

City Council

Meeting Minutes

July 23, 2019
City Hall, Council Chambers
749 Main Street
7:00 PM

Call to Order – Mayor Muckle called the meeting to order at 7:00 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
 Kevin Watson, Finance Director
 Nathan Mosely, Parks, Recreation, & Open Space Director
 Ember Brignull, Open Space Superintendent
 Kurt Kowar, Public Works Director
 Rob Zuccaro, Planning & Building Safety Director
 Felicity Selvoski, Planner I
 Lisa Ritchie, Senior Planner
 Carol Hanson, Deputy 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 Leh. All in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

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: July 9, 2019***
- C. *Approval of Contract Between the City of Louisville and Murraysmith for the Stormwater Quality Master Plan***
- D. *Approval of State Highway 42 and Short Street Geometric Project***
 - i. *Award Bid for State Highway 42 and Short Street Geometric Improvements Project***
 - ii. *Approve Contract Amendment Between the City of Louisville and Sustainable Traffic Solutions for the State Highway 42 and Short Street Geometric Improvements Project***
 - iii. *Approve a Contract Between the City of Louisville and Michael Baker International for the Highway 42 and Short Street Geometric Improvements Project***
- E. *Approve Change Orders for Paving and Concrete***
 - i. *Approve Contract Change Order Between the City of Louisville and PLM Asphalt and Concrete for the Police Department Parking Lot Repaving Project***
 - ii. *Approve Contract Change Order Between the City of Louisville and Standard Concrete, Inc. for the Police Department Concrete Replacement Project***
- F. *Approval of Park Name Recommendations from the Parks and Public Landscaping Advisory Board***
- G. *Ratification of Policy Statement for Colorado Communities for Climate Action***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Councilmember Leh announced Center Stage Theatre will present “Our Town” in August. Center Stage moves the audience and actors through three different locations in historic Louisville during the course of the play. He encouraged everyone to attend.

Mayor Muckle noted many heard FACE Vocal Band last week at the summer concert series and remarked it was a nice evening.

CITY MANAGER’S REPORT

City Manager Balser noted she has appointed Stan Zemler as Interim Economic Development Director. She asked Public Works Director Kowar to give an update on Coyote Run. Director Kowar said a contractor has mobilized on the site. Earth work is taking place and drilling for caissons to stop slope movement will take place this week with anticipated completion by end of August.

REGULAR BUSINESS

MARIJUANA CULTIVATION AND EXCISE TAX BALLOT ISSUES

ORDINANCE NO. 1776, SERIES 2019 – AN ORDINANCE IMPOSING AN EXCISE TAX OF UP TO TEN PERCENT ON RETAIL MARIJUANA CULTIVATION FACILITIES BEGINNING JANUARY 1, 2020, TO BE IMPOSED ONLY IF THE REGISTERED ELECTORS OF THE CITY APPROVE A BALLOT QUESTION PERMITTING SUCH CULTIVATION FACILITIES WITHIN THE CITY, AND PROVIDING FOR THE SUBMISSION OF THE ORDINANCE TO A VOTE OF THE REGISTERED ELECTORS AT THE REGULAR ELECTION TO BE HELD NOVEMBER 5, 2019 – 2nd READING, PUBLIC HEARING (advertised *Daily Camera* 7/14/19)

ORDINANCE NO. 1777, SERIES 2019 – AN ORDINANCE AMENDING TITLES 5 AND 17 CONCERNING RETAIL MARIJUANA CULTIVATION FACILITIES AND SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF LOUISVILLE AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2019, THE QUESTION OF WHETHER TO PERMIT SUCH RETAIL MARIJUANA CULTIVATION FACILITIES WITHIN THE CITY SUBJECT TO AN EXCISE TAX ON THE SAME – 2nd READING, PUBLIC HEARING (advertised *Daily Camera* 7/14/19)

Mayor Muckle called the items and noted there are two ordinances and both will be considered during this public hearing.

