



CITY OF LEADVILLE

Tuesday, February 1st, 2022 – 6:00 P.M. REGULAR COUNCIL MEETING AGENDA 800 HARRISON AVE, LEADVILLE, CO.

(held in-person and via Zoom)

<https://leadville-co-gov.zoom.us/j/83111814072?pwd=RHppaHJJWjFTakpXSDhF...>

Meeting ID: 831 1181 4072

Passcode: 80461

Dial by your location

+1 346 248 7799 US (Houston)

6:00 p.m.	1.	Call to order of Regular Meeting of City Council
	2.	Roll Call
	3.	Approval of Agenda
	4.	Housekeeping Matters
	5.	Public comments about items not on the agenda
		Citizens wishing to speak to council on issues <u>not</u> on the agenda are requested to send a message in the chat section or raise your hand in the participants section of Zoom or in person. Staff will call on public in order. Comment is limited to three (3) minutes (not including council questions). Action, if required, will be assigned to city staff. For matters <u>on the agenda</u> public input will be heard prior to a vote being taken on the matter.
	6.	A. Approval of the minutes from January 4 th , 2022 B. Approval of the minutes from January 18 th , 2022 C. Approval of the minutes from January 25 th , 2022
	7.	Presentations and Discussions A. St Vincent Hospital Update - CEO Brett Antczak B. Mayor's Appointment of City Council Members to Board of Adjustment
6:30 pm	8.	COA/CUP/TUP
		A. Nordic Knockout Sprints TUP B. Mineral Belt Mayhem TUP C. Jane's Hot Dog Stand TUP D. Ski Joring TUP
	9.	Resolutions and Ordinances

* These items may not have briefs or may have additional briefs Tuesday before the Council meeting.



		<p>A. Ordinance No. 2, Series of 2022: An Ordinance Amending the Leadville Municipal Code to Add a New Chapter 2.56 and Amending Various Sections to Establish the Position of City Administrator</p> <p>B. Resolution No. 7, Series of 2022: A Resolution Appointing Laurie Simonson as City Administrator for the City of Leadville and Approving an Employment Agreement</p> <p>C. Resolution No. 8, Series of 2022: A Resolution Amending the City's Purchasing Policy Concerning Purchasing Thresholds for the City Administrator</p> <p>D. Ordinance No. 6, Series of 2022: An Ordinance Repealing Chapter 10.12 of Title 10 of the Leadville Municipal Code Concerning Parking Permits</p>
8:30 pm	10.	Public Meetings Planner
	11.	Mayor's Report
	12.	Council Reports
	13.	Public comments about items not on the agenda
		Citizens wishing to speak to council on issues <u>not</u> on the agenda are requested to send a message in the chat section or raise your hand in the participants section of Zoom or in person. Staff will call on public in order. Comment is limited to three (3) minutes (not including council questions). Action, if required, will be assigned to city staff.
9:00 p.m.	14.	Adjournment

* These items may not have briefs or may have additional briefs Tuesday before the Council meeting.



CITY OF LEADVILLE
Tuesday, January 4, 2021 – 6:00 P.M.
REGULAR COUNCIL MEETING MINUTES
800 HARRISON AVE, LEADVILLE, CO.

Call to order of regular council meeting at 6:00 p.m. in Council Chambers and via Zoom.

Roll call: CM Lauritzen, CM Hill, Mayor Labbe, CM Gowing, CM Forgensi, CM Tharp and MPT Greene were present.

Approval of the agenda: CM Gowing moved to approve the agenda, CM Tharp seconded. Passed by all present.

Housekeeping Matters: Mayor Labbe present CM Gowing with a plaque, this is her last city council meeting. CM Forgensi wanted to make council aware, he has been working with the county, on concerns & discussions of OHV tours on the East side. CM Forgensi asked the mayor for an update on the street dept & snow removal. CM Tharp asked for an update on the City Administrator position, as well as the Director of Housing (county). CM Tharp brought up concerns for any new PUDs not having affordable housing.

Public comments for items not on the agenda: Ting Zhu, 1 Harrison Ave spoke on Board of County Commissioners & Commissioner Sarah Mudge, regarding OHV tours and the legality of same, as well as the inability to communicate with Commissioner Mudge since October 2021.

Approval of Minutes 12/7/2021 & 12/14/2021: CM Gowing moved to approve the 12/7/2021 minutes, Lauritzen seconded, 6 approved, CM Greene abstained. CM Tharp moved to approve the 12/14/2021 minutes, CM Gowing seconded, 6 approved, CM Greene abstained.

Presentations and Requests:

Full Circle Mural Request CM Lauritzen moved to approve, CM Hill seconded, approved unanimously

CUP Extension Request CM Tharp moved to approve, CM Forgensi seconded, approved unanimously for 24 months

City Treasurer Application – Alison Hougland CM Gowing moved to appoint Alison Hougland as the City of Leadville Treasurer, CM Tharp seconded, approved unanimously

Resolutions and Ordinances:

Resolution No. 1, Series of 2022: A resolution Designating the Official Public Notice Location and the Official Newspaper of General Circulation for the City of Leadville, Colorado.
CM Tharp moved to adopt Resolution No. 1, Series 2022 CM Lauritzen seconded, approved unanimously

Resolution No. 2, Series of 2022: A Resolution for a Supplemental Budget for Unanticipated Revenues and Appropriating Additional Sums of Money to Defray Unanticipated Expenditures in Excess of Amounts



Budgeted for the General Fund, the High Country Developers Fund and the Fire Operations of the City of Leadville, Colorado.

Mayor Labbe opened public hearing at 6:47 pm, public comment opened at 6:49 pm, no comments, CM Gowing moved to close public input 6:50 pm, CM Tharp seconded. CM Greene moved to approve Resolution No. 2, Series 2022, CM Tharp seconded, approved unanimously 6:56 public meeting closed

Resolution No. 35, Series of 2021: A Resolution Certifying and Levying the Mill Levy of the City of Leadville for 2021 to Defray the Costs of Government for the City of Leadville for the 2022 Budget Year (AMENDED) CM Forgensi moved to adopt Resolution No. 35, Series 2021, CM Hill seconded, Approved unanimously

Public Meetings Calendar – Add work sessions to council meeting schedule. Need to discuss HPC changes, Affordable Housing Issues, Parking Program ended. Add 1/25/2022 Work Session - Parking

Public comments for items not on the agenda.

Adjournment: 7:07 p.m.

APPROVED this ___ day of _____ by a vote of ___ in favor, ___ against, ___ abstaining, and ___ absent.

CITY OF LEADVILLE, COLORADO

ATTEST:

By

Deputy City Clerk



CITY OF LEADVILLE
Tuesday, January 18, 2021 – 6:00 P.M.
REGULAR COUNCIL MEETING MINUTES
800 HARRISON AVE, LEADVILLE, CO.

Call to order of regular council meeting at 6:02 p.m. in Council Chambers and via Zoom.

Roll call: CM Lauritzen, CM Hill, Mayor Labbe, CM Luna-Leal, CM Forgensi, CM Tharp and MPT Greene were present.

Presentations and Requests: Mayor Labbe presented Carol Glenn with a Key to the City. Mayor swore in Alison Hougland as City Treasurer, and also swore in CM Luna-Leal, CM Forgensi, CM Hill & CM Tharp.

Approval of the agenda: CM Hill moved to approve the agenda. CM Greene seconded. Passed by all present.

Housekeeping Matters: Mayor commented on the dedication of 2 CM that drive long distances to be here.

Public comments for items not on the agenda. Valerie Landis spoke about concerns over 2 loose dogs that have been causing problems the last week. Megan XXX, Claire McKeever also addresses the loose dog situation, and Commissioner Hal Edwards spoke on the city's efforts to find the owner. Bec Nooft and Elsa Tharp each spoke on the new Accommodations Tax and not being notified of how much and how to report the new tax. Kristi Galarza, LCBAG, gave housing update, Planning grant, SHIP grant; Housing Coalition meeting 1/19, BOCC meeting 2/7; shared handout *January 2022 Housing Activity* - <https://drive.google.com/file/d/1IuioiaVzAIhX5vs3RV1odiYemuK8XXnM/view?usp=sharing>

Approval of the Bills: CM Forgensi moved to pay the Bills, CM Hill seconded. Passed unanimously.

Resolutions and Ordinances:

Resolution No. 3, Series of 2022: A resolution Adopting a Fee Schedule for the City of Leadville. CM Hill moved to adopt Resolution No. 3, Series 2022, MPT Greene seconded, approved unanimously

Resolution No. 4, Series of 2022: A Resolution Setting the Term of Office for the Appointed City Treasurer
CM Forgensi moved to adopt Resolution No. 4, Series of 2022, CM Hill seconded, approved unanimously

Resolution No. 5, Series of 2022: A Resolution Designating Two Interim Deputy City Clerks
MPT Greene moved to adopt Resolution No. 5, Series of 2022, CM Lauritzen seconded, approved unanimously

Ordinance No. 1, Series of 2022: An Ordinance Amending Various Sections of the Leadville Municipal Code to Remove Specific Fees for the Leadville-Lake County Animal Shelter Fees to be Set by Resolution
CM Luna-Leal moved to adopt Ordinance No. 1, Series 2022, CM Hill seconded, approved unanimously



Adjournment: 8:32 p.m.

APPROVED this ___ day of _____ by a vote of ___ in favor, ___ against, ___ abstaining, and ___ absent.

CITY OF LEADVILLE, COLORADO

ATTEST:

By

Deputy City Clerk

DRAFT



CITY OF LEADVILLE

Tuesday, January 25, 2021 – 6:00 P.M. SPECIAL CITY COUNCIL MEETING MINUTES 800 HARRISON AVE, LEADVILLE, CO.

Call to order of special city council meeting at 6:00 p.m. in Council Chambers and via Zoom.

Roll call: CM Lauritzen, CM Hill, Mayor Labbe, CM Luna-Leal, CM Forgens, CM Tharp and MPT Greene were present.

Approval of the agenda: CM Hill moved to approve the agenda. CM Tharp seconded. Passed by all present.

Housekeeping Matters: CM Tharp asked for update on Accommodation Tax/STRs, mayor stated MuniRevs sent an email and the City sent out letters. City will waive January taxes, City to pay Tourism Panel for lost revenue.

Public comments for items not on the agenda: Kayla Marcella, BOCC city is not participating on the opioid settlement locally, BOCC would like city to reconsider signing MOU & joining the settlement. Mayor responded, the settlement was so low, the administrative burden would outweigh the benefit. No option to defer to county, only defer to regional group. Mayor will follow up with Commissioner Marcella.

Resolutions and Ordinances:

Resolution No. 6, Series of 2022: A resolution approving an IGA between the City of Leadville and Lake County concerning a DOLA Planning Grant Strategic Plan. **Intergovernmental Agreement (IGA) DOLA Planning Grant Strategic Plan:** The City and County jointly applied for, and received, a Department of Local Affairs (DOLA) planning grant to adopt policy and regulatory strategies to qualify for the Affordable Housing Development Incentives Grant Program. MPT Greene moved to adopt Resolution No. 6, Series of 2022, CM Luna-Leal seconded, unanimously approved

PARKING: Focused on mobility impaired this work session, focus on residential at next work session. MPT Greene to send state parking form to council and Christiana. Need to implement new plan in March 2022, before April 30 when private parking signs come down. Need more parking lots close to Harrison to alleviate side street parking issues. Possibility of buying lot between the Elks Lodge & Western Hardware. Event parking moved away from downtown. Work Session scheduled for Feb 22 to continue discussion.

Adjournment: 8:05 p.m.

APPROVED this __ day of _____ by a vote of __ in favor, __ against, __ abstaining, and __ absent.

CITY OF LEADVILLE, COLORADO

ATTEST:

By

Deputy City Clerk



AGENDA ITEM # 7.B

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: February 1, 2022

SUBJECT: Appointment of Board of Adjustment Members

PRESENTED BY: Greg Labbe, Mayor

☐ ORDINANCE
☐ RESOLUTION
☐ MOTION
☒ INFORMATION

I. REQUEST OR ISSUE:

Section 17.88.010 of the Leadville Municipal Code requires the Mayor to appoint the five members of the City's Board of Adjustment from among the members of City Council.

II. BACKGROUND INFORMATION:

Chapter 17.88 of the municipal code creates the City's Board of Adjustment ("BOA"). The purpose of the BOA is primarily to hear and decide applications for variances to the City's zoning regulations and appeals of land use decisions by an administrative officer or City agency. These applications and appeals are generally considered quasi-judicial proceedings.

The BOA is a five-member board, and each member serves a four-year term or for the duration the person's tenure on City Council.

The BOA members elect from its membership a chair and any other officers that the BOA sees fit to create. Please see Chapter 17.88 (attached) for additional details on the BOA.

III. APPOINTMENT BY THE MAYOR:

"I, Greg Labbe, Mayor of Leadville, hereby appoint the following members of City Council to serve as the City's Board of Adjustment: *[state five names here]*. Each member of the Board of Adjustment shall serve in that capacity for the duration of that member's term on City Council."

VI. ATTACHMENTS:

Chapter 17.88 of the Municipal Code

Chapter 17.88 BOARD OF ADJUSTMENT

Sections:

17.88.010 Creation and organization.

- A. A board of adjustment is created, the purpose of the board being to provide for special exceptions to certain of the provisions of this zoning title in conformance with its general purpose and intent and the purpose and intent of this chapter. The term "board of adjustment" and the word "board" when used in this chapter shall mean the board of adjustment established herein.
- B. The mayor shall appoint the members of the board of adjustment from among the members of city council. Each of the five members of the board shall be residents of the city. Until otherwise provided, the members of the board shall serve without compensation, except for reimbursement of actual expenses, and each member shall serve for a four-year appointment so long as the member also remains a member of city council.
- C. Vacancies shall be filled for an unexpired term in the same manner as in the case of original appointments. The mayor may appoint members of city council or other residents of Leadville as associate members to the board of adjustment and, in the event that any regular member is temporarily unable to act owing to absence from the city, illness, interest in a case or other cause, that person's place may be taken during such temporary disability by an associate member designated for that purpose.
- D. The board of adjustment shall elect from its members a chair, whose term of office shall be one year, and other such officers as the board sees fit to create. The board shall adopt such rules and regulations governing its proceedings as it considers necessary or advisable and the board shall meet as often as necessary to hear and act upon applications and other appropriate matters within its duties and powers.
- E. All meetings of the board of adjustment shall be open to the public and the board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and it shall keep records of its examinations and other official actions, all of which shall be promptly filed in the office of the board and shall be a public record. Any person(s) wishing to have a transcript of the proceedings of the board may have a court recorder present at their own expense.

(Ord. 99-8 § 1 (part): prior code § 17.26.010)

17.88.020 Powers and duties of the board.

The board of adjustment shall have the following powers and duties, which shall be exercised in accordance with the laws of the state of Colorado and the provisions of this title and in harmony with the public interest and the most appropriate use of the land:

- A. To hear and decide appeals when it is alleged by the appellant(s) that there is or has been an error in any order, requirement, decision, denial or refusal made by an administrative officer or agency based on or made in the enforcement of the zoning regulations contained within this title;
- B. To interpret the zoning district boundaries and pass upon disputed questions of lot lines and similar questions that may arise periodically in the administration of these zoning regulations;
- C. Where there are practical difficulties or unnecessary hardships in the manner of carrying out the strict application of any of these zoning regulations, the board has the power to authorize a variance from

such strict and literal application so that the spirit of these zoning regulations is observed, public safety and welfare secured and substantial justice done. The board, however, shall not have the power to grant variances from the uses prohibited or permitted conditionally for the zoning district involved, except as allowed for under Section 17.44.080;

- D. To review and decide upon such other matters relating to this title as may be specifically referred to the board by or provisions of this title or by the planning commission or the planning official;
- E. In reaching a decision on any appeal to the board requesting a variance, the board shall, among other considerations, take into account: (1) how substantial the variance is in relation to the requirement; (2) whether a substantial change will be produced in the character of the neighborhood or a substantial detriment to adjoining properties created; (3) whether the difficulty can be obviated by some method, feasible for the applicant to pursue, other than a variance; and (4) whether, in consideration of all of the above factors, the purpose, intent, policies and other provisions of both this title and the Leadville Comprehensive Plan, as amended, will be served.
- F. Meetings of the board of adjustment shall be held at the call of the chair and at other such times as the board in its rules of procedure may specify. The chair, or in their absence the acting chair, may administer oaths and compel the attendance of witnesses by application to the municipal court. The court, upon proper showing, may issue subpoenas and enforce obedience by contempt proceedings.

(Ord. 03-10 §§ 1, 2; Ord. 99-8 § 1 (part): prior code § 17.26.020)

17.88.030 Appeals procedure.

- A. Appeals to the board of adjustment may be made by any person(s) aggrieved by an inability to obtain a building permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of this title. Appeals to the board shall be made within thirty (30) days of the order, requirement, decision or refusal alleged to have occurred or to be in error.
- B. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or agency or otherwise to decide in favor of an applicant or an appellant appearing before the board.
- C. The board shall set a public hearing date on all appeals. A notice of public hearing shall be published in a legal publication in the city at least seven days prior to the hearing with notification of the hearing date and subject of the hearing.

A copy of the notice shall be deposited in the United States mail by the applicant, first class postage prepaid, postmarked at least fifteen (15) days prior to the scheduled hearing date, to all listed owners of record of all adjacent property. This mailed notice shall also be sent to all adjacent mineral rights owners and lessees and easement holders, as shown on the records of the office of the Lake County assessor. The notice shall include a short narrative describing the relief sought and an announcement of the date, time and location of the scheduled hearing. The applicant shall submit a signed affidavit, in a city-approved form, to the city prior to the date of the hearing evidencing that the required mailing was performed in accordance with this section. Failure to mail such notice shall not affect the validity of any hearing or determination by planning commission or city council, as applicable.

In addition, the applicant shall cause to have posted on the property in question, in a conspicuous location, a sign supplied by the city, stating the time, date, location and subject of the hearing. Such sign(s) shall be posted at least fourteen (14) days before the scheduled date of the hearing.

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- D. All appeals to the board of adjustment shall be in writing and on such forms as shall be prescribed by the board. The appropriate filing fee shall accompany the application. Every appeal shall state what provision(s) of the zoning regulation is/are involved, what relief from the provision(s) is being sought, and the grounds on which the relief should be granted to the applicant. The chair of the board shall call a meeting of the board scheduled to take place within thirty (30) days of the submission of the appropriate materials, including proof of notification of a public hearing, and at the same time the board may transmit a copy of the appeal to the planning commission or other appropriate public bodies for review and comment.
 - E. Appeal applications submitted to the board of adjustment shall include a full and accurate legal description of the land involved.
 - F. Upon reaching a decision in the manner described above, the board of adjustment shall notify the applicant(s) in writing within ten (10) working days after the board takes action on an appeal or other formal matter placed before it.
 - G. Where not otherwise specified herein, in state statute or in other city regulations or ordinances, the board shall function administratively and procedurally in the same manner as city council.
 - H. In any appeal to the board requesting a variance from the setback requirements of this title, the applicant shall provide to the board, along with the application form, a survey prepared by a licensed Colorado surveyor depicting the property line(s) involved in the variance request, unless such property lines are apparent on the ground from monumented boundary corners established by a licensed Colorado surveyor.

(Ord. 02-10 § 2; Ord. 99-8 § 1 (part): prior code § 17.26.030)



AGENDA ITEM # **8A**

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: February 1st, 2022

SUBJECT: TUP for Cloud City Mountain Sports to host the Annual Harrison Nordic Knockout Sprints

PRESENTED BY: Lori Tye

☐ ORDINANCE
☐ RESOLUTION
☒ MOTION
☐ INFORMATION

- I. **REQUEST OR ISSUE:** Temporary Use Permit for Cloud City Mountain Sports to host the Annual Harrison Nordic Knockout Sprints on Friday March 4th, 2022 from 7:00 pm until 8:00 pm.
Harrison Ave will already be blocked off for Ski Joring.
Further, applicant is requesting a multi-year (3 year) permit.
Lake County Recreation & Lake County Building & Land Use have no concerns with this event. Per LLCFR, event is to ensure they comply with 20-foot egress corridor/emergency access through-out the duration of the event, LLCFR has no other concerns.
- II. **BACKGROUND INFORMATION:** If city council approves Ski Joring on Harrison Ave. Cloud City Mountain Sports run a free, series of Nordic races down Harrison on the Friday night of Ski Joring. About 20 local middle & high school skiers show up to participate.
- III. **FISCAL IMPACTS:** N/A
- V. **LEGAL ISSUES:** N/A
- VI. **STAFF RECOMMENDATION:** Consider and Review a Temporary Use Permit for Cloud City Mountain Sports to host the Annual Harrison Nordic Knockout Sprints on Friday March 4th, 2022 from 7:00 pm until 8:00 pm.
- VII. **COUNCIL OPTIONS:** Approve, Approve with Condition or Deny
- VIII. **PROPOSED MOTION:** Motion to approve Temporary Use Permit for Cloud City Mountain Sports to host the Annual Harrison Nordic Knockout Sprints on Friday March 4th, 2022 from 7:00 pm until 8:00 pm., said approval being good for three (3) years, or through 2024.
- IX. **ATTACHMENTS:** Complete Temporary Use Permit Application, as well as this cover sheet.



Email: adminservices@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

Temporary Use Permit Application (Event):

A **Temporary Use Permit** is required for any organized activity involving the use of, or having impact upon, **public property, public facilities, parks, sidewalks, paths, trails, streets or other public areas** or the **temporary use of private property in a manner that varies from its current land use**, that lies within the boundaries of the City of Leadville. This application does **not** apply to nor will it be reviewed by any state or federal entity; this is the applicant's responsibility.

Impact is defined as: *Any closure, impedance, damage, destruction, abnormal wear and tear, interference or use of any public facility, property, roadway, trail, structure, ingress, egress or business function that causes extraordinary or unusual expense, or deters or detracts from other duties for any governmental agency within the City of Leadville, Colorado.*

All **Event Permit applications** are handled through the Director of Administrative Services office. After the applicant completes the Application and attaches any required documents, it is to be returned to the Director of Administrative Services. Applications are available on line at www.cityofleadville.com. They can be printed and faxed or emailed back to the City.

Reasons that your application may be denied are:

- Agencies may not have the resources to dedicate to your event,
- Your event may be deemed as too intrusive to the community,
- Your event may be deemed as inappropriate for the community or
- Your event may be deemed to be too destructive to the community.
- Other reasons may be expressed in the denial.

Acceptance of your application should in no way be construed as final approval or confirmation of your request. You will be notified if your event requires any additional information, permits, licenses or certificates. During the initial application screening process you will be given time to provide us with all pending documents (e.g. certificate of insurance, secondary permits, etc.). All documentation must be received before a Special Event Permit will be issued.

Permit applications must be received no later than ninety (90) days prior to the actual date of your event if the event will require closure of Harrison Ave/HWY 24 (unless City Council agrees and approves to a less amount of time for the submission). For applications that will require a temporary closure of Harrison Ave/HWY 24, that would delay access to Harrison Ave for two hours or less, do not require a ninety (90) application submittal. Permit applications must be received no later than thirty (30) days prior to the actual date of your event for all other requests that do not require closure of Harrison Ave/HWY 24 or for temporary closure as noted above. **Information from your permit application is considered public information** and may be used in developing the calendar of community events or reviewed by the public under the Open Records Act.

