

# **City Council Meeting Minutes**

**April 2, 2019  
City Hall, Council Chambers  
749 Main Street  
7:30 PM**

**Call to Order** – Mayor Muckle called the meeting to order at 7:30 p.m.

**Roll Call** was taken and the following members were present:

**City Council:**        *Mayor Robert Muckle  
Mayor Pro Tem Jeff Lipton  
Councilmember Jay Keany  
Councilmember Chris Leh  
Councilmember Susan Loo  
Councilmember Dennis Maloney  
Councilmember Ashley Stolzmann*

**Staff Present:**        *Heather Balsler, City Manager  
Megan Davis, Deputy City Manager  
Nathan Mosely, Parks, Recreation, & Open Space Director  
Rob Zuccaro, Planning & Building Safety Director  
Lisa Ritchie, Senior Planner  
Meredyth Muth, City Clerk*

**Others Present:**    *Kathleen Kelly, 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 Councilmember Stolzmann. All in favor.

## **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

Courtney Gaudet, 1982 Quail Court, representing the Ponderosa Pines Homeowners Association, stated the homeowners feel the crossing at South Boulder Road and Eisenhower is very dangerous; her daughter was hit by a car in the crosswalk. South

Boulder Road is wide and traffic is fast-moving. They have all experienced issues at the intersection and would like to see a flashing beacon crosswalk there to benefit everyone crossing the street and using the trail system.

Wahab Baouchi, 1955 Quail Court, witnessed someone almost hit at this intersection and personally almost got hit last summer. A flashing light would help people cross safely.

### **APPROVAL OF THE CONSENT AGENDA**

MOTION: Mayor Muckle moved to approve the consent agenda, seconded by Councilmember Stolzmann. All in favor.

- A.** Approval of Bills
- B.** Approval of Minutes: March 19, 2019
- C.** Approval of Contract with Mid-America Pool Renovation, Inc. for Memory Square Pool Resurfacing
- D.** Approval of Contract Between the City of Louisville and Baseline Engineering for Design and Construction Management Services of the Sid Copeland Water Treatment Plant Administration Building Improvements Project
- E.** Approval of Contract Between the City of Louisville and Murraysmith for the Design and Construction Management Services for the Southern Water Supply Pipeline Transmission Capacity Project

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

Mayor Muckle stated the City is aware of the issue at South Boulder Road and Eisenhower. We are working on a way to improve a number of crossings all along South Boulder Road and have submitted a grant request for federal funding for this.

Councilmember Stolzmann stated it appears the City has a good shot at getting funding for the improvements but it would likely be funded next year at the earliest.

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

None.

### **REGULAR BUSINESS**

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### **RESOLUTION NO. 12, SERIES 2019 – A RESOLUTION APPROVING AN EXTENSION OF THE FOUNDRY PLANNED UNIT DEVELOPMENT TO APRIL 2, 2020**

Mayor Muckle introduced the item and opened the public hearing.

Director Zuccaro stated the original PUD, GDP Amendment, and Plat were approved January 16, 2016. The project consists of 32 residential units, 24 of which are age-restricted, and a 32,000 sf commercial development. There was recent City Council approval to build one of the commercial buildings prior to the other rather than concurrently. He explained the Louisville Municipal Code does not allow for building permits to be issued more than 36 months after PUD approval unless an extension is approved.

The applicant is requesting an extension to April 2, 2020 saying this will give the applicant enough time for permits to be issued for all phases of the development, including both commercial buildings.

Director Zuccaro noted the Code includes an expiration provision on PUDs to allow Council the chance to address conditions, policies, and codes that may have changes since the original approval. There have been no changes to any codes since approval in January 2016. The PUD is consistent with the Small Area Plan that was approved after the initial approvals.

Staff recommends approval of Resolution 12 approving an extension to April 2, 2020.

Public Comments – None.

Councilmember Stolzmann asked if a building permit is pulled and no work is done in a year what is the recourse at that point. Would the PUD have expired and a building permit be left open? Director Zuccaro stated building permits expire six months after they are issued if there are no extensions. If a permit is pulled and nothing happens on the site prior to April 2020 the PUD would expire again.

Councilmember Stolzmann asked if it makes sense to put a condition on this that if the building permits go six months and are renewed and they ask for a second renewal on the permits that it has to come back to Council for consideration again. Director Zuccaro stated the Code allows a building permit to be renewed only once.

Mayor Muckle closed the public hearing.