City Attorney Kelly introduced the ordinances by title. She noted Council had previously updated regulations concerning marijuana facilities and at that time asked staff to compose ballot language to refer to the voters allowing cultivation of marijuana subject to an excise tax. The Finance Committee reviewed the issue and recommended City Council refer both questions to the voters.

Ordinance 1776 addresses the excise tax. Specifically, it:

- Refers to the voters a TABOR ballot issue seeking authorization to impose an excise tax on the first sale or transfer of unprocessed marijuana by a retail marijuana cultivation facility.
- The proposed tax rate is five percent (5%) of the average market rate of the marijuana. The ordinance authorizes City Council to increase the rate to ten percent (10%) without further voter approval. The tax would only be imposed if retail marijuana cultivation facilities are permitted within the city. This permission

could be by voter approval of the second ballot question or by some other Council or voter action in the future.

- Revenues from the tax can be used for the following purposes: (1) to pay or reimburse the City for direct and indirect costs incurred or expended by the City for training, enforcement, and administration of all applicable marijuana laws and regulations; (2) to support local drug and alcohol programs and facilities; and (3) for other general purposes of the City.
- Staff estimates for the first year revenue would be \$100,000. Staff doubled the estimate to avoid underestimation and potential refund and rate reduction under TABOR.
- Second reading amendments are proposed to revise the ballot title to reflect the basis for the imposition of tax will be the average market rate rather than the price paid by the purchaser. Staff proposes some additional second reading amendments to capture the available excise tax revenue for all marijuana transferred by a cultivation facility.

Cultivation Facility Ordinance No. 1777

The second ordinance addresses retail marijuana cultivation facilities. Specifically, it:

- Refers to voters the question of whether retail marijuana cultivation facilities should be allowed within the Industrial zone districts of the City.
- Cultivation facilities will be allowed only if the voters also approve the excise tax on cultivation facilities.
- Makes corresponding amendments to Titles 5 and 17 of the City Code.
- The following two changes were made to the ordinance after Council reviewed it on June 11:
 - Provides that the total combined square footage of all licensed retail marijuana cultivation facilities operating in the City will not exceed 150,000 square feet of building area.
 - Added a requirement that plants be organized in orderly rows and include aisles of sufficient size to provide clear access to exits.
- Requires cultivation occur within a locked and enclosed space.
- As part of the license application, a cultivation facility will be required to submit a ventilation plan describing how odors are prevented from leaving the premises.
- The prohibition against odor emissions City Council adopted as part of Ordinance No. 1769 in February, 2019 will also apply to cultivation facilities. Specifically, cultivation facilities (along with stores, manufacturers and testing facilities) are prohibited from emitting detectable odors that leave the premises and that interfere with the reasonable and comfortable use and enjoyment of another's property.

Mayor Muckle opened the public hearing and asked the City Attorney's remarks be included in the public hearing. He called for Council questions.

Mayor Pro Tem Lipton asked if the start date could be extended to April to allow for further regulations being imposed by Council. City Attorney Kelly noted Council wanted

these considered together and it could cause an issue of the estimate of tax receipts and trying to estimate far into the future.

Mayor Pro Tem Lipton asked if a moratorium could be imposed to allow time for considering rules. City Attorney Kelly said that would be an option but would cause the same complications with the excise tax.

Councilmember Leh was concerned about the effective date. He noted Council had been receiving resident comments about tightening the regulations. He wondered if the 5% of average market rate was clear.

City Attorney Kelly asked if the language should be “the rate of five percent (5%) of the average market rate, which is the average price of unprocessed retail marijuana that is sold or transferred from a retail marijuana cultivation facility”. Councilmember Leh said that language was better.

Councilmember Keany asked about timing if setbacks were being looked at tonight.

Mayor Pro Tem Lipton anticipated some conversation on setbacks. He asked staff about setback requirements on retail. Director Zuccaro stated it is 1000 foot from public and private schools. No buffer from parks or other facilities. Spacing was established at 1500 feet between stores. Mayor Pro Tem Lipton asked if there were setbacks from parks originally. Director Zuccaro answered yes among other requirements.

