved to approve Resolution No. 34, seconded by Councilmember Leh.

VOTE: Motion carried by unanimous roll call vote.

MOTION: Mayor Pro Tem Fahey moved to approve Resolution No. 35, seconded by Councilmember Leh.

VOTE: Motion carried by unanimous roll call vote.

1209 MAIN STREET

RESOLUTION NO. 36, SERIES 2023 – A RESOLUTION RECOMMENDING APPROVAL OF A LANDMARK DESIGNATION FOR A HISTORICAL RESIDENTIAL PROPERTY LOCATED AT 1209 MAIN STREET.

RESOLUTION NO. 37, SERIES 2023 – A RESOLUTION APPROVING THE NICOLAS DIGIACOMO ADDITION – REPLAT B, A MINOR SUBDIVISION TO REPLAT LOTS 3-4-5-6, BLOCK 1 OF THE NICOLAS DIGIACOMO ADDITION TO CREATE TWO LOTS.

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

Planner Brackett Hogstad stated the structure on the property was built in 1909 in the Craftsman style. This home was associated with the Colacci family and the size and form have been maintained. This came before the Historic Preservation Commission (HPC) in 2022 as a full scrape of the property. The owner wanted to put up a four-plex. The HPC put a 180-day stay in place to protect the historical home. The applicant and staff then worked together to come up with a solution to save the historic property. The result was the landmark request and the associated subdivision request. Staff is recommending approval of the landmarking.

The proposed subdivision would divide the lot in two with a few modifications to take the lot sizes and configurations back to what is present in the neighborhood. Staff is also recommending approval of the subdivision agreement.

Councilmember Dickinson asked if the northern lot would be eligible for a duplex. Planner Brackett Hogstad noted that the southern lot would be the larger lot and the northern lot would only be able to have one residence based on the size of the lot. Director Zuccaro added that the southern lot would be large enough to have a small alley loaded in-law type unit which is typical in this section of town. If the owner wanted to put a second residence on the southern lot it would have to go through HPC for design review.

Vincent Colson, applicant, stated that at this time his intent is to go have two units total on the two lots. He is planning on putting a garage behind the historical home and a single family home on the northern lot. He believes this is good for old town.

Public Comments – none

Councilmember Hamlington thanked the applicant for navigating this process and saving the home which was a change from their original plan.

Councilmember Leh voiced his appreciation for the applicant's participation in this process and the historical significance of the home.

Councilmember Dickinson stated that in his time on the HPC he never saw a stay result in a landmarking. This stay resulted in more thought and contemplation. It's a win-win for the City and the owner.

MOTION: Councilmember Dickinson moved to approve Resolution No. 36, seconded by Councilmember Leh.

VOTE: Motion carried by unanimous roll call vote.

MOTION: Councilmember Dickinson moved to approve Resolution No. 37, seconded by Councilmember Leh

VOTE: Motion carried by unanimous roll call vote.

RESOLUTION NO. 38, SERIES 2023 – A RESOLUTION APPROVING AN AMENDMENT TO THE ENCLAVE FINAL PLANNED UNIT DEVELOPMENT REGARDING FENCE REGULATIONS.

Mayor Maloney introduced the item and asked for disclosures. Mayor Pro Tem Fahey noted she lives in the Enclave but does not back to any fences in the neighborhood.

City Attorney Kelly agreed that Mayor Pro Tem Fahey did not need to recuse herself from this item.

Mayor Maloney opened the public hearing.

Director Zuccaro stated this is a PUD amendment to the Enclave Fence Regulations. As a result of the Marshall Fire, residents would like some flexibility in using non-combustible materials. The PUD regulates perimeter fencing and fencing adjacent to Enclave. He reviewed the proposed specifics for each fence type in the PUD.

Amy Austin, representing the neighborhood, noted this is a request from the entire neighborhood and there has been no contention.

Public Comments

Tina Fontillas, resident of the Enclave, mentioned that everyone worked together to get to this point.

