

CITY OF LEADVILLE
Tuesday, August 2, 2016
REGULAR COUNCIL MEETING AGENDA

1. Call to Order of regular meeting
2. Pledge of Allegiance.
3. Roll Call.
4. Approval of Agenda.
 - a. Agenda Revisions, if any. None
5. Public Comments about items not on the agenda.

Jake clarified that 7b was not a public hearing.

Sarah Dallas – verbal comment from Kathie from Spanish Flea. Would like a councilmember in her ward to contact her regarding banners.

6. Consent Agenda

Consent agenda items are considered routine and will be enacted by one motion and vote. There will be no separate discussion of consent agenda items unless a Council member so requests, in which case the item may be removed from the consent agenda and considered after a motion on the remaining consent agenda items.

- a. Approval of minutes of July 19, 2016 regular Council meeting

Mohrmann moved, Chimovitz seconds. Grammatical error changes.

7. New Business

- a. Mayor appointment of alternate Michael Ward to Historic Preservation Commission Appointment.

Adjourn Meeting of City Council Convene Local Marijuana Licensing Authority.

- b. Roots Rx Retail Store License Renewal

input from PD – No problems or issues with retail

CM Mohrmann asked about retail shuttle service and response from Rob Holmes was that there was no plan.

CM Beck moved, CM Chimovitz seconded 6-0

- c. Roots Rx Retail Cultivation License Renewal Public Hearing

Mayor Labbe read in public hearing statement.

200 ft of property is not a requirement and it was posted within the requirements. CM Mohrmann recused himself due to having made formal odor complaints.

Rob Holmes - Discussed connection to Leadville and their employees, as well as their history. Invested 1.5 million dollars into this project. Discussed the challenges they have faced and efficiency. Work with community and hopes to build more of these type of greenhouses. Discussed concern for community as well.

Dr. Mark Pinka?– greenhouse designer. Builds most energy efficient and sustainable greenhouses globally. Designed special greenhouse custom for this climate and have been adjusting as needed and continue to improve.

Public to speak in favor?

Jeff McGinnis – small business owner of Alps Motel.. almost directly across the street from Roots Rx. No guests have ever commented of any odor smells as a result of Roots Rx. 50-80guests per week. Concern with additional grow operation on East 10th.. keep in mind the money and employment of these businesses in our community and should be considered the same and consistent as other businesses in the community. CM Chimovitz – percent that come here for pot tourism? Less than 5%. Number one reason is for recreation.

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Public Comments opposed?

None.

Shepherd: Why a public hearing?

ASM Dallas – because of the notice of violation and warning due to odor. IF liquor it would be the same. Close hearing. Chimovitz moved, Beck seconded 5-0

Shepherd question about letter from police department. Discussion whether or not there is still an odor. Chief Glenn noticed the odor when he arrived even though the complaint was prior to his arrival. Issued a violation. Roots Rx responded and they have been responsive. Odor was much less of an odor and was in the area – recommend a conditional approval as suggested in letter. Need proof beyond reasonable doubt and for licensing needs preponderance of evidence. As a city, need to look into city code to control private marijuana grows, but surrounding communities have code for private grows. It would be difficult to prove the odor coming from Roots Rx, we would need to eliminate the possibility of the odor coming from anywhere else. Doing best to mitigate the odor.

Pete Tramm – Roses in bloom smells – cannabis in bloom smells. Due to heat challenges they have had issue with air escaping the building and have been proactive to obtain negative pressure in building. It's a process.

Rob – employees were in uncomfortable environment so they added external air conditioners and didn't have proper systems to filtrate the air and they didn't realize they would need special builds and working on it. Temperature control discussion. Believes that the odor may be a challenge about two months a year due to temperature. Discussed what they are in the process of for mitigation mentioned in their response and in response to CM Chimovitz question.

ASM Dallas discussed how code does not require any odor mitigation or any licenses or regulations like business owners do. Regulatory private grows should be similar to commercial. Might consider looking at code section to see if business owners are able to meet that code. Make sure odor mitigation requirements are attainable.

Mayor Labbe gave a what if scenario to better explain how the lack of code could make it hard to know where the odor were coming from with local private grows.

Chimovitz clarified that the odor was significantly less on July 21, 2016 and he and Mayor were in the area yesterday and did not smell any odor outdoors.

Conditional notice means that if there is an odor complaint they can recommend their license be suspended. The code says no odor.

ASM Dallas would add a timeframe for the troubleshooting for mitigation. Mayor Labbe asked what the applicant would recommend for a timeframe. There are also procedural requirements. If Police chief wanted to revoke license. They would receive written request, 10 day notice for hearing and at hearing for suspension and applicant would have to show why they should not be revoked or suspended instead of a penalty.

Rob Holmes suggested that he cannot smell the odor outside of the grow and says that he cannot confirm it's from his grow.

Mayor Labbe asked if 60 days would be sufficient for mitigation. CM Shepherd suggested 6 months.

Pete Tramm suggested they don't add conditions and asked if the odor could be completely mitigated?

Mayor Labbe said that is not up for discussion and asked CM Shepherd to make a motion.

CM Shepherd moved without conditions.. Mayor Labbe wanted her to add timeframe but she did not want to add those. Shepherd added 6 months or time needed to comply. CM Beck asked if there is another complaint does it come back to council. The mayor said it would go to the court and police department, not council. With conditions they believe it would come back to council. Only come back to council if there is a violation.

ASM Dallas read into the record the municipal code regarding marijuana 5.40 of code.

Have authority to add in conditions, but will go down same path if a violation occurs. Mayor Labbe confirmed that any complaints within timeframe would not be acted on due to having the conditions. Chief Glenn confirmed that odor complaint during timeframe would not be acted on for licensing but could be criminally, but proof of evidence is much more.

Mayor Labbe disagreed with Chief Glenn.

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CM Shepherd withdrew her motion.

CM Chimovitz moved with subject to the condition that within the time period of 6 months all odor mitigation is complete and the applicant be given the option for a 30 day extension at the end of that 6 months if needed. CM Shepherd seconded. 5 in favor, 1 abstain CM Beck, 1 recuse CM Mohrmann.

Adjourn Local Marijuana Licensing Authority meeting – Re-convene Meeting of City Council.

d. CUP Council Public Hearing for Greater Heights Academy

Mayor Labbe read into record the public hearing. Ex Parte? CM Beck looked into public health requirement but not anything regarding application.

Christine Street – gave speech about Greater Heights Academy, who they are and wanting to move upper grades to the new location at St. Vincent Hospital.

Public comments in favor?

None.

Public comments against?

None

Close public input portion. CM Canty moved, Beck seconded.

Mayor Labbe read that P & Z recommended approval. CM Beck asked about P & Z Meeting regarding radon and lead.

MPT Duarte does not think that the questions regarding health are a land use issue. Chimovitz suggested that safety is a land use issue. CM Mohrmann referred to condition H.

Mayor Labbe does not think that is an appropriate part of a land use discussion and CM Beck asked how to approve if they cannot know about Health and safety and hazards and CM Chimovitz has same questions. CM Beck read condition H. CM Beck and CM Chimovitz are asking for more information.

Christine responded that they have to comply within 19 months of occupancy while reading out the requirements of public health inspection.

Mayor Labbe suggested that this is usually a first step in the process of doing something but not recommend that it's put in as a condition.

CM Canty moved, MPT Duarte seconded.

8. Unfinished Business

a. St. Vincent CUP Continuation Public Hearing

Mayor Labbe read public hearing notice.

ASM Dallas it was posted and in Leadville's today on July 28. CM Chimovitz said that M. Seuferer had short discussion after meeting last week.

MPT Duarte said that

Who told you that? She said that's in the book. Mayor Labbe informed Kathy Bedell that MPT Duarte was obeying the law but she was not because he was not allowed to discuss the issue. She was not allowed to interface with the councilmembers while the application was in continuation. Bedell said that is incorrect.

Karen Onderdonk asked if they could read what council requested at the last meeting.

ASM Dallas read that into the record from the Staff Input Form regarding decibel levels.

Davis Partnerships architect discussed sound mitigation and handed out the project information packet handed out. Mentioned how they discussed with the neighbors. Want open communication. Also shared about utilities. Parkville water had a concern with flow raet and they responded that it is acceptable and have approved their design. Working with Fire regarding location of fire hydrants. Working with century ink, Comcast and Xcel. Continued discussion and explanation of the diagrams and information packet. None.

Public comment in favor?

Bob Seuferer – Working with the hospital and getting the information they needed he is very happy with that and hopes that will continue. He is in favor.