Mayor Muckle called for public comment.

Dave Nosler, 604 Mead Court, felt the issue is not about setbacks, revenue, or philosophical differences but a matter of quality of life. He spoke to Lafayette about plans to expand square footage for cultivation. What he discovered was cultivation facilities have spent a lot of money trying to mitigate odor and have not totally succeeded. Lafayette’s odor mitigation plans are strict but if you go to the condo association in Lafayette the odor is there. He asked if any other cities have cultivation only a street width from cultivation which could happen on Empire Road.

Tom DeLorey, 587 Augusta Lane noted he previous lived in Colorado Springs near a home growing marijuana in the basement 500 feet away and the scent of the skunk smell some marijuana produces was strong. He felt once this gets approved, the city never will get rid of it. He doesn’t want that in Louisville; it will affect the quality of life. If there is no breeze, the scent will just sit there. He does not object to the sale or consumption but does not want to allow the cultivation in Louisville.

Patricia Ross, 3561 W. Monmouth Ave., Englewood, grew up in Louisville and opposes marijuana grows. She asked Council not to pass this as is and to consider setbacks or buffers. She would like impact studies done on water and waste. The criminal element should be considered. Louisville is off the beaten path and that could invite crime. She

asked if the regulations are adequate to protect the community. She noted the folks in town who are not directly affected would likely vote for this. Why compromise the quality of life. Please add buffers of 1000 feet to keep this drug away from residences. She asked Council to keep Louisville special.

Mike Deborski, 601 Pine Street, noted the demand is there to sell pot. Folks are trying to acquire licenses and the marijuana business defies typical business laws in place. He asked Council to address the setbacks and require a special review use (SRU). He cited examples of small town Louisville and asked Council to keep it that way.

Jean Morgan, 1131 Spruce Street cited two possible locations for cultivation facilities and urged Council to require setbacks of 1000 to 1500 feet.

Sally Blaser, 2315 Cliffrose Lane said she walks Coal Creek Trail and sees students from Centaurus on the trail nearly every day. Grow facilities cause odor and she did not want to see a grow facility close to Coal Creek trail or Miner's Field. Water use is high in a grow facility as is power. Water is not plentiful in Colorado. It shouldn't be near general public areas. Quality of life and good atmosphere are important to Louisville residents.

Eric Maes, 1145 Pine Street, expressed concern about odor and noted he was in law enforcement and has seen criminal activity around marijuana businesses and doesn't want to see more. He encouraged Council members to visit a cultivation facility before putting this on the ballot.

Council comments

Mayor Pro Tem Lipton noted he was in favor of some type of setback. He asked about the SRU process implications. Director Zuccaro noted it could be added with criteria and it is about a 5 month process to apply, prove criteria are met, and hold hearings. New building would likely have to get a PUD and an SRU in addition to a license and building permit. As written now, they would have to get a license and building permit.

Mayor Pro Tem Lipton asked if regulations now have any water and power considerations. Director Zuccaro noted they would have to comply with the building code but no water conservation effort is required. There would be tap fee regulations and some consideration there concerning the amount of use.

Councilmember Stolzmann referred to the storage facility on Lock Street and asked if industrial was the correct zoning for that location because of its proximity to the trail, park and residences.

Councilmember Leh asked if the costs of regulating had been considered. His understanding was the excise tax was being considered to help with staffing for regulating. Director Zuccaro noted it could help with staffing but was not limited to that.

Councilmember Maloney noted the intent was to address direct and indirect costs.

Councilmember Leh asked where numbers come from and can we tell voters yes this will be enough to offset the costs. Mayor Pro Tem Lipton noted there had been discussions with other municipalities. City Manager Balsler noted that is why there is a range; it allows for some flexibility as we learn what actual costs are.

Director Zuccaro said one of reasons for the square foot limit on size is so we would have a ceiling that is not exceeded and costs could be re-evaluated. Councilmember Maloney noted it is patterned after other municipalities to reasonably articulate what to expect.

