

**Minutes
City of Leadville
Regular Council Meeting
September 06, 2016
Leadville City Hall, 800 Harrison Avenue**

COUNCIL MEMBERS

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

COUNCIL MEMBERS

ABSENT: None

STAFF PRESENT: Bethany Maher, (City Clerk), Sarah Dallas, (Administrative Services Manager & Deputy City Clerk) (Absent) Roy McGinnis, (Finance Director), Dan Dailey, (Fire Chief), Jim Schneiter (Street Dept. Supervisor), Robert Glenny (Police Chief)

PUBLIC

PRESENT: Ryan Fitzmaurice, Luke Finken, Francine Webber, Destinee Lukinoff, Lee Trujillo, Fredrico Montes, Chris Labbe

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

APPROVAL OF AGENDA

Agenda Revisions, if any - Minutes not ready yet. Strike 6 a, Mayor Labbe moved, CM Canty seconded.

No public comments

Public Comments about items not on the agenda.

None

New Business

Temporary Use Permit Annual Irish Heritage Parade

Mayor Labbe and CM Shepherd discussed police and fire escort with Chief Glenny. Luke Finken – This event is usually a halfway to St. Patricks Day Parade, but due to special circumstances, they are asking that it be moved to October 1st because the Consulate of Ireland will be traveling to Leadville to Evergreen cemetery at that time for these special events. Asking for traffic delay – no need for trash cans. Has been a tradition to close road in past.. most recent years, and council agreed to both or only southbound, which was a little dangerous. No detour.. just delay. Explained the Irish heritage events beginning in Denver and leading up to the events in Leadville throughout the weekend. CM Chimovitz requested to add a condition – read into record and handed out request to wear green. CM Mohrmann moved, CM Canty seconded. 7-0 in favor and to approve for three year term through 2019.

Temporary Use Permit Inaugural Fiestas Patrias Hispanic Heritage Event & Parade

Destinee Lukinoff – 1st year to celebrate all of Independence Days of Spanish countries. Something small to draw out Hispanic community to town and attract them to community market. North & South traffic delay to be considerate of horses in parade – 6 horses and

band, people walking with flags. Parade starting at museum and end at Community market with band that played for an hour, with booth set up at market to raise funds for next year. Lee Trujillo – Small but hopefully raise funds for next year. Part of the Fiesta will be at the Eagles, separate from this but part of the same celebration. EDC sponsoring it through Main Streets.

CM Chimovitz – Time clarifications. Lee Trujillo confirmed the community market ends at 2 pm and so will the event. 11-2. Mayor Labbe clarified that it needs to coincide with community market's event, to comply with insurance and permission to use 1st bank lot. Destinee wanted to drop TUP, but Mayor Labbe said to stay with it due to the closing of Harrison Avenue. Not requesting closing alley? Correct. Mayor Labbe moved with corrected time from 11-2, with temporary road delay, without the street alley closure. CM Beck seconded. 7-0 in favor.

Revokable Encroachment Permit for Casa Sanchez

Two items on agenda for this. First is for this permit, second is to service liquor. Discussion of whether or not to go forward with this without representation.

Mayor Labbe – does not want tables against windows due to sidewalk encroachment. People would have to walk around. It should be on bolsters side.. suggest 4 feet from bolsters which would leave 6 feet between building and new fencing. The tables will be within their property. Mayor Labbe can see no harm in allowing this type of atmosphere. CM Shepherd's point is that the diagram is not included in the Encroachment permit.

CM Beck looking for what best practice is? What's safe?

Fire Chief Dailey concerned about fencing.

Chief Glenn – concern about servers, bus tubs, etc.

Fredrico – Owner of Manuelita's and is in support of this.

MPT Duarte – Buena Vista is in parking area. Two chiefs help out. Need certain area for walkway and make standard for everyone because not all sidewalks have same area available. International fire code says 36 inches for property egress. This is actually CDOT's right of way. Liability would probably fall on the city according to Mayor Labbe. Chief Glenn makes a point about

Luke Finken – Safe Routes to school idea of slowing people down. Sitting in shadow of large overhang so wants to slow people down so tables outside catch attention. They have tables on both side, some close to windows for heat and some close to road to stop. 6 feet sounds great but some places the sidewalk is only 8 feet. Businesses that don't have ability to have outdoor seating, sidewalk gives them that opportunity.

CM Chimovitz – Expressed concerns with ADA Compliance.

Mayor Labbe – where is there an 8 feet sidewalk? Does not know, but perhaps by Rock Hut.

CM Canty – where the steps come up there's very small areas. Can we set a standard for future permits?

Wheelchair passage – 32 inches and 36 inches continuously. Mayor Labbe wants agreement to not be transferrable under 4.0.

Mayor Labbe – compromise of 5 feet, which in this case is half of the sidewalk. CM Canty agrees. Chainside in this case. CM Chimovitz wants to see 6 feet for pedestrians.

6 feet walkway, 4 feet usage with 4.0 changed to non-transferrable. CM Mohrmann applicant will have 4 feet of seating on Western side closest to bolsters, changes to 4.0. CM Chimovitz seconded. 5-2 in favor.

