

City Council

Meeting Minutes

January 7, 2020
City Hall, Council Chambers
749 Main Street
7:00 PM

Call to Order – Mayor Stolzmann called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

City Council: *Mayor Ashley Stolzmann*
 Mayor Pro Tem Dennis Maloney
 Councilmember Kyle Brown
 Councilmember J. Caleb Dickinson
 Councilmember Deborah Fahey
 Councilmember Chris Leh
 Councilmember Jeff Lipton

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
 Megan Pierce, Economic Vitality Director
 Meredyth Muth, City Clerk

Others Present: *Kathleen Kelly, City Attorney*

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Stolzmann called for changes to the agenda and hearing none Councilmember Lipton moved to approve the agenda; seconded by Councilmember Leh. All in favor.

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

Mark Cathcart, 1763 Sweet Clover Lane, noted he submitted a proposal for “Neighbors on Warning” proposal asking for changes to public notices. He notes the City is improving its public notice locations and added notices are not just procedural but are important documents with consequences for residents. He would like the notice locations labelled clearly so residents can find them.

APPROVAL OF THE CONSENT AGENDA

Mayor Stolzmann noted a request to move item H to the regular agenda. It will be item A2. She asked for a motion to approve the consent agenda as amended. Councilmember Fahey moved to approve; seconded by Mayor Pro Tem Maloney. All in favor.

- A. ***Approval of Bills***
- B. ***Approval of Minutes: December 10, 2019; December 12, 2019; December 16, 2019; & December 17, 2019***
- C. ***Approval of Designation of Places for Posting Notices for Public Meetings***
- D. ***Distribution of 2020 Open Government Pamphlet***
- E. ***Approval of 2020 On Call Geographic Information System and Asset Management System Support Services Contract with Invision GIS, LLC***
- F. ***Approval of Resolution No. 1, Series 2020 – A Resolution Approving a Lease Termination By and Between the City of Louisville, Human Movement, Inc., and Avid4 Adventure, Inc.; a Lease Agreement with Avid4 Adventure, Inc., and a Form of Sublease Agreement***
- G. ***Approval of Contract with Advanced Pools and Spas, Inc. for Replastering of the Lap Pool at the Louisville Recreation Center***
- H. ***Approval of Resolution No. 2, Series 2020 – A Resolution Approving the Open Space Board’s Recommendation to Boulder County Parks and Open Space Regarding 2019 Property and Trail Requests – moved to regular agenda***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

None.

CITY MANAGER’S REPORT

None.

REGULAR BUSINESS

SWEARING IN OF WARD III COUNCILMEMBER, CITY ATTORNEY, WATER ATTORNEY, AND CITY PROSECUTOR

Presiding Municipal Judge David Thrower swore in Kyle Brown as the new Ward III City Councilmember, Kelly PC as the City Attorney, Hill & Pollock, LLC as the Water Attorney, and Cribari Law Firm, PC as the Prosecuting Attorney.

APPROVAL OF RESOLUTION NO. 2, SERIES 2020 – A RESOLUTION APPROVING THE OPEN SPACE BOARD’S RECOMMENDATION TO BOULDER COUNTY PARKS AND OPEN SPACE REGARDING 2019 PROPERTY AND TRAIL REQUESTS

Councilmember Lipton stated the document indicates the City is interested in acquiring all three properties of the Mayhoffer Estate. He stated he wanted to be clear the goal is completion of the Coal Creek Trail and the preservation of the Coal Creek riparian corridor and it needs to be recognized that the properties would not necessarily have to be purchased in their entirety to meet those goals. He provided suggested language to amend the resolution.

Public Comments – None

Councilmember Lipton moved to approve Resolution No.2, Series 2020 as amended; Mayor Pro Tem Maloney second.

Voice vote: All in favor

ORDINANCE NO. 1787, SERIES 2019 – AN ORDINANCE AMENDING THE CENTENNIAL VALLEY GENERAL DEVELOPMENT PLAN (GDP) CONCERNING ALLOWED USES AND DENSITIES FOR LOTS 2 AND 3, CENTENNIAL VALLEY PARCEL O, 7TH FILING – 2ND READING, PUBLIC HEARING (advertised Daily Camera 12/22/19)

Mayor Stolzmann introduced the ordinance by title, opened the public hearing, and asked for disclosures. There were no disclosures from Council.