Councilmember Loo felt it good to predicate things on a worst case scenario and she has not taken this lightly. She noted she had visited a dispensary and a grow facility. If this passes, Louisville will be strict. A ballot issue gives residents the chance to say whether they want this. The people she has met in the industry try to be as conservative with water and power as they can be. They run their business in a responsible way.

Councilmember Maloney asked if the municipal code would deal with odor issues. Director Zuccaro talked to other municipalities about odor issues and this is written so facilities must demonstrate no odor outside the building. It is a strict performance standard and it must demonstrate how they will achieve this to get a license. He was comfortable with how it is now written.

Public Comment

Tom DeLorey was disturbed to hear we may just break even with the excise tax and the citizens must put up with this and gain nothing. He remarked this is a big money industry and they will likely spend money here to get this passed.

Dave Nosler didn't want to put up with this to just to break even. He heard the excise tax would give additional expenses not more revenue; voters should know that.

Jean Morgan appreciated Councilmember Stolzmann's remark about re-zoning the Lock Street storage facility area.

Patricia Ross thought rezoning by the park was a good idea. She liked the idea of an SRU. You have to look at how other municipalities are handling the problem. Marijuana is addictive and an intoxicant; it affects teenage brains. There is an ethics issue.

Sally Blaser, 2315 Cliffrose Lane, noted the folks near these areas where cultivation might occur will be interested. Others living farther away will not be as interested.

Eric Maes noted not all dispensaries are bad. He lives in a mixed use residential area. He asked if day cares would be prohibited in the future if a grow facility were there. He was concerned about criminal activity, leftovers, and filtration.

Mike Deborski, 601 Pine Street noted most folks know someone in the marijuana business. He was not disparaging of those in the industry. He noted he has driven by several cultivation facilities and felt the regulations are behind actual issues. Someone has to live with issues while until a complaint is entered. He urged Council to add a special review and a setback to consider neighborhoods.

Mayor Muckle closed the public hearing.

Mayor Pro Tem Lipton said the idea we have not looked at the numbers is false. Revenue would be available to support staff as well as drug education and other general purposes. The amount of revenue will be dependent on the cultivation facilities opened. We are not considering this to just break even. He suggested a conversation about setbacks from residential areas perhaps at 1000 feet. He asked if that would still provide industrial land for cultivation.

Director Zuccaro felt the Lock Street storage would be excluded and the old City shop area would be excluded at 1000 feet.

Mayor Pro Tem Lipton wanted to talk about using an SRU process providing public opinion and criteria being met. Director Zuccaro noted there is an administrative SRU allowance and it should be specified if there needs to be public hearings.

Mayor Pro Tem Lipton noted he toured a cultivation facility in Boulder. Early on there were some odor issues. Now it was well regulated, this facility didn't use pesticides, and energy use is highly automated.

Councilmember Stolzmann noted a daycare could choose to come in after a marijuana business was in place. The residential buffer of 1000 feet is a well-reasoned approach.

Councilmember Maloney wondered about a buffer at CTC; there are homes there. Councilmember Stolzmann noted those are not zoned for residential. Councilmember Maloney wondered if special review was valuable once a buffer was in place. Mayor Pro Tem Lipton felt it would give all property owners an opportunity to weigh in.

Councilmember Keany addressed comments from residents and noted the limit on cultivation would be 150,000 total square footage. Grow operations are not allowed outside. The excise tax would cover expenses and there would be additional use tax. He noted the old City shops are still owned by the City. He supported a 1000 foot setback from residentially zoned areas and agreed an SRU is not necessary with a buffer but would not disagree with requiring a special review. He was not going to support this. He noted this would only leave the CTC area and they have already said it was a use they would not allow. He saw no benefit to having cultivation in Louisville.

Mayor Muckle generally agreed with Councilmember Keany. He stated he generally supports letting residents decide. He felt cultivation was not the best use of industrial land. He is not concerned about water and energy but had some concern about criminal activity. He was concerned about social equity affecting some neighborhoods and not others and felt the setback could solve that.