Change 4.0 for all future permits.

Adjourn Meeting of City Council Convene Local Liquor Licensing Authority. Special Events Permit Mining Museum

Francine Webber – Event on Sept. 8th. Mayor Labbe attended the last one and enjoyed it. Beer & wine, include wine & beer in permit. CM Beck moved with condition of beer and wine, Mayor Labbe seconded. 7-0 in favor.

Casa Sanchez Modification of Premises

CM Mohrmann clarified with Chief Glenny about alcohol service.

CM Chimovitz mentioned allowing personal liberty and personal accountability.

Sheriff Fenske – Open container law due to heavy drinking at events, told story. There are not the same type of people now than back at that time.

Mayor Labbe – suggest not try to fix things that are not broken. If it doesn't work, liquor board can deal with. Mentioned how he has seen them serving liquor already. Mayor Labbe moved with condition on enclosure, 4 feet of seating on west side of right of way, normal restaurant business hours in which they serve food, no glass in outside area. Discussion regarding use of plastic instead of glass.

Recraft motion to not include glass. Mayor Labbe moved with conditions that the liquor area enclosed according to state liquor law, within 4 feet of west side right of way, during normal restaurant business hours when food is service, CM Chimovitz seconded

Periodic Brewing Brew Pub Liquor License Renewal

Mayor Labbe recusal.

MPT Duarte – one call in last year. No issue there. Chris Labbe – Family friendly and appreciates support. CM Chimovitz asked for info on one incident and Chris Labbe explained that incident as well as Chief Glenny. CM Beck moved, CM Canty seconded.

Mt. Massive Liquors Liquor License Renewal

No issues. CM Canty moved, CM Mohrmann seconded. 6-0 1 absent.

Adjourn Local Liquor Licensing Authority convene Meeting of City Council.

Deputy City Clerk Position

CM Beck – how many hours do you work?

Expectation of 16 hours, plus meetings with maximum of 24 hours. So to what it is now.

CM Beck – question about building in 457 retirement package or not.

Roy said yes that could be built in and it is budgeted in.

Should include in job description. Not eligible for health benefits.

Inferred to attend all city council meetings, but should add that. Too vague to say additional duties as assigned.

Beck – potential to take away from the actual job duties of the employee.

CM Mohrmann – wise to revisit the job description from time to time. Deputy clerk doing job of City clerk which is pretty standard, some that are state statute. Mayor Labbe be careful to not reinvent employment law. Chimovitz asks if this is employment law? Not trying to duplicate clerk position according to statute.

Mayor Labbe suggests resignation happen on the 20th. CM Mohrmann removing public from this decision, which is what elected to do. With this particular decision, something asked public to do several times. Transparency. Would like public hearing on this. Ordinance will be posted on 9/20 and opportunity for public comment. Removing public will from this decision.

Mayor Labbe & Chimovitz – respecting will of people by keeping the city clerk elected and still watchdog.

CM Shepherd – agrees to do it but going against people.

CM Beck – if not fulfilling job requirements, termination. Easier than a recall election. Only difference not publicly driven, but council driven.

Chimovitz - Treasurer – 3 years ago. In general what was public comment or backlash? None that Roy can think of. Does not believe it will be out of line with public.

How to craft minimum qualifications. Associates degree or equivalent. CM Shepherd suggested CM Chimovitz be on hiring committee. Mayor Labbe recommends drafting proposal to happen on Sept. 20th that include changes to page 1, participate in city council meetings. Minimum qualifications, Associates degree or equivalent and combo experience. Part time with expectation of 16 hours, plus meeting, max 24 hours per week. Deputy clerk eligible for 457b benefit.

CM Chimovitz asks to scratch additional duties so it's not vague to say whatever duties someone comes up with. CM Mohrmann says as an employee he expects it.

CM Beck – not conflict with current duties.

CM Shepherd – fine as it is.

Mayor Labbe straw poll for paragraph – 4 in favor, 2 against, 1.. leave it alone for now.

Mayor Labbe moved to make draft proposal to staff that include draft job description with following changes (above) Labbe moved, Canty seconded.

Voting for this to go to first reading, staff will have to change appropriately and changes at other times.

E Force Software Discussion & Decision

Information sharing ability with sheriff's office and good deal.

Discussion about cost, CM Beck's research, Sheriff Fenske's experience with it and his reason for

choosing it. Decision to go ahead and purchase out of reserve's to take advantage of deal prior to October 1st.

Unfinished Business

CM Beck – missed set wage for city clerk. CM Beck moved to approve wage for elected/appointed city clerk

Public Meetings Planner

Canty – tomorrow night is the EDC Open House at 5:30 in People's Bank basement. Leadville Sanitation – 1st Wednesday of every month.

Treasurer's Reports.

Bills to be approved.

Mayor Labbe moved, CM Canty seconded. All in favor

Mayor's Report & Council Reports

Finished TOH events for the season.

Chief Glenny will be at the community market this weekend. CM Chimovitz likes that we are doing that outreach. Next summer he would like to have different departments man it each weekend.

Adjournment. 9:41

