



CITY OF LEADVILLE

800 HARRISON AVE.
LEADVILLE, CO 80461

REGULAR COUNCIL MEETING AGENDA

Tuesday
February 7th, 2023

6:00 P.M.

Council Chambers & Zoom

<https://leadville-co-gov.zoom.us/j/83526944548?pwd=aEdjdGtpNlEyZmt5YVQ1bDBQbnN4dz09>

Meeting ID: 835 2694 4548

Passcode: 80461

Dial by your location

+1 719 359 4580 US

- 6:00 pm**
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 not on the agenda are requested to send a message in the chat section or raise their hand in the participant's section of Zoom or in person. Staff will call on the public in order. Comments are limited to three (3) minutes (not including council questions). Action, if required, will be assigned to city staff. For matters on the agenda, public input will be heard prior to a vote being taken on the matter.
- 6:15 pm**
6. **Consent Agenda**
 - A. Approval of January 17, 2023 Minutes
- 6:20 pm**
7. **Presentations and Discussions:**
 - A. Year-In Review
- 6:40 pm**
8. **Action Items:**
 - A. Ski-Joring - Altitude Network Streaming Funding Request of \$6000
 - B. Resolution No. 3, Series of 2023 – A Resolution Adopting an Updated Fee Schedule for the City of Leadville
 - C. Resolution No. 4, Series of 2023 – A Resolution Approving a Memorandum of Understanding with Lake County Acting Through the Lake County Sheriff's Office for Services by the Victim Services Unit
 - D. Resolution No. 5, Series of 2023: A Resolution Setting a Meeting Stipend for Regular Members of the Planning and Zoning Commission and Historic Preservation Commission
 - E. Ordinance No. 1, Series of 2023: An Ordinance Establishing a Temporary Moratorium on the Acceptance, Processing, and Approval of Any New Business Licenses for the Rental, Leasing, or Guiding of Off-Highway Vehicles in the City of Leadville – Second Reading

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



- F. Ordinance No. 12, Series of 2022: An Ordinance Amending Section 2.48.020 of the Leadville Municipal Code and Adding New Sections 2.36.080 and 2.48.060 to Permit Members of the Planning and Zoning Commission and the Historic Preservation Commission to Receive Meeting Stipends Approved by City Council – Second Reading

- 7:40 pm** 10. Public Meetings Planner
11. Mayor's Report
12. Council Reports
- 8:00 pm** 13. Adjournment



**REGULAR COUNCIL
MEETING MINUTES**

**Tuesday,
January 17, 2023**

6:00 P.M.

Council Chambers & Zoom

1. Call to order of regular council meeting at 6:05 p.m.

2. Roll call:

- a. **Present:** 6 - Mayor Labbe, CM Lauritzen, CM Hill, CM Luna-Leal, MPT Greene, and CM Forgensi
- b. **Absent:** 1 - CM Grant

Staff Members Present: Deputy City Clerk Hannah Scheer, City Administrator Laurie Simonson, Chief Dailey, Director of Finance Dawna Schneiter, Street Department Manager Tony Medina, Animal Shelter Managers Caitlin Kuzcko and Jenna Geldreich

3. Approval of the agenda: CM Hill **moved** to approve the agenda, and CM Forgensi **seconded**. All present were in favor.

- a. **Agenda Revisions: None**

4. Housekeeping Matters:

CM Luna-Leal: Homeless Coalition is working on long-term suitable housing versus a shelter using state and federal resources.

CM Forgensi: There are no dog waste bags available on the Mineral Belt; the Trail Committee is in charge of providing bags, which is run by the County.

5. Public comments for items not on the agenda: N/A

6. Consent Agenda:

CM Forgensi **moved** to approve the minutes of 1/03/2023; CM Hill **seconded**. All present were in favor.

- a. **Agenda Revisions:** 6B – “Partnership” – “Partnership(s)”
Remove CM Hill from Roll Call

7. Presentations & Discussions:

A. Ski-Joring – Duffy Counsell

- Excited for the community to come together for a Wild West event.
- Has been seeing commercials for Leadville/Lake County.
- If available, asked to have St. Vincent ambulance at the event.

B. Vero Broadband Update

- Fiberoptic internet services are going to be available in Leadville
- Uses existing infrastructure to get internet from Denver to Leadville
- No franchise agreements
- There are Federal grants available for internet services
- “Save Your Spot” event with free cookies at the Golden Burro on 1/19/2023

C. City Administrator Report – Laurie Simonson updated the City Council regarding the following:

- Cyber Security and Steps to Insulate the City from Cyber Attacks:
 - Our insurance company, CERSA, has a program that tests cyber security infrastructure by using false phishing emails.
 - Leadville passed the 2022 cyber inspection.
 - Future cyber security assessments could potentially be paid for with grant monies.
- Off-Highway Vehicle Ordinance:
 - Second reading of the ordinance will be 2/7/2023.
 - The City is focusing on safety, traffic, and noise.
 - The County is focusing on a compliance and enforcement model, essentially a ban.
- Mainstreet Parklet
 - A new contractor was obtained to finish the parklet
 - Last years grant of \$150,000 expired on 12/29/22.
 - New grant money in the amount of \$110,000 from the Colorado Department of Transportation can be used until the end of 2023 to complete the project.
 - Mainstreet has a “new home” with the City. Their new office is at the Tabor Apartments. The Street Department helped cleanout the space.
 - Katie Scott is the Board President and Nancy Bailey is the Director.
 - 2/6/2023 there will be a meeting with the State Mainstreet program to discuss goals and priorities for the coming year.
 - 1/18/2023 there will be a Mainstreet Board meeting
- Transportation
 - Eagle County and the Regional Transportation Authority may invite Leadville to participate in their Eco-Transit program, which would provide additional busses and routes.
 - Their drivers would potentially rent a room(s) at the Spruce St. house.
- 1/24/2023 there will be a work session on the Historic Preservation Code Amendments
- Fee Schedule
 - Department heads will edit the fee schedule to reflect appropriate updated fees.

8. Department Reports:

Department heads gave their monthly reports.

9. Actionable Items:**a. Consideration of Sponsorship for Lake County Performing Arts – Sound of Music**

- i. The City of Leadville will be the Title Sponsor which gives \$1500 – the Mayor suggested giving \$2000.
- ii. This sponsorship includes free tickets. City Council suggested they do a community give-away for the tickets.

b. Appointment of Barbra Abeyta to the Leadville Housing Authority

- i. Barbra Abeyta was appointed to the Leadville Housing Authority by Dan Osborn.
- ii. Barbra has 22 years of experience at the Mount Massive Manor.

10. Public Meetings Planner:

- 2/22/2023 – Planning and Zoning meeting regarding 11th St. Dwelling.
- Leadville Urban Renewal Authority holds meetings the first Thursday of every month. The next meeting is 2/2/2023 at 6:00pm.

11. Mayor's Report:

- Billed 3 entities for paving
- Mining Museum has displays from “House with the Eye”

12. Council Reports:

- CM Luna-Leal:
 - i. The Homelessness Coalition should have a schedule plan by the end of the month. The focus will be on solutions to crisis response and long-term housing versus short-term solutions like a shelter.
- CM Forgensi:
 - i. Will be unable to attend the meeting on the 24th, has another conference to attend.
 - ii. Starting January 30th he will be on a temporary assignment in the Arapahoe Forest. He will maintain a digital presence for 4/5 months.
- CM Lauritzen:
 - i. Will be absent for the meeting on the 24th.
 - ii. 2/1/2023 – Off-highway vehicle Board of County Commissioners work session.
 - iii. Andrew Purdy is the new chair of the Leadville Urban Renewal Authority.

13. Adjournment: 7:35 p.m.

APPROVED this 7th day of February 2023 by a vote of [redacted] in favor [redacted] against, [redacted] abstaining, and [redacted] absent.

CITY OF LEADVILLE, COLORADO

ATTEST:

By

Deputy City Clerk

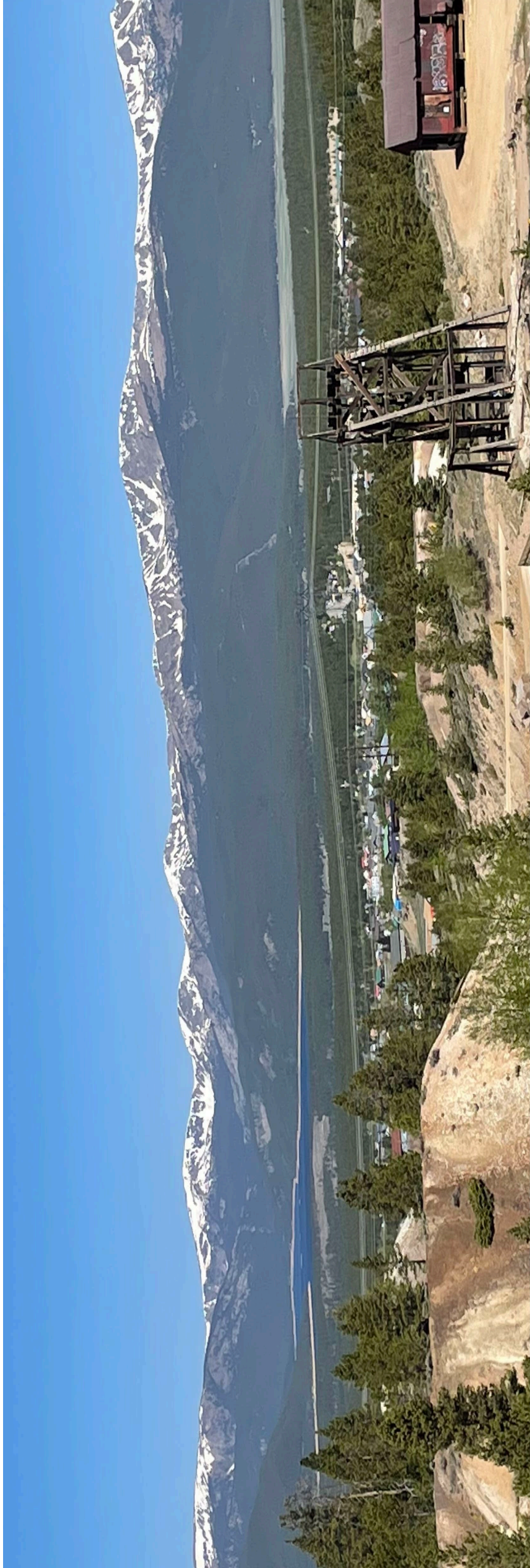
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City of Leadville

2022

RETROSPECTIVE



“It is the mark of a good action that it appears inevitable in retrospect.”

Robert Louis Stevenson

Key City Government Functions

1. Providing essential services (“keeping the wheels on the bus”)
2. Preserving and honoring our past (“our history is key to our economy”)
3. Planning for the future (“the mountain town that got it right”)

Providing Essential Services

- Thomas Jefferson enunciated the basic principle of public service:
“Public service is a public trust.”
- Every day, City of Leadville employees provide that public trust.
- Every day, City of Leadville employees provide for the health, safety and welfare of our citizens.

Providing Essential Services

- Administration Department
- Animal Shelter
- Fire Department
- Municipal Court
- Planning Department
- Police Department
- Streets Department

Administration Department

- Ensuring that all the other departments can do their jobs
- Managing and implementing the budget
- Paying the bills
- Keeping the lights on at City Hall

Administration Department

Permits

- 123 excavation permits issued in 2022 versus 190 in 2021.
- 18 temporary use permits issued in 2022 (same as 2021).
- 11 sign permits issued in 2022 versus seven in 2021.
- Two filming permits issued in 2022 versus one in 2021.

Certificates of Appropriateness

- 11 certificates of appropriateness processed in 2022 versus 21 in 2021.

Licenses

- 383 business licenses issued in 2022 (including 18 temporary).
- 170 short-term rental licenses issued in 2022.