Councilmember Keany asked about the sign code and content regulation. Planner Ritchie said there are narrow limits for content on signs it and would have to be developed.

Councilmember Leh asked about setbacks. He visited a grow facility with Councilmember Loo and it was high tech next to one that was not. If setbacks of 1000 feet were established for residential zones how many facilities could be built with those restrictions. Director Zuccaro noted the only location would likely be in the CTC where currently private covenants apply and where the current owner would likely not allow the use.

Councilmembers and staff talked about areas that might qualify. Councilmember Leh noted strong opposition from the public he has heard from. He has heard less about the money but doesn't feel that is the main issue. There were votes on Council for putting this to the voters. He could vote against this tonight but thought he would vote in favor as this is an opportunity to get the public view. He thought it would give an opportunity for those affected to get out and campaign. He trusts the voters to make the right decision. Public discussion will be beneficial.

Mayor Pro Tem Lipton asked Director Zuccaro if setbacks went to 1250 feet would CTC still be included. The answer was yes.

Motion: Mayor Muckle moved to approve Ordinance No. 1776, Series 2019 as amended by the second reading amendments. Mayor Pro Tem Lipton seconded.

Councilmember Stolzmann noted that ordinance was for the excise tax and asked if the definition of average price of unprocessed retail marijuana should be included.

City Attorney Kelly said the average market rate definition should remain even with the change to the ballot title saying average price of unprocessed retail marijuana.

Councilmembers discussed the wording.

Councilmember Loo made a friendly amendment to have the portion of the ballot title read "THE AVERAGE MARKET RATE, WHICH IS THE AVERAGE PRICE OF UNPROCESSED RETAIL MARIJUANA THAT IS SOLD OR TRANSFERRED FROM A RETAIL MARIJUANA CULTIVATION FACILITY". Motioner and seconder accepted the friendly amendment.

VOTE: Roll call vote – 7-0. Passed

MOTION: Mayor Muckle moved to approve Ordinance No. 1777, Series 2019 with an amendment to Section 5.11.030 to add a 1250 foot buffer to residentially zoned districts. Mayor Pro Tem Lipton seconded and offered a friendly amendment to include an additional item to Section 6 that says applicants will be subject to applicable SRU requirements. Mayor Muckle accepted the friendly amendment.

Mayor Muckle asked if the buffer should be in the ballot title. Attorney Kelly noted there were no references in the ballot title as to the specifics so it did not need to be added there.

Councilmember Stolzmann thought the buffer reference should be in the zoning section of the code. She suggested Section 17.16.237. Staff agreed. Mayor Muckle accepted as a friendly amendment.

Councilmember Loo felt with the setbacks and an SRU it becomes very complex.

Councilmember Stolzmann felt it was good to go to voters with this question. She read a letter from a resident about regulating different types of businesses. Council continues to face the question of what government can and should do. She noted she tries to be fair and even handed and these are the challenges with having an industrial park. She thought our regulations need to be in place in case CTC decides to change their rules.

VOTE: Roll call vote – 5-2 with Mayor Muckle and Councilmember Keany voting no.

Council took a short break.

ORDINANCE NO. 1778, SERIES 2019 – AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS AT THE REGULAR ELECTION TO BE HELD NOVEMBER 5, 2019 A BALLOT ISSUE TO ALLOW THE CITY OF LOUISVILLE TO KEEP REVENUES THAT OTHERWISE WOULD BE REFUNDED, TO CONTINUE TO COLLECT THE TAX AT THE PREVIOUSLY APPROVED RATE, AND TO SPEND ALL REVENUES COLLECTED FOR OPERATING AND MAINTAINING THE LOUISVILLE RECREATION/SENIOR CENTER AND POOL FACILITIES AT MEMORY SQUARE PARK – 2nd READING, PUBLIC HEARING (advertised *Daily Camera* 7/14/19)

City Attorney Kelly introduced the ordinance by title. Mayor Muckle opened the public hearing.

