



**REGULAR COUNCIL
MEETING MINUTES**

**Tuesday,
September 6, 2022**

6:00 P.M.

Council Chambers & Zoom

1. **Call to order** of regular council meeting at 6:02 p.m.
2. **Roll call:**
 - a. **Present: 7** - Mayor Labbe, CM Hill, CM Lauritzen, CM Luna-Leal, and CM Forgens. MPT Greene and CM Grant appeared online.
 - b. **Absent: 0**

Staff Members Present: City Administrator Laurie Simonson, Deputy City Clerk Mayda Silver, and Administrative Assistant Lori Tye. Financial Director Dawna Schneider, Fire Marshall Steve Boyle, and City Attorney Christiana McCormick appeared online. Lori Tye left at 6:53 pm.

3. **Approval of the agenda:** CM Forgens **moved** to approve the agenda, and CM Hill **seconded**. All present were in favor.
 - a. **Agenda Revisions: None**
4. **Housekeeping Matters:**
 - a. CM Forgens spoke regarding the paving timeline for Pine Street and the slag pile next to the Post Office.
 - b. Mayor Labbe spoke regarding the success of the city-sponsored fundraising event at the Tabor Opera House last Saturday night.
5. **Public comments for items not on the agenda:**
 - a. Adam Ducharme, the tourism director, spoke regarding the October 15th film festival called *Stories Worth Telling* and the films that will be shown. Director Ducharme requested that City Council consider funding assistance in the amount of \$2-\$3k. Mayor Labbe directed Director Ducharme to submit a proposal to the Deputy City Clerk in order to present at the next regular City Council Meeting.
 - b. Nancy Bailey, Leadville Lake County Economic Development Corporation Executive Director and Leadville Main Street Director, spoke regarding the Leadville Mainstreet's live auction on October 1st.
6. **Presentations & Requests:**
 - A. **City Administrator's Report** – Laurie Simonson updated the City Council regarding the following:
 - a. City Administrator Simonson followed up on:
 - i. The stop sign at the Railyards is up.
 - ii. She has asked the police department to occasionally put the speed trailer up at 7th street to address the speeding concerns
 - iii. Laurie has been researching the sign code for the Basecamp sign.

- b. The City is getting a cybersecurity analysis completed through a grant. It should be completed by December 10th.
- c. The Streets Manager, Tony Medina, will be starting on Tuesday, September 13th.
- d. The Parklet Construction is going well and is on schedule for September 30th completion.
- e. Laurie and Planning Director Chapin LaChance have been attending the Community Justice Center's Executive Committee Meetings. Construction is due to start in April of 2023 with a projected opening date of November 2024. They completed their Environmental analysis on August 18th and found no contaminated groundwater. Laurie and Chapin attended a pre-application meeting on August 22nd.
- f. Laurie requested that Council look at their calendars for availability for a tour of the Tabor Opera House. The Council was mostly available during the evening of September 13th.
- g. Laurie also asked Council to consider a day for a Work Session for the sandwich sign boards. City Council elected to go to the Tabor Opera House tour and then begin a Work Session afterward on 9/13/22.
- h. Deputy Mayda Silver is attending a grant writing workshop and she and City Administrator Simonson are pursuing federal grant money for the transit project that the city is partnering with Lake County.
- i. Laurie did attend the Colorado Association of Ski Towns meeting in Salida. Many communities are struggling with some of the same issues.
 - i. Salida is considering changing from a Statutory City to a Home Rule City and was wondering if the City of Leadville wanted to partner with them in the process.
 - ii. Short-Term Rentals was the hot topic.
- j. Lastly, City Administrator Simonson wanted to explain the Consent Agenda item.

7. Consent Agenda:

- A. CM Luna-Leal **moved to remove** the minutes of 8/16/2022 from the Consent Agenda due to a typo; CM Forgensi **seconded**. All present were in favor.
- B. **Resolution No. 37, Series 2022:** A Resolution Designating the Planning Official for the City of Leadville
CM Hill moved to approve the Consent Agenda.
CM Lauritzen **seconded**. All present were in favor.

8. Approval of the 8/16/2022 Minutes:

- a. **There is an omission of CM Greene's vote for CM Hill.**

CM Luna-Leal **moved to approve** the 8/16/2022 minutes with the added changes; CM Lauritzen **seconded**. All present were in favor.

9. Certificates of Appropriateness/Conditional Use Permits/Temporary Use Permits/Licenses

A. 930 Hemlock Resubmitted COA – Continued from 8/16/22

- a. Mayor Labbe opened the public hearing at 6:28 pm.
- b. Applicant Melissa Shelly spoke regarding the application.
- c. Administrative Assistant Lori Tye read a letter into the record from the owners, John Slate and Gina Viglietti, regarding the COA.