Director Zuccaro stated this GDP amendment does two things: it adds one allowed use for indoor commercial amusement/entertainment. It also increases the maximum floor area ratio (FAR) from .2 to .3. This is to allow reuse of the existing buildings add allows for some additional building on the parcel to help redevelop the property.

Director Zuccaro stated the fiscal analysis is in the packet. Staff reviewed the proposal against the Comprehensive Plan and Small Area Plan and finds it is in compliance with the policies in the plans. The Planning Commission reviewed this on November 14 and recommended approval with the condition a traffic analysis would be done at time of PUD review. The applicants have completed the traffic study and included the potential changes in uses. The conclusion is there was no impact. The study removed the storage use and replaced it with other uses. With that new information, the total trip numbers are

not affected much. If there are larger changes when the applicant comes in for PUD review staff can ask for more work on this.

Staff recommends approval.

Mayor Pro Tem Maloney asked Director Zuccaro if the City is likely to see the high or low end noted in the fiscal analysis. Director Zuccaro stated it will depend on how quickly they can retenant the property or add new buildings.

Councilmember Leh asked if the commercial amusement/entertainment uses are defined well enough for what applicant is seeking. Director Zuccaro stated the definition is a bit out dated, but is intended to allow broad use. Councilmember Leh stated he wants the property owners to have an appropriately broad definition to work with for redevelopment.

Jeff Sheets, Koebel and Company (applicant), stated they feel the changes made here help them lease the property. He noted they are difficult locations. He added these changes don't give huge options, but it will help. He stated some additional density on the west side may help fill the location with sales tax generating uses.

Jim Candy, Ascent Church (applicant), stated they will be closing on the property soon and they picture using part of the property and freeing up the other parts of the property that are more commercially viable. He stated their goal is not to keep sales tax generation from the location but to redesign the property and tenant the property with sales tax generating uses. These amendments just give them more options.

Public Comments

Tom Casey, 780 Copper Lane, stated the neighbors concern is they want to understand what amusement uses could mean and how it impacts them. He stated they wish the best for the property for everyone but just want to understand where it is going.

John Leary, 1116 Lafarge Avenue, stated he supports the amendment to keep retail on the site where residents will use it.

Mayor Pro Tem Maloney asked the applicants if covenant changes are likely to happen. Sheets stated they are working on it but it is a slow process.

Councilmember Lipton stated he was looking for something more expansive than this, but he understands the property owners are taking the risk and need to make it work. He hopes there is room in this application to develop additional retail pads and create vibrancy on the parcel. He supports what is here but is disappointed it isn't more.

Councilmember Dickinson agreed with Councilmember Lipton. He stated he would like to see the space revitalized. This parcel matters to residents and we want to see this successful. While it is not perfect it is a step to make it easier to redevelop.

Councilmember Leh stated he hopes this will become a vibrant place for the community and be a counterpart of downtown; a place people want to be. He hopes this gives the applicants the tools they need to activate that property. He encouraged the applicants to think about some gathering spaces and ways to enhance the arts in the area.

Public Comments – None

Mayor Stolzmann stated the GDP amendment fits the purpose of the Planned Community Zone District as it was originally intended, conforms with the Comprehensive Plan and Small Area Plan, and will help retain businesses on the parcel. She feels the application meets the review criteria.

Councilmember Brown stated he has seen the parcel decline over the years so these plans can help to bring economic vitality to the parcel. He stated he finds it consistent with the criteria.

Mayor closed the public hearing.

Councilmember Fahey moved to approve Ordinance No. 1787; Councilmember Lipton seconded.

Vote: Motion carried by unanimous roll call vote.

RESOLUTION NO. 3, SERIES 2020 – A RESOLUTION APPROVING A ONE-YEAR EXTENSION OF THE DELO LOFTS PUD LOCATED AT THE SOUTHEAST CORNER OF GRIFFITH STREET AND CANNON STREET; LOTS 1-10, BLOCK 1, TRACTS A-E, AND OUTLOT 1, DELO LOFTS SUBDIVISION

Mayor Stolzmann introduced the item, opened the public hearing, and asked for disclosures. No disclosures.