City Attorney Kelly noted at the 2016 election voters approved a .15% sales and use tax for maintaining the recreation center, senior center, and Memory Square pool. In connection with any new tax or tax increase the Taxpayers Bill of Rights (TABOR) requires the City to provide an estimate in the ballot issue of the amount of revenue to be raised in the first full year of the tax which was 2018. In the ballot issue notice mailed to voters the City was required to provide an estimate of 2018 fiscal year spending without the tax increase. The revenue raised by the new tax and the 2018 fiscal year spending

both exceeded those estimates. In such a case, without voter approval to keep the excess and retain the rate TABOR requires a refund of the excess revenues and the tax rate be reduced up to 100% in future years in proportion to the dollar excess. The excess recreation center revenues received in 2018 was \$270,795. The fiscal year spending for 2018 exceeded the estimate by \$4,662,787. These combined exceed the total recreation center tax received in 2018 so all of the revenue received by the tax increase would need to be refunded absent voter approval to retain the excess revenues. The tax rate would also be reduced to zero percent without voter approval to retain the rate. This ordinance seeks voter approval to retain the .15% tax rate approved by the voters in 2016 and would authorize the City to keep the excess revenues received in 2018. Both the Finance Committee and staff recommended referring this to the voters.

Mayor Muckle called for public comment. Hearing none he closed the public hearing.

Councilmember Maloney moved to approve Ordinance 1778, Series 2019.
Councilmember Keany seconded.

Roll Call Vote: 7-0.

**RESOLUTION NO. 23, SERIES 2019 – A RESOLUTION APPROVING A FINAL
PLANNED UNIT DEVELOPMENT TO ALLOW THE CONSTRUCTION OF A NEW
22,500 SQUARE FOOT BUILDING AND ASSOCIATED IMPROVEMENTS FOR THE
PROPERTY AT 602 TAYLOR AVENUE**

Planner Selvoski noted the notification requirements for this application were met. The request is for approval of a Planned Unit Development (PUD) for construction of a 22,500 SF, two-story building, along with landscaping, parking, and other site improvements.

The site is located in the Colorado Technology Center (CTC) at 602 S. Taylor Avenue. The property is zoned Industrial (I) and is subject to the Industrial Development Design Standards and Guidelines (IDDSG).

The property owner, Elixinol, LLC, currently leases approximately 10,000 SF in the building at 638 Taylor, immediately south of the subject property. They are seeking approval of a building along the northern portion of the property with an entrance on the southwest corner, fronting Taylor Avenue. Parking is proposed on the southern portion of the lot. The proposal includes an area for detention between the building frontage and Taylor Avenue on the western side of the property, an employee gathering area, and bicycle parking near the front of the building. The landscaping plan provides for trees along all sides of the property. The building design is tilt-up concrete with windows on all elevations and large expansions of glass at the southwest corner entry area.

The proposal meets the minimum parking required for the anticipated uses. The Planning Commission approved without conditions and staff recommends approval.

The applicant did not have a presentation but offered to answer questions. Mayor Muckle asked what the company does. The applicant noted Elixinol is a CBD manufacturer.

Mayor Pro Tem Lipton moved to approved Resolution No. 23, Series 2019.
Councilmember Stolzmann seconded. All in favor.

DISCUSSION/DIRECTION – OPEN SPACE ZONING SCOPE OF WORK

Director Moseley updated Council on the project. He reminded Council of the timeline so far. He present proposed properties to be included in the open space zoning phase III and noted there may be additional properties in the future.

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- Additional parcels at Daughenbaugh/Warembourg
- Walnut
- Coal Creek Trail (US 36 to Dillon)
- Dutch Creek
- Olson

Daughenbaugh/Warembourg includes the northern property boundary from South Polk Avenue east and terminating at North Hoover Avenue and includes the eastern property boundary from north Hoover Avenue south terminating at Mission Greens Park. It includes the trail corridor on the southwest corner of Daughenbaugh between Daughenbaugh Open Space and Heritage Park.