Issuance of a Special Events Permit **does not create any liability** for the issuing entities outside of their normal responsibilities under Colorado Revised Statutes. **It does not create a contractual agreement** with you and the issuing entities to perform any duty, responsibility or to perform any function other than what is provided for under the permit. **The applicant will not have any fees returned after the permit has been issued due to weather, lack of participation or any other reason.**

The applicant is responsible to ensure appropriate porta-potties, trash receptacles, arrange for Fire, ambulance, or law enforcement to manage their event as needed. If the event is deemed by local officials that these needs have not been met and additional resources are called in, the event will pay for those costs.



Email: adminservices@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

APPLICATION

Event Title: Harrison Nordic Knockout Sprints

Description: (Describe what your event is about, who and what will be involved, how it will work and any special information that you feel is important to help us understand the details of the event)

If city council approves ski joring on Harrison, we
run a free series of nordic races down Harrison on the
Friday night of ski joring. About 20 local middle
and high school skiers show up to partake. We

Set up Date 3/4/22 Time 6:30pm Day of Week Friday

Event Starts Date 3/4/22 Time 7:00pm Day of Week Friday

Event Ends Date 3/4/22 Time 8:00pm Day of Week Friday

Dismantle Date 3/4/22 Time 8:30pm Day of Week _____

Location(s) requested: Harrison Avenue

Anticipated Attendance Total 10 Per Day _____

(not including participants)

Anticipated Participants Total 20 Per Day _____ Total: 30

Anticipated # of vehicles

CONTACTS

Host Organization Cloud City Mountain Sports

Chief Officer of Host Organization Karl Remsen

Applicant (Contact) Name Karl Remsen

Address 312 E 4th St. City Leadville State CO Zip 80461

Telephone Number 719-293-5259 FAX Number _____

Pager/Cellular _____ E-Mail Address: Karl@cloudcitymountainsports.org



Email: adminservices@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

APPLICATION, *CONTINUED*

If your event will impact city services please give description:

No extra impacts beyond shi joring.
We just set a few flags on the snow.

If your event involves alcohol, weapons, speed activities, high speed vehicles, pyrotechnics, loud noise of any kind or any unusual activity please describe:

Does your event require Harrison Ave/ HWY 24 to be closed? Please indicate in the box below. If it does require closure of Harrison/HWY 24 you will be required to adhere to the City of Leadville traffic control plan A or B. If you have comments related to this section please indicate in the space below.

YES ☒

NO ☐

As part of shi joring

Does your event require Harrison Ave/ HWY 24 to be closed for a short term duration of up to a few hours? Please indicate in the box below. If it does require temporary closure of Harrison/HWY 24 you will be required to adhere to the City of Leadville traffic control plan C. If you have comments related to this section please indicate in the space below.

YES ☒

NO ☐

As part of shi joring



Email: adminservices@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

If required, an original Certificate of Insurance must be received by the City of Leadville prior to the approval and issuance of your Special Event Permit.

The applicant will need commercial general liability insurance that names as Additional Insured, the "City of Leadville its officers, employees, and agents" and any other public entities impacted by your event to which this permit applies. Insurance coverage must be maintained for the duration of the event including setup and dismantle dates.

Name of Insurance Agency _____

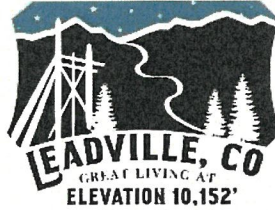
Address _____ City _____ State _____ Zip _____

Telephone Number _____ Pager/Cellular _____

Contact Name _____

Policy Type _____

Policy Amount _____ Policy Number _____



Email: adminservices@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

APPLICATION, CONTINUED

Please Provide an Event Map that includes the following information

If the item does not apply please write N/A in the box.

- ☒ Location of fencing, barriers and/or barricades. Indicate any removable fencing for emergency access.
- ☒ Provision of minimum twenty foot (20') emergency access lanes throughout the event venue.
- ☒ Location of first-aid facilities and ambulances.
- ☒ Location of all stages, platforms, scaffolding, bleachers, grandstands, canopies, tents, portable toilets, booths, beer gardens, cooking areas, trash containers and dumpsters, and other temporary structures.
- ☒ A detailed or close-up of the food booth and cooking area configuration including booth identification of all vendors cooking with flammable gases or barbecue grills.
- ☐ Generator locations and/or source of electricity.
- ☐ Placement of vehicles and/or trailers.
- ☐ Exit locations for outdoor events that are fenced and/or locations within tents and tent structures.
- ☐ Other related event components not listed above. _____

CERTIFICATION:

I/we certify that the information contained in the foregoing application is true and correct to the best of my/our knowledge and belief that I/we have read, understand and agree to abide by the requirements, rules and regulations governing the proposed Special Event Permit under the City of Leadville. I/we agree to comply with all other requirements of the City, County, State, Federal Government, and any other applicable entity which may pertain to the use of the Event venue and the conduct of the Event, I/we agree to pay all fees, taxes and the City shall not be liable for the payment of such taxes. I/we agree to abide by the requirements of the Special Events Permit, and further certify that I/we, on behalf of the Host Organization, am also authorized to commit that organization, and therefore agree to be financially responsible, in conjunction with the Host Organization, for any costs and fees that may be incurred by or on behalf of the Event to the City of Leadville.

Print Name Host Organization Cloud City Mountain Sports

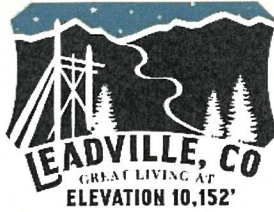
Print Name of Authorized Agent Karl Remsen

Title Nordic Program Director

Signature [Signature]

Date 1/2/22

Approved by: _____



Email: adminservices@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

FOR OFFICIAL USE ONLY: SIGN OFF REQUIRED FROM ALL CHECKED BOXES

***CAN BE EMAIL DIRECTED TO PLANNING OFFICIAL BY DEPARTMENT HEAD**

DEPARTMENT INPUT (to be attached to the permit file copy):

☐ **City of Leadville (Planning Official):** CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☐ **City Street Dept.:** CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☐ **Police Department:** CONDITIONS / RESTRICTIONS/COMMENTS

SIGNATURE _____ DATE _____

☐ **Fire Department:** CONDITIONS / RESTRICTIONS/ COMMENTS

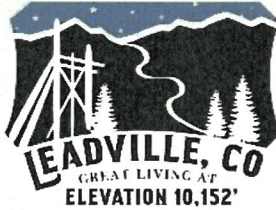
SIGNATURE _____ DATE _____

☐ **Health Dept. (food):** CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☐ **Lake County Building & Land Use (HWY 24 Closure):** CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____



Email: adminservices@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

OFFICIAL USE ONLY: SIGN OFF REQUIRED FROM ALL CHECKED BOXES

**CAN BE EMAIL DIRECTED TO PLANNING OFFICIAL BY DEPARTMENT HEAD*

DEPARTMENT INPUT (to be attached to the permit file copy):

☐ **Colorado Department of transportation (HWY 24 Closure):** CONDITIONS / RESTRICTIONS/COMMENTS

SIGNATURE _____ DATE _____

☐ **Lake County Road & Bridge (HWY 24 Closure):** CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☐ **Lake County Sheriff (HWY 24 Closure):** CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☐ **Lake County Emergency Services (HWY 24 Closure):** CONDITIONS / RESTRICTIONS/COMMENTS

SIGNATURE _____ DATE _____

To be filled out by the respective departments, if applicable: total costs to the City in labor hours and/or dollars.

Police Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Street Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Fire Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Total Labor: _____ Total Fuel & Supplies: _____



AGENDA ITEM # **8B**

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: February 1st, 2022

SUBJECT: TUP for Cloud City Wheelers to host the Annual Mineral Belt Mayhem

PRESENTED BY: Lori Tye

☐ ORDINANCE
☐ RESOLUTION
☒ MOTION
☐ INFORMATION

- I. **REQUEST OR ISSUE:** Temporary Use Permit for Cloud City Wheelers to host the Annual Mineral Belt Mayhem on Saturday March 5th, 2022 from 6:15 pm until 8:15 pm.

The race starts in front of Cycles of Life, with a neutral police escort up to the MBT at the Animal Shelter. From there racers race around the MBT back to Harrison Ave where they finish, again in front of Cycles of Life at 309 Harrison Ave.

Further, applicant is requesting a multi-year (3 year) permit.

Lake County Recreation & Lake County Building & Land Use have no concerns with this event. Per LLCFR, event is to ensure they comply with 20-foot egress corridor/emergency access through-out the duration of the event, LLCFR has no other concerns.
- II. **BACKGROUND INFORMATION:** The Mineral Belt Mayhem is a winter fat bike race event that coincides with Leadville's Crystal Carnival Weekend.
- III. **FISCAL IMPACTS:** N/A
- V. **LEGAL ISSUES:** N/A
- VI. **STAFF RECOMMENDATION:** Consider and Review a Temporary Use Permit for Cloud City Wheelers to host the Annual Mineral Belt Mayhem on Saturday March 5th, 2022 from 6:15 pm until 8:15 pm.
- VII. **COUNCIL OPTIONS:** Approve, Approve with Condition or Deny
- VIII. **PROPOSED MOTION:** Motion to approve Temporary Use Permit for Cloud City Wheelers to host the Annual Mineral Belt Mayhem on Saturday March 5th, 2022 from 6:15 pm until 8:15 pm., said approval being good for three (3) years, or through 2024.
- IX. **ATTACHMENTS:** Complete Temporary Use Permit Application, as well as this cover sheet.



Email: administrative@cityofleadville.com

Phone: 719-486-2092 Fax: 719-486-5813

Temporary Use Permit Application (Event):

A **Temporary Use Permit** is required for any organized activity involving the use of, **or** having impact upon, **public property, public facilities, parks, sidewalks, paths, trails, streets or other public areas** or the **temporary use of private property in a manner that varies from its current land use**, that lies within the boundaries of the City of Leadville. This application does **not** apply to nor will it be reviewed by any state or federal entity; this is the applicant's responsibility.

Impact is defined as: *Any closure, impedance, damage, destruction, abnormal wear and tear, interference or use of any public facility, property, roadway, trail, structure, ingress, egress or business function that causes extraordinary or unusual expense, or deters or detracts from other duties for any governmental agency within the City of Leadville, Colorado.*

All Event Permit applications are handled through the Director of Administrative Services office. After the applicant completes the Application and attaches any required documents, it is to be returned to the Director of Administrative Services. Applications are available on line at www.cityofleadville.com. They can be printed and faxed or emailed back to the City.

Reasons that your application may be denied are:

- Agencies may not have the resources to dedicate to your event,
- Your event may be deemed as too intrusive to the community,
- Your event may be deemed as inappropriate for the community or
- Your event may be deemed to be too destructive to the community.
- Other reasons may be expressed in the denial.

Acceptance of your application should in no way be construed as final approval or confirmation of your request. You will be notified if your event requires any additional information, permits, licenses or certificates. During the initial application screening process you will be given time to provide us with all pending documents (e.g. certificate of insurance, secondary permits, etc.). All documentation must be received before a Special Event Permit will be issued.

Permit applications must be received no later than ninety (90) days prior to the actual date of your event if the event will require closure of Harrison Ave/HWY 24 (unless City Council agrees and approves to a less amount of time for the submission). For applications that will require a temporary closure of Harrison Ave/HWY 24, that would delay access to Harrison Ave for two hours or less, do not require a ninety (90) application submittal. Permit applications must be received no later than thirty (30) days prior to the actual date of your event for all other requests that do not require closure of Harrison Ave/HWY 24 or for temporary closure as noted above. **Information from your permit application is considered public information** and may be used in developing the calendar of community events or reviewed by the public under the Open Records Act.

Issuance of a Special Events Permit **does not create any liability** for the issuing entities outside of their normal responsibilities under Colorado Revised Statutes. **It does not create a contractual agreement** with you and the issuing entities to perform any duty, responsibility or to perform any function other than what is provided for under the permit. **The applicant will not have any fees returned after the permit has been issued due to weather, lack of participation or any other reason.**

The applicant is responsible to ensure appropriate porta-potties, trash receptacles, arrange for Fire, ambulance, or law



Email: admission@leadville-co.gov

Phone: 719-486-2092 Fax: 719-486-5813

enforcement to manage their event as needed. If the event is deemed by local officials that these needs have not been met and additional resources are called in, the event will pay for those costs.



Email: admin@services@leadville-co.gov

Phone: 719-486-2092 Fax: 719-486-5813

APPLICATION

Event Title: Mineral Belt Mayhem

Description: (Describe what your event is about, who and what will be involved, how it will work and any special information that you feel is important to help us understand the details of the event)

The Mineral Belt Mayhem is a winter fat bike race event that coincides with Leadville's Crystal Carnival Weekend.

The race starts in front of Cycles of Life with a neutral police escort up to the MBT at the Animal Shelter. From there racers race around the MBT back to Harrison Ave. Where they finish again in front of Cycles of Life at 309 Harrison Ave.

WE REQUEST THAT THIS PERMIT BE A 3 YEAR PERMIT. THIS RACE FALLS EVERY YEAR ON THE FIRST SATURDAY IN MARCH DURING CRYSTAL CARNIVAL WEEKEND.

Set up Date March 5th____Time 4 pm____Day of Week Saturday

Event Starts Date March 5th____Time 6:15pm____Day of Week Saturday

Event Ends Date March 5th____Time 8:15pm____Day of Week Saturday

Dismantle Date March 5th____Time 9 pm____Day of Week Saturday

Location(s) requested: We request usage of the closed off area of Harrison Ave. while the weekend's ski joring festivities close the road. _____

Anticipated Attendance Total 15____Per Day _____(not including participants) Total: 15____

Anticipated Participants Total 120____Per Day 120

Anticipated # of vehicles 40



Email: admission@leadville-co.gov

Phone: 719-486-2092 Fax: 719-486-5813

CONTACTS

Host Organization Cloud City Wheelers

Chief Officer of Host Organization Sterling Mudge -Executive Director

Applicant (Contact) Name Sterling Mudge

Address PO Box 740 _____ City Leadville _____ State CO _____ Zip 80461

Telephone Number 719-293-5606 _____ FAX Number _____

Pager/Cellular _____ E-Mail Address: sterlingmudge@gmail.com



Email: publicservices@leadville-co.gov

Phone: 719-486-2092 Fax: 719-486-5813

APPLICATION, *CONTINUED*

If your event will impact city services please give description:

Our event runs in conjunction with Ski Joring during the night and after the day's ski events. This allows participants to enjoy a unique winter experience on the closed off section of Harrison Ave. The event takes place on Saturday night before the final day of ski joring on Sunday. We ask for a police escort up 8th St to the Animal Shelter if an officer is available.

If your event involves alcohol, weapons, speed activities, high speed vehicles, pyrotechnics, loud noise of any kind or any unusual activity please describe:

Does your event require Harrison Ave/ HWY 24 to be closed? Please indicate in the box below. If it does require closure of Harrison/HWY 24 you will be required to adhere to the City of Leadville traffic control plan A or B. If you have comments related to this section please indicate in the space below.

YES ☐ **NO** ☐

No. Traffic Control Plan B will be in effect for Ski joring. Racers will be stopped by flaggers at Hwy 24 and Harrison and 9th and allowed to go when traffic allows.



Email: admission@cityofleadville.co.gov

Phone: 719-486-2092 Fax: 719-486-5813

Does your event require Harrison Ave/ HWY 24 to be closed for a short term duration of up to a few hours? Please indicate in the box below. If it does require temporary closure of Harrison/HWY 24 you will be required to adhere to the City of Leadville traffic control plan C. If you have comments related to this section please indicate in the space below.

YES ☐ **NO** ☐

See comments above



Email: admin@services@leadville-co.gov

Phone: 719-486-2092 Fax: 719-486-5813

If required, an original Certificate of Insurance must be received by the City of Leadville prior to the approval and issuance of your Special Event Permit.

The applicant will need commercial general liability insurance that names as Additional Insured, the “City of Leadville its officers, employees, and agents” and any other public entities impacted by your event to which this permit applies. Insurance coverage must be maintained for the duration of the event including setup and dismantle dates.

Name of Insurance Agency Specialty Insurance Group

Address 11711 N. Meridian St. Ste. 800 City Carmel State IN Zip 46032

Telephone Number 719-694-2595 Pager/Cellular _____

Contact Name Andrea Slate

Policy Type General Liability and Event Insurance

Policy Amount \$2,000,000 Policy Number US1529386



Email: admission@leadville-co.gov

Phone: 719-486-2092 Fax: 719-486-5813

APPLICATION, CONTINUED

Please Provide an Event Map that includes the following information

If the item does not apply please write N/A in the box.

- ☐ Location of fencing, barriers and/or barricades. Indicate any removable fencing for emergency access.
- ☐ Provision of minimum twenty-foot (20') emergency access lanes throughout the event venue.
- ☐ Location of first-aid facilities and ambulances.
- ☐ Location of all stages, platforms, scaffolding, bleachers, grandstands, canopies, tents, portable toilets, booths, beer gardens, cooking areas, trash containers and dumpsters, and other temporary structures.
- ☐ A detailed or close-up of the food booth and cooking area configuration including booth identification of all vendors cooking with flammable gases or barbecue grills.
- ☐ Generator locations and/or source of electricity.
- ☐ Placement of vehicles and/or trailers.
- ☐ Exit locations for outdoor events that are fenced and/or locations within tents and tent structures.
- ☐ Other related event components not listed above. _____



Email: admission@leadville-co.gov

Phone: 719-486-2092 Fax: 719-486-5813



CYCLES OF LIFE
309 HARRISON

CITY PARKING LOT

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HARRISON AVE

START/FINISH



TENT WITH WEIGHTS

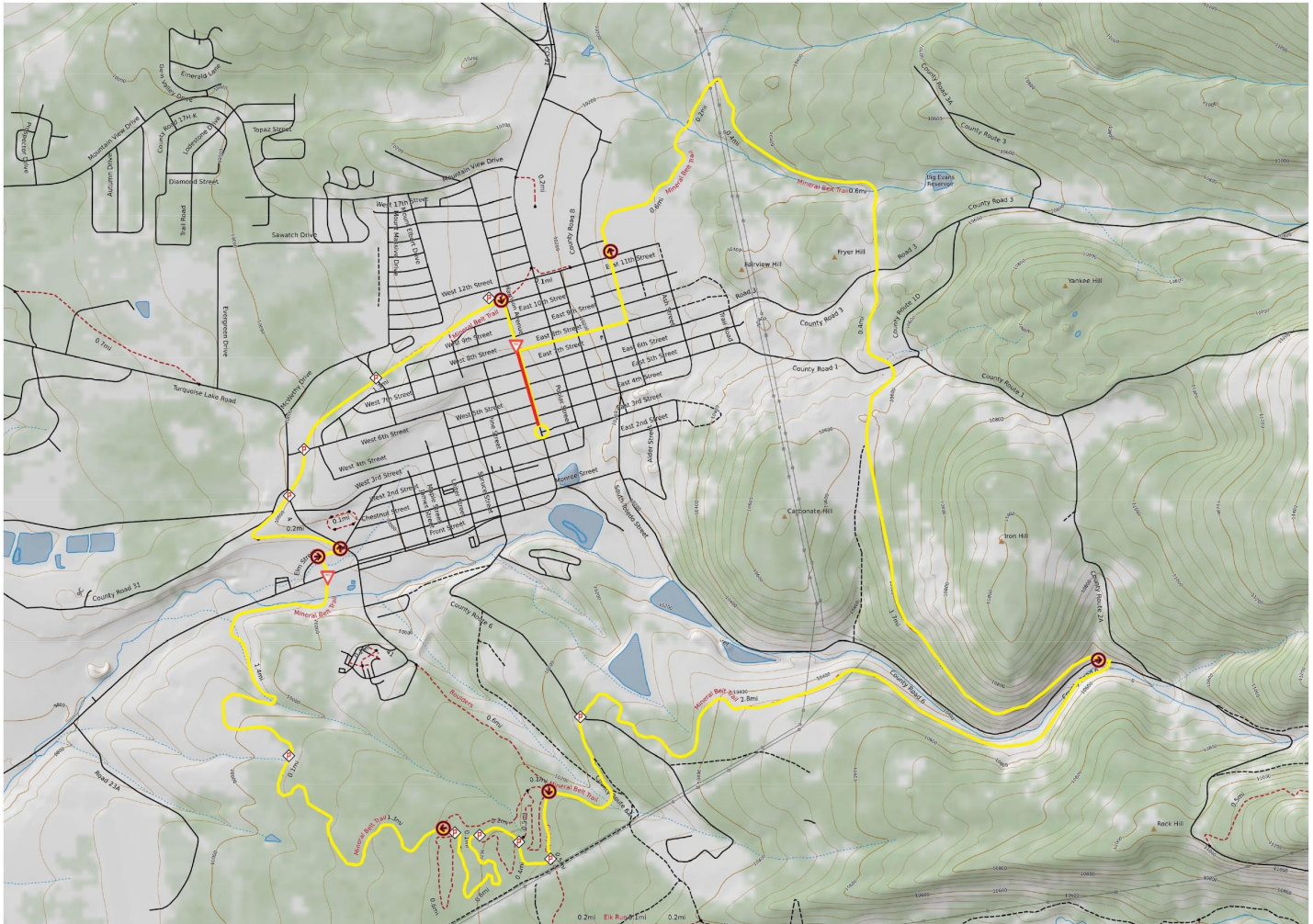
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Email: admin@cityofleadville.co.gov

Phone: 719-486-2092 Fax: 719-486-5413



MINERAL BELT MAYHEM

CERTIFICATION:

I/we certify that the information contained in the foregoing application is true and correct to the best of my/our knowledge and belief that I/we have read, understand and agree to abide by the requirements, rules and regulations governing the proposed Special Event Permit under the City of Leadville. I/we agree to comply with all other requirements of the City, County, State, Federal Government, and any other applicable entity which may pertain to the use of the Event venue and the conduct of the Event, I/we agree to pay all fees, taxes and the City shall not be liable for the payment of such taxes. I/we agree to abide by the requirements of the Special Events Permit, and further certify that I/we, on behalf of the Host Organization, am also authorized to commit that organization, and therefore agree to be financially responsible, in conjunction with the Host Organization, for any costs and fees that may be incurred by or on behalf of the Event to the City of Leadville.