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Rob – Everything that Kat is saying is his profession and what she has touched base on and they have a current cell tower and whatever they are doing to mitigate sound is going to help considerably.

Public comments against?

None.

Kathy Bedell asked if any of her concerns were going to be addressed and city council determined they would not consider those. Suggested dismissive and she would seek other avenues to address her concerns.

Chimoviotz moved, Canty Seconded. 6-0 in favor.

Chimovitz moved and decided he does not need to add the conditions... all representations portion, CM Mohrmann seconded. Commended the parties for their communication. 6-0 in favor.

b. CDOT meeting update on road diet and road construction plans

Mayor Labbe discussed how CDOT brought the designs they propose and it is not final. There will be room for discussion. Explained the maps. 2020 budget cycle which starts in July 2019. ASM Dallas clarified that they would book it to build during that time because they will be repaving at that same time. Mayor said that he wished for it to be done early, but city willing to accept that date. A plan is acceptable for now and CDOT needs to do traffic studies and public input for this. Hoping other pieces like safe routes to school, mobility etc will all come together nicely. Chief Dailey suggested trees on Harrison and discussion from CM Beck about considerations during that time. Mayor Labbe discussed challenge with disabled on Harrison. ASM Dallas discussed CDOT and Main Streets collaboration regarding these issues and placemaking a priority. This will be received in August and given to council in September. Chimovitz asked for a much larger map. Mayor Labbe suggested that is likely coming. Off Harrison parking is something we will continue to ask for. They are not required to do so, but can continue to ask. Also brought up wayfinding and what steps they can take and direct to already existing parking lots. Sandwich boards are illegal unless literally attached to the business. CDOT wants vote or straw poll to go forward and have meeting in future meeting. ASM Dallas will determine whether or not necessary to have resolution. Chief Glenn recommend no turn on red and ask CDOT about.

CDOT Annexation – can draw map on West side of HWY 24..intersection would become within city limits. CDOT gave options for change in intersection and they will give the city the money for that.. roughly about 430k.. prob an 800k project. Kum & Go going to build new facility on NE corner of that intersection and will pay for the difference.

CM Beck read the options discussed... 5 options. Two of which were short term. Roundabouts very expensive. Chief Glenn not a fan of them because of safety and non-reportable accidents.

9. Department Reports.

a. Public Meetings Planner

Add Fire Mgmt meeting and Fire planning meeting. Joint P & Z and HPZ on the 9th. Leadville Sanitation 1 Wednesday of each month. Sheriff meeting at community field 5 pm tomorrow.

10. Treasurer's Reports.

a. Bills to be approved.*

Canty moved, Beck seconded all in favor by raise of hand.

11. Mayor's Report.*

Liquor event at the TOH and people loved it. It added a nice piece to the evening. Still waiting to hear final numbers on this event. Profit was \$7k at first event which went to Foundation. \$1800 from Hazel Miller. \$500 at second event. Beck suggested its exposure too.

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Code enforcement – would like coordinated effort with PD and street department and has already discussed with city judge and have good set of rules that we act on daily basis. CM Chimovitz expressed interest in working on that and Mayor Labbe said he would include him. Talked about the trash issues around the city and we need to deal with that.

Chief Glenny brought request and research on dangerous dog ordinance in light of what happened two weeks ago. Wants in ordinance and in code that will get people's attention. Asked city clerk to research other cities.

CM Beck suggested it is illegal and Mayor Labbe is suggesting that it is not illegal because other communities have pitbull bans. There have been many calls about dangerous dogs. Chief Glenny asked for zero tolerance approach for these calls. Discussed what he did with recent dog. Owner surrendered the dog to the shelter and he lived in the county and conversation with sheriffs department. Asked for more clear code to make enforcement easier.

Discussion regarding

Mohrmann regarding meeting with treasurer regarding half moon property and reviewed RFP's that came in and will reach out to city attorney and get interviews set up with two companies with proposed plans by the end of the month. Needs to meet with mayor and has a lot of questions. City owns that property – 130 acres. Companies have proposed aggregate operations. Asked for outstanding grants - Meeting with Gates on August 12th and waiting to hear of DOLA – state budget committee released the funds and DOLA was granted all of the finds requested.

Looking very positive.

Canty may not be here for September 6 meeting.

12. Council Reports.*

13. Adjournment.

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