Mayor Muckle moved to approve Resolution No. 12; Councilmember Loo seconded.

**Voice vote:** all in favor.

**RESOLUTION NO. 13, SERIES 2019 – A RESOLUTION APPROVING A FINAL SUBDIVISION PLAT TO ADJUST AN EXISTING LOT LINE AND AN AMENDMENT TO THE FINAL PLANNED UNIT DEVELOPMENT TO ALLOW THE CONSTRUCTION OF A NEW 40,000 SQUARE FOOT BUILDING AND ASSOCIATED SITE IMPROVEMENTS ON THE PROPERTY AT 152 AND 194 TAYLOR AVENUE**

Mayor Muckle introduced the item and opened the public hearing.

Planner Ritchie stated all notification requirements have been met for this application. She reviewed the location and site plan and the history of approvals and allowed uses on the site. She stated that earlier this year the City Council approved an addition on the existing building, but this new application splits the development into two separate buildings. This allows the property to be sold individually with its own parking if they desire to do so in the future. Otherwise the application is substantially as it was before.

The applicant is requesting deferred parking of 102 spaces. Just as approved on the previous application, the applicant proposes to construct 186 parking spaces with the initial construction. The applicant doesn't think the additional 102 spaces will be needed as many of their employees don't drive to the site any many work off site. The PUD includes a note that states "*At any time, the City of Louisville may require that the deferred parking be constructed.*"

The applicant is also requesting a landscape waiver. Lot 3 does not meet the minimum landscaped area and Lot 4 exceeds the minimum landscaped area. Collectively it meets the standard. Staff supports the request due to the elevated design and amenities.

Ritchie noted one page was left out of the plan set and it is available tonight.

Staff recommends approval of Resolution No. 13, Series 2019.

She noted there is one condition on the resolution related to the relocation of an easement.

Councilmember Maloney asked if the parking note on the PUD is hard to enforce on a new owner. Ritchie stated the PUD stays with the land and not the owner and it would be noted on the title. Any new owner should know about it.

Public Comments – None.

Mayor Pro Tem Lipton moved to approve Resolution No. 13 with the one condition, Councilmember Stolzmann seconded.

**Voice vote:** all in favor.

**EXECUTIVE SESSION**  
**CITY MANAGER SEMI-ANNUAL EVALUATION**

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

Mayor Muckle 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). 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 is also allowed under the open meetings law in state statute. This request involves an evaluation of the performance of the City Manager who is an employee directly appointed by the City Council.

**MOTION:** Mayor Muckle 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 Stolzmann.

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

The City Council adjourned to executive session at 7:52 p.m.

The Special City Council meeting reconvened at 8:55 p.m.

### **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. A summary of the performance evaluation will be prepared pursuant to section 8-1(d) of the Home Rule Charter and an amended contract will be on the April 16 Council meeting agenda for consideration.

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

None

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

Councilmember Keany stated the Sustainability Board is working to update the sustainability plan.

Councilmember Loo reviewed some information from Commuting Solutions including updates from the DC trip, cost estimates for work on Hwy 7 and Hwy 119, and US 36 use.

Councilmember Loo noted the Parks Board will be reviewing the process for addressing ash trees in the medians. There is discussion of proactively removing the ash trees in the

Via Appia median. The Parks Board was split on which direction to go. This could be a controversial issue. The Parks Board is looking at subdivision entrances as well.

City Manager Balser stated staff would like to make the April 9 meeting a special meeting to get Council direction. The discussion will be about affordable housing with the County. Also at that meeting, staff is interested in discussing polling regarding TABOR and the excise tax on the ballot. Members agreed to the special meeting and the additional agenda item.

Councilmember Stolzmann reported the DRCOG banquet is coming later this month. She stated the subregional transportation projects have been scored by staff which is the first step in the granting process. The trail on 104<sup>th</sup> scored well, the Hwy 42 plan was also high on the list, and there is the possibility the South Boulder Road at-grade crossings could be added as some other projects that were higher on the list may be removed. There is still another step that could change the rankings.

Councilmember Stolzmann stated the CC4CA is meeting Friday and she will bring back more information from that meeting.

Mayor Muckle stated the Historical Commission gave the Pioneer Award to Leon Wurl this year. He also reviewed the other winners from the Annual Chamber of Commerce Banquet.

## **ADJOURN**

Members adjourned at 9:06 pm.

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Robert P. Muckle, Mayor

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Meredyth Muth, City Clerk