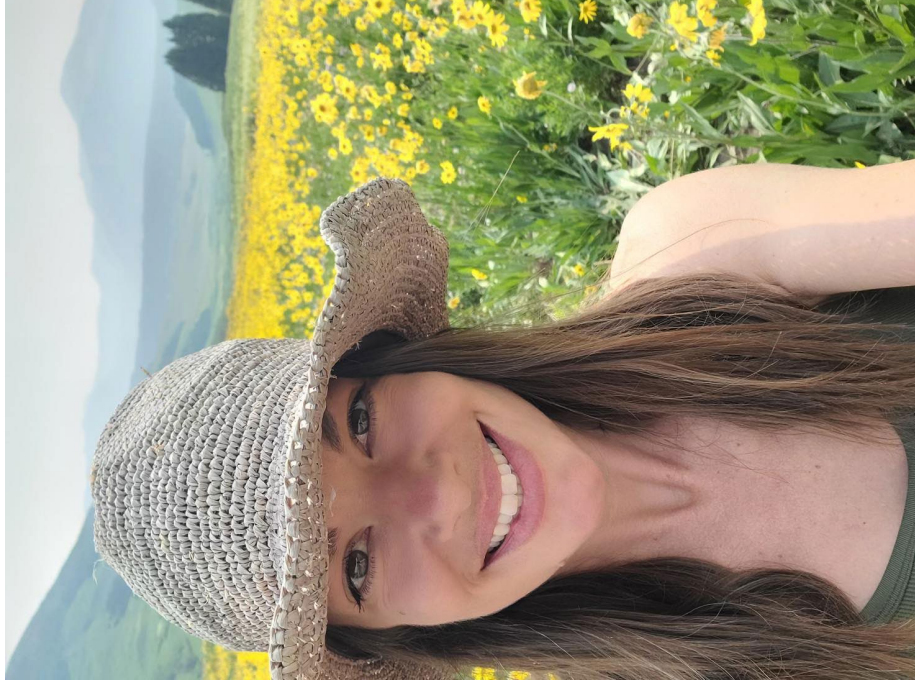
Animal Shelter

- 119 Adoptions (that's one adoption about every three days!)
- 37 Surrenders
- 94 City Impounds
- 130 County Impounds
- 161 Returned to Owner
- > \$4,000 Donations
- \$10,000 Grants
- Countless smiles, puppy kisses, and purrs



Animal Shelter

The Animal Shelter brought on a new assistant manager – Jenna Geldreich.



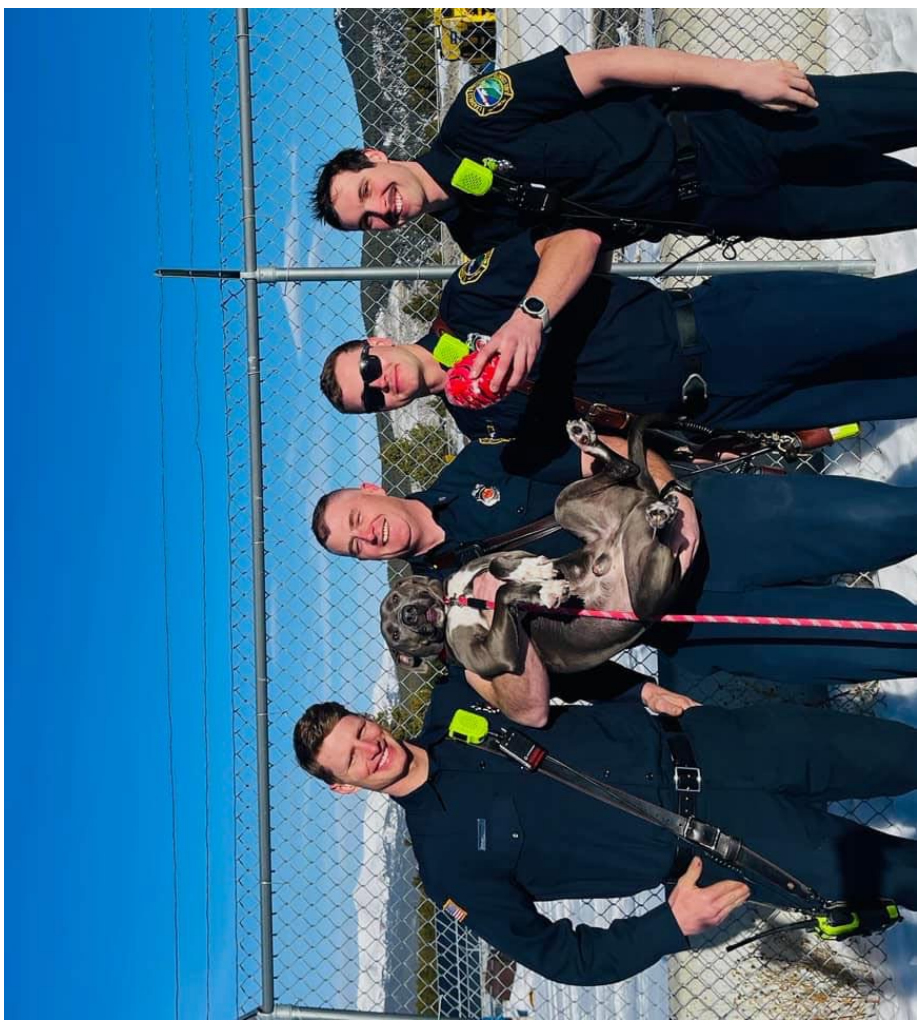
Animal Shelter

The Animal Shelter also brought on new kennel techs and is now fully staffed!



Fire Department

"Reducing Community Risk Through Excellence in Emergency Services"



Fire Department



Fire Department

- Number of incidents in 2022 totaled 923 versus 1,007 in 2021.
- For reference, that's about 1 call for every three permanent residents.
- (Due to NFIRS reporting changes and RMS software, some previously recorded incident types are no longer recorded as incidents, accounting for a portion of the decrease.)
- Auto accidents are the recurring emergency that we are seeing increasing year over year. This may be due to increased tourism, and our population that commutes to work elsewhere.

1- Rescue and Emergency Medical Services Incident

- 498 = 53.95%

2 - Service Calls

- 130 = 14.08%

3 - Hazardous Condition (no fire)

- 100 = 10.83%

Fire Department

- Type III Wildland Urban Interface vehicle ordered and is in the manufacturing process. This is to replace a Type VI engine that was sold in year 2015.
- Type I Spartan engine was ordered and is in the manufacturing process. We will receive this in 2023.
- First year of the SAFER grant (Staffing Adequate Emergency Response) in amount of \$595,027.90. This funding is supporting salary and benefits that hired the 4th person on the engine company.
- Awarded the AFG grant (Assistance to Firefighters Grant) in the amount of \$73,325.00. This funding installed the exhaust removal system for station II that will remove carcinogenic toxins created by the exhaust from diesel engines.
- Awarded the VFA grant (Volunteer Firefighter Assistance) in the amount of \$10,008.25. This funding purchased two BK wildland firefighting radios.
- House Bill 1194 grant was awarded in the amount of \$14,719.08 for five sets of bunker gear.
- The CWPP, (Community Wildfire Protection Plan) was adopted to continue wildland mitigation efforts in Lake County.
- HTC, (Headwaters Training Facility), two shipping containers were built out as a two-bedroom home for training purposes.
- Station II, Multi Use Facility, to serve all of Lake County, has had significant progress this year and will open in 2023.
- 15 cadets graduated from the CMC/LLCFR fire academy and we are anticipating five to join our resident/reserve program.

Municipal Court



- Refining filing systems and increased use of electronic documents.
- Clearing out the backlog of older cases and creating a way to track restitution and fines for follow up.
- Updating and translating court forms into Spanish.
- Improvement of communications and the flow of information between the Leadville PD and Court.
- Maintaining updated information on the Municipal Court website and adding resource links, including Zoom connection information, so that court sessions remain “open” to the public.
- Working with the City Attorney and Community Service Officers on updates to the Model Traffic Code and Animal Control ordinances as adopted by the City of Leadville.
- Brought the Municipal Court Clerk position back to the city staff to help create stability and hired a new clerk.

Planning Department

For the first time since its incorporation in 1878,
the city has an official Planning Department!



Planning Department

- 55 city building permits were issued in 2022
- This is 37% decrease from 2021. (88 building permits were issued in 2021.) The majority of Railyard Phase 1 permits were issued in 2021 which accounts for the decrease in 2022.
- Seven Conditional Use Permits were issued in 2022.
- This is a 63% decrease from 2021 (19 CUPs were issued in 2021.) The lack of short-term rental license availability accounts for decrease in 2022.

Police Department



- The Police Department sent four new recruits to the academy who all successfully graduated and joined the Department in 2022.
- The Department also hired a new Supervisory Administrator.
- At the end of 2022, all Police Officers and Community Service Officers were actively patrolling and caring for our community.

Police Department



Total calls for service in the city:

- 2020 = 4,147
- 2021 = 3,558
- 2022 = 3,489

Police Department



Top three call types for service within city limits for 2022

- Parking problem - 287
- Business Check - 228
- Informational - 261

Streets Department



- Snow removal = 2549 hours
- Snow plowing = 593 hours
- Road Sanding = 90 hours
- Trash pick up on Harrison Ave = 888 hours
- Special Events = 364 hours
- In Kind Help = 319 hours

Streets Department

- In 2022, the city was able to pave 11 blocks using the paving budget that had accumulated over the last few years.
- The Streets Department coordinated, assisted and completed paving on Pine street from West 3rd to West 8th street, West 6th Street from Harrison Avenue to James Street, and East 2nd Street from Toledo to Alder.
- These projects required the crew to do everything from excavation, hauling road base and doing the grading and final road grade for paving.

Streets Department

- In 2022, the city hired a new Streets Department manager and added an additional operator.
- The Streets Department is now fully staffed for the first time in about a year.
- In 2022, the Streets Department added a new grader and a new street sweeper.
- In addition, the crew is learning how to use the new u-blades which have been very helpful

Preserving and Honoring our Past

- The Tabor Opera House - In 2022, over 1800 people come through the building doors to take tours. The south wall ghost sign was beautifully preserved for generations to come. Phase II of the exterior building rehabilitation launched with repairs to the masonry on the east elevation. Stage rigging upgrades were completed. An executive director was hired and hit the ground running in May.
- The Tabor Home became the new home for the Leadville Lake County Community Fund.
- The House with the Eye was gifted to the city from Neil Reynold's estate. The city re-opened it as one of Leadville's eight museums and hosted 800 visitors during the summer.
- The City Council passed a form based business overlay to preserve the character of our downtown core.
- The Leadville Main Street program strengthened our community connection through historic preservation, beautification and the activation of public spaces to support a thriving downtown. This included public music and flower boxes in the summer and continued progress on the new parklet/restroom among other projects benefiting the city.

Preserving and Honoring our Past

Camp Hale was declared a National Monument by President Biden and a contingent from Leadville/Lake County was invited to attend the dedication.



Planning for the Future

- Employee Retention
- Housing

Employee Retention

- The City Council committed \$264,000 of the city's ARPA funds for employee retention. Of the employees that received this retention bonus this summer, 95% are still with the city. (One employee left and one retired.)
- The City Council supported its employees by choosing to provide 100% coverage of the FAMLII premiums for employees that opt in to the program.
- The City Council provided a 4% cost of living increase for employees earning above \$59,000 and a 5% cost of living increase for employees earning \$40,000 - \$59,000.
- The City Council authorized the creation of a Human Resources Director position and recommended creation of a wellness program.

Housing



- The city took short, medium and long term steps to address the lack of housing in our community.
- The city created immediate housing with the acquisition of the 809 Spruce Street House which took vacation rental stock and converted it to housing stock.

Housing

- In 2022, the city implemented an accommodations tax to help fund the Regional Housing Director and contribute towards housing development.
- The city planned for housing with development of the Leadville Urban Renewal Authority (LURA) parcel at the Railyards.
- The city also funded housing efforts with financial commitments for the Regional Housing Director and to the Regional Housing Authority.

Thank you to the all the city employees,
City Council and city partners
for your hard work in 2022



Questions?



City of Leadville

Laurie Simonson

City Administrator*

800 Harrison Ave

Leadville, CO 80461

719-427-0154

(*Oh yeah, that's right, you also hired me this year!)

cityadmin@leadville-co.gov



AGENDA ITEM #8B

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: February 07, 2023

SUBJECT: Resolution No. 3, Series of 2023: A Resolution Adopting an Updated Fee Schedule for the City of Leadville

PRESENTED BY: Laurie Simonson, City Administrator

ORDINANCE
 RESOLUTION
 MOTION
 INFORMATION

I. REQUEST OR ISSUE:

Before the City Council for consideration is Resolution No. 3, Series of 2023 (“Resolution”) - a resolution adopting an updated fee schedule for the city.