Print Name Host Organization Cloud City Wheelers

Print Name of Authorized Agent Sterling Mudge



Email: admn@services@leadville-co.gov

Phone: 719-486-2092 Fax: 719-486-5813

Title Executive Director

Signature *Sterling Mudge*

Date 1-3-2022

Approved by: _____



Email: admission@leadville-co.gov

Phone: 719-486-2092 Fax: 719-486-5813

APPROVAL/DENIAL PAGE

(copy to be given to applicant along with the application, and filed with documentation)

REQUEST HAS BEEN:

Event approved: _____
Date

Event Denied: _____
Date

INSURANCE REQUIRED? ☐ YES

☐ NO

(Attach Certificate of Insurance to file copy)

Special Events Permit Requirements:



Email: admission@leadville-co.gov

Phone: 719-486-2092 Fax: 719-486-5813

Approval Granted by: _____

Date: _____



Email: admin@services@leadville-co.gov

Phone: 719-486-2092 Fax: 719-486-5813

FOR OFFICIAL USE ONLY: SIGN OFF REQUIRED FROM ALL CHECKED BOXES

***CAN BE EMAIL DIRECTED TO PLANNING OFFICIAL BY DEPARTMENT HEAD**

DEPARTMENT INPUT (to be attached to the permit file copy):

City of Leadville (Planning Official): CONDITIONS / RESTRICTIONS/ COMMENTS

__ SIGNATURE _____ DATE _____

City Street Dept.: CONDITIONS / RESTRICTIONS/ COMMENTS

__ SIGNATURE _____ DATE _____

Police Department: CONDITIONS / RESTRICTIONS/COMMENTS

__ SIGNATURE _____ DATE _____

Fire Department: CONDITIONS / RESTRICTIONS/ COMMENTS

__ SIGNATURE _____ DATE _____

☐ **Health Dept. (Food):** CONDITIONS / RESTRICTIONS/ COMMENTS

__ SIGNATURE _____ DATE _____

Lake County Building & Land Use (HWY 24 Closure): CONDITIONS / RESTRICTIONS/ COMMENTS

__ SIGNATURE _____ DATE _____



Email: admin@services@leadville-co.gov

Phone: 719-486-2092 Fax: 719-486-5813

OFFICIAL USE ONLY: SIGN OFF REQUIRED FROM ALL CHECKED BOXES

**CAN BE EMAIL DIRECTED TO PLANNING OFFICIAL BY DEPARTMENT HEAD*

DEPARTMENT INPUT (to be attached to the permit file copy):

Colorado Department of transportation (HWY 24 Closure): CONDITIONS / RESTRICTIONS/COMMENTS

_ SIGNATURE _____ DATE _____

☐ **Lake County Road & Bridge (HWY 24 Closure):** CONDITIONS / RESTRICTIONS/ COMMENTS

_ SIGNATURE _____ DATE _____

☐ **Lake County Sheriff (HWY 24 Closure):** CONDITIONS / RESTRICTIONS/ COMMENTS

_ SIGNATURE _____ DATE _____

☐ **Lake County Emergency Services (HWY 24 Closure):** CONDITIONS / RESTRICTIONS/COMMENTS

_ SIGNATURE _____ DATE _____

To be filled out by the respective departments, if applicable: total costs to the City in labor hours and/or dollars.

Police Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Street Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Fire Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Total Labor: _____ Total Fuel & Supplies: _____



AGENDA ITEM # **8C**

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: February 1st, 2022

SUBJECT: TUP for Jane's Hot Dog Stand, from Memorial Day to Labor Day

PRESENTED BY: Lori Tye

☐ ORDINANCE
☐ RESOLUTION
☒ MOTION
☐ INFORMATION

- I. **REQUEST OR ISSUE:** Temporary Use Permit for Jane Harelson to have her Hot Dog Stand at 505 Harrison Ave, on the sidewalk in front of the courthouse starting on Monday May 30th, 2022 from 11:00 am until 3:00 pm, and ending on Monday, September 5th, 2022.
- II. **BACKGROUND INFORMATION:** The stand is a mobile vending cart set up on the public sidewalk and removed each day of business operation. Jane's Hot Dog Stand provides lunch 11 am to 3 pm from Memorial Day until Labor Day, serving hot dogs, bratwursts, chips and soft drinks.

Further, applicant is requesting a multi-year (3) permit.

LLCFR, Lake County Recreation & Lake County Building & Land Use have no concerns with this event.

- III. **FISCAL IMPACTS:** N/A
- V. **LEGAL ISSUES:** N/A
- VI. **STAFF RECOMMENDATION:** Consider and Review a Temporary Use Permit for Jane Harelson to operate Jane's Hot Dog Stand on the sidewalk at 505 Harrison Ave, daily from 11:00 am until 3:00 pm.
- VII. **COUNCIL OPTIONS:** Approve, Approve with Condition or Deny
- VIII. **PROPOSED MOTION:** Motion to approve Temporary Use Permit for Jane's Hot Dog Stand starting Monday, May 30th, 2022, from 11:00 am until 3:00 pm, and ending Monday, September 5th, 2022, said approval being good for three (3) years, or through 2024.
- IX. **ATTACHMENTS:** Complete Temporary Use Permit Application, as well as this cover sheet.

City of Leadville

800 Harrison Avenue
Leadville, Colorado 80461

719-486-2092, Fax 719 486-1040

Email: adminservices@leadville-co.gov www.cityofleadville.com

Temporary Use Permit Application (Event)

A **Temporary Use Permit** is required for any organized activity involving the use of, or having impact upon, **public property, public facilities, parks, sidewalks, paths, trails, streets or other public areas** or the **temporary use of private property in a manner that varies from its current land use**, that lies within the boundaries of the City of Leadville. This application does **not** apply to nor will it be reviewed by any state or federal entity; this is the applicant's responsibility.

Impact is defined as: *Any closure, impedance, damage, destruction, abnormal wear and tear, interference or use of any public facility, property, roadway, trail, structure, ingress, egress or business function that causes extraordinary or unusual expense, or deters or detracts from other duties for any governmental agency within the City of Leadville, Colorado.*

All Event Permit applications are handled through the Director of Administrative Services office. After the applicant completes the Application and attaches any required documents, it is to be returned to the Director of Administrative Services. Applications are available on line at www.cityofleadville.com. They can be printed and faxed or emailed back to the City.

Reasons that your application may be denied are:

- Agencies may not have the resources to dedicate to your event,
- Your event may be deemed as too intrusive to the community,
- Your event may be deemed as inappropriate for the community or
- Your event may be deemed to be too destructive to the community.
- Other reasons may be expressed in the denial.

Acceptance of your application should in no way be construed as final approval or confirmation of your request. You will be notified if your event requires any additional information, permits, licenses or certificates. During the initial application screening process you will be given time to provide us with all pending documents (e.g. certificate of insurance, secondary permits, etc.). All documentation must be received before a Special Event Permit will be issued.

Permit applications must be received no later than ninety (90) days prior to the actual date of your event if the event will require closure of Harrison Ave/HWY 24. For applications that will require a temporary closure of Harrison Ave/HWY 24, that would delay access to Harrison Ave for two hours or less, do not require a ninety (90) application submittal. Permit applications must be received no later than thirty (30) days prior to the actual date of your event for all other requests that do not require closure of Harrison Ave/HWY 24 or for temporary closure as noted above. **Information from your permit application is considered public information** and may be used in developing the calendar of community events or reviewed by the public under the Open Records Act.

Issuance of a Special Events Permit **does not create any liability** for the issuing entities outside of their normal responsibilities under Colorado Revised Statutes. **It does not create a contractual agreement** with you and the issuing entities to perform any duty, responsibility or to perform any function other than what is provided for under the permit. **The applicant will not have any fees returned after the permit has been issued due to weather, lack of participation or any other reason.**

The applicant is responsible to ensure appropriate porta-potties, trash receptacles, arrange for Fire, ambulance, or law enforcement to manage their event as needed. If the event is deemed by local officials that these needs have not been met and additional resources are called in, the event will pay for those costs.

City of Leadville

800 Harrison Avenue
Leadville, Colorado 80461
719-486-2092, Fax 719 486-1040

Email: adminservices@leadville-co.gov www.cityofleadville.com

APPLICATION

Event Title: Seasonal Business: Jane's Hot Dog Stand

Description: (Describe what your event is about, who and what will be involved, how it will work and any special information that you feel is important to help us understand the details of the event)

Jane's Hot Dog Stand, located at 505 Harrison Avenue, provides lunch 11:00 am until 3:00 pm from Memorial Day through Labor Day, serving hot dogs, bratwursts, chips, and soft drinks. The stand is a mobile vending cart set up on the public sidewalk and removed each day of business operation. Permits for this sole proprietorship include: City of Leadville Business License; Lake County Business License; Colorado Department of Health & Environment License; Colorado Department of Revenue Retail Sales Tax License; and Colorado Department of Motor Vehicles License Plate for a mobile cart.

Set up Date: May 30, 2022 Time 11:00 am Day of Week Monday

Event Starts Date May 30, 2022 Time 11:00 am Day of Week Monday

Event Ends Date Sept. 5, 2022 Time 3:00 pm Day of Week Monday

Dismantle Date: Sept. 5, 2022 Time 3:00 pm Day of Week Monday

Location(s) requested: 505 Harrison Avenue on the sidewalk in front of the Lake County Courthouse.

Anticipated Attendance Total TBD Per Day TBD

(not including participants)

Anticipated Participants Total TBD Per Day TBD Total: Sales vary every year.

Anticipated # of vehicles

CONTACTS

Host Organization Jane's Hot Dog Stand

Chief Officer of Host Organization Jane Harelson

Applicant (Contact) Name Jane Harelson

Address 172 Rafferty Drive City Leadville State CO Zip 80461

Telephone Number: (719) 486-0741 FAX Number _____

Pager/Cellular (970) 306-2982 E-Mail Address: janeharelson@yahoo.com

City of Leadville

800 Harrison Avenue
Leadville, Colorado 80461

719-486-2092, Fax 719 486-1040

Email: adminservices@leadville-co.gov www.cityofleadville.com

APPLICATION, *CONTINUED*

If your event will impact city services please give description:

No Impact

If your event involves alcohol, weapons, speed activities, high speed vehicles, pyrotechnics, loud noise of any kind or any unusual activity please describe:

None of the Above

Does your event require Harrison Ave/ HWY 24 to be closed? Please indicate in the box below. If it does require closure of Harrison/HWY 24 you will be required to adhere to the City of Leadville traffic control plan A or B. If you have comments related to this section please indicate in the space below.

YES ☐ NO ☒

Does your event require Harrison Ave/ HWY 24 to be closed for a short term duration of up to a few hours? Please indicate in the box below. If it does require temporary closure of Harrison/HWY 24 you will be required to adhere to the City of Leadville traffic control plan C. If you have comments related to this section please indicate in the space below.

YES ☐ NO ☒

City of Leadville

800 Harrison Avenue
Leadville, Colorado 80461

719-486-2092, Fax 719 486-1040

Email: adminservices@leadville-co.gov www.cityofleadville.com

If required, an original Certificate of Insurance must be received by the City of Leadville prior to the approval and issuance of your Special Event Permit.

The applicant will need commercial general liability insurance that names as Additional Insured, the "City of Leadville its officers, employees, and agents" and any other public entities impacted by your event to which this permit applies. Insurance coverage must be maintained for the duration of the event including setup and dismantle dates.

Name of Insurance Agency The Hartford

Address 3600 Wiseman Blvd City San Antonio State TX Zip 78251

Telephone Number (888) 242-1430 Pager/Cellular _____

Contact Name Service Center

Policy Type Spectrum Business Owners Policy

Policy Amount \$1,000,000 Policy Number 65SBAKJ4429

City of Leadville

800 Harrison Avenue
Leadville, Colorado 80461
719-486-2092, Fax 719 486-1040

Email: adminservices@leadville-co.gov www.cityofleadville.com

APPLICATION, CONTINUED

Please Provide an Event Map that includes the following information

If the item does not apply please write N/A in the box.

N/A Location of fencing, barriers and/or barricades. Indicate any removable fencing for emergency access.

N/A Provision of minimum twenty foot (20') emergency access lanes throughout the event venue.

N/A Location of first-aid facilities and ambulances.

N/A Location of all stages, platforms, scaffolding, bleachers, grandstands, canopies, tents, portable toilets, booths, beer gardens, cooking areas, trash containers and dumpsters, and other temporary structures.

N/A A detailed or close-up of the food booth and cooking area configuration including booth identification of all vendors cooking with flammable gases or barbecue grills.

N/A Generator locations and/or source of electricity.

N/A Placement of vehicles and/or trailers.

N/A Exit locations for outdoor events that are fenced and/or locations within tents and tent structures.

Other related event components not listed above. 3ft wide x 5ft long hot dog stand set up on a 12ft wide public sidewalk at 11:00 am and taken down at 3:00 pm daily.

CERTIFICATION:

I/we certify that the information contained in the foregoing application is true and correct to the best of my/our knowledge and belief that I/we have read, understand and agree to abide by the requirements, rules and regulations governing the proposed Special Event Permit under the City of Leadville. I/we agree to comply with all other requirements of the City, County, State, Federal Government, and any other applicable entity which may pertain to the use of the Event venue and the conduct of the Event, I/we agree to pay all fees, taxes and the City shall not be liable for the payment of such taxes. I/we agree to abide by the requirements of the Special Events Permit, and further certify that I/we, on behalf of the Host Organization, am also authorized to commit that organization, and therefore agree to be financially responsible, in conjunction with the Host Organization, for any costs and fees that may be incurred by or on behalf of the Event to the City of Leadville.

Print Name Host Organization Jane's Hot Dog Stand

Print Name of Authorized Agent Jane Harelson

Title Owner/Operator

Signature Jane Harelson

Date: 12-28-21

Approved by: _____

City of Leadville

800 Harrison Avenue
Leadville, Colorado 80461

719-486-2092, Fax 719 486-1040

Email: adminservices@leadville-co.gov www.cityofleadville.com

FOR OFFICIAL USE ONLY: SIGN OFF REQUIRED FROM ALL CHECKED BOXES

**CAN BE EMAIL DIRECTED TO PLANNING OFFICAL BY DEPARTMENT HEAD*

DEPARTMENT INPUT (to be attached to the permit file copy):

☐ City of Leadville (Planning Official): CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☐ City Street Dept.: CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☐ Police Department: CONDITIONS / RESTRICTIONS/COMMENTS

SIGNATURE _____ DATE _____

☐ Fire Department: CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☐ Health Dept. (food): CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☐ Lake County Building & Land Use (HWY 24 Closure): CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

City of Leadville

800 Harrison Avenue
Leadville, Colorado 80461

719-486-2092, Fax 719 486-1040

Email: adminservices@leadville-co.gov www.cityofleadville.com

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**CAN BE EMAIL DIRECTED TO PLANNING OFFICAL BY DEPARTMENT HEAD*

DEPARTMENT INPUT (to be attached to the permit file copy):

☐ Colorado Department of transportation (HWY 24 Closure): CONDITIONS / RESTRICTIONS/COMMENTS

SIGNATURE _____ DATE _____

☐ Lake County Road & Bridge (HWY 24 Closure): CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☐ Lake County Sheriff (HWY 24 Closure): CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☐ Lake County Emergency Services (HWY 24 Closure): CONDITIONS / RESTRICTIONS/COMMENTS

SIGNATURE _____ DATE _____

To be filled out by the respective departments, if applicable: total costs to the City in labor hours and/or dollars.

Police Dept.: _____ labor hrs; at \$_____ per hr plus \$_____ in fuel & supplies for a total \$_____

Street Dept.: _____ labor hrs; at \$_____ per hr plus \$_____ in fuel & supplies for a total \$_____

Fire Dept.: _____ labor hrs; at \$_____ per hr plus \$_____ in fuel & supplies for a total \$_____

Total Labor: _____ Total Fuel & Supplies: _____



AGENDA ITEM # **8D**

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: February 1st, 2022

SUBJECT: TUP for Leadville Ski Joring, March 5th & 6th, 2022

PRESENTED BY: Lori Tye

☐ ORDINANCE
☐ RESOLUTION
☒ MOTION
☐ INFORMATION

- I. **REQUEST OR ISSUE:** Temporary Use Permit for Leadville Ski Joring on Harrison Avenue on Saturday March 5th & Sunday, March 6th, 2022 from 8:00 am until 4:00 pm both days.
Further, applicant is requesting a multi-year (3 year) permit.
- II. **BACKGROUND INFORMATION:** Leadville Ski Joring is an event where teams of riders, horses & skiers compete on a track on Main Street (Harrison) in Leadville, CO. Applicant asks for assistance from both City & County to haul in snow & remove it for the event, as well as perform road closures. This is an iconic event that promotes business in town and our cultural identity.
Lake County Recreation & Lake County Building & Land Use have no concerns with this event. Per LLCFR, event is to ensure they comply with 20-foot egress corridor/emergency access through-out the duration of the event, LLCFR has no other concerns.
- III. **FISCAL IMPACTS:** N/A
- V. **LEGAL ISSUES:** N/A
- VI. **STAFF RECOMMENDATION:** Consider and Review a Temporary Use Permit for Leadville Ski Joring on Harrison Avenue, Saturday & Sunday, March 5th & 6th, 2022 from 8:00 am until 4:00 pm.
- VII. **COUNCIL OPTIONS:** Approve, Approve with Condition or Deny
- VIII. **PROPOSED MOTION:** Motion to approve Temporary Use Permit for Leadville Ski Joring Saturday, March 5th, 2022 and Sunday, March 6th, 2022 from 8:00 am until 4:00 pm., said approval being good for three (3) years, or through 2024.
- IX. **ATTACHMENTS:** Complete Temporary Use Permit Application, as well as this cover sheet.



2022
Leadville Ski Joring

Email: adminservices@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

Temporary Use Permit Application (Event):

A Temporary Use Permit is required for any organized activity involving the use of, or having impact upon, public property, public facilities, parks, sidewalks, paths, trails, streets or other public areas or the temporary use of private property in a manner that varies from its current land use, that lies within the boundaries of the City of Leadville. This application does not apply to nor will it be reviewed by any state or federal entity; this is the applicant's responsibility.

Impact is defined as: *Any closure, impedance, damage, destruction, abnormal wear and tear, interference or use of any public facility, property, roadway, trail, structure, ingress, egress or business function that causes extraordinary or unusual expense, or deters or detracts from other duties for any governmental agency within the City of Leadville, Colorado.*

All Event Permit applications are handled through the Director of Administrative Services office. After the applicant completes the Application and attaches any required documents, it is to be returned to the Director of Administrative Services. Applications are available on line at www.cityofleadville.com. They can be printed and faxed or emailed back to the City.

Reasons that your application may be denied are:

- Agencies may not have the resources to dedicate to your event,
- Your event may be deemed as too intrusive to the community,
- Your event may be deemed as inappropriate for the community or
- Your event may be deemed to be too destructive to the community.
- Other reasons may be expressed in the denial.

Acceptance of your application should in no way be construed as final approval or confirmation of your request. You will be notified if your event requires any additional information, permits, licenses or certificates. During the initial application screening process you will be given time to provide us with all pending documents (e.g. certificate of insurance, secondary permits, etc.). All documentation must be received before a Special Event Permit will be issued.

Permit applications must be received no later than ninety (90) days prior to the actual date of your event if the event will require closure of Harrison Ave/HWY 24 (unless City Council agrees and approves to a less amount of time for the submission). For applications that will require a temporary closure of Harrison Ave/HWY 24, that would delay access to Harrison Ave for two hours or less, do not require a ninety (90) application submittal. Permit applications must be received no later than thirty (30) days prior to the actual date of your event for all other requests that do not require closure of Harrison Ave/HWY 24 or for temporary closure as noted above. Information from your permit application is considered public information and may be used in developing the calendar of community events or reviewed by the public under the Open Records Act.

Issuance of a Special Events Permit does not create any liability for the issuing entities outside of their normal responsibilities under Colorado Revised Statutes. It does not create a contractual agreement with you and the issuing entities to perform any duty, responsibility or to perform any function other than what is provided for under the permit. The applicant will not have any fees returned after the permit has been issued due to weather, lack of participation or any other reason.

The applicant is responsible to ensure appropriate porta-potties, trash receptacles, arrange for Fire, ambulance, or law enforcement to manage their event as needed. If the event is deemed by local officials that these needs have not been met and additional resources are called in, the event will pay for those costs.



Email: adminservices@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

APPLICATION

Event Title: Leadville Ski Joring

Description: (Describe what your event is about, who and what will be involved, how it will work and any special information that you feel is important to help us understand the details of the event)

Leadville Ski Joring is an event where Teams of Riders, Horses & Skiers compete on a track on Main Street in Leadville, Co WE ASK for Assistance From both City & County to have in snow: remove it for the event,

As well as perform Road Closures. This is an iconic Event that Promotes business in town and our cultural identity

Set up Date 3/4/22 Time 4:00 AM Day of Week Friday

Event Starts Date 3/5/22 Time 8:00 AM Day of Week Saturday

Event Ends Date 3/6/22 Time 4:00 PM Day of Week Sunday

Dismantle Date 3/6/22 Time 5:00 PM Day of Week Sunday

Location(s) requested: _____

Anticipated Attendance
(not including participants)

Total 2500-3000 Per Day 1000-2000

Anticipated Participants

Total 300 Per Day 150 Total: _____

Anticipated # of vehicles

CONTACTS

Host Organization Leadville Ski Joring

Chief Officer of Host Organization Duffy Counsell



Email: adminservices@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

Applicant (Contact) Name DUFFY COUNSELL

Address 601 W. 7th Street City Leadville State CO Zip 80461

Telephone Number 970-471-5535 FAX Number —

Pager/Cellular _____ E-Mail Address: Duffy.Counsel@Gmail.com



Email: adminservices@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

APPLICATION, *CONTINUED*

If your event will impact city services please give description:

Closure of Harrison Avenue from 8th to 4th Streets
and Deform from 8th Street to 2nd Street

If your event involves alcohol, weapons, speed activities, high speed vehicles, pyrotechnics, loud noise of any kind or any unusual activity please describe:

Horses, Riders, & Skiers Down Harrison Avenue

Does your event require Harrison Ave/ HWY 24 to be closed? Please indicate in the box below. If it does require closure of Harrison/HWY 24 you will be required to adhere to the City of Leadville traffic control plan A or B. If you have comments related to this section please indicate in the space below.

YES ☒ NO ☐

Does your event require Harrison Ave/ HWY 24 to be closed for a short term duration of up to a few hours? Please indicate in the box below. If it does require temporary closure of Harrison/HWY 24 you will be required to adhere to the City of Leadville traffic control plan C. If you have comments related to this section please indicate in the space below.

YES NO ☒



Email: adminservices@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813



Email: adminservices@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

If required, an original Certificate of Insurance must be received by the City of Leadville prior to the approval and issuance of your Special Event Permit.

The applicant will need commercial general liability insurance that names as Additional Insured, the "City of Leadville its officers, employees, and agents" and any other public entities impacted by your event to which this permit applies. Insurance coverage must be maintained for the duration of the event including setup and dismantle dates.

Name of Insurance Agency NAUTILUS INSURANCE AGENCY

Address _____ City _____ State _____ Zip _____

Telephone Number 970-668-3500 Pager/Cellular _____

Contact Name Susan Hendry, Arrow Insurance Frisco

Policy Type _____

Policy Amount \$1M Policy Number 113328001

Ⓢ Policy From 2021 Event Attached As Example of what will be secured for future events.



Email: adminservices@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

APPLICATION, CONTINUED

Please Provide an Event Map that includes the following information

If the item does not apply please write N/A in the box.

- ☐ Location of fencing, barriers and/or barricades. Indicate any removable fencing for emergency access.
 - ☐ Provision of minimum twenty-foot (20') emergency access lanes throughout the event venue.
 - ☐ Location of first-aid facilities and ambulances.
 - ☐ Location of all stages, platforms, scaffolding, bleachers, grandstands, canopies, tents, portable toilets, booths, beer gardens, cooking areas, trash containers and dumpsters, and other temporary structures.
 - ☐ A detailed or close-up of the food booth and cooking area configuration including booth identification of all vendors cooking with flammable gases or barbecue grills.
 - ☐ Generator locations and/or source of electricity.
 - ☐ Placement of vehicles and/or trailers.
 - ☐ Exit locations for outdoor events that are fenced and/or locations within tents and tent structures.
 - ☐ Other related event components not listed above. _____
- _____
- _____

CERTIFICATION:

I/we certify that the information contained in the foregoing application is true and correct to the best of my/our knowledge and belief that I/we have read, understand and agree to abide by the requirements, rules and regulations governing the proposed Special Event Permit under the City of Leadville. I/we agree to comply with all other requirements of the City, County, State, Federal Government, and any other applicable entity which may pertain to the use of the Event venue and the conduct of the Event, I/we agree to pay all fees, taxes and the City shall not be liable for the payment of such taxes. I/we agree to abide by the requirements of the Special Events Permit, and further certify that I/we, on behalf of the Host Organization, am also authorized to commit that organization, and therefore agree to be financially responsible, in conjunction with the Host Organization, for any costs and fees that may be incurred by or on behalf of the Event to the City of Leadville.

Print Name Host Organization Leadville Ski Joring

Print Name of Authorized Agent Duffy Cawcwell

Title EVENT ORGANIZER

Signature [Signature]

Date 11/5/22

Approved by: _____



Email: adminservices@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

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DEPARTMENT INPUT (to be attached to the permit file copy):

☒ **City of Leadville (Planning Official):** CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☒ **City Street Dept.:** CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☒ **Police Department:** CONDITIONS / RESTRICTIONS/COMMENTS

SIGNATURE _____ DATE _____

☒ **Fire Department:** CONDITIONS / RESTRICTIONS/ COMMENTS

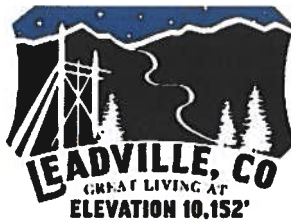
SIGNATURE _____ DATE _____

☐ **Health Dept. (food):** CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☒ **Lake County Building & Land Use (HWY 24 Closure):** CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____



Email: adminservices@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

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DEPARTMENT INPUT (to be attached to the permit file copy):

☐ **Colorado Department of transportation (HWY 24 Closure):** CONDITIONS / RESTRICTIONS/COMMENTS

SIGNATURE _____ DATE _____

☐ **Lake County Road & Bridge (HWY 24 Closure):** CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☐ **Lake County Sheriff (HWY 24 Closure):** CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☐ **Lake County Emergency Services (HWY 24 Closure):** CONDITIONS / RESTRICTIONS/COMMENTS

SIGNATURE _____ DATE _____

To be filled out by the respective departments, if applicable: total costs to the City in labor hours and/or dollars.

Police Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Street Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Fire Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Total Labor: _____ Total Fuel & Supplies: _____



Quote Date: 02/19/2021

Insured Name: Leadville Ski Joring

COMMERCIAL GENERAL LIABILITY QUOTE

Quote Expiration Date: 3/21/2021

Transaction Type: Renewal Of: NN1089569

Insured Name: Leadville Ski Joring

Policy Term: 03/05/2021 - 03/08/2021

Tax State: CO

Quote Number: 113328001

To: Arrow Insurance Management Inc.

Attention: Susan Hendry

From: Mobeck, Melanie

Email: mmobeck@chris-leef.com

Phone: 720-872-6406

Extension: 2107

Fax:

Broker: CHRIS-LEEF GENERAL AGENCY, INC - COLORADO

Nautilus Insurance Company (A.M. Best rating A + XV)

We are pleased to offer the following Terms and Conditions based on information received. Please review carefully as coverage may not be exactly as requested on the application.

General Liability	\$1,000.00	Advance Premium*	
Total Policy Premium	\$1,000.00	Total Amount Due	\$1,000.00
Commission		(including taxes and fees, if listed above)	

Optional Coverages Declined:

Class: Coverage:	Limit:	Deductible:	Premium:
90792 First Party Privacy Breach Cov-Low Hazard-Low Exposure	\$25,000 / 25,000 / 25,000	\$1,000	\$55.00

* The Advanced Premium shown is a Minimum and Deposit premium. At the close of each audit period, we will compute the earned premium for that period. If the earned premium is greater than the advance premium paid, an audit premium is due. If the total earned premium for the policy period is less than the advance premium, such advance premium is the minimum premium for the policy period indicated and is not subject to further adjustment. Refer to form L601 for further explanation.

Underwriting Requirements Prior to Binding

Supplemental Application – Signed and dated by the insured

Terrorism Coverage Offer – Signed and dated by the insured

Diligent Effort Affidavit

Fully Earned Premium

If this policy is cancelled at the insured's request, including non-payment of premium, the premium for this policy will be fully earned and no refund will be made. If a policy or inspection fee is applicable to this policy, the fee(s) will be fully earned and no refund of fees will be made. No flat cancellations.

Terrorism Coverage Acceptance

- Return signed E903 form showing coverage acceptance.
- Add \$125 flat charge per policy, plus applicable taxes and fees, subject to pro-rata / short rate adjustment if policy is cancelled.
- Attach E908 Policyholder Disclosure Notice of Terrorism Insurance Coverage and CG2170 Cap On Losses From Certified Acts of Terrorism.

Terrorism Coverage Rejection

- Return signed E903 form showing coverage rejection.
- Attach CG2173 form Exclusion of Certified Acts of Terrorism.

CONFIDENTIALITY NOTICE: The transmitted documents contain private, privileged and confidential information belonging to the sender. The information therein is solely for the use of the addressee. If your receipt of this transmission has occurred as the result of an error, please immediately notify us so we can arrange for the return of the original documents. In such circumstances, you are advised that you may not disclose, copy, distribute or take any other action in reliance on the information transmitted.



Quote Date: 02/19/2021

Insured Name: Leadville Ski Joring

QUOTE - COMMERCIAL GENERAL LIABILITY**General Liability Limits of Insurance**

General Aggregate	\$2,000,000
Products / Completed Operations Aggregate	INCLUDED
Personal & Advertising Injury (any one person or organization)	\$1,000,000
Each Occurrence	\$1,000,000
Damage to Premises Rented to You (any one premises)	\$100,000
Medical Expenses (any one person)	\$1,000

Deductible

\$500 BI/PD Combined Per Claim

Code	Classification Description	Premium Basis	Exposure	Prem / Ops Rate	Prod / Comp Ops Rate	Premium
90558	Special Event Group 1-1501 to 3000 average daily attendance	t+	002	349.900		\$700.00
					Included	Included
49950	CG2012 Additional Insured - State or Governmental Agency or Subdivision or Political Subdivision - Permits or Authorizations - Premium is fully earned	t	002	100.00		\$200.00
49950	CG2028 Additional Insured - Lessor of Leased Equipment - Premium is fully earned	t	001	100.00		\$100.00

Dagger or Plus Sign (+): Products/Completed Operations Included within the General Aggregate Limit unless specifically excluded.

Liability Premium Summary

Liability: \$1,000.00

Locations

Location #	GL Class Code	CP Class Code	IM Class Code	Building #	Address
1	90558	n/a	n/a	1	McWethy Drive, Leadville, CO 80461

CONFIDENTIALITY NOTICE: The transmitted documents contain private, privileged and confidential information belonging to the sender. The information therein is solely for the use of the addressee. If your receipt of this transmission has occurred as the result of an error, please immediately notify us so we can arrange for the return of the original documents. In such circumstances, you are advised that you may not disclose, copy, distribute or take any other action in reliance on the information transmitted.



AGENDA ITEM # 9.A

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: February 1, 2022

SUBJECT: Ordinance No. 2, Series of 2022: An Ordinance Amending the Leadville Municipal Code to Add a New Chapter 2.56 and Amending Various Sections to Establish the Position of City Administrator

PRESENTED BY: Christiana McCormick, City Attorney

☒ ORDINANCE
☐ RESOLUTION
☐ MOTION
☐ INFORMATION

I. REQUEST OR ISSUE:

Before City Council for consideration is Ordinance No. 2, Series of 2022 ("Ordinance"), which would amend the municipal code to establish the appointed position of city administrator and amend the municipal code to designate various duties to the city administrator.

II. BACKGROUND INFORMATION:

The City determined to establish the appointive position of city administrator in 2021 and went through a recruitment and hiring process for that position. This Ordinance is before City Council to formally establish the city administrator position in the municipal code and set forth the city administrator's duties.

The city administrator will have oversight over all city departments and will make personnel decisions regarding department heads (fire chief, police chief/commissioner, street department supervisor, deputy city clerk, deputy treasurer) and all city employees serving in those departments, in consultation with the appropriate department heads.

The city administrator will not have oversight over appointive officers of the city who are appointed by and report directly to the Mayor and City Council (municipal judge, municipal prosecutor, city attorney). Such appointive officers, including the city administrator, are under the orders and control of the Mayor in accordance with Section 2.04.030 of the municipal code.

In addition to establishing the city administrator position and setting out the duties of the city administrator in Section 2 of the Ordinance, the Ordinance makes the following changes to the municipal code:

- **Chapter 1.24 Amendments:** Section 3 of the Ordinance amends Chapter 1.24, which relates to procedures for disposing of unclaimed property in the custody of the City. The Ordinance makes it the responsibility of the city administrator instead of the Mayor to process unclaimed property in accordance with this Chapter. *(Please note that this section of the municipal code will need to be further amended at a future date to comply with current state law, which was amended in 2019 to include new requirements for local governments concerning unclaimed property.)*
- **Chapter 2.04 Amendments:** Section 4 of the Ordinance amends Chapter 2.04 at sections 2.04.070 and 2.04.110 to make the city administrator responsible for designating/hiring/supervising the deputy city clerk and the deputy treasurer.
- **Chapter 2.24 Amendments:** Section 5 of the Ordinance amends Chapter 2.24 at section 2.24.020 to make the section consistent with the police chief reporting to the city administrator instead of the Mayor.
- **Chapter 2.28 Amendments:** Section 6 of the Ordinance amends Chapter 2.28 at section 2.28.010 to state that fire department members are subject to the control and orders of the city administrator instead of the Mayor.
- **Chapter 2.44 Amendments:** Section 7 of the Ordinance amends sections 2.44.020, 2.44.030, 2.44.110, and 2.44.120 to separate and delineate the personnel responsibilities and roles of the city council, the city administrator, and department heads.
- **Chapter 3.04 Amendments:** Section 8 of the Ordinance amends section 3.04.080 to designate the city administrator as the person who countersigns city financial warrants instead of the director of administrative services.
- **Chapter 5.04 Amendments:** Section 9 of the Ordinance amends section 5.04.090 to have business license application denials appealed to the city administrator's office instead of the administrative services office.
- **Chapter 12.08 Amendments:** Section 10 of the Ordinance amends section 12.08.050 to have the city administrator be responsible for processing and administering the business snow removal requirements instead of the Mayor.
- **Chapter 12.12 Amendments:** Section 11 of the Ordinance amends section 12.12.110 to allow the city administrator, instead of the Mayor, to grant extensions of the three-day period allowed for blocking rights-of-way related to street excavations.
- **Chapter 12.24 Amendments:** Section 12 of the Ordinance amends section 12.24.010 to give the city administrator (instead of the director of administrative services) or other designee of city council the authority to name new streets.

III. FISCAL IMPACTS:

N/A

V. LEGAL ISSUES:

C.R.S. § 31-4-107 permits statutory cities, such as Leadville, to appoint such officers as may be necessary or desirable, including a city administrator.

VI. STAFF RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance No. 2, Series of 2022 on first reading.

VII. COUNCIL OPTIONS:

Council may take one of the following actions:

1. Adopt the Ordinance.
2. Adopt the Ordinance with amendments.
3. Table for further discussion and consideration.

VIII. PROPOSED MOTION:

"I move to adopt Ordinance No. 2, Series of 2022, An Ordinance Amending the Leadville Municipal Code to Add a New Chapter 2.56 and Amending Various Sections to Establish the Position of City Administrator on first reading. I further move to schedule second reading of this Ordinance for City Council's regular meeting on March 1, 2022."

IX. ATTACHMENTS:

Ordinance No. 2, Series of 2022

**CITY OF LEADVILLE, COLORADO
ORDINANCE NO. 2
SERIES OF 2022**

**AN ORDINANCE AMENDING THE LEADVILLE MUNICIPAL CODE TO ADD A
NEW CHAPTER 2.56 AND AMENDING VARIOUS SECTIONS TO ESTABLISH THE
POSITION OF CITY ADMINISTRATOR**

WHEREAS, the City Council of the City of Leadville (“City Council”) possesses the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the citizens of Leadville; and

WHEREAS, C.R.S. § 31-4-107 permits statutory cities to appoint such officers as may be necessary or desirable, including a city administrator; and

WHEREAS, the City desires to establish the appointed position of city administrator, set out the primary duties of the city administrator, and make related updates in the Leadville Municipal Code; and

WHEREAS, City Council has determined that adoption of this Ordinance is in the best interests of the public health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF LEADVILLE, COLORADO, AS FOLLOWS:

Section 1. **Recitals.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. **Chapter 2.56 Added.** Title 2 of the Leadville Municipal Code is hereby amended to add a new Chapter 2.56, titled “City Administrator,” to read in full as follows:

Chapter 2.56 – CITY ADMINISTRATOR

2.56.010 – Appointment.

- A. There is hereby created the office of city administrator as authorized by Section 31-4-107, C.R.S.
- B. The city council shall appoint the city administrator by resolution to be the chief administrative officer of the city.
- C. City council shall enter into a city administrator employment agreement with the administrator prior to or at the same time as the administrator’s appointment occurs. The city administrator employment agreement shall contain specific terms of the administrator’s duties, compensation, benefits and other provisions relating to the

administrator's employment. The city administrator employment agreement, as amended from time to time, shall be in addition to the provisions of this chapter.

- D. The city administrator shall be an at-will employee and shall be appointed for an indefinite term.
- E. In the event the office of city administrator becomes vacant, the city council shall appoint an acting city administrator to perform the duties of the office until such time as a new city administrator is appointed as provided herein.

2.56.020 – Qualifications.

- A. The city administrator shall be chosen solely on the basis of such person's executive and administrative qualifications and need not, when appointed, be a resident of the city or the state.
- B. No member of the city council shall be appointed as city administrator during the council member's term of office or for one (1) year following the end of the council member's term of office.

2.56.030 – Powers and responsibilities.

- A. The city administrator shall be directly responsible to the mayor for day-to-day operations and to the city council in matters of policy and for the efficient and effective performance of the duties and responsibilities of the departments of the city.
- B. In addition to the duties set forth in the city administrator employment agreement, the city administrator shall perform the following duties. The city administrator may delegate any duty or responsibility to one (1) or more designees; however, it remains the ultimate duty and responsibility of the administrator to ensure that each is properly performed:
 - 1. Attend all scheduled council meetings and work sessions and participate in discussions at such meetings and work sessions. Provide administrative updates at council meetings and such other reports as may be required by city council.
 - 2. Make recommendations to city council concerning the affairs of the city as seem desirable to the city administrator.
 - 3. Supervise the enforcement of all laws and ordinances of the city, save and except to the extent that the administration of such enforcement is confined to other city officials by law or ordinance.
 - 4. Ensure the implementation of city council policies and directives.
 - 5. Prepare and recommend an annual budget to the city council and keep the city council advised of the financial condition and future needs of the city.

6. In cooperation with the city treasurer, monitor budgetary and fiscal control through accepted fiscal and accounting procedures, including familiarity with financial software and training. Act as a liaison between the elected city treasurer and the deputy city treasurer and manage their coordination.
7. In cooperation with the city clerk, ensure the proper performance of all city clerk duties and functions required by state law, this code, and city ordinances. Act as a liaison between the elected city clerk and the deputy city clerk and manage their coordination.
8. Monitor the procurement of all services, supplies, material, and equipment to ensure compliance with the city's adopted purchasing policy and the city's approved budget, subject to the limitations imposed by law.
9. Exercise control over and coordinate the work of all city departments, and all employees of the city with the exception of the city attorney, municipal judge, the city's municipal prosecutor, and any other city officer who reports directly to and is appointed by city council. The city administrator shall work closely with the city attorney to coordinate the city administrator's efforts with the city attorney's activities and responsibilities so that policies and ordinances involving the affairs of the city are properly implemented.
10. Recruit and hire all prospective employees with the exception of city officers appointed by and under the direct control of city council. The hiring and discipline of all employees supervised by the city's department heads shall be in coordination with the appropriate department head.
11. Provide written reviews, in coordination with department heads as applicable, of the performance of all employees not less than annually.
12. Maintain the city's personnel rules and regulations and recommend updates, in coordination with the city attorney, to the city council for adoption.
13. Administer all forms of discipline, including termination, for all employees in accordance with the city's adopted personnel rules and regulations, as amended from time to time.
14. Recommend the creation or elimination of employment positions within the city. The city council has the sole authority for the creation or elimination of positions.
15. Designate, with the approval of the city council, a qualified city employee to serve as the acting city administrator during the city administrator's temporary absence or disability. The acting city administrator shall have all responsibilities, duties, functions, and authority of the city administrator during the period of the city administrator's temporary absence or disability except hiring and employee discipline unless the city council provides otherwise. The acting city administrator

shall receive no additional compensation for the performance of such duties unless specifically authorized by the city council.

16. Attend appropriate meetings of organizations whose activities may affect the operation of the city as may be directed by city council or the mayor. Provide the city council with updates on these organizational activities.
17. Coordinate staff support to city council, including composing and editing correspondence, providing informational reports and studies, scheduling appointments, and researching records and investigations.
18. Write grant applications and administer grants, if funded, in accordance with applicable grant conditions.
19. Receive continuing education so as to keep abreast of current trends in municipal management.
20. Perform any additional duties as directed by the mayor or city council or as required by the ordinances of the city.

2.56.040 – No interference.

- A. Neither the mayor nor any member of the city council shall in any way interfere with the city administrator in the exercise of the powers and duties granted in this chapter or in the city administrator employment agreement. Except for the purpose of inquiry, the mayor and members of the city council shall deal with the administrative functions of the city solely through the city administrator. Neither the mayor nor any member of the city council shall give orders to any of the subordinates of the city administrator.
- B. Nothing in this section shall be interpreted so as to impair the responsibility of the mayor and city council for the overall operation of the city as required by state law

Section 3. **Chapter 1.24 Amended.** Chapter 1.24, titled “Unclaimed Property,” is hereby amended to read in full as follows with strikethrough text showing deletions and bold, underlined text showing additions:

Chapter 1.24 UNCLAIMED PROPERTY

1.24.010 Purpose.

The purpose of this chapter is to provide for the administration and disposal of unclaimed property which is in the possession of or under the control of the city.

1.24.020 Definitions.

Unless otherwise required by context or use, words and terms used in this chapter shall be defined as follows:

"City administrator" means the city administrator of the city of Leadville or the city administrator's designee.

~~"Mayor" means the mayor of the city of Leadville or designee thereof.~~

"Municipality" means the city of Leadville, Colorado.

"Owner" means a person or entity, including a corporation, partnership, association, governmental entity other than this municipality, or a duly authorized legal representative or successor in interest of same, which owns unclaimed property held by the municipality.

"Tangible property" includes but shall not be limited to, property left in safekeeping at a municipal facility; weapons left with or seized by the police; money or property from police forfeiture or seizure; items held for evidence in connection with municipal or other court proceedings; lost and found money or personal property turned into the municipality; and lost and found money or personal property found by any city employee.

"Unclaimed property" means any tangible or intangible property, including any income or increment derived therefrom, less any lawful charges, held by or under the control of the municipality and which has not been claimed by its owner for a period of more than one year after it became payable or distributable. Unclaimed, abandoned or seized motor vehicles are excluded from this chapter as such property is governed by existing sections of the Leadville Municipal Code. Municipal court bond forfeitures are also excluded as said bonds are subject to the provisions of the Colorado Municipal Court Rules.

In addition to the property included in the definition of "intangible property" in Section 38-13-102(7), C.R.S., the term "intangible property" shall also include, but shall not be limited to, the following: street cut permit deposits; developer cost recovery agreements; moneys unclaimed by beneficiaries of pension funds; uncashed payroll checks; bonds posted for reasons other than municipal court; and uncashed court ordered restitution payments.

1.24.030 Notice of unclaimed property.

- A. Prior to disposition of any unclaimed property having an estimated value of fifty dollars (\$50.00) or more, the ~~mayor~~**city administrator** shall send a written notice by certified mail, return receipt requested, to the last known address, if any, of any owner of unclaimed property. The last known address of the owner shall be the last address of the owner as shown by the record of the municipality or any of its departments, or as determined by the ~~mayor~~**city administrator**. The notice shall include a description of the property, the amount or estimated value of the property, and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the ~~mayor~~**city administrator** with a written claim for the return of the property within sixty (60) days of the date of the notice, the property shall become the sole property of the municipality and any claim of the owner to such property shall be deemed forfeited.
- B. Subject to the provisions of subsection C of this section, prior to disposition of any unclaimed property having an estimated value of less than fifty dollars (\$50.00) or having no last known address of the owner, the ~~mayor~~**city administrator** shall cause a notice to be published in a

newspaper of general circulation in the municipality. The notice shall include a description of the property, the owner of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the ~~mayor~~city administrator with a written claim for the return of the property within sixty (60) days of the date of the publication of the notice, the property shall become the sole property of the municipality and any claim of the owner to such property shall be deemed forfeited.

- C. No notice shall be required prior to the disposition of any item which the ~~mayor~~city administrator has determined, after investigation, to be of insubstantial commercial value, and the ~~mayor~~city administrator may dispose of any such item as provided in Section 1.24.040(E).

1.24.040 Procedure for disposition of property.

- A. If the ~~mayor~~city administrator receives no written claim within the above sixty (60) day claim period, the property shall become the sole property of the municipality and any claim of the owner to such property shall be deemed forfeited.
- B. If the ~~mayor~~city administrator receives a written claim within the above sixty (60) day claim period, the ~~mayor~~city administrator shall evaluate the claim and give written notice to the claimant within ninety (90) days thereof that the claim has been accepted or denied in whole or in part. The ~~mayor~~city administrator may investigate the validity of a claim and may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the property.
- C. Any legal action filed challenging a decision of the ~~mayor~~city administrator shall be filed pursuant to Rule 106 of the Colorado Rules of Civil Procedure within thirty (30) days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the mayor pursuant to the order of the court having jurisdiction over such claim.
- D. In the event there is more than one claimant for the same property, the ~~mayor~~city administrator may, in the ~~mayor's~~city administrator's sole discretion, resolve the claims, or may resolve such claims by depositing the disputed property with the registry of the district court in an interpleader action.
- E. In the event all claims filed are denied, the property shall become the sole property of the municipality and any claim of the owner of such property shall be deemed forfeited.
- F. The ~~mayor~~city administrator may periodically cause any of such unclaimed property, other than money, to be sold, at public sale or otherwise, or he or she may otherwise dispose of it, in the discretion of the ~~mayor~~city administrator, with the money collected to be paid into the general fund of the municipality.
- G. If the ~~mayor~~city administrator determines after investigation that any forfeited unclaimed property has insubstantial commercial value, the mayor may destroy, exchange, transfer or otherwise dispose of the property.

- H. No action or proceeding may be maintained against the municipality or any officer or employee for or on account of an action taken by the ~~mayer~~city administrator pursuant to the provisions of this chapter.

1.24.050 Sale of unclaimed property.

- A. Any public sale of unclaimed property must be preceded by a single publication of notice at least three weeks in advance of sale, in a newspaper of general circulation within the limits of the municipality. The notice of sale shall describe the property and state where and when the sale shall take place.
- B. Property sold at public sale shall be sold to the highest bidder for cash; however, the ~~mayer~~city administrator may decline the highest bid and reoffer the property for sale if in the judgment of the ~~mayer~~city administrator the bid is insufficient.
- C. The purchaser of property at any public sale conducted pursuant to this section takes the property free of all claims of the owner or previous holder thereof and all persons claiming through or under them. The ~~mayer~~city administrator shall execute all documents necessary to complete the transfer of ownership.

1.24.060 Promulgation of procedural regulations.

The ~~mayer~~city administrator may promulgate reasonable procedural rules and regulations for the administration and disposition of unclaimed property consistent with this chapter including compliance requirements for other municipal officers and employees in the identification and disposition of such property.

Section 4. **Chapter 2.04 Amended.** Sections 2.04.070 (“City clerk; deputy city clerk—Duties”) and 2.04.110 (“City treasurer; deputy treasurer—Financial management duties”) of the Leadville Municipal Code are hereby amended as follows with strikethrough text showing deletions and bold, underlined text showing additions:

2.04.070 City clerk; deputy city clerk—Duties.

The city clerk shall have the custody of all the laws, ordinances and resolutions of the city and shall maintain a regular and correct journal of the proceedings of the council. The clerk shall have custody of the seal of the city and shall affix the same to all instruments as may be required or requested.

The routine administrative duties of the office of city clerk shall be performed by a city employee, ~~as designated by city council by resolution,~~ who shall serve as the deputy city clerk **and who shall be hired by and report directly to the city administrator.** The deputy city clerk shall be responsible for fulfilling the duties and responsibilities as established by city council resolution or by contract **or as directed by the city administrator.**

2.04.110 City treasurer; deputy treasurer—Financial management duties.

The personnel and support needs for the treasury and financial management of the city shall be performed by a city employee or contract employee, ~~as designated by city council by resolution,~~ who shall serve as the deputy treasurer **and who shall be hired by and report directly to the city administrator**. The treasurer shall coordinate with the designated deputy treasurer to ensure that all of the treasurer's duties are fulfilled by or through the deputy treasurer, including but not limited to the following and those established by council resolution or by contract **or that the deputy city treasurer fulfills such duties as directed by the city administrator**:

- A. Collection of Moneys. The deputy treasurer shall receive and collect any and all moneys payable to the city and shall provide a receipt specifying the date of receipt of such funds and upon which account such funds were credited. Copies of such receipts shall be filed with the treasurer no later than the filing of the monthly financial report.
- B. Deposits of Moneys. The deputy treasurer shall deposit all funds and moneys received on behalf of the city in such institutions and accounts as designated by city council.
- C. Accounting and Reporting. The deputy treasurer shall keep books and accounting of all revenues received and expenditures made on behalf of the city. Separate accounts shall be kept of each fund or appropriation and the debits and credits belonging thereto. On a monthly basis, the deputy treasurer shall, through the treasurer, file with the city council and city clerk a report of the state of the city treasury. Such monthly report shall include a statement of all receipts and expenditures classified by appropriate account, and the city balance of money in the treasury. The deputy treasurer shall annually, on or before March 1 after the close of the fiscal year, file with the city clerk and city council a full and detailed account of all receipts, expenditures and financial transactions during the preceding fiscal year and state of the treasury at the close of the fiscal year. Such annual report shall be published in the newspaper designated for publishing official city notices. Should the treasurer disagree with or wish to supplement any report prepared by the deputy treasurer, the treasurer shall file with the city council a separate written report indicating areas and basis of disagreement or supplementation. Any disagreement between the treasurer and the deputy treasurer regarding receipt, disbursement, accounting or reporting methods and practices shall be reported to ~~city council~~ **the city administrator**.

Section 5. **Section 2.24.020 Amended.** Section 2.24.020 of the Leadville Municipal Code, titled “Chief of police—powers and duties,” is hereby amended as follows with strikethrough text showing deletions and bold, underlined text showing additions:

2.24.020 Chief of police—Powers and duties.

The chief of police shall be the head of the police department and shall, in addition to the duties imposed upon all members of the department, exercise general supervision and control over the work of all members of the department, prescribe the number of hours and the times of day or night when police officers shall be on duty. The chief of police, with the approval of the ~~mayor~~ **city administrator**, may administratively establish new fees and charges or modify (increase or decrease) any one or more of the fees and/or charges as reasonably necessary to recover the direct and indirect

costs of the police department in providing services to the public. No new or modified fees or charges shall be made without first posting notice of such modification at least five business days prior to the effective date of such modification.

Section 6. **Section 2.28.010 Amended.** Section 2.28.010 of the Leadville Municipal Code, titled “Created—Composition—Members’ appointment, promotion or discharge,” is hereby amended as follows with strikethrough text showing deletions and bold, underlined text showing additions:

2.28.010 Created—Composition—Members’ appointment, promotion or discharge.

The city shall have a paid fire department consisting of a fire chief and such number of firefighters as in the judgment of the council may be necessary for the protection of the city. The members of the fire department shall be subject to the control and orders of the ~~mayer~~**city administrator**. The provisions of Chapter 2.44 shall be applicable to the fire department.

Section 7. **Chapter 2.44 Amended.** Chapter 2.44 of the Leadville Municipal Code, titled “City Employees,” is hereby amended at Sections 2.44.020, 2.44.030, 2.44.110, and 2.44.120 as follows with strikethrough text showing deletions and bold, underlined text showing additions:

2.44.020 City council authority.

The city council shall have the authority to create such positions and to authorize filling such positions as it may, from time to time, determine to be necessary to the proper operation of the city government. All decisions regarding the number of city employees shall be made by the city council. **All appointments made by city council shall be made by the vote of a majority of the council unless otherwise provided by this code.** All personnel decisions involving hiring and disciplinary action (including discharge) of department heads shall be made by the ~~city council~~**city administrator**.

2.44.030 ~~Appointment~~Department heads.****

The chief of police, the fire chief, the street supervisor, the deputy treasurer, ~~and the administrative services manager~~ **the deputy city clerk, and any other head of a department of the city** shall be ~~appointed~~**hired by and under the direct supervision and control of the city administrator** ~~and serve at the pleasure of the city council. All appointments shall be made by the vote of a majority of the council unless otherwise provided by this code.~~

2.44.110 Hiring procedures.

The hiring of all city employees shall be made upon the basis of merit and fitness as may be determined by the **city administrator, in consultation with the** appropriate department head, following such testing procedures as the ~~department head~~**city administrator** shall deem to be appropriate. Such testing may include written, physical, and psychological testing (if appropriate) and an appropriate background check, which tests and checks shall be in accordance with the

Americans with Disabilities Act and other applicable federal and state laws. ~~Department heads~~ **The city administrator, in consultation with the appropriate department heads,** shall make the final decision regarding the hiring of city employees.

2.44.120 Personnel rules.

The city council may, from time to time, by resolution promulgate personnel rules and regulations for both union and non-union employees which are not inconsistent with the provisions of this chapter. The ~~administrative services manager~~ **city administrator or the city administrator's designee** shall present each employee of the City of Leadville with a copy of these personnel policies for their review, and each employee shall execute an acknowledgement of receipt and understanding of those policies. The ~~administrative services manager~~ **city administrator or designee** shall keep this acknowledgement in the employee's personnel file.

Section 8. **Section 3.04.080 Amended.** Section 3.04.080 of the Leadville Municipal Code, titled "Warrants—Signing and countersigning," is hereby amended as follows with strikethrough text showing deletions and bold, underlined text showing additions:

3.04.080 Warrants—Signing and countersigning.

All warrants drawn upon the treasurer must be signed by the mayor and countersigned by the city clerk, stating the particular fund or appropriation to which the same is chargeable and the person to whom payable; provided however, that in the absence of the mayor a warrant may be signed by the mayor pro tem and countersigned by the city clerk, and in the absence of the city clerk a warrant may be signed by the mayor and countersigned by the ~~city administrator~~ **city administrator** ~~director of administrative services~~.

Section 9. **Section 5.04.090 Amended.** Section 5.04.090 of the Leadville Municipal Code, titled "Appeal process," is hereby amended at subsection A as follows with strikethrough text showing deletions and bold, underlined text showing additions:

5.04.090 Appeal process.

- A. Appeal. An applicant may appeal a denial of his or her application, and a licensee may appeal the suspension or revocation of his or her business license to the city council and shall be entitled to a public hearing before the city council. An appeal must be made in writing, stating the grounds for appeal, and be delivered to the ~~city administrative services~~ **city administrator's** office within five business days of the date of the notice of denial, suspension or revocation by the license officer. In the event of an appeal of a suspension or revocation decision, the owner may continue to operate the business during the hearing process.

Section 10. **Section 12.08.050 Amended.** Section 12.08.050 of the Leadville Municipal Code, titled "Removal of snow and other obstructions," is hereby amended at subsection C as follows with strikethrough text showing deletions and bold, underlined text showing additions:

12.08.050 Removal of snow and other obstructions.

- C. If any portion of sidewalk within the business district has not been cleared of snow, ice, mud or other obstruction as required in subsection A., the ~~mayor~~city administrator or his or her designee, shall notify the owner, occupant or tenant of any lot, block or parcel of land, or for any agent in charge of such property, in writing that said sidewalk shall be cleared within a twenty-four-hour period from the date of receipt of the written notice. Notice under this subsection is sufficient if written notice is hand delivered to and received by the owner, adult occupant, tenant agent in charge of such property or the written notice is posted on the property in a clear and conspicuous manner. If the accumulation of snow, ice or other obstruction is not removed within the twenty-four-hour period set forth in the notice, the city may issue a penalty assessment notice or summons to the violator, and if convicted, shall be assessed a penalty or fine of no more than twenty-five dollars (\$25.00).

Section 11. **Section 12.12.110 Amended.** Section 12.12.110 of the Leadville Municipal Code, titled "Time and area limitation on obstructions," is hereby amended as follows with strikethrough text showing deletions and bold, underlined text showing additions:

12.12.110 Time and area limitation on obstructions.

It is unlawful to obstruct more than one block or one intersection at the same time in any one street or to keep the same blocked for more than three consecutive days. In the event of unforeseen extenuating circumstances, the applicant may apply for an extension of the three day limitation, and after investigation of the extenuating circumstances, the ~~mayor~~city administrator or his or her authorized representative may grant such extension, provided that valid reasons and circumstances exist and justify the extension.

Section 12. **Section 12.24.010 Amended.** Section 12.24.010 of the Leadville Municipal Code, titled "Naming of streets," is hereby amended as follows with strikethrough text showing deletions and bold, underlined text showing additions:

12.24.010 Naming of streets.

Chestnut Street shall be the dividing line east and west in the city and that portion of all streets lying south thereof shall be known by their present names with the word "South" prefixed thereto, and the portion lying north thereof shall be known by their present names with the word "North" prefixed thereto. Harrison Avenue shall be the dividing line north and south in the city and that portion of all streets lying west hereof shall be known by their present names or numbers with the word "West" prefixed thereto, and all portions of streets lying east thereof shall be known by their present names or numbers with the word "East" prefixed thereto. New streets shall be named as set forth on an annexation plat, subdivision plat or as designated otherwise by the ~~city director of administrative services~~city administrator or other designee appointed by the city council.

Section 13. **Remaining Provisions.** Except as specifically amended hereby, all other provisions of the Leadville Municipal Code shall continue in full force and effect.

Section 14. **Codification Amendments.** The codifier of Leadville’s Municipal Code is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Leadville Municipal Code.

Section 15. **Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 16. **Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this Ordinance.

Section 17. **Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Leadville, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 18. **Effective Date.** This Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 1st day February, 2022.

CITY OF LEADVILLE, COLORADO:

Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on the ____ day of _____, 2022.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED, with any amendments, this ____ day of _____, 2022.

CITY OF LEADVILLE, COLORADO:

Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

PUBLISHED BY TITLE ONLY, with any amendments, in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, following final reading on this _____ day of _____, 2022.



AGENDA ITEM # 9.B

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: February 1, 2022

SUBJECT: Resolution No. 7, Series of 2022: A Resolution Appointing Laurie Simonson as City Administrator for the City of Leadville and Approving an Employment Agreement

PRESENTED BY: Christiana McCormick, City Attorney

☐ ORDINANCE
☒ RESOLUTION
☐ MOTION
☐ INFORMATION

I. REQUEST OR ISSUE:

Before City Council for consideration is Resolution No. 7, Series of 2022 ("Resolution"), which would formally appoint Laurie Simonson as the city administrator for Leadville and approve an employment agreement with Ms. Simonson.

II. BACKGROUND INFORMATION:

The City determined to establish the appointive position of city administrator, as authorized by C.R.S. § 31-4-107, in 2021 and went through a recruitment and hiring process for that position. The hiring committee has chosen and offered the position of city administrator to Laurie Simonson. Ms. Simonson has accepted the offer.

This Resolution formally appoints Ms. Simonson as the city administrator and approves the attached city administrator employment agreement setting forth the terms and conditions of Ms. Simonson's employment as city administrator.

The employment agreement will work in conjunction with the new provisions of the municipal code concerning the city administrator that are currently in the process of being adopted by the City.

III. FISCAL IMPACTS:

N/A

V. LEGAL ISSUES:

N/A

VI. STAFF RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 7, Series of 2022.

VII. COUNCIL OPTIONS:

Council may take one of the following actions:

1. Adopt the Resolution.
2. Adopt the Resolution with amendments.
3. Table for further discussion and consideration.

VIII. PROPOSED MOTION:

“I move to adopt Resolution No. 7, Series of 2022, A Resolution Appointing Laurie Simonson as City Administrator for the City of Leadville and Approving an Employment Agreement.”

IX. ATTACHMENTS:

Resolution No. 7, Series of 2022
City Administrator Employment Agreement

**CITY OF LEADVILLE, COLORADO
RESOLUTION NO. 7
SERIES OF 2022**

**A RESOLUTION APPOINTING LAURIE SIMONSON AS CITY ADMINISTRATOR
FOR THE CITY OF LEADVILLE AND APPROVING AN EMPLOYMENT AGREEMENT**

WHEREAS, C.R.S. § 31-4-107 authorizes the City Council to appoint a city administrator; and

WHEREAS, City Council desires to appoint Laurie Simonson to serve as Leadville's city administrator; and

WHEREAS, Ms. Simonson desires to accept the position of city administrator pursuant to the terms and conditions set forth in the employment agreement attached to this Resolution ("Employment Agreement").

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Leadville, Colorado, as follows:

Section 1. The City Council hereby:

- (a) appoints Laurie Simonson as the City Administrator for the City of Leadville;
- (b) approves the Employment Agreement with Ms. Simonson in substantially the form attached hereto as **Exhibit 1**;
- (c) authorizes the City Attorney, in consultation with the Mayor, to make any changes as may be needed to the Employment Agreement to correct any non-material errors or language that do not increase the obligations of the City or to comply with Council's motion of approval; and
- (d) authorizes the Mayor to execute the employment agreement on behalf of the City.

Section 2. This Resolution shall be effective upon its adoption.

**ADOPTED this 1st day of February 2022 by a vote of ___ in favor, ___ against,
___ abstaining, and ___ absent.**

CITY OF LEADVILLE, COLORADO:

Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

EXHIBIT 1
CITY ADMINISTRATOR EMPLOYMENT AGREEMENT

(see attached agreement)

**CITY OF LEADVILLE, COLORADO
CITY ADMINISTRATOR EMPLOYMENT AGREEMENT**

This Agreement (the “Agreement”) is made and entered into by and between the City of Leadville, a statutory municipality of the State of Colorado (the “City”) and Laurie Simonson (“Ms. Simonson” or “Administrator”). The City and the Administrator may be collectively referred to herein as the “Parties” or individually as “Party.”

RECITALS

WHEREAS, in accordance with C.R.S. § 31-4-107, the City Council desires to employ Ms. Simonson as an at-will employee and the Administrator of the City based upon the terms and conditions set forth in this Agreement; and

WHEREAS, Ms. Simonson desires to accept employment as the Administrator based upon the terms and conditions set forth in this Agreement; and

WHEREAS, the Administrator shall have the powers and duties of the City Administrator set forth in the Municipal Code, as amended from time to time, as provided herein, and as further directed by the City Council; and

WHEREAS, for all purposes related to this Agreement, the Administrator’s primary point of contact with the City Council shall be the Mayor of Leadville.

NOW, THEREFORE, in consideration of the payments, promises, and other good and valuable consideration provided for in this Agreement, the Parties agree as follows:

Section 1. Conditional Employment Offer.

This Agreement shall constitute an employment offer. The Administrator must successfully complete a background investigation prior to commencing employment. The cost of such investigation shall be borne by the City. Without limiting the at-will nature of the employment relationship contemplated hereby, the City retains and reserves the right to terminate this Agreement and rescind Ms. Simonson’s employment without any further liability or obligation to Ms. Simonson based on the results of such investigation.

Unless specifically altered herein, the Personnel Rules and Regulations of the City as may be in effect and amended from time to time, shall govern this employment relationship.

Section 2. Duties.

- A. **Duties generally.** Subject to Section 1 of this Agreement, the City hereby agrees to employ Ms. Simonson as the City Administrator, such employment to commence on February 14, 2022 (“Effective Date”). Ms. Simonson shall perform the functions and duties outlined in **Exhibit A**, along with such other duties and functions as set forth in the Leadville

Municipal Code, as amended from time to time, and as the City Council shall from time to time assign. The Administrator shall report to and serve at the pleasure of the City Council.

- B. Full-time. The Administrator position shall be a full-time exempt position that shall require a minimum average of forty hours of work per week. It is recognized that the Administrator must devote a great deal of time outside the normal office hours on business for the City, and thus, the Administrator shall be allowed to establish an appropriate work schedule subject to the approval of City Council. The Administrator may engage in such non-compensated activities as teaching, writing, and professional consultation, so long as such activity does not conflict with the interests of the City. The City Council shall resolve any questions regarding actual or potential conflicts of interest under this provision. The provisions of this paragraph are subject to the terms and conditions of the Offer Letter.
- C. Offer Letter. The terms and conditions set forth in the offer letter signed by the Mayor and addressed to Ms. Simonson, dated December 20, 2021 (“Offer Letter”), are incorporated herein by this reference.
- D. No other employment. Ms. Simonson shall not accept employment while employed as Administrator unless approved by the Mayor in writing, which approval may be reasonably withheld.
- E. Staffing. The City Council represents that the policy of the City is to maintain staffing levels at budgeted amounts, which may vary from year to year or within a year.
- F. Budget. Ms. Simonson acknowledges that the City Council adopts a budget and makes appropriations for the operations of the City, including staffing, for each calendar year, and further acknowledges and agrees that the duties described in the Leadville Municipal Code, this Agreement, and in **Exhibit A** shall be performed within the adopted budget and appropriated amounts.

Section 3. Term and Termination.

- A. Effective date. This Agreement shall become effective on February 14, 2022 (the “**Effective Date**”) or such earlier date as the Parties agree, irrespective of the date upon which either Party executes it. Unless earlier terminated as provided herein, this Agreement shall thereafter remain in effect until terminated by either Party.
- B. Employment at-will. The employment described in this Agreement is at will. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City to terminate this Agreement at any time, with or without cause to do so. Likewise, nothing in this Agreement shall prevent, limit, or otherwise interfere with Ms. Simonson’s right to terminate this Agreement at any time, with or without cause to do so.
- C. Limit on compensation. Upon termination of this Agreement by either Party, the City shall pay Ms. Simonson the compensation provided for in Section 4 of this Agreement through the date of termination. Ms. Simonson shall not be entitled to additional compensation in

any form except that severance pay as outlined in Section 5 of this Agreement may be payable under the terms and conditions set forth therein if Ms. Simonson's employment is terminated without Cause and within the timeframes as defined in Section 5.

- D. Notice of intent to terminate Agreement. Ms. Simonson agrees that she will provide the City not less than sixty (60) days advance notice of her intention to terminate this Agreement, unless the Parties agree otherwise in writing. Should Ms. Simonson terminate this Agreement, she will reasonably and timely cooperate in the transition of her duties to other City personnel.
- E. City option to immediately terminate duties. Should the City exercise its right to terminate this Agreement, it may, in its discretion, require that Ms. Simonson cease her duties immediately.

Section 4. Salary, Performance and Compensation Reviews: Benefits.

- A. Salary. Ms. Simonson shall be paid an initial gross annual salary of Ninety-Five Thousand Dollars (\$95,000.00.) This amount shall be reduced by all mandatory tax and other payroll withholding amounts, as well as by all properly directed voluntary payroll withholding amounts.
- B. Performance and compensation reviews.
 - 1. The City Council shall schedule and conduct an initial goal setting and strategic planning meeting with the Administrator within thirty (30) days of the Effective Date and a follow-up strategic planning meeting with the Administrator within sixty (60) days after the initial strategic planning meeting.
 - 2. Within six months of the Effective Date of this Agreement, the Mayor shall schedule and complete a performance review for Ms. Simonson ("Initial Performance Review"). If Ms. Simonson's performance is satisfactory according to Mayor's determination at the Initial Performance Review, Ms. Simonson's initial gross annual salary shall be increased by Five Thousand Dollars (\$5,000.00).
 - 3. Following the Initial Performance Review, Ms. Simonson's performance for purposes of determining salary adjustments, if any, shall be reviewed annually commencing in December 2022. Annual salary adjustments, if any, shall be effective on January 1 following each December performance and compensation review in order to ensure that the Administrator's salary tracks with the City's budget year (January 1 – December 31).
- C. Relocation reimbursement. Ms. Simonson shall be entitled to up to Two Thousand Dollars (\$2,000.00) in relocation expenses, subject to the Administrator's relocation to the City of Leadville and the Administrator's submission of receipts for such expenses to the City's Finance Director. Reimbursement of relocation expenses may be used for relocating the Administrator's household, and similar expenses related to relocation to the City of

Leadville during the term of this Agreement. Reimbursement by the City shall be paid only upon the Administrator's timely submission of receipts.

- D. Holidays. Ms. Simonson shall be immediately entitled to paid holidays recognized by the City's Personnel Rules and Regulations.
- E. Paid time off. Ms. Simonson shall be immediately entitled to paid time off accrual and use at the four-year rate afforded to full-time employees of the City, as set forth in the City's Personnel Rules and Regulations.
- F. Retirement benefits. Ms. Simonson shall be eligible to participate in all retirement benefit plans made available to full-time employees of the City.
- G. ICMA and CCCMA membership. The City will pay the costs of International City/County Management Association (ICMA) and Colorado City & County Management Association (CCCMA) memberships for Ms. Simonson commencing in 2022. The City will also pay the costs of any other professional memberships that are mutually agreed upon by the Administrator and Mayor, subject to annual appropriation.
- H. ICMA and CCCMA conference attendance. The City shall pay dues and expenses of attending the annual ICMA and CCCMA conferences on behalf of Ms. Simonson. Nothing in this provision shall prevent the City Council from decreasing the amount budgeted for such purposes provided that such decrease is deemed necessary and in the best interests of the City as a result of the financial position of the City at the time.
- I. Reimbursable expenses. The City shall reimburse, or may pay in advance, the reasonable job-related expenses Ms. Simonson incurs while performing her role as Administrator and as budgeted by the City. Nothing in this Section 4.I. shall prevent the City Council from decreasing the amount budgeted for such purposes.
- J. Cell phone. The City shall provide Ms. Simonson with a City cell phone for her use in completing her duties as Administrator. The City will pay the cost of the cell phone and cell phone plan, including unlimited data.
- K. Other benefits. Ms. Simonson shall be eligible to receive and/or participate in all benefit plans made available to full-time employees of the City including without limitation health, dental, vision and life insurance as are provided from time to time to other City employees. Ms. Simonson shall be entitled to enroll and participate in such plans immediately upon the Effective Date of this Agreement to the extent such plans do not require a waiting period and allow immediate enrollment. Except as otherwise stated in the governing documents for a particular benefit program, all benefits programs are subject to modification or termination by the City from time to time, without notice, at the sole discretion of the City.

Section 5. Severance Pay.

- A. Severance pay only in limited circumstances. In the event Ms. Simonson's employment is terminated by the City during the term of this Agreement for other than "Cause" as defined in Section 5, during such time that Ms. Simonson is willing and able to perform the duties of City Administrator, the City agrees to pay Ms. Simonson severance pay as provided herein. Notwithstanding anything to the contrary, the severance pay described in this Section 5 is available only after Ms. Simonson has been employed by the City as the Administrator for at least one (1) year. No severance pay shall be paid by the City under this Agreement if this Agreement is terminated, for any reason, on or before February 14, 2023.
- B. Definition of "Cause". For purposes of this Section 5, "Cause," for termination includes:
- (1) violating any material term of this Agreement;
 - (2) failing to perform the job duties stated in this Agreement and in **Exhibit A**, attached hereto and incorporated herein;
 - (3) conviction of (or pleading guilty or nolo contendere to)
 - a. any misdemeanor involving moral turpitude or fraudulent conduct, or
 - b. any felony;
 - (4) theft from the City; or
 - (5) material misuse of any assets of the City.
- C. Notice required in limited circumstances. If the City asserts that the actions of Ms. Simonson meet the requirements of subparagraph (1) or (2) of the definition of "Cause" set forth in Section 5.B. above, "Cause" shall not be present unless: (i) the City has given Ms. Simonson written notice specifying in reasonable detail the event or circumstances constituting Cause; and (ii) Ms. Simonson has failed to commence with a cure for such event or circumstances within five (5) calendar days from the date the written notice was provided by the City to Ms. Simonson.
- D. No severance pay if termination for Cause or resignation, death, disability. If Ms. Simonson's employment is terminated by the City for Cause, or if Ms. Simonson resigns, becomes disabled or dies during the term of this Agreement, Ms. Simonson shall only be entitled to receive her salary and associated benefits as outlined in Section 4 through the date of termination, and shall not, in any circumstances, be entitled to receive any severance pay pursuant to this Section 5.
- E. Severance. In the event of employment termination as provided in Section 5.A. above occurring any time after February 14, 2023, Ms. Simonson shall be entitled to one (1) month salary and to the City continuing to provide and pay for the benefits set forth in Section 4.J that Ms. Simonson was receiving at the time of termination for a period of one (1) month following termination, unless the City is prohibited from maintaining such benefits under the City insurance plan, in which case the City shall pay Ms. Simonson a lump sum cash payment equal to one (1) month's benefits. The benefits provided for under this Section 5.E. shall be those benefits to which Ms. Simonson is entitled at the time of

termination for other than "Cause." The one month severance payment shall not include the provision of the following: (1) payment of membership dues and subscriptions, and (2) accrual of any form of paid time off. The salary and benefits provided for under this Section 5.E. shall be an entitlement accrued under the conditions referenced herein and shall be paid without regard to whether Ms. Simonson has secured other employment.

Section 6. Return of City Materials.

Upon terminating employment with the City, the Administrator will deliver to the City any and all property belonging to the City then in her possession. Ms. Simonson further agrees that any property situated on the City's premises and owned by the City, including disks and other storage media, filing cabinets or other work areas, are subject to inspection in the presence of the Administrator by appropriate City personnel at any time with or without notice.

Section 7. General Provisions.

- A. No Multiple Year Obligation. Nothing in this Agreement shall create a multiple-fiscal year financial obligation as contemplated and as prohibited by Article X, § 20 of the Colorado Constitution.
- B. This Agreement consists of the entire agreement between the City and Ms. Simonson with respect to her employment as City Administrator.
- C. If any provision or any portion of this Agreement is adjudged unconstitutional, invalid, or unenforceable, the remainder of the Agreement or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.
- D. This Agreement may only be amended by a written instrument, duly executed by each Party.
- E. This Agreement will be governed by and construed according to the laws of the State of Colorado as such laws are applied to agreements entered into and to be performed entirely within Colorado between Colorado residents.
- F. This Agreement may be executed in counterparts.

IN WITNESS WHEREOF, the City of Leadville, Colorado, has caused this Agreement to be signed and executed on its behalf by its Mayor and duly attested by the Deputy City Clerk, and Ms. Simonson has signed and executed the Agreement, on the dates indicated below.

THE CITY OF LEADVILLE, COLORADO:

By:

Greg Labbe, Mayor

Date

ATTEST:

Deputy City Clerk

Date

APPROVED AS TO FORM:

City Attorney

Date

LAURIE SIMONSON:

Signature

Date

Exhibit A

Duties

This **Exhibit A** is incorporated into and made part of the City Administrator Employment Agreement (the “Agreement”) entered into by and between the City of Leadville, a Colorado municipality (“City”), and Laurie Simonson (“Ms. Simonson” or “Administrator”) (collectively, the “Parties”).

The Parties agree that the duties of the City Administrator shall include the following:

1. Ms. Simonson shall provide on a full-time basis those day-to-day functions typically performed by the chief administrative officer of a municipality similar in size to the City and shall assist in developing and implementing policies to effectuate efficient management of the City.
2. Ms. Simonson shall have supervisory and management authority over all departments of the City.
3. Ms. Simonson shall perform the duties and functions of the City Administrator as directed by a majority of the City Council and shall regularly communicate with the City Council through updates or reports at scheduled City Council meetings.
4. Ms. Simonson shall assist the City Council in its preparation for, and shall attend and participate in, unless having good reason to be excused, all regular and special meetings of the City Council, including evening meetings, work sessions, and weekend City Council retreats.
5. Ms. Simonson shall oversee and assure the continuation and completion of City projects identified by the Mayor and City Council.
6. Ms. Simonson shall prepare and timely submit an annual budget to the City Council in accordance with the Colorado Local Government Budget Law and shall cause to be prepared and timely filed an annual audit in accordance with the Colorado Local Government Audit Law.
7. Ms. Simonson shall have the authority to identify and hire candidates for employment with the City. The Administrator shall prepare job descriptions; advertise job vacancies; conduct interviews, background checks and investigations; and select candidates. The Administrator may delegate these duties to a qualified contractor or other employee of the City.
8. Ms. Simonson shall communicate with and supervise City employed staff, and shall have authority to hire, promote, or terminate any City employee who reports to the City Administrator.
9. Ms. Simonson acknowledges that the City is an equal opportunity employer. Ms. Simonson agrees that she will comply with the City’s policies regarding employment practices and with all applicable federal, state, and local laws prohibiting discrimination on the basis of any then applicable protected trait.

10. Ms. Simonson shall supervise City contractors, except the City Attorney, Municipal Judge, the City's contract prosecutor, and any other city officer who reports directly to and is appointed by City Council.

11. Ms. Simonson shall attend meetings and conferences as a representative of the City when directed by the Mayor or City Council.

12. Ms. Simonson shall assist the City in addressing emergencies that arise during the Term, including those that require her presence at City offices after business hours or on a weekend.

13. Ms. Simonson shall authorize and make purchases for City operations in accordance with the City's then-effective purchasing policies and Colorado law.



AGENDA ITEM # 9.C

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: February 1, 2022

SUBJECT: Resolution No. 8, Series of 2022: A Resolution Approving Amendments to the City's Purchasing Policy to Authorize Purchasing Thresholds and Procurement Responsibilities of the City Administrator

PRESENTED BY: Christiana McCormick, City Attorney

☐ ORDINANCE
☒ RESOLUTION
☐ MOTION
☐ INFORMATION

I. REQUEST OR ISSUE:

Before City Council for consideration is Resolution No. 8, Series of 2022 ("Resolution"), which would amend the City's Purchasing Policy to set a purchasing threshold and related procurement responsibilities for the city administrator.

II. BACKGROUND INFORMATION:

The City previously adopted the City of Leadville Purchasing Policy ("Purchasing Policy") via Resolution No. 39, Series of 2020. The Purchasing Policy may be amended by resolution of City Council.

The amendments proposed by this Resolution include the following related to the city administrator:

- Authorizes department heads to approve, in conjunction with the city administrator, purchases up to \$5,000;
- Requires city administrator approval for purchases of \$5,000 to \$10,000;
- Requires the Mayor's authorization for purchases of over \$10,000 to \$15,000;
- Requires City Council approval for purchases of over \$15,000;
- Makes the city administrator responsible for certain procurement oversight and decision-making responsibilities (see Section C, Section D.4, Section F.1, Section F.5, Section H, Section J. 4, and Section J.5).

City Council may direct the City Attorney to make such additional changes as Council deems appropriate.

III. FISCAL IMPACTS:

N/A

V. LEGAL ISSUES:

N/A

VI. STAFF RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 8, Series of 2022.

VII. COUNCIL OPTIONS:

Council may take one of the following actions:

1. Adopt the Resolution.
2. Adopt the Resolution with amendments.
3. Table for further discussion and consideration.

VIII. PROPOSED MOTION:

"I move to adopt Resolution No. 8, Series of 2022, A Resolution Approving Amendments to the City's Purchasing Policy to Authorize Purchasing Thresholds and Procurement Responsibilities of the City Administrator."

IX. ATTACHMENTS:

Redline of Purchasing Policy

Resolution No. 8, Series of 2022 (clean, amended Purchasing Policy attached as Exhibit 1)

(REDLINE)

City of Leadville Purchasing Policy





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A. PURPOSE AND EFFECTIVE DATE

The City of Leadville Purchasing Policy, adopted pursuant to Resolution No. 39, Series 2020 ~~and amended by Resolution No. 8, Series of 2022~~ (“Policy”), is promulgated solely in support of the proper exercise of the City’s fiscal responsibilities, including administration of annually appropriated funds. This Policy recognizes that procurement decisions are administrative in nature, and the Policy is solely intended to guide the internal processes and procedures for administrative procurement actions. Nothing in this Policy shall create any third-party cause of action or right to enforce, including for any bidders or proposers. The intent of this Policy is to maximize the purchasing value of public funds. It is also intended to encourage effective economic competition while providing safeguards for maintaining a purchasing system with quality and integrity. Further, the policy will ensure cash is disbursed only for authorized expenditures after the receipt of acceptable goods or services is verified and that all expenditures are properly recorded in the accounting system and reported in financial reports.

The effective date of this Policy is: **February 1, ~~2022~~2021**.

B. APPLICABILITY

This Policy shall apply to the procurement of all goods, materials, equipment, construction and services required by the City. When any procurement involves the expenditure of federal or state funds, the procurement shall be conducted in accordance with any mandatory applicable federal or state laws or regulations.

C. RESPONSIBILITY

Expenditures are authorized by the City Council in the budget process. Individual purchases of goods or services included in the approved budget shall be authorized by the Mayor, the ~~head of the department to which the item(s) will be charged~~City Administrator, or a duly authorized City employee in accordance with the purchasing thresholds set forth in Section E of this Policy. Prior to payment for goods and services, the purchaser must provide the Finance Department evidence of receipt and approval of the purchase.

The ~~Finance Director~~City Administrator, in cooperation with the ~~Mayor~~Finance Director, are hereby designated as the monitoring agents for the acquisition of goods and services, in accordance with the budget approved by the City Council.

The Mayor, City Administrator, and department heads must manage their expenditures within the level of detail as approved by City Council. For example, if council approves total expenditures for a department, staff may allocate those dollars differently between line items. However, if City Council approves expenditures by type (personnel, supplies, purchased services, etc.), staff must manage dollars within those categories.

D. PURCHASING GUIDELINES

1. **Vendor relations.** City employees will conduct all purchasing functions in a professional manner and shall promote equal opportunity and fairness in all vendor relations.

2. **Local preference.** Purchasing goods and services from local vendors is desired because it stimulates the local economy and recognizes that our local vendors are valued members of our community. If factors such as quality, previous performance, and availability are equal among vendors, a vendor whose business is located in Leadville shall be awarded a contract if their quote or bid is within five percent (5%) of the low bid.
3. **Review criteria.** Bids and proposals shall be reviewed and evaluated based upon predetermined evaluation criteria.
4. **Purchase orders and contracts – when required.** A purchase order or contract is required for all purchases of goods and services of any kind with an expected expenditure of City funds of five thousand dollars (\$5,000) or more. Consult with the City Attorney to determine the appropriate form of contract to use or for legal review of purchase orders, as necessary. However, purchase orders or contracts may be advisable for purchases of less than five thousand dollars (\$5,000), as determined appropriate by City staff or the ~~Mayor~~City Administrator.
5. **Terms.** The term “lowest responsible and responsive” bidder or proposer means the bidder or proposer who fully complied with all of the bid requirements; whose past performance, reputation, and financial capability is deemed acceptable; and who has offered the most advantageous pricing or cost benefit, based on the criteria stipulated in the bid documents. The terms “bidder” and “proposer” and the terms “bid” and “proposal” as used throughout this Policy are also intended to be synonymous.

E. AUTHORIZATION LEVELS AND REQUIRED PROCUREMENT PROCEDURES

The following are the authorization levels and procurement procedures for budgeted purchases:

Dollar Limit	Bids	Procedure	Authorization	P.O. or Contract Required
less than \$5,000	Lowest Reasonable Price or Other Factors	Small Purchase	Department Head/ Mayor	No (but may be advisable for certain purchases)
\$5,000- \$10 <u>5,000</u>	At Least 2 Bids, 3 Bids Preferable	Simplified Procurement	Department Head/ <u>Mayor</u> <u>City Administrator</u>	Yes
<u>Over \$10,000-</u> <u>\$15,000</u>	<u>At Least 2 Bids, 3 Bids Preferable</u>	<u>Simplified Procurement</u>	<u>Mayor</u>	<u>Yes</u>

over \$15,000	At Least 3 Bids	Formal Procurement	City Council	Yes
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Any requests to purchase goods or services of one thousand dollars (\$1,000) or greater that were not included in the approved budget must be approved by City Council prior to committing funds.

All donations and grant expenditures made by the City that are over five hundred dollars (\$500.00) must be approved by City Council. Such donations and grant expenditures below that amount may be approved by the Mayor without Council approval.

F. GENERAL PURCHASING PROCEDURES

City employees or officials making purchases shall follow the procedures set forth below and complete purchases consistently with the authorization levels and procedures set forth in Section E:

1. **Small Purchase Procurement.** Such purchases require that the department head making the purchase obtain a reasonable and adequate number of price checks or quotes, which can be made by email, personal inspection, or discussions with vendors, to ensure the City receives a quality product or service and that the department head can determine the best value for the City. Department heads, in consultation with the City Administrator, shall document all quotes received and the reason for the final decision.
2. **Simplified Procurement.**
 - a. A reasonable and adequate number of written quotes shall be solicited by email, personal inspection, or discussions with vendors to ensure that the City receives a quality product or service and the best value. Reasonable efforts shall be made to obtain no fewer than three (3) quotes.
 - b. When seeking quotes, City staff must make it clear to vendors or service providers that a contract or purchase order will be required and must inform vendors of what insurance (types and amounts), if any, will be required under the contract or purchase order when awarded.
 - c. The lowest-priced bidder is usually awarded the contract or purchase order. However, price does not necessarily constitute the only consideration, and the bid may be awarded to a bidder who did not bid the lowest price where City staff can identify how value is added by the selection of a bid that is not the lowest price.
 - d. Written quotes must include specifications or a scope of work that are sufficiently detailed, as determined by City staff, for the particular product or service, performance standards, and structure of costs.
 - e. Evaluation of written quotes obtained through the Simplified Procurement Procedure shall include consideration of the factors set forth in the “Common evaluation criteria” under the Formal Procurement Procedures section of this Policy, as such factors are applicable to a given procurement.

3. **Formal Procurement.** Purchases subject to the Formal Procurement Procedures shall be completed using a public and competitive process, such as an Invitation for Bids (IFB) or a Request for Proposals (RFP), as appropriate. See Section G of this Policy for additional details on the Formal Procurement Procedures. In all circumstances where a bidder other than the lowest responsible and responsive bidder is chosen, the City shall document in writing why the chosen bidder was selected.
4. **Award of Contract.**
 - a. The City shall issue a written notice of award to the successful proposer within a reasonable time following the date on which the City chooses the proposer. Failure of the successful proposer to enter into a contract with the City within a reasonable time shall be just cause for the City to annul the award and, if applicable, retain the bid surety of the successful proposer. For purposes of issuing a notice of award and entering into a contract with the City, a reasonable time is presumed to be no less than seven (7) calendar days unless otherwise specified in the IFB or RFP.
 - b. If fewer than the required number of bids, proposals, or quotes are received, the City may consider seeking additional bids if time allows. The City may also award the contract or purchase order to a bidder even without the required number of bids if the City finds that the price(s) received are fair and reasonable and that other prospective bidders had a reasonable opportunity to respond.
5. **Contract Extensions and Price Increases.**
 - a. Extensions. Extensions of existing contracts may be negotiated without adhering to the above applicable procurement processes when a contractor offers to extend the contract under the same conditions and at the same or lower price, and such extension is deemed to be in the best interests of the City by the ~~applicable department head~~City Administrator in coordination with the Mayor. Unless otherwise specified in the original contract, contract extensions are limited to two (2) one-year terms beyond the initial term and are subject to annual appropriation.
 - b. Price Increases. The Mayor, in consultation with the Finance Director, may authorize contract price increases for existing contracts that have not terminated provided that the City has budgeted for such additional cost and the total price increase for the contract does not exceed ten thousand dollars (\$10,000.00). Otherwise, the City Council must authorize the price increase.
6. **Electronic Bids.** The City may accept electronic bids or proposals and may require bids or proposals, including any bid surety, to be submitted electronically.

G. FORMAL PROCUREMENT PROCEDURES

1. **Common evaluation criteria.** In addition to the bid or proposal amount, additional factors shall be considered as an integral part of the bid evaluation process, and such factors shall be included in the IFB or RFP. Additional factors to consider include but are not limited to:
 - a. The bidder's ability, capacity and skill to perform within the specified time limits;
 - b. The bidder's experience, reputation, efficiency, judgment, and integrity;
 - c. The quality, availability, and adaptability of the supplies or materials bid;
 - d. Bidder's past performance;
 - e. Sufficiency of bidder's financial resources to fulfill the contract;
 - f. Bidder's ability to provide future maintenance and/or service;
 - g. Other applicable factors as the City determines necessary or appropriate (such as compatibility with existing facilities, equipment or hardware); and
 - h. If a bid other than the lowest bid is recommended, the requesting department must demonstrate how the higher bid serves the best interests of the City.

2. **Contents and Requirements of Bid Documents.**

- a. Services. All RFPs for services or goods and services shall include the following:
 - i. Scope of work;
 - ii. Form of contract that contractor will be required to sign;
 - iii. Where proposer can obtain RFP documents;
 - iv. Submittal deadline;
 - v. Insurance requirements;
 - vi. Any additional or special requirements specific to the services sought; and
 - vii. A statement informing proposers that the City reserves the right to reject any and all proposals and to accept the proposal deemed to be the lowest responsible and responsive proposal.
- b. Public Works/Construction. All IFBs issued by the City for public works and construction projects shall include the following:
 - i. Description/summary of the work to be completed;
 - ii. Specifications (see additional details below);
 - iii. Form of contract that contractor will be required to sign;

- iv. Where the bidder can obtain the IFB documents;
- v. Submittal deadline;
- vi. Date, time, and location of the bid opening, if applicable;
- vii. Bond requirements;
- viii. Insurance requirements;
- ix. General conditions;
- x. Bid and addenda acknowledgement form;
- xi. Delivery or completion date of project;
- xii. Any additional or special requirements specific to the project;
- xiii. A statement informing bidders that the City reserves the right to reject any and all bids and to accept the bid deemed to be the lowest responsible and responsive bid; and
- xiv. A statement informing bidders that all bids submitted become public information upon bid opening.

c. Specifications for Goods/Product Procurement.

- i. Performance Specifications. Performance specifications communicate what a product is to do, rather than how it is to be built. Such specifications shall be developed by City departments unless impractical or unnecessary to describe department requirements fully and accurately. Performance specifications may include the following:
 - (1) A general description;
 - (2) Required performance characteristics (minimum/maximum) to include speed, storage, production capacity, usage, ability to perform a specific function;
 - (3) Operational requirements, such as limitations on environment, water or air cooling, electrical requirements;
 - (4) Site preparation requirements for which the contractor shall be responsible, such as electricity or plumbing, or for which the City shall be responsible;
 - (5) Compatibility requirements with existing equipment or programs;
 - (6) Conversion requirements for maintaining a current equipment or system until switching to the new equipment or system;
 - (7) Installation requirements;

- (8) Delivery date;
- (9) Maintenance requirements;
- (10) Supplies and parts requirements;
- (11) Quantity and method of pricing;
- (12) Warranty; and
- (13) Service location and response time.

ii. Design Specifications. Design specifications employ dimensional and other physical requirements and concentrate on how a product is made, rather than on what it should do. Design specifications are normally prepared by architects and engineers for construction or custom manufactured products. Design specifications often include the following:

- (1) Dimensions, tolerances and specific manufacturing or construction processes;
- (2) References to a manufacturer's brand name or model number; and
- (3) Use of drawings and other detailed instructions to describe the product.

d. Scope of Work. The following is an outline of the types of information that should be included in a scope of work or scope of services developed for procurement of independent contractors providing services *other than construction*:

- i. General Requirements. Describe, in general terms, the contractor's responsibility to provide a service or produce a final product.
- ii. Specific Requirements. Next, address the specific tasks, sub-tasks, parameters and limitations which must be considered in producing the service or final project. Such factors as the following should be included:

- (1) Details of work environment;
- (2) Minimum or desired qualifications;
- (3) Amount of service needed;
- (4) Expected results;
- (5) Location of service;
- (6) Definition of service unit;
- (7) Time limitations;

- (8) Travel regulations or restrictions;
 - (9) Special equipment required; and
 - (10) Other factors affecting working environment.
- iii. City-Provided Materials or Services. List any plans, reports, statistics, space, personnel or other City-provided items that must be used, or are available for use, by the contractor.
 - iv. Deliverables, Reports and Delivery Dates. Identify the specific delivery dates for all services and products the contractor must furnish.
 - v. Performance Measurements. Identify clear expectations for the contractor's performance and how and by what methods (quantitative or qualitative) performance shall be measured for compliance with the contract
3. **Changes to Bid Documents.** Once bid documents have been posted, no changes in the to the documents may be made unless an addendum is issued, clearly pointing out such changes. The addendum shall instruct each bidder responding to the IFB or RFP to indicate receipt in their response.
4. **Bond Requirements.** Bonds shall be executed on forms approved by the City Attorney. Normally, bonds are used only on critical or complex procurement actions, such as projects for completion of public works or public buildings. Bonds generally are not required for purchases of vehicles, equipment, or standard commercial goods and services, particularly when the goods are not altered or customized to unique City specifications. However, bonds may be required if deemed by the procuring department to be in the best interests of the City.
- a. Bid Bonds. This bond is intended to protect the City against a bidder's failure to honor its bid. The bid security is submitted as guarantee that the bid will be maintained in full force and effect for a period of thirty (30) calendar days after the opening of bids or as specified in the bid documents. If the bidder fails to provide the bid security with the bid when required by the bid documents, the bid shall be deemed non-responsive. The bid bond should be in an amount equal to at least five percent (5%) of the submitter's bid price.
 - b. Performance Bonds. This bond is intended to secure performance of the vendor's performance of its obligations. A performance bond, satisfactory to the City, may be required by the City for all public works contracts awarded in excess of \$50,000. Unless the City is legally required to accept a bond in lesser amount, the performance bond shall be in amount equal to one hundred percent (100%) of the price specified in the contract.
 - c. Payment Bonds. This bond is intended to secure payment of subcontractors and suppliers. A payment bond for the protection of all persons supplying labor and

material to the contractor or its subcontractors may be required by the City for all public works contracts awarded in excess of \$50,000. Unless the City is legally required to accept a bond in lesser amount, the payment bond shall be in an amount equal to at least one hundred percent (100%) of the price specified in the contract.

