

# ***City Council Meeting Minutes***

**September 1, 2020  
Electronic Meeting  
6:00 PM**

**Call to Order** – Mayor Stolzmann called the meeting to order at 6:00 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  
Kurt Kowar, Public Works Director  
Rob Zuccaro, Planning & Building Safety Director  
Lisa Ritchie, Senior Planner  
Harry Brennan, Associate Planner  
Megan Pierce, Economic Vitality Director  
Meredyth Muth, City Clerk***

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

Mayor Stolzmann noted that because of the COVID-19 emergency the meeting is being held electronically. She gave information on how the meeting process will work and directions for those dialing in on how to participate when it is time for public comments.

## **APPROVAL OF AGENDA**

Mayor Stolzmann called for changes to the agenda and hearing none asked for a motion. Councilmember Lipton moved to approve the agenda, seconded by Councilmember Dickinson. All in favor.

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

None.

## **APPROVAL OF THE CONSENT AGENDA**

Mayor Stolzmann asked for changes to the consent agenda; hearing none she asked for a motion. Councilmember Lipton moved to approve the consent agenda, seconded by Councilmember Fahey.

Councilmember Brown noted the increase for solid waste service fees is on this consent agenda. He stated he wants to make sure this increase is not overly affecting those who need the most help these days and would like the Council to have a later discussion about how best to help those who need it right now.

**Voice vote:** all in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: August 11, 2020; August 18, 2020***
- C. *Approval of Resolution No. 65, Series 2020 – A Resolution Approving a First Amendment to a Business Assistance Agreement with Linmark, Inc. for an Economic Development Project in the City of Louisville***
- D. *Approval of Resolution No. 66, Series 2020 – A Resolution Supporting the City of Louisville’s Grant Application to the Colorado Department of Local Affairs for an Energy and Mineral Impact Assistance Fund Grant***
- E. *Approval of Grant Agreement with Carlisle Thompson for FEMA Grant Administration and Closeout Assistance***
- F. *Approval of Resolution No. 67, Series 2020 – A Resolution Establishing Refuse, Recyclables, and Compostables Collection and Disposal Fees Effective September 1, 2020 for the City of Louisville, Colorado***

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

None.

## **CITY MANAGER’S REPORT**

City Manager Balser reminded people of the Labor Day Drive Through Car Show.

## **REGULAR BUSINESS**

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### **RESOLUTION NO. 68, SERIES 2020, A RESOLUTION EXTENDING THE TEMPORARY CLOSURE OF PORTIONS OF MAIN STREET IN DOWNTOWN LOUISVILLE FOR OUTDOOR DINING AREAS**

Director Pierce stated the current temporary closure of Main Street was approved by Council on May 26. It opened June 10 and is currently slated to end October 5; 15 of 17 food and beverage establishments on three blocks of Main Street participated. Three businesses on Front Street expanded onto City right-of-way (street or park) as well. The program was provided at no-cost to businesses except for costs for outdoor furniture and State fees for liquor licensing. Generally, the program is considered a success, with positive feedback from the community and business owners.

Director Pierce stated the restaurants and Downtown Business Association (DBA) approached City staff in August about a potential extension. Staff supports the request to extend from October 5 to October 31. This is consistent with extensions recently approved by Denver and Boulder. There is no additional financial impact to the City by extending the closure. A notification letter regarding the potential extension was mailed to surrounding residents on August 21 asking for public input.

Director Pierce noted the DBA's letter recommending the extension also suggests a permanent pedestrian area closure of Main Street. Council has noted this item would need to be raised and incorporated into the 2021 annual work plan. Staff continues to field requests related to possibly adding tents as the weather cools. She stated that at this time, no tents will be permitted on Main Street.

Staff recommends approval of the extension.

Public Comments – None.

Councilmember Dickinson stated this has been a real success for the summer.

Councilmember Brown stated he supports this for October but does not see it being a good fit for the winter particularly with how the traffic rerouting affects nearby residents.

Councilmember Leh stated he supports the extension to help local businesses.

Mayor Pro Tem Maloney moved to approve the resolution; Councilmember Leh seconded the motion.

Mayor Stolzmann stated she supports the extension to help address the pandemic and to look at how we can help all businesses in the pandemic.