II. BACKGROUND INFORMATION:

Fees are charges imposed for the purpose of defraying the cost of a particular government service. Fees and charges are designed to defer the cost of current services that benefit the recipient or off-set the burdens of regulation. (The Colorado Supreme Court has emphasized that the primary difference between a tax and a fee is that a tax is a general revenue raising measure while a fee defrays the cost of a particular government service.)

Common types of municipal fees are inspection fees; licensing fees; permitting fees and servicing fees. While the fee must be reasonably related to the overall cost of the service, mathematical exactitude is not required; in fact, user fees rarely cover the entire cost of the service provided. Rather, the fee is charged to ensure that at least some portion of the cost of providing the service is borne by the recipient of the service rather than the taxpayers at large. As with other kinds of fees, however, the amount of revenue generated by user fees cannot exceed the overall direct and indirect costs of the services provided.

The City adopted a master fee schedule in January of 2022. Municipalities regularly review charges and fees as a legislative or budgetary process. Responsible municipal fiscal management dictates reviewing the city’s fees ideally on an annual basis.

This Resolution includes an updated fee schedule for the City. (Included as Exhibit 1.) In preparation for presenting this updated fee schedule, I asked each city department to evaluate

their existing fees against actual costs and other communities with similar fees to determine if the city's current fees were accurate. Second, I asked each department to determine if the city was providing a service for which a fee was appropriate and to again analyze whether similar communities charged a fee for that service and if so, what was the amount of the fee. Several departmental memos accompany this Council Communication Form which outline the reason for certain fee changes. Additionally, staff will be present to answer questions regarding any fee changes at the meeting.

III. FISCAL IMPACTS:

N/A

V. LEGAL ISSUES:

Fees adopted by the City must be reasonably related to the actual costs of the City in administering permits, licenses, or providing services.

VI. STAFF RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 3, Series of 2023.

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. 3, Series of 2023, A Resolution Adopting an Updated Fee Schedule for the City of Leadville."

IX. ATTACHMENTS:

Resolution No. 3, Series of 2023
Exhibit 1 - City of Leadville Fee Schedule
Departmental Memos

**CITY OF LEADVILLE, COLORADO
RESOLUTION NO. 3
SERIES OF 2023**

**A RESOLUTION ADOPTING AN UPDATED FEE SCHEDULE
FOR THE CITY OF LEADVILLE**

WHEREAS, the City of Leadville (“City”) is authorized under Article 15 of Title 31 of the Colorado Revised Statutes to exercise its general police and financial powers; and

WHEREAS, such powers include but are not limited to the ability to impose and collect fees for the processing of licenses and applications, the performance of other administrative services, and collection of fines and fees for violations of the Leadville Municipal Code; and

WHEREAS, the Leadville Municipal Code authorizes certain fees to be adopted by resolution of the City Council; and

WHEREAS, the Leadville City Council hereby determines that the fees established by this Resolution and set forth in the City’s Fee Schedule, attached as **Exhibit 1**, are reasonable and are below or directly proportional to the actual and necessary expenses incurred by the City in processing the specified liquor license applications, marijuana licensing applications, administrative and zoning applications, police department services, animal shelter service, short-term rental license applications, business license applications, excavation permit applications, encroachment permit applications, and records requests and are consistent with state law.

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

Section 1. Comprehensive Fee Schedule Adopted. The City Council hereby: (a) adopts the City of Leadville Fee Schedule (“Fee Schedule”), attached as **Exhibit 1**; and (b) directs City staff to cause a copy of the Fee Schedule to be uploaded to the City’s website and make a copy available for public inspection in the office of the deputy city clerk.

Section 2. Severability. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this resolution.

Section 3. Effective Date. This Resolution shall be effective upon adoption.

**ADOPTED this 7th day of February 2023 by a vote of ___ in favor, ___ against,
___ abstaining, ___ absent.**

CITY OF LEADVILLE, COLORADO:

By: _____
Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

EXHIBIT 1
FEE SCHEDULE

(see attached)

**CITY OF LEADVILLE, COLORADO
 FEE SCHEDULE**

**EXHIBIT A
 LIQUOR LICENSE FEES**

Application Fees	Local Fee
Application Fee for a New License (DR 8404, DR 8403)	\$1000.00
Application Fee for a New License with Concurrent Review (DR 8404, DR 8403)	\$1000.00
Application Fee Transfer of Ownership (DR 8404, DR 8403)	\$750.00
Application Fee Additional Liquor-Licensed Drugstore (DR 8001)	\$1000.00
Application Fee Additional Liquor-Licensed Drugstore with Concurrent Review (DR 8001)	\$1000.00
Application Late Renewal Fee (DR 8408)	\$500.00
(There is a mandatory fine of \$500.00 plus \$25/day for each day after the 90th day of expiration. Not more than 90 days of license expiration date)	
Application Reissue Fee (DR 8407)	\$500.00
(There is a mandatory fine of \$500.00 plus \$25/day for each day after the 90th day of expiration. More than 90 days but less than 180 days of license expiration)	
Application Reissue Fine	\$25.00/day
(More than 90 days but less than 180 days of license expiration date)	
Annual Renewal Application Fee (DR 8400)	\$100.00
Late Annual Renewal Application (DR 8400)	\$50.00
Annual Art Gallery Application Fee (DR 8443)	\$100.00
Retail License Fees (DR 8404, DR 8400, DR 8403)	Local Fee
Art	\$41.25
Beer & Wine	\$48.75
Brew Pub	\$75.00
Club	\$41.25
Distillery Pub	\$75.00
Hotel & Restaurant	\$75.00
Hotel restaurant with one Optional Premises	\$75.00
Each Additional OP License	\$75.00
Resort Complex	\$75.00
Campus Liquor Complex	\$75.00
Related Facility – Resort Complex	\$15.00
Related Facility – Campus Liquor Complex	\$15.00
Liquor-Licensed Drugstore	\$22.50
Lodging & Entertainment	\$75.00
Optional Premises (sidewalk service areas / modifications) (DR 8442)	\$75.00
Racetrack	\$75.00
Retail Gaming Tavern	\$75.00
Retail Liquor Store	\$22.50
Tavern	\$75.00

Vintner's Restaurant	\$75.00
Fermented Malt Beverage On Premises	\$3.75
Fermented Malt Beverage Off Premises	\$3.75
Fermented Malt Beverage On/Off Premises	\$3.75

Permit Fees	Local Fee
Alcohol Beverage Festival Permit Application (DR 8420) (\$100 per event; 9 total events allowed in 12 months)	\$100.00
Art Gallery Permit (DR 8443)	\$3.75
Bed & Breakfast Permit DR 8447)	\$3.75
Delivery Permit Application and Renewal for Off-Premises Retailers (DR 8497)	\$11.00
Each Resort-Complex-Related Facility Permit	\$15.00
Special Event Permit (DR 8439) (Malt, Vinous and Spirituous Liquor & Fermented Malt Beverage)	\$100.00
Temporary Permit for a License Transfer Approved by the Local Liquor Licensing Authority	\$100.00

Additional Fees	Local Fee
Change of Location (DR 8442)	\$750.00
Common Consumption Promotional Association Application	\$100.00
Corporate/LLC Change (per person) (DR 8177)	\$100.00
Manager Registration (Hotel & Restaurant; Tavern; Lodging & Entertainment; Campus Liquor Complex)	\$75.00

EXHIBIT B
MEDICAL and RETAIL MARIJUANA FEE SCHEDULE

Application Fees	Local Fee
Medical <u>New</u> Marijuana <u>Dispensary Store</u>	\$2500.00
Medical Marijuana Cultivation Facility	\$2500.00
Medical Marijuana Products Manufacturer	\$2500.00
Medical Marijuana Testing Facility	\$2500.00
Medical <u>Marijuana Business Operator</u>	\$2500.00
Medical Marijuana Research and Development	\$2500.00
<u>Marijuana Hospitality and Sales Business</u>	<u>\$2500.00</u>
<u>Annual Dispensary Renewal Application</u>	<u>\$1500.00</u>

License Fees (in addition to application fees and other related fees and permits)	
Medical <u>New</u> Marijuana <u>Dispensary Store</u>	\$2500.00
Medical Marijuana Cultivation Facility	\$2500.00
Medical Marijuana Products Manufacturer	\$2500.00
Medical Marijuana Testing Facility	\$2500.00
Medical <u>Marijuana Business Operator</u>	\$2500.00
Medical Marijuana Research and Development	\$2500.00
<u>Duplicate license</u>	<u>\$100.00</u>

Related Fees and Permits (in addition to application fees and other related fees and permits)	Local Fee
Annual Operations Fee	\$2000.00
Transfer of ownership to new entity	\$1000.00
Duplicate license	\$100.00
Change of location	\$2500 1000.00
Change of trade name	\$200.00
Inspection Fee (inspections by building department; fee assessed for each inspection completed for issuance of new or renewed license)	\$500.00
Modification of premises	\$200.00 250.00
Change of ownership/ Revisions of Current License makeup of current license	\$500.00 1000.00
Manager registration	\$75.00
License renewal	\$500.00
Late Renewal Fee	\$250.00

**EXHIBIT C
 RETAIL MARIJUANA FEE SCHEDULE**

Application Fees	Local Fee
Retail Marijuana Store	\$2500.00 (collected by state MED)
Retail Marijuana Cultivation Facility	\$2500.00 (collected by state MED)
Retail Marijuana Products Manufacturer	\$2500.00 (collected by state MED)
Retail Marijuana Testing Facility	\$500.00 (collected by state MED)
Retail Marijuana Business Operator	\$500.00 (collected by state MED)
Marijuana Hospitality Business	\$500.00 (collected by state MED)
Retail Marijuana Hospitality and Sales Business	\$2500.00 (collected by state MED)

License Fees (in addition to application fees and other related fees and permits)	Local Fee
Retail Marijuana Store	\$2500.00
Retail Marijuana Cultivation Facility	\$2500.00
Retail Marijuana Products Manufacturer	\$2500.00
Retail Marijuana Testing Facility	\$2500.00
Retail Marijuana Business Operator	\$2500.00
Marijuana Hospitality Business	\$2500.00
Retail Marijuana Hospitality and Sales Business	\$2500.00

Related Fees and Permits (in addition to application fees and other related fees and permits)	Local Fee
Operating Fee (all types of retail marijuana licenses)	\$700.00
Transfer of ownership to new entity	\$1000.00
Duplicate license	\$100.00
Change of location	\$2500.00
Change of trade name	\$200.00
Modification of premises	\$200.00
Change of ownership makeup of current license	\$500.00
Manager registration	\$75.00
License renewal	\$500.00

EXHIBIT ~~C~~D
ZONING FEE SCHEDULE

(fees authorized by provisions of Title 17 of the Leadville Municipal Code, including Section 17.96.020)

License and Permit Fees	Local Fee
Zoning Text Amendment	\$175.00
Zoning Map Amendment	\$175.00
Conditional Use Permit	\$125.00
Variance Application	\$125.00
Sign Permit	\$25.00
Banner Sign Application 10 days 40 days max	\$5.00 \$20.00
Designation/De-Designation of Historic Structure	\$125.00
Certificate of Appropriateness	\$125.00
Temporary Use Permit	No Charge
Commercial Animal Establishment (currently dictated in code)	\$150.00
Lot Consolidation/Lot Line Adjustment	\$125.00
Site Plan Application	\$50.00
Site Plan Administrative Appeal	\$125.00
Administrative Application	\$125.00
PUD Application	\$125.00
Telecommunications Facility Application	\$125.00
—(in addition to application fee, applicant pays actual cost of application review per Sec. 17.72.070)	
BOA Appeal Filing Fee	\$125.00
Consultant Review Fee Deposit	\$1000.00
—(for applications requiring review by city consultants, including legal, planning, and engineering, —applicant pays the actual cost of review in addition to all applicable application and filing fees)	
Application Type	Local Fee
Major Impact Reviews	
Major Site Plan	\$1,250.00
Planned Unit Development (PUD)	\$1,250.00
Annexation	\$1,250.00
Limited Impact Reviews	
Conditional Use*	\$500.00
Minor Site Plan	\$500.00
Certificate of Appropriateness (Substantial Modification)	\$500.00
Designation/Revocation of Designation of Historic Structure	\$500.00
Zoning Text Amendment	\$500.00
Zoning Map Amendment	\$500.00
Variance	\$500.00
Board of Adjustment (BOA) Appeal	\$500.00
Administrative Reviews	
Administrative Site Plan*	\$250.00
Temporary Use Permit (201 attendees or more)	\$250.00

Minor Administrative Review

Site Plan Administrative Appeal	\$125.00
Temporary Use Permit (51-200 attendees)	\$125.00
Certificate of Appropriateness (Insubstantial Modification)	\$75.00
Temporary Use Permit (50 attendees or less)	\$50.00
Sign	\$50.00
Temporary Sign	\$25.00
Zoning (Ex: Conditional Use, Site Plan) Consultant Review Fee Deposit**	\$1,000.00

*Telecommunications Facility Applications: In addition to application fee, applicant pays actual cost of application review per Sec. 17.72.070.