Planner Ritchie stated this is a PUD extension for up to one year for the DELO Lofts PUD. She reviewed the site and development history of the parcel. The process for an extension is the same as original approval. She noted no policies or regulations have changed since the original approval, so staff is recommending approval.

She noted the original request was for a three-year extension. Residents expressed concerns at the Planning Commission so the applicant agreed to a one-year extension.

Councilmember Lipton asked where the applicant is in the development cycle. Ritchie stated staff's understanding is there is interest in building the apartment units from the original plan, however nothing has been submitted to the City yet.

Councilmember Dickinson asked why staff supports the change to a one-year recommendation. Ritchie stated there was information presented during the Planning Commission to support that change and also the applicant accepted the change as well.

Mayor Pro Tem Maloney asked if the property owner accepts the one-year recommendation. Ritchie stated yes.

Councilmember Leh stated he has gotten complaints about the dirt pile on the property. He asked what the status is. Ritchie stated the state of the lot is not in compliance with the City standards and staff is working with the property owner to address these issues. Councilmember Leh stated residents would like this addressed as soon as possible.

Mayor Stolzmann noted one neighbor has issues with drainage. Director Zuccaro stated staff is working with the applicant to grade the site to a natural state for now and with the extension they will have time to comply with the PUD grading plan.

Dave Waldner, DELO West LLC (applicant), stated they are working with the City to get the grading addressed so as to comply with City regulations. He is working with an architect to finalize the plans and move the development forward and feels a one-year extension will be enough to begin construction.

Councilmember Fahey asked if one-year is enough time; perhaps three years is necessary. Waldman stated he feels one-year is enough.

Public Comments

Carol Shucker, 1086 Johnson Lane, stated she has lived there for two years and were told all of the dirt and sheds would be gone but nothing has changed since the Planning Commission meeting. She shared pictures of the property.

Councilmember Lipton stated he supports the application and is hopeful that in one-year the owners can get it started. He noted the state of the parcel is poor and perhaps there should be more on enforcement on undeveloped properties.

Mayor Pro Tem Maloney stated he too supports the application and wants it completed.

Mayor Stolzmann stated the extension meets the criteria for approval. She agreed there were many comments about the dirt pile and the fastest way to address this is this extension. She noted residents can work with staff on code violations.

Councilmember Leh stated he hopes the violations can be handled amicably and quickly. He agreed the proposal meets the criteria.

Mayor Stolzmann closed the public hearing.

Councilmember Lipton moved to approve Resolution No. 3, Series 2020; Councilmember Dickinson seconded the motion.

Voice vote: all in favor.

RESOLUTION NO. 4. SERIES 2020 – A RESOLUTION APPROVING A SPECIAL REVIEW USE TO ALLOW A HOTEL (USE GROUP #8) ON LOT 1, BLOCK 5 TOWN OF LOUISVILLE, LOCATED AT 824 SOUTH STREET/957 MAIN STREET

Mayor Stolzmann introduced the item, opened the public hearing, and asked for disclosures. No disclosures.

Planner Ritchie stated this is consideration of a hotel use on this lot. The PUD and a Special Review Use (SRU) were approved in 2016 to allow construction of a two-story commercial building in the front portion of the lot. The existing SRU allows outdoor sales of retail goods and eating and drinking establishments. The PUD and SRU Amendment approved in 2019 expanded areas for outdoor dining and sales and made minor changes to exterior architecture. The site is currently under construction.

This SRU would allow a hotel use on the property; there are no changes to the approved exterior. The SRU would allow the hotel on either the first or second floor, but it is likely to be on the second floor.

Ritchie stated staff finds the proposal meets all five SRU criteria. Staff evaluated the development to compare parking demand of a hotel to a restaurant on the first floor and office on the second floor. Office use generates the need for roughly 10 spaces; the hotel use generates the need for roughly 9-10 spaces. Staff is separately evaluating the reconfiguration of parking in the South Street right-of-way which could result in up to five more spaces, along with options for parking management.

Staff recommends approval of the resolution.

Mayor Stolzmann asked how the water demand and tap fee would be determined. Ritchie stated when tenant finish plans are submitted, the appropriately sized tap will be approved depending on the use (hotel vs. office/restaurant).