**Roll Call Vote:** Motion passed by unanimous roll call vote.

**ORDINANCE NO. 1796, SERIES 2020 – AN ORDINANCE APPROVING THE REZONING OF LOTS 1 AND 2, CRYSTAL ESTATES REPLAT A LOCATED AT 1655 COURTESY ROAD AND 1655 CANNON CIRCLE FROM THE COMMERCIAL BUSINESS ZONE DISTRICT TO COMMERCIAL COMMUNITY, MIXED USE ZONE**

**DISTRICT PURSUANT TO LOUISVILLE MUNICIPAL CODE CHAPTER 17.14 - MIXED USE ZONE DISTRICTS – 2nd READING, PUBLIC HEARING (advertised *Daily Camera 8/2/20*) continued from 8/18/20**

Mayor Stolzmann introduced the item, opened the public hearing, and asked for any Council disclosures. There were no disclosures.

Planner Ritchie reviewed the location and layout of the site. The site was recently sold and is changing uses from an auto repair shop to a retail marijuana shop. She stated this request to rezone this property is required as the Code requires a rezoning in this area to a mixed use zoning upon a change of use. She reviewed the history of the site. The PUD was approved in 2005; the current building constructed in 2007.

Ritchie reviewed the rezoning criteria noting staff finds it meets Criterion 2: This area has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area. Staff notes the area is included within the Highway 42 Revitalization Area, which serves as a guide to accommodate desired change within the area. The zone change will facilitate redevelopment over time consistent with the goals and policies of the Framework Plan and Chapter 17.14 of the LMC.

Staff recommends approval of the ordinance.

Public Comments - None

Councilmember Lipton asked why the code would require the rezoning when the current and future uses are both allowed in this CC zoning. Ritchie stated the goal of the Highway 42 Plan was to have a change in the area from industrial to mixed use to phase out the light industrial in the corridor.

Public Comments – None.

Councilmember Lipton moved to approve the ordinance; Councilmember Leh seconded the motion.

Mayor Stolzmann closed the public hearing.

**Roll Call Vote:** passed by unanimous roll call vote. (Mayor Pro Tem Maloney absent.)

**RESOLUTION NO. 69, SERIES 2020 – A RESOLUTION APPROVING A PLANNED UNIT DEVELOPMENT AMENDMENT TO ALLOW A SINGLE-STORY ADDITION AND ASSOCIATED SITE IMPROVEMENTS ON THE PROPERTY AT 931 MAIN STREET**

Mayor Stolzmann introduced the item, opened the public hearing, and asked for any Council disclosures. There were no disclosures.

Planner Ritchie stated this is a request for a single-story addition to the rear of an existing structure at 931 Main Street. She reviewed the site and the existing 650 sf structure on the property constructed in 1900. The PUD was approved in 2014 and amended in 2017 to allow construction of a two-story addition to the rear of the existing structure but it was never built. She reviewed the proposed building.

She noted that the Historic Preservation Commission did review the application and they recommend approval.

She stated this site is subject to the Design Handbook for Downtown Louisville and the proposal meets all applicable standards. It is also subject to downtown parking requirements. One off-street space is required; they are providing two spaces. The proposal also meets all applicable PUD criteria.

Staff recommends approval of the resolution.

Public Comments – None.

Mayor Stolzmann stated the proposal appears to meet all the criteria.

Councilmember Lipton moved to approve the resolution; Councilmember Dickinson seconded the motion.

Mayor Stolzmann closed the public hearing.

**Roll Call Vote:** Motion passed by unanimous roll call vote.

**RESOLUTION NO. 70, SERIES 2020 – A RESOLUTION APPROVING AN AMENDMENT TO THE NAPA AUTO PARTS FINAL PLANNED UNIT DEVELOPMENT FOR LOUISVILLE PLAZA FILING NO. 2, LOT 4, FIRST AMENDMENT, LOT 4B, 1413 HECLA WAY**

Mayor Stolzmann introduced the item, opened the public hearing, and asked for Council disclosures. There were no disclosures. Mayor Stolzmann noted the addendum to the packet includes emails related to this item and they have been added to the record.

Planner Brennan stated this is a request for a PUD amendment for 1411-1413 Hecla Way. He reviewed the history of the site. The site is currently under the 2002 PUD. He stated that in 2019 the Council changed the zone districts in which retail marijuana stores are allowed and that opened up this location for that use.

Brennan reviewed the proposed plans for the site. There is a 30-foot buffer on the east side with plantings and a wall to shield the neighbors. The applicant has provided information on how trucks accessing neighboring NAPA can use the site for turning.

Staff finds the proposal meets the PUD criteria from Section 17.28.120 of the LMC as well as the requirements of the CDDSG. The applicant is not asking for any waivers.