**For applications requiring review by city consultants, including legal, planning, and engineering, applicant pays the actual cost of review in addition to all applicable application and filing fees)

EXHIBIT D-E
SUBDIVISION FEE SCHEDULE
 (pursuant to Chapter 16.04 of the Leadville Municipal Code)

<u>Fees</u>	<u>Local Fee</u>
Application	\$25.00
Consultant Review Fee Deposit	\$2000.00
Administrative Interpretation/Decision Appeal	\$125.00

<u>Application Type</u>	<u>Local Fee</u>
<u>Major Impact Reviews:</u>	
Major Subdivision	\$1,250.00 + \$50/lot
<u>Limited Impact Reviews:</u>	
Minor Subdivision	\$500.00 + \$50/lot
Plat Amendment	\$500.00
Plat Vacation	\$500.00
<u>Administrative Reviews:</u>	
Lot Consolidation	\$250.00
Lot Line Adjustment	\$250.00
Townhouse, Condominium and Building Footprint Lot	\$250.00
Administrative Interpretation/Decision Appeal	\$125.00
<u>Fees-in-lieu of land dedication (16.40.040):</u>	
• Single Family Dwelling Unit:	[.0151] acre/\$[1,032.36] per unit
• Multi-Family Dwelling Unit:	[.0025] acre/\$[1,032.36] per unit
• Mobile Home Park:	[.0151] acre/\$[636.68] per space
Consultant Review Fee Deposit	\$2,000.00

EXHIBIT E F
POLICE DEPARTMENT FEE SCHEDULE

Fees	Local Fee
<u>Certified</u> VIN Inspection	\$25.00 <u>\$50.00</u>
Fingerprinting	\$30.00
Sex Offender Registration	\$75.00
Sex Offender Re-Registration	\$20.00
Sex Offender updates	No Charge
Copies/Per Page (Records Requests)	\$0.25
Research/Retrieval/Redaction Fee (Records Request)	\$33.58/hour
Video Redactions (Records Request)	Actual Cost
Audio/Video Fee/Per CD/ <u>DVD/USB</u> (Records Request)	\$15.00

EXHIBIT E G
SHORT-TERM RENTAL LICENSING FEE SCHEDULE

License Application Fees	Local Fee
Application Fee for Class 1 license	\$325.00
Application Fee for Class 2 license	\$325.00
<u>Fire Safety Check-Inspection</u> (every 2 years each time)	\$40.00

EXHIBIT G H
BUSINESS LICENSING FEE SCHEDULE

License Application Fees	Local Fee
Annual Application Fee (new or renewing businesses)	\$50.00
Application Fee (four-day event business license)	\$10.00
Transfer of ownership	\$50.00
Late Fee <u>after January 31st</u>	\$20.00

EXHIBIT H I
EXCAVATION PERMITTING FEE SCHEDULE

Permit Fees	Local Fee
Application Fee for Excavation Permit (per block)	\$250.00
Application Fee for ROW/Alley Excavation (per block)	\$100.00

**EXHIBIT LJ
 ENCROACHMENT PERMIT FEE SCHEDULE**

Application Fee	Local Fee
Application Fee	\$150.00

**EXHIBIT LK
 RECORDS REQUEST FEES***

(applies to requests for public records that are not criminal justice records)

Fees	Local Fee
Hard copies of records	\$0.25/page
Staff research, retrieval and redaction time	\$33.58/hour (after the first hour)
CD, DVD or USB of electronic records	\$10.00 <u>15.00</u> each <u>(to be consistent with Exhibit F)</u>

**Exhibit K
Leadville/Lake County Fire Rescue Fee Schedule**

Residential (Single and two family residence plan review fee)	\$50.00
Commercial (R-1,R-2,R-3,R-4)	\$500.00 (5,000 sq. ft.or more)
	\$250.00 (4,999 sq. ft. or less)
Residential Solar Array Plan Review	\$25.00
Short-Term Rental Inspections (City)	\$40.00
Fire Alarm System Plans with Battery Calculations and Product Info.	\$400.00
Device Test During Inspection	\$2.00/each
Sprinkler System Test and Acceptance	\$400.00
Sprinkler Head Test	\$2.00/head
Suppression System (Standpipe System/Building Final)	\$200.00
Suppression System (Each Additional Riser)	\$100.00
Suppression System (Fire Pump)	\$200.00
Flow Test on all New Hydrants	\$100.00
Special Events (When Site Inspection is required/otherwise no cost)	\$100.00
Commercial Kitchen Hood System (New)	\$200.00
False Alarms	Per Current Resolution/Ordinance
Re-Inspections if Occupant Fails to Comply with Safety Regulations	\$200.00
Building Department (Building Department Project Valuation Greater Than \$50,000)	"Total" Fee x .065

Base Response Fee by Type of Incident

Structure Fire	\$1500.00
Wildland Fire	\$1500/property
Vehicle Fire	\$250.00
Emergency Medical Services (Extra-Jurisdictional)	\$200.00
Fire or Environmental Alarm	\$150.00
Service Call	\$150.00
Hazardous Materials Response (Extra-Jurisdictional)	\$250.00

Response Apparatus and Command/Staff Fees

Type I Engine	\$250.00/hr.
Type III Engine	\$220.00/hr.
Type VI Engine	\$165.00/hr.
Heavy Rescue/Hazmat	\$220.00/hr.
Water Tender	\$190.00/hr.
Aerial Truck	\$280.00/hr.
Command/Staff Vehicles	\$60.00/hr.

*Pursuant to the City's CORA policy, a 50% advance deposit must be paid before the City begins processing a records request that is estimated to cost in excess of \$100.00 to complete. A cost estimate showing the City's estimated costs related to the records request will be provided to the requester in such cases. Persons requesting records must pay 100% of the applicable costs, if any, before the City will produce records pursuant to a records request.

ANIMAL SHELTER FEES

(to be added to City Fee Schedule)

**EXHIBIT L
 ANIMAL SHELTER FEES**

Fees	Local Fee
Impoundment Fee	\$20.00/day
<u>+ \$20 Admin. Fee</u>	
License Fees for Spayed/Neutered Animals	
1-Year License	\$15.00
3-Year License	\$40.00
License Fees for Animals Not Spayed/Neutered	
1-Year License	\$40.00
3-Year License	\$100.00
Adoption Fees <u>(not including vet fees)</u>	\$50.00 + vet fees
<u>Small Dogs and Puppies</u>	<u>\$300.00</u>
<u>Adult Dogs</u>	<u>\$50.00-\$200.00</u>
<u>Purebred</u>	<u>\$300.00</u>
Spay/Neuter Deposit (in addition to adoption fee)	\$50.00 <u>\$100.00</u>
Surrender Fees (may be reduced or waived at discretion of animal shelter manager)	
Spayed/Neutered, Vaccinated	\$50.00 <u>\$25.00</u>
Spayed/Neutered, Not Vaccinated	\$75.00 <u>\$50.00</u>
Not Spayed/Neutered, Vaccinated	\$100.00
Not Spayed/Neutered, Not Vaccinated	\$150.00
<u>Microchips</u>	
<u>Public</u>	<u>\$20.00</u>
<u>RTO</u>	<u>\$10.00</u>
<u>Shelter Staff</u>	<u>\$5.00</u>



MEMO

TO: Mayor Labbe and City Council

FROM: Chapin LaChance, Planning Director

MEETING DATE: February 7, 2023

SUBJECT: Planning Dept. Fee Increase

Mayor Labbe and City Council,

The Planning Dept. requests the Council's consideration of amendments to the Community Development and Planning application fees.

Intent

The intent of these proposed amendments are as follows:

1. Anticipate the projected cost of processing applications for proposed land use changes and ensure that the costs to the City of processing and reviewing applications for land development approval is fairly borne by the applicants for such approval. The high majority of the costs are currently borne by the City.
2. Ensure that the City's fees are comparable to those of other regional local governments.
3. Re-categorize fee schedule based on applications which require 1) public hearings. and 2) administrative approval.
4. Realign the application fees to reflect the cost of employing a Planning Director, now that the City is expected to infrequently use third party planning consultants to review development applications.
 - a. For example, prior to the hiring of a Planning Director, a developer of a project which required both a Conditional Use Permit application and a Plat application would have paid a minimum of \$3,250, consisting of the \$2,000 Subdivision Consultant Review Fee Deposit, \$1,000 Zoning Consultant Review Fee Deposit, \$125 Conditional Use Permit application fee, and \$125 Subdivision application, plus any additional hourly consultant fees incurred. Currently, the Planning Director processes all applications, so this same scenario would result in an application fee of only \$250 to the developer.
5. Incorporate already codified fees-in-lieu.

Current Fee Schedule:

\$2,000: Subdivision Consultant Review Fee Deposit

\$1,000: Zoning Consultant Review Fee Deposit

\$175: Zoning text amendment, zoning map amendment

\$150: Commercial Animal Establishment

\$125:

- Conditional Use Permit
- Variance

- Historic Structure Designation/De-Designation
- Certificate of Appropriateness
- Lot Consolidation
- Lot Line Adjustment
- Site Plan Administrative Appeal
- Administrative Application
- PUD Application
- Telecommunications Facility Application
- Board of Adjustment Appeal Filing Fee
- Subdivision Administrative Interpretation/Decision Appeal

\$50: Site Plan

\$25: Subdivision Application, Sign Permit

\$5-\$20: Banner Sign

No Charge: Temporary Use Permit

Current cost of processing public hearing applications:

An application which requires public hearings typically necessitates 16 hrs. to 40 hrs. of staff time to evaluate and process, depending on the complexity of the application and the number of public hearings. Using a conservative estimate of 20 hours of staff time per public hearing application, the estimated cost of processing an application per application is calculated as follows:

- Planning Director salary: \$39/hr. x 18 hrs. = \$702
- 1 public hearing at P&Z or HPC: 5-6 Commissioners x \$100/mtg. = \$500-\$600
- Administrative Assistant salary: public notice, minutes, etc.: \$24/hr. x 2 hours= \$48
- Total: ***\$1,250-1,350**
 - Note: This does not include employee benefits, trainings, taxes, City Attorney consultant time, or other office and administrative costs.
 - * Application processing cost could be up to \$3,000 for applications requiring two (2) public hearings.

Comparable local government fee schedules:

See attached for the 2023 fee schedules of nearby comparable local governments. Staff believes the City of Leadville should not exceed the maximum fees for applications which require public hearings of these comparable local governments, which are listed below:

Salida: \$1,250

Buena Vista: \$1,000

Lake County: \$1,000

Proposed Fee Schedule:

\$1,250 (major impact review):

- Major Site Plan (40 + DU, 25,000 sq. ft. +)
- Major Subdivision: + \$50/lot
- Planned Unit Development (PUD)
- Annexation

Note: These require multiple public hearings at Planning and Zoning Commission, City Attorney time, and at least 40 hours of staff time.