Erik Hartronft, 950 Spruce Street (applicant), stated this project will have a food business in the existing house. The owner is currently looking for an operator for the hotel if approved. He stated it would only be 7-9 rooms and it might be less impactful on parking than an office use or a large restaurant or bar.

Public Comments

Connie Rodman, 920 LaFarge, asked for some clarification on the restriping of the South Street right-of-way for parking.

Mark Cathcart, 1763 Sweet Clover Lane, stated he likes the proposal for a boutique hotel and business travelers frequently don't have cars to impact parking. He encouraged approval.

Mayor Stolzmann asked how the restriping affects this proposal. Director Zuccaro stated staff is trying to determine if there is room to restripe the south side of the street to make it diagonal parking which would bring additional spaces. This would be public parking not dedicated to the hotel use. This is being done outside of this application process.

Councilmember Dickinson stated he supports the project and appreciates the house was saved. This proposal could help that end of downtown with a nice design and use.

Councilmember Leh stated this business would add to downtown and would be a great change to that location. He feels it meets the criteria. Councilmember Fahey agreed.

Mayor Stolzmann stated this meets the criteria and water use and effects on neighbors have been addressed. It is comparable to the other uses that could be in that location.

Mayor Stolzmann closed the public hearing.

Councilmember Lipton moved to approve Resolution No. 4, Series 2020; Councilmember Leh seconded the motion.

Voice vote: all in favor.

RESOLUTION NO. 5, SERIES 2020 – A RESOLUTION APPROVING A FINAL PLAT TO CONSOLIDATE LOTS AND A FINAL PLANNED UNIT DEVELOPMENT TO ALLOW CONSTRUCTION OF A 84,000 SQUARE FOOT STRUCTURE AND ASSOCIATED SITE IMPROVEMENTS FOR LOTS 18 AND LOT 19, BLOCK 1, THE BUSINESS CENTER AT CTC, LOCATED AT 1875 AND 1923 TAYLOR AVENUE

Mayor Stolzmann introduced the item, opened the public hearing, and asked for disclosures. No disclosures.

Planner Ritchie stated this is consideration of a final Plat and PUD. She reviewed the site and its history. She stated there has been a change on the dedication language on the Plat; it is available on the dais tonight.

She stated the application conforms to the requirements in Titles 16 & 17 and is consistent with the City's comprehensive plan and Transportation Master Plan. It maintains the existing 110' landscape buffer on the northern edge of the property.

She stated the proposal meets the LMC requirements, assures public services are available and that character and economic stability are protected, and provides safe and efficient circulation.

The PUD does meet the higher design standards of the CDDSG. However the applicant requests a waiver to allow a roughly 11'-6" parking setback on a portion where 25' is required. This would allow solar over carport spaces in the western parking area. Staff supports the waiver with additional landscaping incorporated into the plan for shielding.

Staff recommends approval of the resolution.

Bob Van Pelt, RVP Architecture (applicant), stated their goal is to preserve the ability to do solar covered parking but there will be some of the carport visible to the neighbors. Most of the screening will be shrubs to block the car level not the solar access.

Public Comments - None

Mayor Stolzmann stated she finds the application consistent with the criteria.

Mayor Stolzmann closed the public hearing.

Councilmember Lipton moved to approve Resolution No. 5, Series 2020; Councilmember Fahey seconded the motion.

Voice vote: all in favor.

RESOLUTION NO. 6, SERIES 2020 – A RESOLUTION APPROVING A THREE-YEAR EXTENSION OF THE APPROVAL OF THE COAL CREEK CORPORATE CENTER 1 PUD AMENDMENT A, LOCATED 826 COAL CREEK CIRCLE; LOT 2, COAL CREEK BUSINESS PARK SUBDIVISION

Mayor Stolzmann introduced the item, opened the public hearing, and asked for disclosures. No disclosures.

Planner Ritchie state the applicant is requesting a continuance to January 21 due to a scheduling conflict.

Councilmember Maloney moved to continue the public hearing to January 21; seconded by Councilmember Fahey.