Staff recommends approval of the resolution with the following conditions: physical backshields be added to the pole mounted light fixtures, or that a new light fixture model with physical backshields be used in place to those currently proposed for the pole mounted lights, and a note will be added to the PUD stating that truck access for lot 4A can be accommodated on this site.

Mayor Stolzmann stated the Council got a number of emails from residents about the dissimilar uses of the commercial lot adjacent to the residential lots. She stated the 30-foot buffer does divide the two. She stated the wall seems to be a point of contention for some neighbors and is not required. Brennan stated this was a recommendation from staff to help with the spillover of car headlights from the property, however if it is not wanted it can be removed.

Mayor Stolzmann asked if the parking spaces pointing towards the neighborhood are necessary. Brennan stated they can be removed and the plan still meets the parking requirements. The applicant stated he would be willing to remove them.

The applicant stated he accepts the two conditions recommended by staff.

Councilmembers Dickinson and Leh stated they would like to find the best way to address the lights from cars whether that is with or without the wall.

#### Public Comments

Mark Cathcart, 1763 Sweet Clover Lane (pooling time with neighbors), stated the public notice sign listed the incorrect month on it so many neighbors may not know about this hearing. He stated he has concerns about the application. He stated when Council changed the rules to allow marijuana on this site they did not do enough public outreach so people would understand what the changes would mean. He stated he has reached out to the applicant to work with him on the site but has not ever heard from him. He feels the building and parking are in the wrong place on the lot and as designed it has too big an impact on the residential neighbors. He asked Council to deny the application and require it be redesigned.

Lazar Gintchin, 1491 Hecla Way, stated he does not think there is enough room for the trucks to turn around and park to access the NAPA building next door as it is designed.

Marsha McClanahan, 1459 Hecla Way, stated she has concerns about the marijuana store being allowed to stay open until 10 pm next to a residential area bringing traffic to the area. She is also concerned about a marijuana store being so close to residential homes that have young kids.

Kate Ripley, 1763 Sweet Clover Lane, urged Council to deny the application; she does not want a retail marijuana store in her backyard. She feels the building is not in character with the neighborhood and the wall is ugly and should be removed with the additional parking spaces.

Greg Jones, 1809 Sweet Clover Lane, stated it seems the uses of this site were not rethought once residential went in so close to it. This business does not fit into this area. There should be stronger regulations for retail uses on this site. He urged denial.

Scott McElroy, 1873 Sweet Clover Lane, asked Council to deny the application and make the applicant work with residents to redesign the proposal to better meet the neighborhood needs.

Laura Chernikoff, 1459 Hecla Way, stated she opposes this proposal and does not feel the use should not be allowed on the site. She would like to see it redesigned.

Councilmember Lipton asked if this application meets the criteria set forth in the code and what can the Council look at and what is not applicable. He noted this is not a Special Review Use where there would be criteria above normal use by right.

Director Zuccaro stated for any development if the proposed use is allowed it is use by right, however site design could address some things about the building. This development must meet the CDDSG requirements and address all other requirements.

Councilmember Lipton stated this is a permitted use under our regulations. It could be a marijuana shop or a convenience store or anything that falls under allowable uses. What might start as a marijuana shop may change to many other uses over time. We have to consider the design not the use. Considering design, this does meet the requirements of the code even if some community members feel it should be in a different location. It does meet the criteria in the CDDSG.

Councilmember Lipton stated the proposed wall could be changed or removed but there will be no perfect solution for the neighbors; in the end it will be a commercial use. He stated he does not feel the hours should be limited; Council does not set hours for commercial uses on the other lots.

Councilmember Leh asked if notice requirements were met with the error on the sign posted on the property. Brennan stated all other requirements were met and had the correct date. Director Zuccaro suggested the hearing be renoticed given the sign error to make sure all public is able to comment if they would like to. City Attorney Kelly agreed this would be a good idea to make sure anyone who wants to participate in the hearing has an opportunity to do so.

Councilmember Leh moved to continue the item to September 22 and also to make that a special meeting; Councilmember Brown seconded the motion.

**Roll Call Vote to continue the hearing to September 22:** motion passed by unanimous roll call vote.

**RESOLUTION NO. 71, SERIES 2020 – A RESOLUTION APPROVING AN AMENDMENT TO THE PARBOIS PLACE PLANNED UNIT DEVELOPMENT TO REMOVE THE DEMOLITION REQUIREMENT ON LOT 6, LOCATED AT 543 COUNTY ROAD**

Mayor Stolzmann introduced the item, opened the public hearing, and asked for Council disclosures. Mayor Stolzmann stated she did speak with the applicant prior to the application being filed but that will not influence her decision tonight. Councilmember Lipton stated he had a conversation with the applicant about the history of the property prior to this application being filed. There were no other disclosures.