CM Hill moved to close the public hearing at 6:44 pm.

Discussion was held regarding the parking at the residence.

CM Forgensi moved to approve the Resubmitted Certificate of Appropriateness for Residential Infill at 930 Hemlock Street, Leadville CO 80461 based on the criteria set forth in the related COA application materials and staff report dated August 9th, 2022, the City of Leadville's municipal code, Sections 17.44, the 2015 Leadville Comprehensive Plan and Leadville Historic Preservation Commission Compatible Residential Infill Design Guidelines and Standards for the Leadville National Historic Landmark District.

CM Hill **seconded**. Vote was **7-0-0-0**.

B. Practice St Patrick's Day change TUP

a. Kathleen Fitzsimmons spoke regarding the Temporary Use Permit and the changes made.

CM Hill **moved** to approve Updated Temporary Use Permit for Leadville Shack Club's Annual September St. Patrick's Day Parade on Saturday, September 17th, 2022 from 2:00 pm until 3:00 pm along Harrison Ave from 3rd St parking lot traveling north to Ice Palace Park.

CM Luna-Leal **seconded**. Vote was **7-0-0-0**.

C. Zero Day Coffee application for a new liquor license

- a. Mayor Labbe opened the public hearing at 6:53 pm.
- b. Applicant Anthony Earl spoke regarding his intentions for the Beer and Wine liquor license.
- c. Laverne Boese and Wendy Wyskiel spoke in favor of Zero Day Coffee's liquor license application stating that it is a great place for the community.
- d. CM Hill read into the record a letter written by Joshua Eads in opposition to the liquor license in regard to parking and privacy.
- e. Planning Director LaChance informed the Council that the Conditional Use Permit application for Zero Day Coffee would be heard at the Planning and Zoning Commission on 9/28/22. City Council would hear the CUP application on 10/04/22.
- f. CM Lauritzen asked about hours of operation. Mr. Earl said that there are no firm hours of operation for the wine and beer service.
- g. Discussion was held regarding the different venues of liquor establishments already available.

Authority Member Hill **moved** that, pursuant to Resolution No. 18, Series 2021, the entire corporate limits of the City of Leadville be considered as the neighborhood for purposes of this liquor license application and the public hearing.

CM Luna-Leal **seconded**. All present were in favor.

CM Hill **moved** to approve a new beer and wine (city) license application for Zero Day Coffee based on the facts and evidence presented at the public hearing, findings set forth in the Deputy City Clerk's Council Communication Form for this application, and any findings of the authority made at the public hearing on the following conditions:

- (1) That the applicant obtains a conditional use permit from the city prior to serving beer and wine on the licensed premises; and
- (2) that the liquor license conditionally approved by the city for the applicant not be effective until the effective date of a conditional use permit granted by the city to the applicant that allows alcohol to be served on the licensed premises.

CM Lauritzen **seconded**. Vote was **7-0-0-0**.

Mayor Labbe **moved** to close the public hearing at 7:20 pm.

D. Floyd's Fine Cannabis Retail Recreational Renewal License Application

- a. Mayor Labbe read the script for the marijuana license renewal application.
- b. Applicant Scott Thomson, District Manager, spoke regarding the parking and new Poplar location. He spoke about there being no further changes to the business.
- c. The Deputy City Clerk relayed the information that this is not a public hearing and that there have been no complaints.

CM Luna-Leal **moved** to approve the retail marijuana store license renewal application for PbVille, LLC dba Floyd's Fine Cannabis based on the facts and evidence presented at this hearing, findings set forth in the deputy city clerk's council communication form for this application, and any findings of the authority made at the hearing.

CM Hill **seconded**. Vote was **7-0-0-0**.

10. Resolutions & Ordinances:

- A. Ordinance No. 9, Series of 2022:** An Ordinance Amending Chapter 1.20 of the Leadville Municipal Code Concerning Maximum Penalties for Municipal Code Violations, Imprisonment for Nonpayment of Fines, and Payment of Municipal Court Fines with Insufficient Funds Checks (First Reading)

CM Luna-Leal **moved** to adopt Ordinance No. 9, Series of 2022, An Ordinance Amending Chapter 1.20 of the Leadville Municipal Code Concerning Maximum Penalties for Municipal Code Violations, Imprisonment for Nonpayment of Fines, and Payment of Municipal Court Fines with Insufficient Funds Checks on first reading and further moved to schedule a second reading of this Ordinance for City Council's meeting on October 4, 2022.

CM Forgenski **seconded**. Vote was **7-0-0-0**.

- B. Ordinance No. 7, Series of 2022:** An Ordinance Repealing and Reenacting Chapters 15.04, 15.08, 15.12, and 15.16 of the City of Leadville Municipal Code to Adopt by Reference the 2018 International Building Code, the 2018 International Residential Code, the 2018 International Mechanical Code, the 2018 International Plumbing Code, the 2018 International Fuel Gas Code, the 2018 International Existing Building Code, the 2020 National Electrical Code, the 2018 International Energy Conservation Code, and the 2018 International Fire Code; Making Specific Amendments Thereto; and Providing Penalties for Violations Thereof (Second Reading and Public Hearing)

Mayor Labbe **read** the script for the Second Reading of Ordinances for Ordinance No.7, Series 2022, and opened the floor for public comment at 7:38 pm.

City Attorney Christiana McCormick let the City Council know about the changes made to the Ordinance since the First Reading.

Mr. Craig Boule spoke regarding the Group A occupancy and the voice/alarm communications systems. He explained that this would cause undue financial strain to small businesses since voice/alarm systems are expensive and usually reserved for larger occupancy limits. Fire Marshall Steve Boyle stated that on page 46, paragraph 4 “Activation of the fire alarm in Group A occupancies with an occupant load of 49 or more shall initiate a signal using an emergency voice/alarm communications system in accordance with Section 907.5.2.2.” should be deleted. City Attorney McCormick stated that she wanted to make sure that the language was consistent with Lake County codes.

Mr. Boule then spoke about the International Residential Code (IRC Section R312.1.3) regarding Opening Limitations. He stated that the new code would change from 4 inches to 6 inches the opening limitations and that it would make it less restrictive. City Attorney McCormick researched Lake County’s Resolution which matched the 6 inches in this Ordinance. She further researched the 2018 International Residential Code to see if the information matched.

Mayor Labbe paused the public hearing at 7:51 pm.

City Council reconvened at 7:57 pm.

After researching the 2018 International Residential Code, City Attorney confirmed that the language in the Exception is being changed.

CM Forgensi questioned whether there was any language regarding the interior stairways.

Discussion was held regarding the application of the exception.

At 8:04 pm, Mayor Labbe paused the hearing and moved to the next agenda item.

At 8:53 pm City Council reconvened the public hearing on Ordinance No. 7.

CM Luna-Leal **moved** to adopt Ordinance No. 7, Series of 2022, An Ordinance Repealing and Reenacting Chapters 15.04, 15.08, 15.12, and 15.16 of the City of Leadville Municipal Code to Adopt by Reference the 2018 International Building Code, the 2018 International Residential Code, the 2018 International Mechanical Code, the 2018 International Plumbing Code, the 2018 International Fuel Gas Code, the 2018 International Existing Building Code, the 2020 National Electrical Code, the 2018 International Energy Conservation Code, and the 2018 International Fire Code; Making Specific Amendments Thereto, and Providing Penalties for Violations Thereof on **second reading with the changes made to IFC 907-2-1-1.**

CM Hill **seconded.** Vote was **7-0-0-0.**

C. Resolution No. 29, Series of 2022: A Resolution Opting Out of the Paid Family and Medical Leave Insurance (“FAMLI”) Program

Discussion ensued regarding the advantages and disadvantages of opting in and opting out.

CM Hill **moved** to adopt Resolution No. 29, Series of 2022, A Resolution Opting Out of the Paid Family and Medical Leave Insurance (“FAMLI”) Program and further moved that the Resolution be amended to show that the City will pay 100 percent of the employees’ premiums for those employees who participate in the FAMLI Program.

CM Forgensi **seconded. Vote was 3-4-0-0.** Resolution No. 29, Series of 2022: A Resolution Opting Out of the Paid Family and Medical Leave Insurance (“FAMLI”) Program **failed.**

Mayor Labbe tabled the reconsideration of the motion relative to opting in until the 10/04/22 regular City Council Meeting.

11. Public Meetings Planner:

CM Lauritzen will not be present during the 9/20/22 Regular City Council Meeting.
CM Hill will not be present during the 9/27/22 City Council Work Session.
CM Luna-Leal and MPT Greene will not be present during the 10/11/22 City Council Work Session. CM Grant will also not be present but may appear virtually.

12. Mayor’s Report:

Mayor Labbe received a letter from St. Joseph’s regarding the cemetery.

13. Council Reports:

CM Luna-Leal is staying at Full Circle due to a different job opportunity within Full Circle.

Adjournment: 9:00 pm.

APPROVED this 20th day of September by a vote of 6 in favor0 against, 0 abstaining, and 2 absent.

CITY OF LEADVILLE, COLORADO

ATTEST:

By





Deputy City Clerk