\$500 (limited impact review):

- Minor Subdivision: + \$50/lot

- Plat Amendment
- Plat Vacation
- Conditional Use (CUP)
- Minor Site Plan (16-40 DU, 10,000 – 25,000 sq. ft.)
- Certificate of Appropriateness: Substantial Modification*
- Historic Structure Designation/Revocation of Designation
- Zoning text amendment
- Zoning map amendment (re-zoning)
- Variance
- Board of Adjustment Appeal

Notes:

- These applications require 1 public hearing at Planning and Zoning Commission and at least 20 hours of staff time.
- *Comparable local governments listed above do not have a National Historic Landmark District

\$250 (administrative review):

- Lot Consolidation
- Lot Line Adjustment
- Townhouse, Condominium and Building Footprint Lot
- Administrative Site Plan
- Temporary Use (201 attendees or more)

\$125 (minor administrative review):

- Site Plan Administrative Appeal
- Temporary Use (51-200 attendees)

\$75

- Certificate of Appropriateness: Insubstantial Modification

\$50

- Temporary Use (50 attendees or less)

other

- \$50: Sign
- \$25: Temporary Sign
- \$2,000: Subdivision Consultant Review Fee Deposit (Engineering)
- \$1,000: Zoning Consultant Review Fee Deposit

Fees-in-lieu of land dedication (16.40.040)

- Single Family Dwelling Unit: [.0151] acre/\$[1,032.36] per unit
- Multi-Family Dwelling Unit: [.0025] acre/\$[1,032.36] per unit
- Mobile Home Park: [.0151] acre/\$[636.68] per space

Questions for the Council

1. Does the Council support the intent for the proposed fee increase stated at the beginning of this memo?
2. Does the Council support staff's proposed amendments to the Planning Dept. fee schedule?

2.1 Fee Schedule

PERMIT AND INSPECTION FEE SCHEDULE



Leadville/ Lake County Fire Rescue

816 Harrison Avenue Leadville, CO 80461
 Phone (719) 486-2990 Fax (719) 486-3113 Emergency – Dial 911

www.lakecountyco.com/fire

(X)	DESCRIPTION	PLAN REVIEW	SITE INSPECTIONS	FINAL TESTING AND ACCEPTANCE	FEE AMOUNT
	Residential	Single and Two Family Residence Plan Review Fee		None required	\$25.00 \$50.00
	(Commercial, R-1,R-2,R-3, R-4)	Fire Department Base Construction Plan Review Submittal Fee		Final site inspection for Certificate of Occupancy	\$200.00 \$500- if 5,000 sq. ft. or more \$250- if 4,999 sq ft or less
Residential	Solar Array plan review				\$25.00

(X)	DESCRIPTION	PLAN REVIEW	SITE INSPECTIONS	FINAL TESTING AND ACCEPTANCE	FEE AMOUNT
Short Term Rental Inspections initial	City	New STR's			\$40.00
	Fire Alarm System Plans with Battery Calculations and product info	Base Fire Alarm Plan Review Fee		System test and Acceptance	\$200.00 \$400.00
	Each Device that is to be Tested During Final Inspection			Each Device	\$2.00
	Sprinkler System	Fire Department Base Fire Sprinkler Plan Review Submittal Fee		System Test and Acceptance	\$200.00 \$400.00
	Each Sprinkler head that is to be Inspected During Final Inspection			Each Head	\$2.00/head
	Suppression System	Standpipe System		Building final	\$200.00
	Suppression System	Each Additional Riser			\$100.00
	Suppression System	Fire Pump		Building Final	\$200.00

(X)	DESCRIPTION	PLAN REVIEW	SITE INSPECTIONS	FINAL TESTING AND ACCEPTANCE	FEE AMOUNT
	Flow Test Conducted on All New Hydrants	New Hydrant Acceptance Test			\$100.00
	Special Events (When a Site Inspection is required, otherwise there is no cost)	Fire Department General & Special Event Permit Fee			\$100.00
	Commercial Kitchen Hood System (New)			System test and Acceptance	\$200.00
	False Alarms		False Alarm Fee (Follow City and County Resolutions)		Per resolution/ordinance
	Re-Inspections if occupant fails to comply with safety regulations		Existing Occupancy Re-Inspection Fee (More than 3 in any Calendar Year)		\$200.00
	Building Department "Total" Fee x .065	Building Department Project Valuation > \$50,000.00			.065 multiplier

TOTAL

\$

Make all checks payable to the Leadville/ Lake County Fire Rescue

Payment due upon receipt, Thank you for your business!

**RESOLUTION
BOARD OF DIRECTORS
SUMMIT FIRE & EMS AUTHORITY**

RESOLUTION 2020-05

A RESOLUTION ADOPTING A FEE SCHEDULE FOR EMERGENCY MEDICAL AND RELATED SERVICES, REQUESTED AND MANDATED INSPECTIONS, HAZARDOUS MATERIALS RESPONSE, AND EXTRA-JURISDICTIONAL EMERGENCY SERVICES, EFFECTIVE AUGUST 18, 2020.

WHEREAS, the Summit Fire and Emergency Medical Services Authority ("**Authority**") is a political subdivision of the State of Colorado, established on October 10, 2017 pursuant to an Intergovernmental Agreement ("**IGA**") between the Lake Dillon Fire Protection District and the Copper Mountain Consolidated Metropolitan District for the purpose of providing fire suppression, fire prevention and public education, rescue, extrication, hazardous materials, and emergency medical services (collectively, "**Emergency Services**") within their joint jurisdiction and service area;

WHEREAS, pursuant to state statute and the IGA, the Authority Board of Directors ("**Board**") is authorized to:

(a) Fix, and from time to time increase or decrease, fees and charges for emergency medical services, and for extrication, rescue, and safety services provided in furtherance of emergency medical services ("**Emergency Medical Services**"). Extrication, rescue, and safety services may include, but are not limited to: (a) services provided prior to the arrival of an ambulance; (b) rescue or extrication of trapped or injured parties at the scene of a motor vehicle accident; and (c) lane safety or blocking provided by the Authority's equipment. C.R.S. §§ 29-1-203.5(2)(a) & 32-1-1002(1)(e); IGA Art. II(d);

(b) Fix, and from time to time increase or decrease, fees and charges for requested or mandated inspections if a Fire Code has been adopted by the Board and the governing body of any applicable municipality or unincorporated portion of any county; and requested inspections if a Fire Code has been adopted by the Board, whether or not the Fire Code has been adopted by the governing body of a municipality or county ("**Inspection Services**"). C.R.S. §§ 29-1-203.5(2)(a) & 32-1-1002(1)(e); IGA Art. II(d);

(c) Claim reimbursement from the person(s) who have care, custody, and control of the hazardous substance involved in a hazardous substance incident for which the Authority is the emergency response authority for the reasonable, necessary, and documented costs of removal, containment, and/or other mitigation of such incident, but not including expenses related to extinguishing a fire occurring in connection with such incident; and recover the Authority's reasonable costs of collecting any such reimbursement, including attorney fees ("**Hazmat Services**"). C.R.S. § 29-22-104(3)(a), (c); and

(d) Establish fees and charges for Emergency Services that the Authority provides outside its jurisdiction ("**Extra-Jurisdictional Services**"). C.R.S. § 32-1-1001(1)(k).

WHEREAS, the Board finds that it is in the best interests of the Authority, the citizens and property within its jurisdiction, and individuals passing through its jurisdiction to establish reasonable

fees and charges as authorized by statute and the IGA for the Emergency Services described in paragraphs (a) through (d) above;

WHEREAS, the Authority's Chief Staff has developed a proposed schedule of such fees and charges ("*Fee Schedule*"), a copy of which is attached to this Resolution. The Board has reviewed the proposed Fee Schedule and finds that the fees and charges are reasonable and necessary to cover the costs that the Authority incurs in providing the Emergency Services described in paragraphs (a) through (d) above;

WHEREAS, the Fee Schedule established by this Resolution is not intended to apply to Emergency Services the Authority may provide as part of any automatic or mutual aid agreement or other separate contract for Emergency Services with a public or private agency, or under the jurisdiction of a Federal agency, the State, or any of its agencies or other units of local government pursuant to a wildland fire deployment ("*Wildland Services*") or any other disaster response ("*Disaster Response*") for which the Authority may be entitled to reimbursement from such Federal agency, the State, or the agency or other unit of local government.

NOW THEREFORE, be it resolved by the Board of Directors of the Summit Fire & EMS Authority:

1. Effective August 18, 2020 the attached Fee Schedule is adopted as the schedule of fees and charges that the Authority shall charge for the Emergency Services described in paragraphs (a) through (d) above, and shall supersede and render null and void all prior schedules of fees and charges adopted by the Board for such Emergency Services.

2. The Authority shall issue invoices for fees and charges assessed in accordance with the Fee Schedule pursuant to the Authority's invoicing procedures, as they may be amended from time to time. All fees and charges collected shall be remitted to the Authority's General Fund. To the extent permitted by law, attorneys' fees and costs may be charged to recover any such expenses incurred by the Authority in collecting upon any past due invoice;

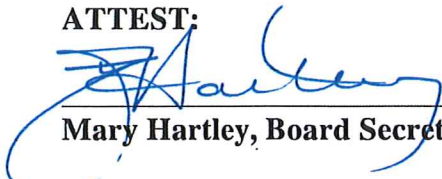
3. The Authority shall charge fees and charges for Wildland Services and Disaster Response in accordance with the reimbursement policies, procedures, and conditions, if any, of the Federal agency, the State, or the agency or other unit of local government under whose jurisdiction the Wildland Services or Disaster Response was provided, and at the rates authorized by such Federal agency, the State, or the agency or other unit of local government.

ADOPTED ON AUGUST 18, 2020.

BY THE BOARD OF DIRECTORS
SUMMIT FIRE & EMS AUTHORITY



Jim Cox, President

ATTEST:


Mary Hartley, Board Secretary

**FEE SCHEDULE
SUMMIT FIRE & EMS AUTHORITY**

Effective August 18, 2020

I. Fees for Emergency Medical Services, Hazmat Services, and Extra-Jurisdictional Services

1. General Provisions

- A. Fees will be charged for all Extra-Jurisdictional Services provided by the Authority, including, but not limited to, all Hazmat Services and Emergency Medical Services provided by the Authority outside of its jurisdiction. Extra-Jurisdictional Services are subject to the Base Response Fee, as well as any Response Apparatus and Command/Staff Fees applicable to the response.
- B. Fees will be charged for all Hazmat Services provided by the Authority, including all Hazmat Services provided by the Authority within its jurisdiction. Hazmat Services provided within the Authority's jurisdiction are not subject to the Base Response Fee.
- C. Unless otherwise determined by the Authority Board, fees will not be charged for Emergency Medical Services provided by the Authority within its jurisdiction.
- D. Response Apparatus and Command/Staff Fees will be rounded up or down to the nearest half-hour increment, with a half-hour minimum. Hours charged is determined by the en-route time and in-service time logged for the response per the dispatch records.

2. Base Response Fee by Type of Incident

A. Structure Fire	\$1,500.00
B. Wildland Fire (per property)	\$1,500.00
C. Vehicle Fire	\$250.00
D. Emergency Medical Services	\$200.00
E. Fire or Environmental Alarm	\$150.00
F. Service Call	\$150.00
G. Hazardous Materials Response	\$250.00

3. Response Apparatus & Command/Staff Fees

A. Type I Engine	\$250/hr.
B. Type III Engine	\$220/hr.
C. Heavy Rescue/Hazmat	\$220/hr.
D. Water Tender	\$190/hr.
E. Type VI Engine	\$165/hr.
F. Aerial Truck	\$280/hr.
G. Command/Staff Vehicles	\$60/hr.

II. Fees for General Inspection Services

1. **Submittal Fee:** All submittals for New Subdivisions, PUD Review, and other planning issues shall be subject to a \$300.00 Submittal Fee. All submittals requiring more than two hours of plan review shall be assessed an additional review rate of \$100.00 per hour.
2. **Construction Permit:** For projects with a building department valuation of \$50,000 or less, a set fee of \$300.00 shall be assessed. For projects with a building department valuation over \$50,000, the fee is determined by multiplying the building department valuation by .006. Additional plan review necessitated by revisions or incomplete submittals shall be assessed a rate of \$100.00 per hour with a one-hour minimum in addition to the above fees. See Section #6 below for separate fire and life safety system construction permit fees.

Exception: Tents and temporary membrane structure construction/operational permits will be combined into one permit. The initial tent/membrane structure fee is \$200.00. For tents/membrane structures left up (less than 180 days) for subsequent events, the re-inspection fee is \$100.00.

3. **Attached Single Family Dwellings (Townhomes):** Attached single family dwellings in excess of two units shall be assessed a fee of \$200 per unit.
4. **Construction Permit for Solar Photovoltaic System:** Systems installed on commercial properties and multi-family residential building shall be assessed a base fee of \$300.00 plus an additional .006 times the system valuation. One/two family dwellings and townhomes shall be assessed a flat fee of \$200.00.
5. **Growing and/or Processing Operations:** Operations, where no applicable standards or requirements are set forth in the currently adopted Fire Code, will be subject to review under applicable standards of the NFPA or other nationally recognized fire safety standards. Operations shall be assessed a base fee of \$300.00 plus an additional \$100.00 per hour for review time.
6. **Construction Permits for Fire and Life Safety Systems:**
 - A. **Standpipe System** \$300 base fee for the first riser, \$150 for each additional riser
 - B. **Sprinkler Systems** \$300 base fee, plus \$3.00 per device
 - C. **Clean Agent Systems** \$300 base fee, plus \$3.00 per device
 - D. **Fire Pumps** \$400 fee (excluding one & two family dwellings and Group R3s)
 - E. **Hood Extinguishment** \$300 base fee, plus \$3.00 per device for the 1st system and each additional hood extinguishment system within the same facility will be charged \$150.00, plus \$3.00 per device.
 - F. **Fire Alarm Systems** \$300 base fee plus \$3.00 per device
 - G. **Emergency Responder Radio Systems** \$400 base fee
 - H. **Fire Alarm or Sprinkler Systems in One & Two Family Dwellings and Group R-3's** \$300 base fee, plus \$3.00 per device

7. **Use of Authority Fire Apparatus:** The hourly rate for use of a Type 1 Engine incident to inspections (e.g. standpipe flow testing) is \$250.00 per hour with a two hour minimum. This rate provides for an operational manned apparatus for connection up to the FDC only. No additional hose or equipment is supplied beyond the FDC.
8. **EMS Special Event Coverage:** The hourly rate for the use of an EMS Medic Unit for dedicated standby on a special event is \$200.00 per hour with a two-hour minimum.
9. **Operational Permits:** The fee for all business operational permits required by the currently adopted Fire Code as amended shall be \$200.00.

Exception: A \$25.00 fee for open burning permits outside of Authority boundaries will be assessed. The open burning permit will be valid for 30 days. The open burning permit is renewable under the current fee schedule.

10. **Vehicle Access Equipment and Access Gates:** The fee for all construction permits to install vehicle access equipment and all access gates across fire apparatus access roads shall be \$200.00, regardless whether it is a public or private road.
11. **Fire Mitigation Inspections:** The fee for all new construction, additions and deck/patio construction and/or replacement shall be \$150.00.
12. **AST/UST Permanent Installation/Removal:** The fee for the 1st tank shall be \$300.00, and the fee for each subsequent tank at the same site shall be \$150.00.
13. **Fuel Dispensers:** The fee for the 1st dispenser shall be \$200.00, and the fee for each subsequent dispenser at the same site shall be \$25.00.
14. **Medical Gas Systems:** Systems shall be assessed a \$300.00 base fee plus \$3.00 per outlet.
15. **Required Additional and Re-inspections:** Required additional and re-inspections will be charged \$200.00 for the first two hours (minimum), and \$75.00 for each additional hour or portion thereof. Requests for re-inspections shall be included in this section.
16. **Construction or Installation without a Permit:** Work started without appropriate permits, as required by currently adopted Fire Code and this Fee Schedule, may be subject to additional fees. Permit fees set forth above may be doubled.
17. **Hydrant Test Fee:** New and existing fire hydrants shall be subject to a fee of \$100.00 per hydrant for testing.

- 18. Destruction of Fire Department Locks:** Any person who cuts, damages or destroys a fire department security lock shall be assessed a replacement fee of \$25.00 per lock.
- 19. Variance Request:** Any request to go before the Appeals Board as defined in the currently adopted Fire Code for an alternative materials or methods request shall be subject to \$200.00 per request. The Appeals Board may only rule on alternate materials or methods as outlined in the currently adopted Fire Code, they are not permitted to rule on specific or administrative items in the in the currently adopted Fire Code.
- 20. Existing Occupancy Re-inspections:** The responsible party for existing occupancies or structures may be assessed a fee of \$200.00 per re-inspection after the third visit within a year to ensure compliance with the currently adopted Fire Code.
- 21. Permit Card Replacement:** A lost or missing permit card replacement shall be assessed a fee of \$25.00.
- 22. Failure to Comply:** Any person or company failing to comply with a stop work order as provided by the currently adopted Fire Code shall be subject to a fee of \$500 for the first failure to comply, which fee will increase in increments of \$500 per each subsequent failure to comply (i.e. \$1,000 for the second failure to comply, \$1,500 for the third failure to comply, etc.).
- 23. After Hours Inspections:** All requests for inspections conducted before or after normal business hours of 8:00 AM to 5:00 PM Monday through Friday shall be assessed a fee of \$100.00 per hour (minimum two hours).
- 24. Required Fire Pit Inspection:** This fee covers required inspections for Out of District recreational fire pits as required by a code or ordinance: \$25.00.
- 25. Required Residential Rental Inspections:** A fee of \$100.00 will be required to conduct fire safety inspections of properties as required by a code or ordinance.
- 26. Credit Card Fees:** A fee consisting of the actual cost incurred by the Authority will be added to all payments made by Visa or MasterCard credit cards. The fee will be added to the total cost.

III. Fees for False Alarms

1. **False alarms require Authority response and mandate inspection to determine the cause of the alarm. Excessive false alarms are charged fees in accordance with this section.**
2. **Category I Alarms:** Category I alarms will not be assessed a fee. A Category I alarm is any alarm requiring Authority response where the system operated properly under the following conditions:
 - **Accidental:** Any alarms caused by a guest or circumstances beyond the control of management, or an accidental smoke or fire condition.
3. **Category II Alarms:** The owner of any fire alarm system found to have three or more Category II alarms in a calendar year shall be charged a fee pursuant to Table 1. A Category II alarm is any alarm requiring Authority response under the following conditions.
 - **System Malfunction:** Any alarm caused by poor or improper maintenance, or improper installation of alarm equipment, hardware or wiring. An improper action by the alarm monitoring center shall also be considered a system malfunction.
 - **User Error:** The act or omission of an agent, employee or contractor of management.
 - **Undetermined Cause:** Any alarm which, after inspection by the Authority, does not reveal the apparent cause of the alarm. If the alarm system owner, or their agent, can provide proof of cause within two (2) working days from the alarm time, the Authority may re-evaluate its assessment.

Except for fees charged pursuant to sections III(3)(A) and III(3)(B) below, within 30 days following a Category II alarm that results in the assessment of a fee pursuant to this section, the owner of a fire alarm system may provide the Authority with written proof that necessary repairs or corrections have been made to the fire alarm system by a qualified agency. Upon the Authority's determination that all necessary repairs to the fire alarm system have been made, the system owner is eligible to receive a fifty percent rebate on the fee, if requested within 30 days of the Authority's determination.

- A. **Fire Alarm Monitoring or Fire Protection Maintenance Companies:** The fee set forth in this section shall apply to any fire alarm installation/testing company, fire alarm monitoring company, or fire protection maintenance company found to have three or more Category II alarms at any combination of properties in a calendar year.

In general, the fee shall be charged to the fire alarm installation/testing company, fire alarm monitoring company, or fire protection maintenance company that is found to be the cause of the false alarm. However, if designation of cause cannot be distinguished between such companies, the fee shall be charged to the owner of the property.

- B. **New Construction:** The fee set forth in this section shall apply to any new construction site found to have three or more Category II alarms. The fee shall be charged to the owner of the property.

4. **Malicious Alarms:** The person causing the alarm will be assessed a fee pursuant to Table 1. A malicious alarm is any alarm caused by a malicious or mischievous action.

Malicious alarms are also unlawful. The individual responsible for a malicious alarm(s) may be referred for criminal prosecution as defined in the Colorado Revised Statutes.

5. **Failure to Pay Fees:** Any fees unpaid by contracted companies or general contractors shall be charged to the owner of the system in violation of this section. The Authority may take all available legal and equitable remedies to recover fees unpaid for more than ninety days. To the extent permitted by law, attorneys' fees and costs may be charged to recover any such expenses incurred by the Authority in collecting upon past due fees.
6. **Credit Card Fees:** A fee consisting of the actual cost incurred by the Authority will be added to all payments made by Visa or MasterCard credit cards. The fee will be added to the total cost.

Table 1 – False Alarm Fees

Category II Alarms		Malicious Alarms	
Number of Alarms Per Calendar Year	Fee Per Each Alarm	Number of Alarms Per Calendar Year	Fee Per Each Alarm
1	\$ 0.00	1	\$200.00
2	\$ 0.00	2	\$300.00
3	\$200.00	3	\$400.00
4	\$300.00	4	\$500.00
5	\$400.00	5	\$600.00
6	\$500.00	6	\$700.00
More than 6: Fees continue indefinitely, with an accumulating increase of \$100 per alarm.		More than 6: Fees continue indefinitely, with an accumulating increase of \$100 per alarm.	

Eagle River Fire Permit Fees 2023

Valuation Btwn	2023 Permit Fee	Valuation Btwn	2023 Permit Fee	Valuation Btwn	2023 Permit Fee	Valuation Btwn	2023 Permit Fee
Minimum Fee		20,000 - 20,999	\$890	55,000 - 55,999	\$1,848	90,000 - 90,999	\$2,499
0 - 499	\$63	21,000 - 21,999	\$928	56,000 - 56,999	\$1,867	91,000 - 91,999	\$2,518
500 - 599	\$71	22,000 - 22,999	\$965	57,000 - 57,999	\$1,885	92,000 - 92,999	\$2,536
600 - 699	\$79	23,000 - 23,999	\$1,002	58,000 - 58,999	\$1,904	93,000 - 93,999	\$2,555
700 - 799	\$87	24,000 - 24,999	\$1,039	59,000 - 59,999	\$1,923	94,000 - 94,999	\$2,574
800 - 899	\$95	25,000 - 25,999	\$1,076	60,000 - 60,999	\$1,941	95,000 - 95,999	\$2,592
900 - 999	\$103	26,000 - 26,999	\$1,103	61,000 - 61,999	\$1,960	96,000 - 96,999	\$2,611
1000 - 1,099	\$112	27,000 - 27,999	\$1,130	62,000 - 62,999	\$1,978	97,000 - 97,999	\$2,629
1100 - 1,199	\$120	28,000 - 28,999	\$1,157	63,000 - 63,999	\$1,997	98,000 - 98,999	\$2,648
1200 - 1,299	\$128	29,000 - 29,999	\$1,183	64,000 - 64,999	\$2,016	99,000 - 99,999	\$2,667
1300 - 1,399	\$136	30,000 - 30,999	\$1,210	65,000 - 65,999	\$2,034	100,000 - 100,999	\$2,685
1400 - 1,499	\$144	31,000 - 31,999	\$1,237	66,000 - 66,999	\$2,053	101,000 - 101,999	\$2,704
1500 - 1,599	\$152	32,000 - 32,999	\$1,264	67,000 - 67,999	\$2,071	102,000 - 102,999	\$2,722
1600 - 1,699	\$160	33,000 - 33,999	\$1,290	68,000 - 68,999	\$2,090	103,000 - 103,999	\$2,741
1700 - 1,799	\$169	34,000 - 34,999	\$1,317	69,000 - 69,999	\$2,109	104,000 - 104,999	\$2,760
1800 - 1,899	\$177	35,000 - 35,999	\$1,344	70,000 - 70,999	\$2,127	105,000 - 105,999	\$2,778
1900 - 1,999	\$185	36,000 - 36,999	\$1,371	71,000 - 71,999	\$2,146	106,000 - 106,999	\$2,797
2000 - 2,999	\$221	37,000 - 37,999	\$1,397	72,000 - 72,999	\$2,164	107,000 - 107,999	\$2,815
3000 - 3,999	\$258	38,000 - 38,999	\$1,424	73,000 - 73,999	\$2,183	108,000 - 108,999	\$2,834
4000 - 4,999	\$295	39,000 - 39,999	\$1,451	74,000 - 74,999	\$2,202	109,000 - 109,999	\$2,853
5000 - 5,999	\$332	40,000 - 40,999	\$1,477	75,000 - 75,999	\$2,220	110,000 - 110,999	\$2,871
6000 - 6,999	\$370	41,000 - 41,999	\$1,504	76,000 - 76,999	\$2,239	111,000 - 111,999	\$2,890
7000 - 7,999	\$407	42,000 - 42,999	\$1,531	77,000 - 77,999	\$2,257	112,000 - 112,999	\$2,908
8000 - 8,999	\$444	43,000 - 43,999	\$1,558	78,000 - 78,999	\$2,276	113,000 - 113,999	\$2,927
9000 - 9,999	\$481	44,000 - 44,999	\$1,584	79,000 - 79,999	\$2,295	114,000 - 114,999	\$2,946
10,000 - 10,999	\$518	45,000 - 45,999	\$1,611	80,000 - 80,999	\$2,313	115,000 - 115,999	\$2,964
11,000 - 11,999	\$556	46,000 - 46,999	\$1,638	81,000 - 81,999	\$2,332	116,000 - 116,999	\$2,983
12,000 - 12,999	\$593	47,000 - 47,999	\$1,665	82,000 - 82,999	\$2,350	117,000 - 117,999	\$3,001
13,000 - 13,999	\$630	48,000 - 48,999	\$1,691	83,000 - 83,999	\$2,369	118,000 - 118,999	\$3,020
14,000 - 14,999	\$667	49,000 - 49,999	\$1,718	84,000 - 84,999	\$2,388	119,000 - 119,999	\$3,039
15,000 - 15,999	\$704	50,000 - 50,999	\$1,755	85,000 - 85,999	\$2,406	120,000 - 120,999	\$3,057
16,000 - 16,999	\$742	51,000 - 51,999	\$1,774	86,000 - 86,999	\$2,425	121,000 - 121,999	\$3,076
17,000 - 17,999	\$779	52,000 - 52,999	\$1,792	87,000 - 87,999	\$2,443	122,000 - 122,999	\$3,094
18,000 - 18,999	\$816	53,000 - 53,999	\$1,811	88,000 - 88,999	\$2,462	123,000 - 123,999	\$3,102
19,000 - 19,999	\$853	54,000 - 54,999	\$1,830	89,000 - 89,999	\$2,481	124,000 - 124,999	\$3,120

The permit fee is a combination of a plan review and the cost of a permit, each equaling 50% of the permit fee. For permits with work value of \$125,000 or more, add \$18 for every \$1000 of work valuation starting at \$3120

MEMORANDUM

To: Mayor Labbe and Members of City Council

From: Caitlin Kuczko, Animal Shelter Manager/Department Head

Date: February 7th, 2023

Subject: Animal Shelter Fees

Service	Current Fee	New Fee Suggestion	Notes
Impoundment	\$20/day	\$20/day +	
		\$20 impound/ admin fee	Summit \$50+20/day Ark Valley \$20 +15/night LLCAS fee waived if animal is UTD on rabies, license, <i>and</i> ID tag/microchipped
		\$50	Rabies deposit fee
Licenses		No changes	
1 year S/N	\$15		All fees match county fees
3 year S/N	\$40		
1 year intact	\$40		
3 year intact	\$100		
Adoptions	\$50 + vet fee		
		\$300	Small dogs and puppies
		\$50 - 200	Adult dogs
		\$100	Kittens
		\$50	Adult cats
S/N deposit	\$50	\$100	(May go away pending PACFA ruling)
Surrenders			
S/N, UTD	\$50	\$25	
S/N, not UTD	\$75	\$50	
Intact, UTD	\$100	\$100	
Intact, not UTD	\$150	\$150	
Microchips		\$20	Public
		\$10	RTO
		\$5	Shelter staff



AGENDA ITEM #8C

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: February 7, 2023

SUBJECT: Resolution No. 4, Series of 2023: A Resolution Approving a Memorandum of Understanding with Lake County, Acting through the Lake County Sheriff's Office, for Services by the Victim Services Unit

PRESENTED BY: Ken Chavez, Interim Chief of Police

ORDINANCE
 RESOLUTION
 MOTION
 INFORMATION

I. REQUEST OR ISSUE:

Before City Council for consideration is Resolution No. 4, Series of 2023 ("Resolution"), which would approve a memorandum of understanding ("MOU") with Lake County acting through the Lake County Sheriff's Office for Victim Service Unit services.

II. BACKGROUND INFORMATION:

The Colorado Victim's Rights Act (the "VRA") ensures that crime¹ victims are treated with fairness, respect, and dignity, and that they are free from intimidation, harassment, and abuse. The VRA additionally helps to ensure that victims are kept informed of critical stages of the criminal justice process and that they may be present for, and heard, at certain stages. It is the responsibility of law enforcement agencies, including the Leadville Police Department, to ensure that all victims of and witnesses to VRA crimes receive the rights afforded by the VRA.

The Law Enforcement Victim Services Unit of the Lake County Sheriff's Office (the "VSU") operates to protect and ensure the understanding of rights as defined in the VRA. Advocates in the VSU work with victims, witnesses, families, and other sources/agencies to assist investigation by Deputies or Officers and the District Attorney's Office to successfully prosecute violent acts of crime or any crime that falls under the Victim Rights Act.

Lake County Sherriff's Office has offered to allow Leadville's Police Department to use the VSU's

¹ The VRA only covers certain crimes including without limitation murder, manslaughter, assault, kidnapping, sexual assault, child abuse, etc., a full list of VRA crimes can be found at C.R.S. § 24-4.1-302(1).

services. The Resolution would approve an MOU that allows the Leadville Police Department to use the VSU's services, which will help ensure compliance with the VRA.

III. FISCAL IMPACTS:

N/A

V. LEGAL ISSUES:

This Resolution and Agreement would allow Leadville's Police Department to use Lake County's VSU services to comply with the VRA (a state requirement for all law enforcement agencies).

VI. STAFF RECOMMENDATION:

Staff recommends approving Resolution No. 4, Series of 2023.

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 approve Resolution No. 4, Series of 2023: A Resolution Approving a Memorandum of Understanding with Lake County, Acting through the Lake County Sheriff's Office, for Services by the Victim Services Unit."

IX. ATTACHMENTS:

Resolution No. 4, Series of 2023



Lake County Sheriff's Office

Sheriff Heath Speckman
PO Box 255
505 Harrison Avenue
Leadville, CO 80461
719-486-1249



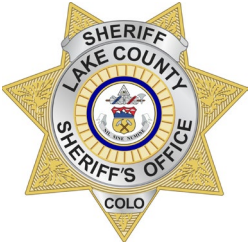
The Law Enforcement Victim Services Unit under the Lake County Sheriff's Office has a purpose of ensuring a common collaborative relationship between all victims of crime and law enforcement. Victims of crime are to include any victims within the County of Lake, inside or outside Leadville city limits. The Victim Services Program is to protect and ensure the understanding of rights as defined in the Victim Rights Act 18 U.S.C. § 3771 and the Constitution of the State of Colorado [Section 24-4.1-302(1) C.R.S.]. The Advocates in this Program are to work with victims, witnesses, families, and other sources/agencies to assist investigation by Deputies or Officers and the District Attorney's Office to successfully prosecute violent acts of crime or any crime that falls under the Victim Rights Act. It is the responsibility of law enforcement agencies to ensure that all victims of and witnesses to crimes are honored and protected by those agencies, prosecutors, and judges in a manner no less vigorous than the protection afforded to criminal defendants. Other responsibilities of law enforcement agencies and law enforcement advocates include but are not limited to:

- ❖ Treating all victims with fairness, dignity, and respect; victims are to be free from intimidation, harassment, or abuse throughout the criminal justice process
- ❖ Notifying victims of decision not to file charges
- ❖ Allowing victims free access to an unredacted copy of the initial incident report of the investigating law enforcement agency (with conditions based on status of the case/safety concerns) unless the investigation is pending
- ❖ Allowing the victim to have access to resources for several services related to the victimization
- ❖ Make all reasonable attempts to keep the victim and their family safe from harm that may arise from reporting, the investigation of, or prosecution of the crime
- ❖ To inform victims of any rights which they have pursuant to the constitution of the U.S. or of Colorado

The Law Enforcement Victim Services Unit shall assist law enforcement deputies and officers with the following responsibilities:

- ❖ Follow-up support for the victim and their immediate family
- ❖ Services for children, elderly, persons with disabilities or persons with special needs
- ❖ Referral to counselling facilities and community service agencies
- ❖ Transportation and household assistance to promote participation in court proceedings
 - Childcare services to enable the victim or their immediate family to testify/participate
- ❖ Interpretation services as necessary
- ❖ Notification of existence of a protection order and any modification requests that may be made
- ❖ Provide a statement of the victim's rights
- ❖ Information concerning availability of victim assistance, medical and emergency services
- ❖ Information concerning availability of compensatory benefits
- ❖ Information concerning availability of protection of the victim including protective court orders
- ❖ Contact information for the agency investigating the crime and the DA's office, the investigating Deputy/Officer, and the case number
- ❖ Notifying the victim of custody changes of the defendant
- ❖ Notifying the victim of case status/when the defendant will see the judge for bond hearing, plea hearing, sentencing hearing, or any other proceedings not required per request of the victim
- ❖ To assist child victims in understanding any proceedings that they will be requested to participate, as well as with coping with emotional impact of the crime and proceedings
- ❖ Transportation and accompaniment to Forensic Interviews and/or SANE/FNE examinations

With the high volume of responsibilities related to VRA crimes for law enforcement, as this list is not exhaustive, the Law Enforcement Victim Services Unit is available to assist law enforcement agencies in assuring these responsibilities are being met and that VRA C.R.S. is complied with. In order to make sure that ALL victims of crime are afforded these rights, it is important that the Lake County Sheriff's Office and the Leadville Police Department work together so that no victim is left behind.



Lake County Sheriff's Office

Sheriff Heath Speckman
PO Box 255
505 Harrison Avenue
Leadville, CO 80461
719-486-1249



With this Memorandum of Understanding, the Leadville Police Department shall utilize the Lake County Sheriff's Office Victim Services Unit for VRA needs and compliance as defined in the Victim Rights Act 18 U.S.C. § 3771 and the Constitution of the State of Colorado [Section 24-4.1-302(1) C.R.S.]. There shall be a waiver of confidentiality so that information provided to the Advocate is shareable with the law enforcement agency investigating the crime. The Victim Advocate shall make reasonable efforts to ensure the confidentiality of each victim individually outside the scope of informing the law enforcement agency investigating the crime of any details that may be pertinent to the investigation itself. The Sheriff's Office Victim Services Personnel shall ensure that the law enforcement agency investigating the crime is aware of the victim's status and willingness to cooperate with and participate in the investigative process. The law enforcement agency shall ensure that the Victim Advocate has reasonable access to necessary case information to provide to the victim if requested, as well as to update the confidential tracking system utilized for the Victim Services Unit grant tracking. The Lake County Sheriff's Office and Leadville Police Department shall make reasonable efforts to ensure the Deputies and Officers inform the Victim Advocate of any crime committed that falls under VRA as soon as possible in order to pursue these responsibilities in a timely manner, including calling the Advocate to the scene once it is secure. The Victim Advocate shall make reasonable efforts to ensure that the Deputies and Officers are informed of any updates in these responsibilities or any updates to the crimes listed in order to best serve the victims and their families.

With this Memorandum of Understanding, the Lake County Sheriff's Office and Leadville Police Department shall utilize the services of the Lake County Sheriff's Office Victim Services Unit in collaboration with each other to ensure each and every victim of crime and their family is treated with fairness, dignity, and respect, and that each and every victim of crime and their family is afforded all of their rights as defined in the Victim Rights Act 18 U.S.C. § 3771 and the Constitution of the State of Colorado [Section 24-4.1-302(1) C.R.S.].

Sheriff

Chief of Police

Law Enforcement Victim Services Director

**CITY OF LEADVILLE, COLORADO
RESOLUTION NO. 4
SERIES OF 2023**

**A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH
LAKE COUNTY ACTING THROUGH THE LAKE COUNTY SHERIFF'S OFFICE
FOR SERVICES BY THE VICTIM SERVICES UNIT**

WHEREAS, the provisions of Section 18 of Article XIV of the Colorado Constitution and Section 29-1-203 of the Colorado Revised Statutes ("C.R.S") allow Colorado governments to cooperate and to contract with one another to provide any function, service, or facility lawfully authorized to each local government; and

WHEREAS, Article II, Section 16A of the Colorado Constitution and Title 24, Article 4.1, Part 3, C.R.S. ("VRA") guarantee certain rights to victims of crimes, specified in C.R.S. § 24-4.1.302, and ensure that victims of such crimes receive fairness, respect, and dignity, and are free from intimidation, harassment, and abuse; and

WHEREAS, the Leadville Police Department ("LPD") has contact with victims of crime and is required to comply with the numerous law enforcement responsibilities set forth in the VRA; and

WHEREAS, the Lake County Sheriff's Office ("LCSO") has a Law Enforcement Victim Services Unit (the "VSU") that operates to ensure that the LCSO complies with the VRA and is available to assist other law enforcement agencies in complying with their obligations under the VRA; and

WHEREAS, LPD's use of the services and assistance provided by VSU will help ensure that all victims are afforded their rights as required by law; and

WHEREAS, the City Council finds it is in the best interests of the public health, safety, and welfare to approve a memorandum of understanding ("MOU") with Lake County, acting through LCSO, for LPD's use of the VSU services and to delegate authority to the Chief of Police to execute the MOU on behalf of the City when in final form.