Planner Brennan stated this is a request for a PUD amendment. He reviewed the site and its history noting a 2013 PUD amendment required the demolition of the garage on the site. Since then the property has been sold to a new owner who was unaware of the demolition requirement and who would like to keep the garage. There was no information in the original agreement as to why the garage needed to be demolished. In addition, another home in the PUD was originally required to be demolished and was later allowed to be kept. Any future development on the lot would have to meet all regulations.

Staff finds the proposal meets the PUD criteria outlined in Section 17.28.120 of the LMC. No waivers are requested. Staff recommends approval of the resolution.

Public Comments – None.

Councilmember Lipton moved to approve the resolution; Mayor Pro Tem Maloney seconded the motion.

Mayor Stolzmann closed the public hearing.

**Roll Call Vote:** Motion passed by unanimous roll call vote.

**CHERRY STREET RECONFIGURATION CONSIDERATION**

Director Kowar stated this is an opportunity for the Council to consider reconfiguring Cherry Street while it is now under construction. He noted there is a plan to put in bump outs on Cherry similar to the others that have been installed around town. He reviewed the options. They include ways to increase pedestrian and bicycling safety with speed limit reductions, pedestrian refuges, and reducing car lanes to create buffered bike lanes.

Mayor Stolzmann stated the conversation should focus decision points on speeds and if lanes should be reduced but not get into other details at this time.

Mayor Pro Tem Maloney stated he supports a lower speed limit to help with pedestrian safety. He stated east of Dahlia needs to be addressed.

Councilmember Brown stated the speed limits should be addressed and also how do we make it safer for pedestrians.

Mayor Stolzmann noted that the proposal from staff shows that if the speed limit is reduced it will need to go to one lane in each direction to make that work so Council needs to be clear about that.

Councilmember Dickinson stated he supports a lower speed limit but 25 miles per hour is too slow. He supports 35 miles per hour but would prefer to keep the four lanes.

Public Comments - None

Members supported one lane of traffic in each direction and reducing the speed limit to 35 with a buffered bike lane east of the power line trail to Coal Creek Lane. East of Coal Creek Lane will be a 25 speed limit.

**ORDINANCE NO. 1800, SERIES 2020 – AN ORDINANCE APPROVING A SECOND AMENDMENT TO THE ST. LOUIS PARISH AND COMMERCIAL PARK GENERAL DEVELOPMENT PLAN TO AMEND ALLOWED USES AND DEVELOPMENT STANDARDS – 1ST READING – SET PUBLIC HEARING 9/15/20**

Mayor Stolzmann introduced the item by title. Councilmember Lipton moved to approve this on first reading and set the public hearing; seconded by Councilmember Fahey.

**Voice Vote:** Motion passed unanimously.

**CITY ATTORNEY'S REPORT**

None.

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

**ECONOMIC VITALITY COMMITTEE** – Councilmember Dickinson asked to add an update on the Economic Vitality strategy to the November 10 study session.

**FINANCE COMMITTEE** – Mayor Pro Tem Maloney stated they are meeting on September 15 to discuss the final KPI review for the 2020-21 budget, preliminary property valuations; budget; and revenue projections.

**LEGAL REVIEW COMMITTEE** – meeting tomorrow

UTILITY COMMITTEE – meeting next week

COLORADO COMMUNITIES FOR CLIMATE ACTION – no report

COMMUTING SOLUTIONS – no report

CONSORTIUM OF CITIES – no report

DOWNTOWN BUSINESS ASSOCIATION STREET FAIRE – no report

DENVER REGIONAL COUNCIL OF GOVERNMENTS – Mayor Stolzmann stated they have been discussing COVID issues and front range rail possibilities.

JOINT INTEREST COMMITTEES (SUPERIOR & LAFAYETTE) – meeting later this month.

MAYORS & COMMISSIONERS COALITION – Mayor Stolzmann stated they are currently documenting practices and standards and funding options.

METRO MAYORS CAUCUS – Mayor Stolzmann stated they had presentation on the opioid settlement and discussed how to equitably divide funds.

REVITALIZATION COMMISSION – meeting next week.

XCEL ENERGY FUTURES – no report

ADVANCED AGENDA

Members added a discussion about how to address disadvantaged community members to the October 6 meeting.

## **ADJOURN**

Members adjourned at 9:00 pm.

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Ashley Stolzmann, Mayor

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Meredyth Muth, City Clerk