5. **Insurance Requirements.** Unless different amounts of coverage are determined appropriate during the development of the specifications, general conditions or final contract, the types and minimum amounts of insurance that should be required for a given purchase of goods or services, as applicable, are set forth below. Certain types of insurance may not be applicable to a particular contract. For questions regarding types of insurance to require, contact the City Attorney or CIRSA.

a. Services Contracts.

- i. Workers' Compensation Insurance in statutory limits.
- ii. Comprehensive General Liability Insurance: \$1,000,000/occurrence and \$2,000,000/aggregate.
- iii. Comprehensive Automobile Liability Insurance: \$1,000,000/occurrence.
- iv. Professional Liability Insurance: \$1,000,000/claim and annual aggregate.

b. Public Works/Construction Contracts.

- i. Workers' Compensation Insurance in statutory limits.
- ii. Comprehensive General Liability Insurance: \$1,000,000/occurrence and \$2,000,000/aggregate.
- iii. Comprehensive Automobile Liability Insurance: \$1,000,000/occurrence.
- iv. Umbrella/Excess Liability Insurance: \$2,000,000/aggregate.
- v. Owner's Liability Insurance: \$2,000,000/aggregate.

6. **Costs of Bid Submission.** The costs of producing, compiling and submitting any bid, proposal or other submittal as part of a competitive process shall at all times be borne by the submitting entity, and the City shall never reimburse or offset such costs for a prevailing or unsuccessful bidder.

7. **Cancellation or Rejection of Bids.**

- a. Cancellation. Any RFP or IFB may be cancelled and proposals or bids rejected in whole or in part when the department head, in consultation with the Mayor, deems such cancellation or rejection is in the best interest of the City. The City shall issue notice of cancellation to all proposers or bidders solicited.

- b. Rejection. Unless otherwise specified in the IFB or RFP, bids or proposals may be rejected when one or more of the following occur:
 - i. Bids/proposals exceed the budgeted amount;
 - ii. There are no responsible or responsive bidders;
 - iii. The project is abandoned;
 - iv. The specifications, scope or terms and conditions must be revised; or
 - v. Irregularities exist in the procurement process as determined by the department head or the Mayor.

H. EXEMPT PURCHASES

The following types of purchases are exempt from the purchasing procedures set forth in Section E, but such purchases shall still be subject to the authorization levels and purchasing classifications set forth in Section E of this Policy unless otherwise indicated herein.

- 1. Cooperative Purchases. Purchases made through cooperative purchasing arrangements which combine the requirements of two or more political entities to obtain the advantages of volume purchase, reduction in administrative expenses, or other public benefit.
- 2. Piggybacked Purchases. Purchases made by piggybacking on prices, bids and offers made to other units of government such as the State of Colorado or other counties, municipalities or special districts when agreeable by the vendor and when the department head, in consultation with the ~~Mayor~~City Administrator, determines such approach is in the best interests of the City.
- 3. Government Contracts. Purchases from federal, state and local governments and political subdivisions of the state. All intergovernmental agreements require approval by City Council.
- 4. Sole Source. Purchases of supplies, products or services indispensable to the City for which there is only one source practicably or reasonably available that meets all specifications and purchase requirements of the City. Written justification for waiving the applicable purchasing process under this Policy shall be provided to the ~~Mayor~~City Administrator and retained in the City's records according to the City's records retention schedule.
- 5. Professional Services. A competitive procurement process is preferred but not required to award contracts for professional services from certain professional, technical and expert service providers. Such service providers are those who possess a high degree of professional or specialized skill, such as accountants, public finance specialists, architects, engineers and attorneys. Such service providers must meet the minimum qualifications and standards for providing the service.

6. Emergency Purchases. The Mayor may authorize emergency purchases up to thirty thousand dollars (\$30,000.00) without prior Council approval. Emergency purchases may be made in situations where the public health, safety, or welfare are immediately endangered. This includes but is not limited to the immediate repair of property or vehicles as necessary under the emergency situations described in this paragraph. Any budgeted emergency purchases over fifteen thousand dollars (\$15,000.00) and all unbudgeted emergency purchases shall be ratified by City Council within thirty (30) days of the emergency purchase.
7. Real Property and Water Rights. Purchases of water rights or interests in real property, including leases, are exempt from the procurement processes set forth in this Policy but shall require approval by City Council.

I. CITY STAFF PROCUREMENT STEPS

Steps to complete a formal bid (unless otherwise stated, responsibility falls on requesting department):

1. **Develop specifications or scope of work.** Follow the guidelines for development of specifications or scope of work in Section G of this Policy. Upon finalization of the scope of work or specifications, determine any special requirements, such as bond requirements, insurance, or retainage. See bonding and insurance requirements listed in this Policy.
2. **Prepare Bid Documents.** Prepare all documents required for the IFB or RFP. Determine bond, insurance, contract requirements. If any bonds, insurance, or contracts are required or are waived, consult with the City Attorney. Consult with the City Attorney to determine appropriate contract forms to include with bid documents and for review of bid documents, as necessary.
3. **Distribute requests for bids.** Make available a complete set of bid documents to all qualified/identified/prospective bidders. The City may use the Rocky Mountain E-Purchasing System (BidNet) to publish and issue bid documents.
4. **Conduct bid opening.** For public works contracts subject to Formal Procurement Procedures, conduct the public bid opening per the identified bid opening date and in accordance with this Policy. The City may send a bid summary to all bidders in addition to or instead of conducting a public bid opening. All bids, quotes, or proposals should be retained for the minimum period required by the City's records retention schedule (generally, three years after contract is awarded).
5. **Evaluate bids.** Evaluate the bids to determine which is the lowest responsible and responsive bidder pursuant to the criteria set forth in the bid documents. Determine which bid serves the City's best interests. If the recommended bidder has not submitted the low bid, the procuring department must document in writing how the higher bid serves the best interests of the City.

6. **Prepare report and other documents for City Council.** Prepare a staff report for the City Council informing Council of the process used to secure bids, how many bids were received, the evaluation criteria set forth in the bid documents, City staff's recommendation for award and proposed City Council action based on the evaluation criteria. Complete draft documents for Council packet. Work with the City Attorney to complete a contract for award to the successful bidder or proposer and a resolution approving the contract award.
7. **Notification of award.** Upon City Council's award of the contract, notify successful bidder in writing. Notify other bidders or proposers of the results, as requested.
8. **Obtain required signatures.** Obtain signatures on all contracts and any additional required documents from the successful bidder or proposer. One original signed contract with all exhibits must be submitted to the City Clerk for central filing. It is recommended that City staff obtain a contractor's signature on the contract prior to presentation of the contract to City Council. Obtaining the contractor's signature before presentation to Council helps the City avoid objections or requested revisions from the contractor requiring multiple presentations of the contract to Council.

J. IMPORTANT CONSIDERATIONS

1. **Conflict of Interest.** Council members shall disclose at the earliest stage possible any personal or private interest in any purchase or award of contract proposed before the City Council. Council members may not vote on these matters and shall refrain from attempting to influence the other members of the City council in voting on the matter. No employee, public official, or contractor on a project involving procurement on the City's behalf, having official responsibility for procurement transactions, shall knowingly use confidential information related to the transaction for his or her personal or financial gain or the personal gain of others. Staff and Council members shall comply with applicable state law concerning conflict of interest and disclosure requirements.
2. **Tax-Exempt Status.** As a government municipality, the City is exempt from sales and use taxes. All personnel with purchasing authority should be made aware of this to ensure the City is not billed for taxes. A copy of the City's tax-exempt certificate may be obtained through the finance department.
3. **Purchasing Ethics.** All City employees and officials shall maintain ethical relationships with all vendors or suppliers of City goods and services. Acceptance or solicitation of entertainment, loans, gifts, or special consideration from vendors or suppliers for personal benefit by City personnel is prohibited. City employees must consider the appearance of fairness and propriety in their relationships with City vendors or suppliers. The following is a non-exhaustive list of examples of unacceptable actions related to City vendors or suppliers:

- a. Seeking or accepting directly from any person, partnership, corporation, or other business entity which is doing or seeking to do business with the City, service, cash or loans, vacations, or any gifts exceeding the value of \$65.00.
 - b. Knowingly over- or underestimating the requirements of this Policy or bids or failing to disclose the existing requirements in order to avoid doing business with a particular vendor or supplier.
 - c. Misrepresenting competitors' prices, quality, or services to obtain concessions from vendors or suppliers.
 - d. Having personal investments in any business entity which will create a substantial conflict between private interests and public duties when the City employee or official is involved in making a particular purchasing decision.
 - e. Inexpensive advertising items bearing the name of a vendor, such as pens, pencils, paper weights, cups, caps, candy, or calendars, are not considered articles of value or gifts in relation to this Policy.
4. **Credit Card Purchases.** Effective June 1, 2018 the City switched to an Elan Credit Cards and issued to a credit card to each department. Each card was issued in accordance with the department's needs and required the card holder(s) to agree to the following terms:
- a. Understand the cards are for approved and budgeted purchases only and agree not to charge personal purchases. Improper use of this card can be considered misappropriation of funds. This may result in disciplinary action up to and including termination of employment.
 - b. If the card(s) is (are) lost or stolen, card holder will immediately notify Elan by telephone. Further, card holder will confirm the telephone call by notifying the Finance Director at 719-486-5329.
 - c. Card holder will agree to surrender the card(s) immediately upon termination of employment of the named person on the card, whether for retirement, voluntary or involuntary reasons.
 - d. Card holder will receive a Monthly Reconciliation Statement (MRS) from Elan Financial Services (cutoff date is the 27th of the month), which will report all activity during the statement period. As a department head, card holders are responsible for all charges on the cards assigned to the department and will resolve any discrepancies by either contacting the supplier or Elan. Card holder is responsible to return the MRS with the appropriate receipts and pay authorization forms to the Finance Director no less than five business days (cutoff date) before the due date for payment. If there are repeated instances of exceeding the cutoff date, credit card privileges may be suspended.
 - e. The City of Leadville is tax exempt from Colorado sales and use tax. When making purchases card holder will use the tax-exempt number to avoid Colorado sales tax

(copy of the Certificate of Exemption attached, and copies are available from the Finance Director).

- f. Card holder will obtain approval of the Finance Director and ~~Mayor-City Administrator~~ for any individual charge of five thousand dollars (\$5,000) or more. Department heads may request that individual staff members within their departments be issued a credit card on a case-by-case basis and may set a purchase limit for those employees that is lower than but not higher than the purchase limit set forth in this paragraph.
 - g. If charges are made that are determined to be improper or include sales tax, card holder may be required to reimburse the City through direct payment or payroll deduction.
 - h. Card holder will sign a memorandum for record that will be filed with the Finance Director acknowledging these terms and credit card use requirements.
5. **Surplus Property.** The ~~Mayor-City Administrator~~ or the ~~Mayor's-City Administrator's~~ designee shall work with the appropriate staff person to oversee and administer the disposition of surplus inventory, including supplies and equipment that has been identified as no longer valuable for the City to use. It is the intent of this Policy to receive revenues from the sale of the inventory as the first priority. Donation to appropriate non-profits as second priority, and destruction as the last priority.
6. **Multi-Year Financial Obligations.** Article X of the Colorado Constitution prohibits municipalities from entering into direct or indirect multiple fiscal year financial obligations without prior voter approval or without adequate cash reserves pledged irrevocable and held for payments in all future years. Colorado courts have held that contracts which are expressly subject to annual appropriation or non-renewal are not obligations within the meaning of this provision. No multi-year financing obligations (for example, real property rentals, copier leases, vehicles) may be entered without the review and approval of the City Council via an adoption of a resolution and must be contingent upon annual appropriation of funds by City Council.
7. **Construction Contracts Over \$150,000.** For construction contracts of over \$150,000, the City is required by state law to publish notice of the final payment to the contractor in a newspaper of general circulation (i.e. the Herald Democrat) at least 10 days before the final payment is made (see C.R.S. § 24-91-103). For construction contracts of over \$150,000 funded in whole or in part by the federal government, consult with the City Attorney to determine whether this requirement still applies (see C.R.S. § 24-91-110).

K. AMENDMENTS

This Policy may be amended by resolution of City Council.

APPROVED BY: _____
Greg Labbe, Mayor

DATE: _____

ATTEST: _____
~~Kimberly Jackson~~, Deputy City Clerk

DATE: _____

**CITY OF LEADVILLE, COLORADO
RESOLUTION NO. 8
SERIES OF 2022**

**A RESOLUTION APPROVING AMENDMENTS TO THE CITY'S
PURCHASING POLICY TO AUTHORIZE PURCHASING THRESHOLDS AND
PROCUREMENT RESPONSIBILITIES OF THE CITY ADMINISTRATOR**

WHEREAS, the City of Leadville ("City") has the authority to provide for the health, safety and welfare of the public pursuant to C.R.S. § 31-15-401 and its general police powers; and

WHEREAS, the City has the authority control the finances of the municipality and make purchases for municipal purposes pursuant to C.R.S. § 31-15-302; and

WHEREAS, the City previously adopted the City of Leadville Purchasing Policy ("Purchasing Policy") via Resolution No. 39, Series of 2020; and

WHEREAS, with the establishment of the position of City Administrator and the City's hiring of a City Administrator, City Council desires to amend the Purchasing Policy to incorporate appropriate purchasing thresholds and procurement responsibilities of the City Administrator; and

WHEREAS, after careful review of the amended Purchasing Policy, attached hereto as **Exhibit 1**, the City Council finds it is in the best interests of the City to approve and adopt the amended Purchasing Policy.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEADVILLE, COLORADO, AS FOLLOWS:

Section 1. The City Council hereby: (a) approves and adopts the attached amended Purchasing Policy in substantially the form attached hereto as **Exhibit 1**; (b) authorizes the City Attorney to make such revisions to the Purchasing Policy to comply with Council's motion of approval or to make such non-substantive revisions as may be necessary; (c) directs all City staff and officials to review and adhere to the amended Purchasing Policy when procuring goods and services on behalf of the City; and (d) authorizes the amended Purchasing Policy to take effect on February 1, 2022.

Section 2. This Resolution shall be effective upon its adoption.

**ADOPTED this 1st day of February 2022 by a vote of ____ in favor, ____ against,
____ abstaining, and ____ absent.**

CITY OF LEADVILLE, COLORADO:

Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

EXHIBIT 1
AMENDED PURCHASING POLICY

(see attached agreement)

City of Leadville Purchasing Policy





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A. PURPOSE AND EFFECTIVE DATE

The City of Leadville Purchasing Policy, adopted pursuant to Resolution No. 39, Series 2020 and amended by Resolution No. 8, Series of 2022 (“Policy”), is promulgated solely in support of the proper exercise of the City’s fiscal responsibilities, including administration of annually appropriated funds. This Policy recognizes that procurement decisions are administrative in nature, and the Policy is solely intended to guide the internal processes and procedures for administrative procurement actions. Nothing in this Policy shall create any third-party cause of action or right to enforce, including for any bidders or proposers. The intent of this Policy is to maximize the purchasing value of public funds. It is also intended to encourage effective economic competition while providing safeguards for maintaining a purchasing system with quality and integrity. Further, the policy will ensure cash is disbursed only for authorized expenditures after the receipt of acceptable goods or services is verified and that all expenditures are properly recorded in the accounting system and reported in financial reports.

The effective date of this Policy is: **February 1, 2022.**

B. APPLICABILITY

This Policy shall apply to the procurement of all goods, materials, equipment, construction and services required by the City. When any procurement involves the expenditure of federal or state funds, the procurement shall be conducted in accordance with any mandatory applicable federal or state laws or regulations.

C. RESPONSIBILITY

Expenditures are authorized by the City Council in the budget process. Individual purchases of goods or services included in the approved budget shall be authorized by the Mayor, the City Administrator, or a duly authorized City employee in accordance with the purchasing thresholds set forth in Section E of this Policy. Prior to payment for goods and services, the purchaser must provide the Finance Department evidence of receipt and approval of the purchase.

The City Administrator, in cooperation with the Finance Director, are hereby designated as the monitoring agents for the acquisition of goods and services, in accordance with the budget approved by the City Council.

The Mayor, City Administrator, and department heads must manage their expenditures within the level of detail as approved by City Council. For example, if council approves total expenditures for a department, staff may allocate those dollars differently between line items. However, if City Council approves expenditures by type (personnel, supplies, purchased services, etc.), staff must manage dollars within those categories.

D. PURCHASING GUIDELINES

1. **Vendor relations.** City employees will conduct all purchasing functions in a professional manner and shall promote equal opportunity and fairness in all vendor relations.

2. **Local preference.** Purchasing goods and services from local vendors is desired because it stimulates the local economy and recognizes that our local vendors are valued members of our community. If factors such as quality, previous performance, and availability are equal among vendors, a vendor whose business is located in Leadville shall be awarded a contract if their quote or bid is within five percent (5%) of the low bid.
3. **Review criteria.** Bids and proposals shall be reviewed and evaluated based upon predetermined evaluation criteria.
4. **Purchase orders and contracts – when required.** A purchase order or contract is required for all purchases of goods and services of any kind with an expected expenditure of City funds of five thousand dollars (\$5,000) or more. Consult with the City Attorney to determine the appropriate form of contract to use or for legal review of purchase orders, as necessary. However, purchase orders or contracts may be advisable for purchases of less than five thousand dollars (\$5,000), as determined appropriate by City staff or the City Administrator.
5. **Terms.** The term “lowest responsible and responsive” bidder or proposer means the bidder or proposer who fully complied with all of the bid requirements; whose past performance, reputation, and financial capability is deemed acceptable; and who has offered the most advantageous pricing or cost benefit, based on the criteria stipulated in the bid documents. The terms “bidder” and “proposer” and the terms “bid” and “proposal” as used throughout this Policy are also intended to be synonymous.

E. AUTHORIZATION LEVELS AND REQUIRED PROCUREMENT PROCEDURES

The following are the authorization levels and procurement procedures for budgeted purchases:

Dollar Limit	Bids	Procedure	Authorization	P.O. or Contract Required
less than \$5,000	Lowest Reasonable Price or Other Factors	Small Purchase	Department Head	No (but may be advisable for certain purchases)
\$5,000-\$10,000	At Least 2 Bids, 3 Bids Preferable	Simplified Procurement	City Administrator	Yes
Over \$10,000-\$15,000	At Least 2 Bids, 3 Bids Preferable	Simplified Procurement	Mayor	Yes
over \$15,000	At Least 3 Bids	Formal Procurement	City Council	Yes

Any requests to purchase goods or services of one thousand dollars (\$1,000) or greater that were not included in the approved budget must be approved by City Council prior to committing funds. All donations and grant expenditures made by the City that are over five hundred dollars (\$500.00) must be approved by City Council. Such donations and grant expenditures below that amount may be approved by the Mayor without Council approval.

F. GENERAL PURCHASING PROCEDURES

City employees or officials making purchases shall follow the procedures set forth below and complete purchases consistently with the authorization levels and procedures set forth in Section E:

1. **Small Purchase Procurement.** Such purchases require that the department head making the purchase obtain a reasonable and adequate number of price checks or quotes, which can be made by email, personal inspection, or discussions with vendors, to ensure the City receives a quality product or service and that the department head can determine the best value for the City. Department heads, in consultation with the City Administrator, shall document all quotes received and the reason for the final decision.
2. **Simplified Procurement.**
 - a. A reasonable and adequate number of written quotes shall be solicited by email, personal inspection, or discussions with vendors to ensure that the City receives a quality product or service and the best value. Reasonable efforts shall be made to obtain no fewer than three (3) quotes.
 - b. When seeking quotes, City staff must make it clear to vendors or service providers that a contract or purchase order will be required and must inform vendors of what insurance (types and amounts), if any, will be required under the contract or purchase order when awarded.
 - c. The lowest-priced bidder is usually awarded the contract or purchase order. However, price does not necessarily constitute the only consideration, and the bid may be awarded to a bidder who did not bid the lowest price where City staff can identify how value is added by the selection of a bid that is not the lowest price.
 - d. Written quotes must include specifications or a scope of work that are sufficiently detailed, as determined by City staff, for the particular product or service, performance standards, and structure of costs.
 - e. Evaluation of written quotes obtained through the Simplified Procurement Procedure shall include consideration of the factors set forth in the “Common evaluation criteria” under the Formal Procurement Procedures section of this Policy, as such factors are applicable to a given procurement.

3. **Formal Procurement.** Purchases subject to the Formal Procurement Procedures shall be completed using a public and competitive process, such as an Invitation for Bids (IFB) or a Request for Proposals (RFP), as appropriate. See Section G of this Policy for additional details on the Formal Procurement Procedures. In all circumstances where a bidder other than the lowest responsible and responsive bidder is chosen, the City shall document in writing why the chosen bidder was selected.
4. **Award of Contract.**
 - a. The City shall issue a written notice of award to the successful proposer within a reasonable time following the date on which the City chooses the proposer. Failure of the successful proposer to enter into a contract with the City within a reasonable time shall be just cause for the City to annul the award and, if applicable, retain the bid surety of the successful proposer. For purposes of issuing a notice of award and entering into a contract with the City, a reasonable time is presumed to be no less than seven (7) calendar days unless otherwise specified in the IFB or RFP.
 - b. If fewer than the required number of bids, proposals, or quotes are received, the City may consider seeking additional bids if time allows. The City may also award the contract or purchase order to a bidder even without the required number of bids if the City finds that the price(s) received are fair and reasonable and that other prospective bidders had a reasonable opportunity to respond.
5. **Contract Extensions and Price Increases.**
 - a. Extensions. Extensions of existing contracts may be negotiated without adhering to the above applicable procurement processes when a contractor offers to extend the contract under the same conditions and at the same or lower price, and such extension is deemed to be in the best interests of the City by the City Administrator in coordination with the Mayor. Unless otherwise specified in the original contract, contract extensions are limited to two (2) one-year terms beyond the initial term and are subject to annual appropriation.
 - b. Price Increases. The Mayor, in consultation with the Finance Director, may authorize contract price increases for existing contracts that have not terminated provided that the City has budgeted for such additional cost and the total price increase for the contract does not exceed ten thousand dollars (\$10,000.00). Otherwise, the City Council must authorize the price increase.
6. **Electronic Bids.** The City may accept electronic bids or proposals and may require bids or proposals, including any bid surety, to be submitted electronically.

G. FORMAL PROCUREMENT PROCEDURES

1. **Common evaluation criteria.** In addition to the bid or proposal amount, additional factors shall be considered as an integral part of the bid evaluation process, and such factors shall be included in the IFB or RFP. Additional factors to consider include but are not limited to:
 - a. The bidder's ability, capacity and skill to perform within the specified time limits;
 - b. The bidder's experience, reputation, efficiency, judgment, and integrity;
 - c. The quality, availability, and adaptability of the supplies or materials bid;
 - d. Bidder's past performance;
 - e. Sufficiency of bidder's financial resources to fulfill the contract;
 - f. Bidder's ability to provide future maintenance and/or service;
 - g. Other applicable factors as the City determines necessary or appropriate (such as compatibility with existing facilities, equipment or hardware); and
 - h. If a bid other than the lowest bid is recommended, the requesting department must demonstrate how the higher bid serves the best interests of the City.

2. Contents and Requirements of Bid Documents.

- a. Services. All RFPs for services or goods and services shall include the following:
 - i. Scope of work;
 - ii. Form of contract that contractor will be required to sign;
 - iii. Where proposer can obtain RFP documents;
 - iv. Submittal deadline;
 - v. Insurance requirements;
 - vi. Any additional or special requirements specific to the services sought; and
 - vii. A statement informing proposers that the City reserves the right to reject any and all proposals and to accept the proposal deemed to be the lowest responsible and responsive proposal.
- b. Public Works/Construction. All IFBs issued by the City for public works and construction projects shall include the following:
 - i. Description/summary of the work to be completed;
 - ii. Specifications (see additional details below);
 - iii. Form of contract that contractor will be required to sign;

- iv. Where the bidder can obtain the IFB documents;
- v. Submittal deadline;
- vi. Date, time, and location of the bid opening, if applicable;
- vii. Bond requirements;
- viii. Insurance requirements;
- ix. General conditions;
- x. Bid and addenda acknowledgement form;
- xi. Delivery or completion date of project;
- xii. Any additional or special requirements specific to the project;
- xiii. A statement informing bidders that the City reserves the right to reject any and all bids and to accept the bid deemed to be the lowest responsible and responsive bid; and
- xiv. A statement informing bidders that all bids submitted become public information upon bid opening.

c. Specifications for Goods/Product Procurement.

- i. Performance Specifications. Performance specifications communicate what a product is to do, rather than how it is to be built. Such specifications shall be developed by City departments unless impractical or unnecessary to describe department requirements fully and accurately. Performance specifications may include the following:
 - (1) A general description;
 - (2) Required performance characteristics (minimum/maximum) to include speed, storage, production capacity, usage, ability to perform a specific function;
 - (3) Operational requirements, such as limitations on environment, water or air cooling, electrical requirements;
 - (4) Site preparation requirements for which the contractor shall be responsible, such as electricity or plumbing, or for which the City shall be responsible;
 - (5) Compatibility requirements with existing equipment or programs;
 - (6) Conversion requirements for maintaining a current equipment or system until switching to the new equipment or system;
 - (7) Installation requirements;

- (8) Delivery date;
- (9) Maintenance requirements;
- (10) Supplies and parts requirements;
- (11) Quantity and method of pricing;
- (12) Warranty; and
- (13) Service location and response time.

ii. Design Specifications. Design specifications employ dimensional and other physical requirements and concentrate on how a product is made, rather than on what it should do. Design specifications are normally prepared by architects and engineers for construction or custom manufactured products. Design specifications often include the following:

- (1) Dimensions, tolerances and specific manufacturing or construction processes;
- (2) References to a manufacturer's brand name or model number; and
- (3) Use of drawings and other detailed instructions to describe the product.

d. Scope of Work. The following is an outline of the types of information that should be included in a scope of work or scope of services developed for procurement of independent contractors providing services *other than construction*:

- i. General Requirements. Describe, in general terms, the contractor's responsibility to provide a service or produce a final product.
- ii. Specific Requirements. Next, address the specific tasks, sub-tasks, parameters and limitations which must be considered in producing the service or final project. Such factors as the following should be included:

- (1) Details of work environment;
- (2) Minimum or desired qualifications;
- (3) Amount of service needed;
- (4) Expected results;
- (5) Location of service;
- (6) Definition of service unit;
- (7) Time limitations;

- (8) Travel regulations or restrictions;
 - (9) Special equipment required; and
 - (10) Other factors affecting working environment.
 - iii. City-Provided Materials or Services. List any plans, reports, statistics, space, personnel or other City-provided items that must be used, or are available for use, by the contractor.
 - iv. Deliverables, Reports and Delivery Dates. Identify the specific delivery dates for all services and products the contractor must furnish.
 - v. Performance Measurements. Identify clear expectations for the contractor's performance and how and by what methods (quantitative or qualitative) performance shall be measured for compliance with the contract
- 3. **Changes to Bid Documents**. Once bid documents have been posted, no changes in the to the documents may be made unless an addendum is issued, clearly pointing out such changes. The addendum shall instruct each bidder responding to the IFB or RFP to indicate receipt in their response.
- 4. **Bond Requirements**. Bonds shall be executed on forms approved by the City Attorney. Normally, bonds are used only on critical or complex procurement actions, such as projects for completion of public works or public buildings. Bonds generally are not required for purchases of vehicles, equipment, or standard commercial goods and services, particularly when the goods are not altered or customized to unique City specifications. However, bonds may be required if deemed by the procuring department to be in the best interests of the City.
 - a. Bid Bonds. This bond is intended to protect the City against a bidder's failure to honor its bid. The bid security is submitted as guarantee that the bid will be maintained in full force and effect for a period of thirty (30) calendar days after the opening of bids or as specified in the bid documents. If the bidder fails to provide the bid security with the bid when required by the bid documents, the bid shall be deemed non-responsive. The bid bond should be in an amount equal to at least five percent (5%) of the submitter's bid price.
 - b. Performance Bonds. This bond is intended to secure performance of the vendor's performance of its obligations. A performance bond, satisfactory to the City, may be required by the City for all public works contracts awarded in excess of \$50,000. Unless the City is legally required to accept a bond in lesser amount, the performance bond shall be in amount equal to one hundred percent (100%) of the price specified in the contract.
 - c. Payment Bonds. This bond is intended to secure payment of subcontractors and suppliers. A payment bond for the protection of all persons supplying labor and

material to the contractor or its subcontractors may be required by the City for all public works contracts awarded in excess of \$50,000. Unless the City is legally required to accept a bond in lesser amount, the payment bond shall be in an amount equal to at least one hundred percent (100%) of the price specified in the contract.

5. **Insurance Requirements.** Unless different amounts of coverage are determined appropriate during the development of the specifications, general conditions or final contract, the types and minimum amounts of insurance that should be required for a given purchase of goods or services, as applicable, are set forth below. Certain types of insurance may not be applicable to a particular contract. For questions regarding types of insurance to require, contact the City Attorney or CIRSA.

a. Services Contracts.

- i. Workers' Compensation Insurance in statutory limits.
- ii. Comprehensive General Liability Insurance: \$1,000,000/occurrence and \$2,000,000/aggregate.
- iii. Comprehensive Automobile Liability Insurance: \$1,000,000/occurrence.
- iv. Professional Liability Insurance: \$1,000,000/claim and annual aggregate.

b. Public Works/Construction Contracts.

- i. Workers' Compensation Insurance in statutory limits.
- ii. Comprehensive General Liability Insurance: \$1,000,000/occurrence and \$2,000,000/aggregate.
- iii. Comprehensive Automobile Liability Insurance: \$1,000,000/occurrence.
- iv. Umbrella/Excess Liability Insurance: \$2,000,000/aggregate.
- v. Owner's Liability Insurance: \$2,000,000/aggregate.

6. **Costs of Bid Submission.** The costs of producing, compiling and submitting any bid, proposal or other submittal as part of a competitive process shall at all times be borne by the submitting entity, and the City shall never reimburse or offset such costs for a prevailing or unsuccessful bidder.

7. **Cancellation or Rejection of Bids.**

- a. Cancellation. Any RFP or IFB may be cancelled and proposals or bids rejected in whole or in part when the department head, in consultation with the Mayor, deems such cancellation or rejection is in the best interest of the City. The City shall issue notice of cancellation to all proposers or bidders solicited.

- b. Rejection. Unless otherwise specified in the IFB or RFP, bids or proposals may be rejected when one or more of the following occur:
 - i. Bids/proposals exceed the budgeted amount;
 - ii. There are no responsible or responsive bidders;
 - iii. The project is abandoned;
 - iv. The specifications, scope or terms and conditions must be revised; or
 - v. Irregularities exist in the procurement process as determined by the department head or the Mayor.

H. EXEMPT PURCHASES

The following types of purchases are exempt from the purchasing procedures set forth in Section E, but such purchases shall still be subject to the authorization levels and purchasing classifications set forth in Section E of this Policy unless otherwise indicated herein.

1. Cooperative Purchases. Purchases made through cooperative purchasing arrangements which combine the requirements of two or more political entities to obtain the advantages of volume purchase, reduction in administrative expenses, or other public benefit.
2. Piggybacked Purchases. Purchases made by piggybacking on prices, bids and offers made to other units of government such as the State of Colorado or other counties, municipalities or special districts when agreeable by the vendor and when the department head, in consultation with the City Administrator, determines such approach is in the best interests of the City.
3. Government Contracts. Purchases from federal, state and local governments and political subdivisions of the state. All intergovernmental agreements require approval by City Council.
4. Sole Source. Purchases of supplies, products or services indispensable to the City for which there is only one source practicably or reasonably available that meets all specifications and purchase requirements of the City. Written justification for waiving the applicable purchasing process under this Policy shall be provided to the City Administrator and retained in the City's records according to the City's records retention schedule.
5. Professional Services. A competitive procurement process is preferred but not required to award contracts for professional services from certain professional, technical and expert service providers. Such service providers are those who possess a high degree of professional or specialized skill, such as accountants, public finance specialists, architects, engineers and attorneys. Such service providers must meet the minimum qualifications and standards for providing the service.

6. Emergency Purchases. The Mayor may authorize emergency purchases up to thirty thousand dollars (\$30,000.00) without prior Council approval. Emergency purchases may be made in situations where the public health, safety, or welfare are immediately endangered. This includes but is not limited to the immediate repair of property or vehicles as necessary under the emergency situations described in this paragraph. Any budgeted emergency purchases over fifteen thousand dollars (\$15,000.00) and all unbudgeted emergency purchases shall be ratified by City Council within thirty (30) days of the emergency purchase.
7. Real Property and Water Rights. Purchases of water rights or interests in real property, including leases, are exempt from the procurement processes set forth in this Policy but shall require approval by City Council.

I. CITY STAFF PROCUREMENT STEPS

Steps to complete a formal bid (unless otherwise stated, responsibility falls on requesting department):

1. **Develop specifications or scope of work.** Follow the guidelines for development of specifications or scope of work in Section G of this Policy. Upon finalization of the scope of work or specifications, determine any special requirements, such as bond requirements, insurance, or retainage. See bonding and insurance requirements listed in this Policy.
2. **Prepare Bid Documents.** Prepare all documents required for the IFB or RFP. Determine bond, insurance, contract requirements. If any bonds, insurance, or contracts are required or are waived, consult with the City Attorney. Consult with the City Attorney to determine appropriate contract forms to include with bid documents and for review of bid documents, as necessary.
3. **Distribute requests for bids.** Make available a complete set of bid documents to all qualified/identified/prospective bidders. The City may use the Rocky Mountain E-Purchasing System (BidNet) to publish and issue bid documents.
4. **Conduct bid opening.** For public works contracts subject to Formal Procurement Procedures, conduct the public bid opening per the identified bid opening date and in accordance with this Policy. The City may send a bid summary to all bidders in addition to or instead of conducting a public bid opening. All bids, quotes, or proposals should be retained for the minimum period required by the City's records retention schedule (generally, three years after contract is awarded).
5. **Evaluate bids.** Evaluate the bids to determine which is the lowest responsible and responsive bidder pursuant to the criteria set forth in the bid documents. Determine which bid serves the City's best interests. If the recommended bidder has not submitted the low bid, the procuring department must document in writing how the higher bid serves the best interests of the City.

6. **Prepare report and other documents for City Council.** Prepare a staff report for the City Council informing Council of the process used to secure bids, how many bids were received, the evaluation criteria set forth in the bid documents, City staff's recommendation for award and proposed City Council action based on the evaluation criteria. Complete draft documents for Council packet. Work with the City Attorney to complete a contract for award to the successful bidder or proposer and a resolution approving the contract award.
7. **Notification of award.** Upon City Council's award of the contract, notify successful bidder in writing. Notify other bidders or proposers of the results, as requested.
8. **Obtain required signatures.** Obtain signatures on all contracts and any additional required documents from the successful bidder or proposer. One original signed contract with all exhibits must be submitted to the City Clerk for central filing. It is recommended that City staff obtain a contractor's signature on the contract prior to presentation of the contract to City Council. Obtaining the contractor's signature before presentation to Council helps the City avoid objections or requested revisions from the contractor requiring multiple presentations of the contract to Council.

J. IMPORTANT CONSIDERATIONS

1. **Conflict of Interest.** Council members shall disclose at the earliest stage possible any personal or private interest in any purchase or award of contract proposed before the City Council. Council members may not vote on these matters and shall refrain from attempting to influence the other members of the City council in voting on the matter. No employee, public official, or contractor on a project involving procurement on the City's behalf, having official responsibility for procurement transactions, shall knowingly use confidential information related to the transaction for his or her personal or financial gain or the personal gain of others. Staff and Council members shall comply with applicable state law concerning conflict of interest and disclosure requirements.
2. **Tax-Exempt Status.** As a government municipality, the City is exempt from sales and use taxes. All personnel with purchasing authority should be made aware of this to ensure the City is not billed for taxes. A copy of the City's tax-exempt certificate may be obtained through the finance department.
3. **Purchasing Ethics.** All City employees and officials shall maintain ethical relationships with all vendors or suppliers of City goods and services. Acceptance or solicitation of entertainment, loans, gifts, or special consideration from vendors or suppliers for personal benefit by City personnel is prohibited. City employees must consider the appearance of fairness and propriety in their relationships with City vendors or suppliers. The following is a non-exhaustive list of examples of unacceptable actions related to City vendors or suppliers:

- a. Seeking or accepting directly from any person, partnership, corporation, or other business entity which is doing or seeking to do business with the City, service, cash or loans, vacations, or any gifts exceeding the value of \$65.00.
 - b. Knowingly over- or underestimating the requirements of this Policy or bids or failing to disclose the existing requirements in order to avoid doing business with a particular vendor or supplier.
 - c. Misrepresenting competitors' prices, quality, or services to obtain concessions from vendors or suppliers.
 - d. Having personal investments in any business entity which will create a substantial conflict between private interests and public duties when the City employee or official is involved in making a particular purchasing decision.
 - e. Inexpensive advertising items bearing the name of a vendor, such as pens, pencils, paper weights, cups, caps, candy, or calendars, are not considered articles of value or gifts in relation to this Policy.
4. **Credit Card Purchases.** Effective June 1, 2018 the City switched to an Elan Credit Cards and issued to a credit card to each department. Each card was issued in accordance with the department's needs and required the card holder(s) to agree to the following terms:
- a. Understand the cards are for approved and budgeted purchases only and agree not to charge personal purchases. Improper use of this card can be considered misappropriation of funds. This may result in disciplinary action up to and including termination of employment.
 - b. If the card(s) is (are) lost or stolen, card holder will immediately notify Elan by telephone. Further, card holder will confirm the telephone call by notifying the Finance Director at 719-486-5329.
 - c. Card holder will agree to surrender the card(s) immediately upon termination of employment of the named person on the card, whether for retirement, voluntary or involuntary reasons.
 - d. Card holder will receive a Monthly Reconciliation Statement (MRS) from Elan Financial Services (cutoff date is the 27th of the month), which will report all activity during the statement period. As a department head, card holders are responsible for all charges on the cards assigned to the department and will resolve any discrepancies by either contacting the supplier or Elan. Card holder is responsible to return the MRS with the appropriate receipts and pay authorization forms to the Finance Director no less than five business days (cutoff date) before the due date for payment. If there are repeated instances of exceeding the cutoff date, credit card privileges may be suspended.
 - e. The City of Leadville is tax exempt from Colorado sales and use tax. When making purchases card holder will use the tax-exempt number to avoid Colorado sales tax

(copy of the Certificate of Exemption attached, and copies are available from the Finance Director).

- f. Card holder will obtain approval of the Finance Director and City Administrator for any individual charge of five thousand dollars (\$5,000) or more. Department heads may request that individual staff members within their departments be issued a credit card on a case-by-case basis and may set a purchase limit for those employees that is lower than but not higher than the purchase limit set forth in this paragraph.
 - g. If charges are made that are determined to be improper or include sales tax, card holder may be required to reimburse the City through direct payment or payroll deduction.
 - h. Card holder will sign a memorandum for record that will be filed with the Finance Director acknowledging these terms and credit card use requirements.
5. **Surplus Property.** The City Administrator or the City Administrator's designee shall work with the appropriate staff person to oversee and administer the disposition of surplus inventory, including supplies and equipment that has been identified as no longer valuable for the City to use. It is the intent of this Policy to receive revenues from the sale of the inventory as the first priority. Donation to appropriate non-profits as second priority, and destruction as the last priority.
6. **Multi-Year Financial Obligations.** Article X of the Colorado Constitution prohibits municipalities from entering into direct or indirect multiple fiscal year financial obligations without prior voter approval or without adequate cash reserves pledged irrevocable and held for payments in all future years. Colorado courts have held that contracts which are expressly subject to annual appropriation or non-renewal are not obligations within the meaning of this provision. No multi-year financing obligations (for example, real property rentals, copier leases, vehicles) may be entered without the review and approval of the City Council via an adoption of a resolution and must be contingent upon annual appropriation of funds by City Council.
7. **Construction Contracts Over \$150,000.** For construction contracts of over \$150,000, the City is required by state law to publish notice of the final payment to the contractor in a newspaper of general circulation (i.e. the Herald Democrat) at least 10 days before the final payment is made (see C.R.S. § 24-91-103). For construction contracts of over \$150,000 funded in whole or in part by the federal government, consult with the City Attorney to determine whether this requirement still applies (see C.R.S. § 24-91-110).

K. AMENDMENTS

This Policy may be amended by resolution of City Council.

APPROVED BY: _____
Greg Labbe, Mayor

DATE: _____

ATTEST: _____
Deputy City Clerk

DATE: _____



AGENDA ITEM # 9.D

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: February 1, 2022

SUBJECT: Ordinance No. 6, Series of 2022: An Ordinance Repealing Chapter 10.12 of Title 10 of the Leadville Municipal Code Concerning Parking Permits

PRESENTED BY: Christiana McCormick, City Attorney

☒ ORDINANCE
☐ RESOLUTION
☐ MOTION
☐ INFORMATION

I. REQUEST OR ISSUE:

Before City Council for consideration is Ordinance No. 6, Series of 2022 ("Ordinance"), which would repeal the parking permit program of the City that is currently set forth in Chapter 10.12 of the municipal code.

II. BACKGROUND INFORMATION:

The Ordinance repeals Chapter 10.12 of the municipal code, which will formally terminate the City's private parking program. Chapter 10.12 allows the City to issue parking permits for exclusive, private use of parking spaces on public streets by residents with properties adjacent to such streets. The purpose of establishing this parking program was to address extreme traffic congestion and overflow from the commercial areas that affected those residents. The parking permit program also provides for parking permits for short-term rental owners. Under the program, the City issued "Private Parking" or "No Parking" signs to those residents eligible for the parking permit.

Following completion of the City of Leadville Downtown Parking Assessment by Walker Consultants dated June 9, 2021 ("Parking Study"), the City decided to terminate the parking program. This decision was based on concerns surrounding the legality of privatizing public rights-of-way and recommendations of the Parking Study. The Parking Study found, among other things, that the City's parking program deters some visitors and non-residents from parking in front of residences along certain streets, lacks uniform spacing of the "Private Parking" spots and markings to clearly delineate where the private space is located, has lead to property owners installing parking space markers that are not approved by the City or compliant with any code or

standard, and creates and exacerbates snow removal problems along public streets.

The City has not accepted new permit applications or permit fees for approximately a year, so no refunds of parking permit fees should be required due to adoption of this Ordinance. If any parking permit fees were paid to or accepted by the City for a permit starting in 2022, the City should refund the fee in a prorated amount.

III. FISCAL IMPACTS:

The City will no longer receive permit fees for parking permits and will no longer have the expenses of administration, issuance of signs, or enforcement of private parking spaces for the parking permit program.

V. LEGAL ISSUES:

None.

VI. STAFF RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance No. 6, Series of 2022 on first reading.

VII. COUNCIL OPTIONS:

Council may take one of the following actions:

1. Adopt the Ordinance.
2. Adopt the Ordinance with amendments.
3. Table for further discussion and consideration.

VIII. PROPOSED MOTION:

"I move to adopt Ordinance No. 6, Series of 2022, An Ordinance Repealing Chapter 10.12 of Title 10 of the Leadville Municipal Code Concerning Parking Permits on first reading. I further move to schedule second reading of this Ordinance for City Council's regular meeting on March 1, 2022."

IX. ATTACHMENTS:

Ordinance No. 6, Series of 2022¹

¹ This Ordinance is numbered Ordinance No. 6 to retain the current numbering of three ordinances amending Title 17 of the municipal code (concerning formula businesses-No. 3, zoning code amendment procedures-No. 4, and family child care homes-No. 5) that have been reviewed by Planning Commission and will come before Council on first reading on March 1, 2022.

**CITY OF LEADVILLE, COLORADO
ORDINANCE NO. 6
SERIES OF 2022**

**AN ORDINANCE REPEALING CHAPTER 10.12 OF TITLE 10 OF THE LEADVILLE
MUNICIPAL CODE CONCERNING PARKING PERMITS**

WHEREAS, the City Council of the City of Leadville (“City Council”) possesses the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the citizens of Leadville; and

WHEREAS, City Council previously codified a parking permit program in Chapter 10.12 of the Leadville Municipal Code that allows the City to issue annual parking permits to owners of short-term rentals and certain other residents of the City; and

WHEREAS, City Council desires to formally terminate the parking permit program in anticipation of the City discussing and implementing new parking policies following completion of the City of Leadville Downtown Parking Assessment by Walker Consultants dated June 9, 2021; and

WHEREAS, City Council has determined that adoption of this Ordinance is in the best interests of the public health, safety and welfare.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF
LEADVILLE, COLORADO, AS FOLLOWS:**

Section 1. **Recitals.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. **Chapter 10.12 Repealed.** Chapter 10.12 of the Leadville Municipal Code, titled “Parking Permits,” is hereby repealed and reserved for future use to read in full as follows:

Chapter 10.12 – Reserved.

Section 3. **Remaining Provisions.** Except as specifically amended hereby, all other provisions of the Leadville Municipal Code shall continue in full force and effect.

Section 4. **Codification Amendments.** The codifier of Leadville’s Municipal Code is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Leadville Municipal Code.

Section 5. **Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 6. **Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this Ordinance.

Section 7. **Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Leadville, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 8. **Effective Date.** This Ordinance shall become effective thirty (30) days after publication following final passage.

**INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on
first reading this 1st day February, 2022.**

CITY OF LEADVILLE, COLORADO:

Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on the ____ day of _____, 2022.

**PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED,
with any amendments, this _____ day of _____, 2022.**

CITY OF LEADVILLE, COLORADO:

Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

PUBLISHED BY TITLE ONLY, with any amendments, in The Herald Democrat, a newspaper of
general circulation in the City of Leadville, Colorado, following final reading on this _____
day of _____, 2022.