Councilmember Stolzmann asked why the trail corridor and not everything on the open space side was not included and suggested some changes to how this area is being looked at. Open Space Superintendent Brignull noted it was based on geographic features in the field and how the area is currently maintained. Director Mosely stated staff can look at the area again with those suggestions.

Councilmember Stolzmann wanted to identify the properties so there could be a plan for maintenance and management of city property.

Walnut – include the north-south trail corridor located on southwest corner of the property terminating at West Spruce Street. It excludes the Walnut Street road right-of-way located on the west and east side of the property.

Coal Creek Trail – includes the full extent of the trail corridor excluding the golf shop access road and excludes the existing road segment east of the Premier Members Credit Union. It includes a portion of the parcel south of Dillon Road while still meeting Public Works' request for future road right-of-way needs south of Dillon Road.

Councilmember Stolzmann suggested the street right-of-way be platted for a clear idea of where the street is. She wanted to know if the credit union driveway is on city property. Mayor Muckle agreed there was a need to understand where the right of way is.

Councilmember Maloney asked about space for the storage barn. Director Moseley noted staff has been looking at leaving room for expansion for that purpose.

Dutch Creek – excludes noncontiguous parcels along the south side of West Cherry Street and Bella Vista Drive and increases the Golf Course boundary to include an additional twenty-foot boundary around the golf course green and fairway. It excludes the West Cherry Street right-of-way and excludes the Elephant Park swing set. Alternatively we could zone this property following completion of the playground replacement.

Councilmember Stolzmann asked if the sprinklers in Elephant Park straddle the sidewalk and suggested the irrigation line be the delineation not the sidewalk. Superintendent Brignull noted it is in line with the tree row and irrigation.

Councilmember Stolzmann said at 0 South 90th Street it needs clear what that property is and how it is maintained. Superintendent Brignull noted one has formal trail others do not. Councilmember Stolzmann thought this should all be open space. South into the county, where the golf course touches the trail needs to be identified as part of city.

Mayor Muckle felt that might be expensive to survey.

Olson – Excludes the southernmost parcel to allow for additional Parks Board and staff discussion regarding the best future use of the area. It excludes road right-of-way at the request of Public Works, it excludes County Road. We will need to plat 96th Street to designate road right-of-way.

Councilmember Stolzmann felt the southern piece between the bridge and railroad should be designated open space. She supported platting the street all the way through this portion of the city. Just north of this area on Hwy 42 the east side should be designated open space adjacent to Mayhoffer.

Mayor Muckle wanted to get these open spaces zoned but did not want to have to fix things again. He was inclined to plat the southern part as open space.

Councilmember Loo noted the Parks Board looked at the southern piece and there was a suggestion for playing fields there. Superintendent Brignull noted staff looked at this largely based on Council's discussion of the possibility of a dog off-leash area or sports field. Staff did not want to limit future uses for that area. Director Moseley noted parking might limit uses for recreation.

Mayor Pro Tem Lipton remembered the conversation about the recreational possibilities and was hesitant to preclude that.

Councilmember Keany remembered sports area and dog off-leash area conversation. Zoning as open space might tie our hands.

Council agreed the southern triangle stay park land.

Director Moseley noted staff will take back the suggestions, look at projected costs, and take to the boards for input.

Mayor Muckle asked when this is done would there be any substantial open space not zoned. Superintendent Brignull noted there are a few properties remaining and there was some interest in zoning jointly owned properties within the city limits.

Mayor Muckle supported doing this work soon. Councilmembers agreed.

ORDINANCE NO. 1779, SERIES 2019 – AN ORDINANCE ADOPTING A NEW SIGN CODE FOR THE CITY OF LOUISVILLE – 1ST READING, SET PUBLIC HEARING 9/3/19

City Attorney Kelly introduced the ordinance by title. Mayor Muckle moved to approve on first reading and set the public hearing for 9/3; seconded by Mayor Pro Tem Lipton.

Voice vote, all in favor.

CITY ATTORNEY'S REPORT

No report.

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

Members discussed the advanced agenda and decided to make no changes at this time.

ADJOURN

Members adjourned at 10:33 pm.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk