

**Minutes  
City of Leadville  
Regular Council Meeting  
September 20, 2016  
Leadville City Hall, 800 Harrison Avenue**

**COUNCIL MEMBERS**

**PRESENT:** Gwen Shepherd, Dave Chimovitz, Jake Mohrmann, Mayor Greg Labbe, Mayor Pro Tem, Max Duarte, Mike Canty, Shoshanah Beck

**COUNCIL MEMBERS**

**ABSENT:** None

**STAFF PRESENT:** Bethany Maher, (Deputy City Clerk), Sarah Dallas, (Administrative Services Manager) Roy McGinnis, (Finance Director), Dan Dailey, (Fire Chief), Tyler Henning (Street Dept.), Robert Glenn (Police Chief), Debbie Ruma (Animal Shelter).

**PUBLIC**

**PRESENT:** Ryan Fitzmaurice, Luke Finken, Matt Boeve, Joel Payne, Linda Michow, Esq. (via telephone).

**6:30 PM CALL TO ORDER, ROLL CALL & PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**Public Comments about items not on the agenda. None**

CM Beck, CM Mohrmann and Mayor Labbe – Discussion regarding feasibility study, cost accountability, etc. Set a date for a work session on January 10th to discuss further. CM Mohrmann requested that all Councilmembers get a copy beforehand. CM Beck suggested inviting county commissioners.

**Approval of minutes of August 16, 2016 regular Council meeting**

CM Chimovitz – Other duties as assigned question. Clerk Maher confirmed that was a different meeting.

**CM Canty moved, CM Chimovitz seconded. 7-0 in favor.**

**Temporary Use Permit Home Coming Parade**

ASM Dallas will answer any questions and read into record the comment from the parties due to float building from Felicia Roeder.

Chief Glenn asked if they could end at Night to Unite.

**CM Canty moved, 3pm to 3<sup>rd</sup> street and approve alt route down 4<sup>th</sup> to Intermediate. CM Beck seconded. 7-0 in favor.**

**Public Hearing CUP Earl's 115 Harrison Ave Infused Product Manufacture license**

Mayor Labbe read into record the public hearing script.

Matt Boeve – Explained how he would revamp kitchen so it can be used for potentially making edibles in the future. They want to improve value of building and put vacant part of building to use. Explained process of extractions however not looking to do that in that space- specifically to prepare food by using a cannabis infused butter to cook. If there were any it would be ice water – no butane or anything of the sort. ASM Dallas confirmed CM Chimovitz question about extraction by reading G. in application. Ice water technique would not affect nearby homes.

CM Mohrmann – clarified the collation option and the worry of building something massive. Clarified questions regarding the kitchen. Joel Payne extended invitation for council to come look.

**Mayor Labbe moved, CM Chimovitz seconded. 7-0 in favor.** Asked about 1 negative vote from last time – Mayor Labbe responded that Joe Swyers because local health dept declined to inspect local marijuana

facilities. Would state? Mayor Labbe – local is state. Not an issue council has any control over but can encourage it. 1<sup>st</sup> step here with CUP for land use

### **First Reading Ordinance 7 City Clerk and Deputy City Clerk**

Mayor Labbe – any additional questions and timelines particularly involved.

CM Shepherd – not deputy clerk – people in town have already said they did not want the clerk position to be a longstanding job by not removing term limits. Town is so small that we are jumping to conclusions without thinking about it because city is in a pickle.

Mayor Labbe – hiring has to do with deputy. Appoint city clerk for 1 year and 4 months. Nothing to do with pickle we are in, but maybe forced us to go this route.

CM Shepherd - Feel uncomfortable. Need time to

CM Chimovitz- what conclusions are we jumping to?

Mohrmann – at what point does this become a public hearing?

Clarifications on process. Second reading would be at 1<sup>st</sup> meeting in November. CM Mohrmann would like to hear from the public first.

CM Chimovitz – discrepancy between Ordinance and Statute for city clerk. Clarifications from ASM Dallas. Deputy reports to Mayor and city council. City Clerk reports to no one because they are elected.

Mayor Pro Tem Duarte – mixed feelings too. Concerned about what citizens have to say.

Shepherd – not comfortable with process.

Mayor Labbe – same process as all ordinances.

Clarification on control and supervision of Mayor with city attorney. Attorney – sort of overseen by.

Mayor Labbe – original intent? Ultimately Mayor & Council control those positions by their budgets.

Mayor Labbe – CM concerned of will of people in this process.

Linda Michow – City Clerk position as created under state statute has very limited responsibilities and obligations under state law – keep and maintain records, council meetings and authenticate documents.

Creating a deputy whereby positional or contemporary functions of a city clerk are created and delegated does not circumvents any duties or obligations of elected city clerk based on what statute provides.

CM Chimovitz – currently deputy reports to mayor and city council – any conflicts?

Linda Michow – Can be more expansive than what state statute provides – limit to mayor if you would like. So Mayor does not have a lot of independent authority – makes practical sense the way it is.

Ordinance counters Linda's claim – wasn't running counter to deputy clerk position. Linda – consistent with state law.

Linda Michow off phone at 7:49 PM.

CM Mohrmann – seeing how 1<sup>st</sup> reading does not set law – open up to public at second reading.

### **CM Mohrmann moved, CM Chimovitz seconded. 6 in favor, 1 Abstain.**

ASM Dallas – confirmed that other processes that need to be discussed on timeline. Also suggested that instead of what happened in April, so as to not potentially have awkward questions and having better interview processes by having hiring committee. Minimum need to select who will be on hiring committee

CM Chimovitz volunteered for Deputy Clerk, CM Beck volunteered for City Clerk.

ASM Dallas – hiring and job offers shall not be until after second reading. Ads are out and will be posted in this Thursday paper – convene sub committees once applications received. Be prepared at Nov. 15 meeting for both, should the ordinance have passed on October 1<sup>st</sup>.

If ordinance does not pass, it will be at 18k. At that point you would consider that again in a new conversation.

### **Resolution 15 Ratifying City's Exercise of the Automatic Closing Extension for the Tabor Opera House**

#### **Read issue to council. CM Canty moved, Mayor Labbe seconded. 7-0 in favor.**

Clarification of time required with letter from city attorney.

Mayor Labbe – explained process of TOH.

CM Shepherd – wants to be on TOH Board.

## **Resolution 16 Amending Municipal Lease-Purchase Agreement with Ford Credit to add two additional Police Vehicles**

Roy McGinnis explained the two additional vehicles are replacing the two vehicles that have expired. The original lease purchase is amended, not a new one.

CM Beck – what happens with the two impalas?

Chief Glenny – will keep one for spare vehicle and clear out rest except . Pull radio out of and sell on government site. Too small, front wheel drive – frankly he wouldn't have recommended getting impalas to begin with.

CM Chimovitz - What's the concern with front wheel drive?

Chief Glenny – Impalas are maintenance nightmares once they reach 40k.

Discussion regarding current police vehicles: 3 brand new SUV's, truck, 2 impalas, 2 more suv's coming and believes the other ford's will go too. Not sure what he will do with Sgt Hansen's car – probably will sell because of Jeep Liberty they got in abandonment process. Will become police vehicle as well. If it gets expensive, will move on.

The first 3 were paid in budget, the second 2 were paid out of capital. Cost of \$5-6k unmarked, fully marked is around \$8k.. doesn't include radios. Unmarked v. marked – Chief Glenny goes places doesn't need marking for. Times when he wants to “chill the covers.” Marked car safer.

### **Mayor Labbe moved, CM Canty seconded. 7-0 in favor.**

CM Mohrmann – unfortunate that we are in a pickle of getting 5 new vehicles right now. Encourage them to come on a more staggered basis in future. There will be 4 marked SUV, 1 unmarked SUV, the truck, 1 or 0 Impalas, 0 Ford Crown Victorias, 1 Jeep. 7-8 vehicles.

Discussion of how to go ahead with sale of them. Try to sell them completely outfitted.

CM Beck – question about Liberty – will that need to be equipped – lights, siren radio, and possibly cage. Marked but no lightbar.. SRO Vehicle. Is it standard to go to PD? No. Chief Glenny said DMV in Denver may say no. City to PD go through resolution?

CM Chimovitz – vehicle turned over to city – wat process determines what city does with it?

Chief Glenny – abandoned vehicle process as any other.

Process to determine which department and how did this decision come to?

In looking for vehicle for SRO – Chief Glenny wanted something out of ordinary for PD.

CM Chimovitz – Once it went through impound process – how did city decide

Mayor Labbe –Chief Glenny asked Mayor and Mayor approved PD to use.

CM Chimovitz – wanted to be clear on that process.

CM Beck – in future, for accountability and transparency – becomes an asset of the city and that's a financial decision. It should come to council first next time.

CM Chimovitz – Agreed that it should be determined by council.

Mayor Labbe –ridiculous on it's base. Thanks you are making a huge mistake in getting into discussion about how the city operates.

Chief Glenny – value of \$6-7k.

Mayor Labbe – set a limit?

Labbe – Feels like if City Council wants to get involved in day to day running of city, making mistake.

CM Chimovitz – talking about principal in process.

CM Mohrmann – If we got a new truck in impound – it could be a hard decision to determine who gets it.

CM Beck – would hate for someone to come back and say that the council was not a part of that process.

Mayor Labbe – you are going to have to put that process in place.

### **Report of upcoming meetings**

Roy McGinnis– meeting on October 9<sup>th</sup> falls on a holiday weekend. Try to get through all of it on the 2<sup>nd</sup>? Make decision at that point. Need to schedule departments on different days. ASM Dallas will follow up tomorrow with date for COA Ethan Greene hearing.

October 2<sup>nd</sup> – try to get all in on 10/2 and have overflow if needed.

Mayor Labbe – Candidates night at CMC 9/26 rm 401. Full circle dance and PB Oktoberfest on 9/24.

## Fire Report

Night to Unite – Intermediate School Parking lot & homecoming night.

October 1 – St. Patricks Day practice parade events.

## Fire Department Report

Chief Dailey – good community event, working out kinks, safer grant awarded.

## Administrative Services Report

ASM Dallas – 4 permits in August for in fill, 2 more in September – brand new homes within the city limits. 90% higher than last 4 years combined. Thanks Bethany for event. Hope to expand.

## Police Department Report

Boom Days to show how much busier they get for events. Brief synopsis of major calls.

## Animal Shelter Report

Debbie Ruma – Busy summer – 10 adoptions over the past weekend. Wants to bring on part-time person while she works on Caselle. Did open house lead to adoptions? Yes – 2. Donations are down – people buy supplies for the shelter. Discussed chipped paint issue.

## Street Department Report

Discussion about pre-mark they were gifted and discussion about additional crosswalk. Pd helping with the lack of at that location

## Treasurer's Reports

Up 46k, which is about 10 percent up. Explained report. **CM Beck, CM Canty seconded. 7-0 in favor.**

## Bills to be approved

**CM Canty moved, CM Chimovitz seconded. 7-0 in favor.**

Discussion about high legal fees.

## Mayor's Report

Mayor Labbe – Read Treasurer Jaime Steuver's resignation letter – appoint within 60 days – ASM Dallas mentioned it could be the same person as clerk.

Enjoyed reading to the center and presenting at the high school. Going to Mayor's summit in Denver this Friday.

## Council Reports

CM Chimovitz – appreciation to council & staff for event Sunday.

CM Beck – Presentations at High School were really fun.

Chief Glenny – Community Market was very well received. Can't go this week. It's a great place to have city there. 9-2 on Saturday. Last one of the year.

**Adjournment 9:31 PM.**