Carol Neslund, resident of the Enclave, noted it was a very positive experience in a tough time.

Mayor Maloney closed the public hearing.

MOTION: Mayor Pro Tem Fahey moved to approve Resolution No. 38, seconded by Councilmember Hoefner

VOTE: Motion carried by unanimous roll call vote.

RESOLUTION NO. 39, SERIES 2023 – A RESOLUTION APPROVING AN AMENDMENT TO THE CHERRYWOOD II FINAL PLANNED UNIT DEVELOPMENT REGARDING FENCE REGULATIONS.

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

Director Zuccaro stated that there were fifteen homes in this subdivision destroyed in the Marshall Fire. This request is for changes to the perimeter fence regulations for Lots 48-64 only and all other fence regulations shown on the Cherrywood II PUD will remain in effect. For lots 48-61 the request is to allow any fence permitted by the Louisville Municipal Code. The west side of lot 62 would be allowed to have any fence permitted by the Municipal Code while the northern side of the lot would be a 48" high Black Open Style Metal Fence. Lots 63 and 64 would be included in the 48" high Black Open Style Metal Fence for the northern property lines.

Maria McClure, Cherrywood HOA, stated that they neighborhood came to this agreement as a group as way to be assured of getting noncombustible fences.

Public Comments

Roger Wilkerson, Louisville, noted he would like to have some sort of fire resistant fence. He added that the HOA does have an architectural fence committee and there is a desire to have some sort of continuity.

Don, Louisville, stated it is his understanding that some of the other materials will melt if they get hot enough and may catch fire.

MOTION: Councilmember Dickinson moved to approve Resolution No. 39, seconded by Councilmember Leh

Mayor Maloney closed the public hearing.

VOTE: Motion carried by unanimous roll call vote

EXECUTIVE SESSION

REAL PROPERTY ACQUISITIONS AND DISPOSITIONS (Home Rule Charter Section 5-2(c) and C.R.S. 24-6-402(4)(a))

Mayor Maloney introduced the executive session.

City Attorney Kelly noted the items to be discussed and the authority under which the Council can go into executive session. She stated the City Manager is requesting the executive session for the purpose of discussing real property acquisitions and dispositions concerning properties in Louisville only as to appraisals and other value estimates and strategies.

City Clerk Muth read Section 2.90.050 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 is in the Louisville Home Rule Charter Section 5-2(c) which authorizes an executive session for the purpose of discussing real property acquisitions and dispositions concerning properties in Louisville at but only as to appraisals and other value estimates and strategy. Authorization is also allowed by the Colorado Open meetings law in C.R.S. 24-6-402(4)(a).

MOTION: Mayor Maloney moved to go into executive session for the purpose of discussing real property acquisitions and dispositions concerning properties in Louisville but only as to appraisals and other value estimates and strategy and that the executive

session include City Manager Jeff Durbin, Community Development Director Rob Zuccaro, Economic Vitality Manager April Kroner, Danica Powell with Trestle Strategy Group; John Koval with Coburn Partners; and City Attorney Kathleen Kelly. Councilmember Hoefner seconded the motion.

VOTE: Motion passed by unanimous roll call vote.

Council adjourned to executive session at 7:14 pm. The Council meeting reconvened at 8:20 pm.

REPORT – DISCUSSION/DIRECTION/ACTION – REAL PROPERTY ACQUISITIONS/DISPOSITIONS

City Attorney Kelly reported that the Council had discussions related real property acquisitions and dispositions and no further action is needed this evening.

CITY ATTORNEY’S REPORT

None.

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

Councilmember Hoefner noted a request from the Downtown Business Association to study the closure of Main Street seasonally or year around to cars. He asked that it be considered to be added to an agenda. After a brief discussion it was determined it will be discussed during the work plan discussion.

Mayor Maloney stated staff is requesting the cancellation of the June 13 Study Session. Members approved the cancellation.

ADJOURN

Members adjourned at 8:33 pm.

Dennis Maloney, Mayor

Meredyth Muth, City Clerk