Voice vote: all in favor

RESOLUTION NO. 7, SERIES 2020 – A RESOLUTION APPROVING A BUSINESS ASSISTANCE AGREEMENT WITH DUDA, INC. FOR AN ECONOMIC DEVELOPMENT PROJECT IN THE CITY OF LOUISVILLE

Economic Vitality Director Megan Pierce stated Duda, Inc. is a leading website development platform founded in 2009 in Palo Alto, California. They have five global offices and 100 employees. They serve 9,000 customers and 600,000 websites worldwide. New growth shows they need additional office space and are considering either Palo Alto or Louisville.

Pierce stated the existing Louisville office, at 1025 Cannon Street, Ste. C, if selected, would add approximately 6,200 square feet and make an estimated \$457,000 in tenant improvements. They started with one employee and the existing office is growing toward 20; they could reach 40 employees in Louisville. The average salary is significantly over the Boulder County average.

Pierce reviewed the criteria for such agreements noting it retains job and employment opportunities for city residents and others; represents job diversity in a growing industry; encourages diversity of jobs; utilizes an existing building; and conforms to the Comprehensive Plan.

The project is valued at \$457,000 in tenant improvements leading to rebates of just over \$7,300 and capping it at \$10,000 with a completion by August 31, 2020.

Councilmember Brown asked when we will know if they choose Louisville. Pierce stated they will likely decide in January or February.

Public Comments – None

Mayor Pro Tem Maloney stated the Business Assistance program is designed for this type of project. He moved to approve Resolution No. 7, Series 2020; Councilmember Fahey seconded the motion.

Voice vote: all in favor.

**ORDINANCE NO. 1788, SERIES 2019 – AN ORDINANCE AMENDING CHAPTER 2.12
OF THE LOUISVILLE MUNICIPAL CODE TO INCREASE THE SALARY OF THE
PRESIDING MUNICIPAL JUDGE – 2ND READING, PUBLIC HEARING (advertised
Daily Camera 12/22/19)**

Mayor Stolzmann introduced the ordinance by title, opened the public hearing, and asked for disclosures. There were no disclosures.

Clerk Muth stated the compensation of the Presiding Municipal Judge was last reviewed in 2015. After reviewing compensation in neighboring communities and the workload of the position, the Legal Review Committee recommends an increase in the monthly compensation to \$2800 per month, up from \$2600 per month.

Public Comments – None.

Mayor Stolzmann asked again if there are public comments – None.

Mayor Stolzmann closed the public hearing

Councilmember Lipton moved to approve Ordinance No. 1788, Series 2020;

Vote: Motion carried by unanimous roll call vote.

CITY ATTORNEY'S REPORT

None.

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

ECONOMIC VITALITY COMMITTEE – Councilmember Dickinson, meeting January 22.

FINANCE COMMITTEE – Mayor Pro Tem Maloney, no report

LEGAL REVIEW COMMITTEE – Councilmember Leh, Committee will bring a recommendation on hiring a judge later this year.

UTILITY COMMITTEE – Councilmember Lipton, meeting January 10.

COLORADO COMMUNITIES FOR CLIMATE ACTION – Councilmember Fahey stated they met and discussed the work plan and goals.

COMMUTING SOLUTIONS – Councilmember Leh stated they had legislative discussion with a focus on lack of transportation funding.

CONSORTIUM OF CITIES – Councilmember Dickinson, meeting February 5.

DOWNTOWN BUSINESS ASSOCIATION STREET FAIRE – Councilmember Lipton, no meeting but planning continues.

DENVER REGIONAL COUNCIL OF GOVERNMENTS – Mayor Stolzmann stated the group is discussing the Transportation Improvement Programs. She noted recent discussions on climate modeling were contentious and it was a good reminder that not all of the metro area agrees on everything.

JOINT INTEREST COMMITTEES (SUPERIOR & LAFAYETTE) – Councilmember Dickinson, meetings being scheduled.

MAYORS AND COMMISSIONERS COALITION – Mayor Stolzmann, meeting Thursday to get information on Rocky Mountain Rail proposal.

METRO MAYORS – Mayor Stolzmann, meeting Saturday and discussing possible options for transportation tax options.

REVITALIZATION COMMISSION – Councilmember Lipton, meeting next week.

XCEL ENERGY FUTURES – Mayor Pro Tem Maloney, no update.

ADJOURN

Members adjourned at 8:50 pm.

Ashley Stolzmann, Mayor

Meredyth Muth, City Clerk