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

Section 1. The foregoing recitals are incorporated herein as findings and determinations of City Council.

Section 2. The City Council hereby: (a) approves the MOU concerning LPD's use of VSU's services in substantially the same form as attached hereto as **Exhibit 1**; (b) authorizes the City Attorney, in consultation with the Chief of Police, to make any non-substantive changes to the MOU as may be necessary; and (c) authorizes the Chief of Police to execute the MOU on behalf of the City once in final form.

Section 3. **Severability.** If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this resolution.

Section 4. **Effective Date.** This Resolution shall be effective immediately upon approval of the City Council of the City of Leadville.

**ADOPTED this 7th day of February 2022 by a vote of
___ in favor, ___ against, __ absent.**

CITY OF LEADVILLE, COLORADO:

By: _____
Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

EXHIBIT 1
MEMORANDUM OF UNDERSTANDING

(see attached document)



AGENDA ITEM #8D

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: February 7, 2023

SUBJECT: Resolution No. 5, Series of 2023: A Resolution Setting a Meeting Stipend for Regular Members of the Planning And Zoning Commission and Historic Preservation Commission

PRESENTED BY: Christiana McCormick, City Attorney

ORDINANCE
 RESOLUTION
 MOTION
 INFORMATION

I. REQUEST OR ISSUE:

Before City Council for consideration is Resolution No. 5, Series of 2023 (“Ordinance”), which establishes the meeting stipend amount to be paid to Planning and Zoning Commission (“PC”) members and Historic Preservation Commission (“HPC”) members and establishes the applicability of such stipends for 2023.

II. BACKGROUND INFORMATION:

Council approved meeting stipends for PC and HPC members beginning in 2023 during its budget process in 2022. City Council also has on its agenda an ordinance (Ordinance No. 12, Series of 2022) amending the municipal code to expressly permit the payment of such stipends.

This Resolution assumes that Council adopts Ordinance No. 12, Series 2022. If approved, this Resolution sets the meeting stipend amount for HPC and PC in accordance with Ordinance 12, consistent with the City’s 2023 budget, and identifies which members of PC and HPC are eligible for the stipends.

III. FISCAL IMPACTS:

Council approved a meeting stipend of \$200.00 per month for regular members of PC and HPC in its 2023 budget.

V. LEGAL ISSUES:

None.

VI. RECOMMENDATION:

Adopt Resolution No. 5, Series of 2023 to set the meeting stipend amounts and applicability for PC and HPC in 2023.

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. 5, Series of 2023: A Resolution Setting a Meeting Stipend for Regular Members of the Planning And Zoning Commission and Historic Preservation Commission.”

IX. ATTACHMENTS:

Resolution No. 5, Series of 2023

**CITY OF LEADVILLE, COLORADO
RESOLUTION NO. 5
SERIES OF 2023**

**A RESOLUTION SETTING A MEETING STIPEND FOR REGULAR MEMBERS OF THE
PLANNING AND ZONING COMMISSION AND HISTORIC PRESERVATION COMMISSION**

WHEREAS, the City Council recognizes that members of the Planning and Zoning Commission (“PC”) and Historic Preservation Commission (“HPC”) serve an important role to the City; and

WHEREAS, the City Council desires to approve a meeting stipend to be paid to the regular members of the PC and HPC for meeting attendance; and

WHEREAS, Council has budgeted for such stipends in the 2023 budget and adopted Ordinance No. 12, Series of 2022, which permits the payment of such meeting stipends to PC and HPC members; and

WHEREAS, City Council finds that adoption of this Resolution is in the best interests of the public health, safety, and welfare.

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

Section 1. Stipend Amount. City Council hereby sets the stipend for regular PC and HPC members at two hundred dollars (\$200.00) per month for meeting attendance.

Section 2. Applicability. Stipends will be paid to the six (6) regular members of the PC and the five (5) regular members of the HPC. Meeting stipends shall not be paid to the ex officio or two (2) alternate members of the PC, and meeting stipends shall not be paid to the two (2) alternate or two (2) advisory committee members of the HPC.

Section 3. Effective Date. This Resolution shall be effective upon its adoption.

ADOPTED this 7th day of February, 2023 by a vote of

___ in favor, ___ against, and ___ absent.

CITY OF LEADVILLE, COLORADO:

Greg Labbe, Mayor

ATTEST:

Deputy City Clerk



AGENDA ITEM #8E

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: February 7, 2023

SUBJECT: Ordinance No. 1, Series of 2023: An Ordinance Establishing a Temporary Moratorium on the Acceptance, Processing, and Approval of Any New Business Licenses for the Rental, Leasing, or Guiding of Off-Highway Vehicles in the City of Leadville (second reading)

PRESENTED BY: Christiana McCormick, City Attorney

- ORDINANCE
 RESOLUTION
 MOTION
 INFORMATION
-

I. REQUEST OR ISSUE:

Before City Council for consideration is Ordinance No. 1, Series of 2023 (“Ordinance”), which would place a temporary moratorium on the acceptance and processing of applications for new business licenses for the guiding, rental, or leasing of off-highway vehicles (“OHVs”) within the City.

II. BACKGROUND INFORMATION:

City Council adopted this Ordinance with certain amendments on first reading at its January 3, 2023 meeting. The amendments requested by Council are shown in the attached redline. Please note that there is one amendment to the Ordinance in addition to Council’s requested amendments that defines “guiding” to clarify that term in the context of OHVs and this moratorium.

The City is pursuing the implementation of new regulations for OHVs, and the purpose of the temporary moratorium is to preserve the status quo while the need for new regulations is analyzed and any new regulations are developed.

The moratorium would be effective until January 18, 2024. This time period would be approximately ten (10) months from the effective date of the Ordinance. Under the Ordinance, the City has the option of terminating the Ordinance sooner than January 18, 2024, if desired or needed.

Should City Council adopt this Ordinance, no new business license applications for the rental, leasing, or guiding of OHVs may be accepted or approved until the Ordinance is repealed or terminates.

III. FISCAL IMPACTS:

N/A

V. LEGAL ISSUES:

This Ordinance would adopt a lawful moratorium because it is for a reasonable duration (approximately 10 months) and for a legitimate government purpose (provide the City time to consider and implement new OHV regulations).

When a municipality adopts an ordinance creating a moratorium, such as one that temporarily stops the City from granting new licenses or permits, such action can raise eminent domain concerns under the Takings Clause of the United States Constitution. When determining whether a temporary moratorium is a “taking” that, under principles of justice and fairness, requires compensation, courts consider factors of each particular situation, such as the economic impact of the regulation, the extent to which the regulation has interfered with distinct investment-backed expectations, and the character of the governmental action.

However, moratoriums that are reasonable in duration and made in good faith for a legitimate government purpose (e.g., to complete a decision-making process regarding potential municipal code amendments) do not constitute a taking or require compensation to a property owner.

In Colorado, courts have upheld moratoriums for as long as ten (10) months, including in *Williams v. City of Central* when Central City enacted a moratorium on issuing licenses for new casinos while it studied the impact of allowing more casinos into the community. Depending on the reason for the moratorium, the reasonable time could be longer. In 2002, for example, the U.S. Supreme Court upheld a development moratorium in California that lasted thirty-two (32) months to allow for the completion of environmental assessments and reports on Lake Tahoe.

VI. STAFF RECOMMENDATION:

Staff recommends adopting Ordinance No. 1, Series of 2023 on second 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. 1, Series of 2023, An Ordinance Establishing a Temporary Moratorium on the Acceptance, Processing, and Approval of Any New Business Licenses for the Rental, Leasing, or Guiding of Off-Highway Vehicles in the City of Leadville on second reading.”

IX. ATTACHMENTS:

Ordinance No. 1, Series of 2023

**CITY OF LEADVILLE, COLORADO
ORDINANCE NO. 1
SERIES OF 2023**

**AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON
THE ACCEPTANCE, PROCESSING AND APPROVAL OF ANY NEW
BUSINESS LICENSES FOR THE ~~SALE, RENTAL, OR LEASING,~~ OR
GUIDING OF OFF-HIGHWAY VEHICLES IN THE CITY OF
LEADVILLE**

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, the City Council is authorized pursuant to C.R.S. § 31-15-501 to license and regulate any lawful occupation, business place, amusement, or place of amusement and to fix the amount, terms and manner of issuing and revoking licenses issued therefor; and

WHEREAS, 5.04.010 of Title 5 of the Leadville Municipal Code (“Code”) requires that “every person, firm, partnership, corporation or other business entity must obtain a business license from the city before operating, conducting or carrying on any for-profit retail trade, profession or business within the city”; and

WHEREAS, the City Council is further authorized pursuant to C.R.S. § 33-14.5-110 to regulate the operation of off-highway vehicles (“OHV”) on public lands, water and property under its jurisdiction and on streets and highways within its boundaries by appropriate ordinance if such regulations are not inconsistent with state law; and

WHEREAS, the Comprehensive Plan recognizes the importance of tourism’s contribution to the economy by bringing outside money into Leadville and Lake County and by showcasing Leadville and Lake County to other areas; and

WHEREAS, the Comprehensive Plan also supports efforts to connect the City to neighborhoods and destinations in the unincorporated County while balancing safety and emergency services; and

WHEREAS, Lake County previously adopted ordinance No. 12-02 approving all County Roads designated for multi-purpose use which includes the regulation of OHVs; and

WHEREAS, Lake County is undertaking a comprehensive review of both current and future uses of OHVs; and

WHEREAS, the City Council desires to develop fair, clear OHV licensing regulations in accordance with the goals and strategies set forth in the City's Comprehensive Plan at or around the same time as Lake County is developing its OHV regulations~~the City Council desires to develop fair,~~

~~clear OHV licensing regulations, consistent with Lake County and in accordance with the goals and strategies set forth in the City's Comprehensive Plan; and~~

WHEREAS, the City recognizes the importance of establishing the appropriate balance between the varying goals in the City's Comprehensive Plan of attracting new businesses, supporting existing businesses, encouraging tourism, and promoting businesses that serve both local residents and visitors and that augment the inventory of businesses within the City serving the day-to-day needs of residents; and

WHEREAS, pursuant to the authority stated herein, the City Council finds that a temporary moratorium until and including Thursday, January 18, 2024 on the issuance of new business licenses for the saleguiding, rental, or leasing of OHVs, as defined in this Ordinance, is reasonable and necessary to allow the City time to properly investigate and develop, and if appropriate, adopt and implement new or revised regulations concerning OHVs necessary to best preserve the health, peace and safety of the City.

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

Section 1. Recitals. The foregoing recitals are hereby adopted as findings of the City Council and are incorporated herein by this reference.

Section 2. Moratorium. No applications for new business licenses for the saleguiding, rental, or leasing of OHVs under Title 5 of the Code shall be accepted, reviewed, considered or approved until such time as this Ordinance is terminated or repealed, unless otherwise expressly provided by this Ordinance. For the purpose of this Ordinance, "guiding" shall mean the provision of guided OHV tours. The provisions of this Ordinance are temporary in nature and intended to be replaced or repealed by a subsequent legislative enactment. The temporary moratorium established by this Ordinance shall automatically terminate and this Ordinance shall automatically be repealed as of **11:59 P.M. on Thursday, January 18, 2024**, unless terminated earlier by City Council or extended in its duration by the enactment of another ordinance. Nothing contained in this Ordinance shall be construed to limit or preclude the City Council from termination, repeal, amendment, or modification of this Ordinance prior to the date and time of expiration and repeal.

Section 3. Definition. "Off-highway vehicle" means any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. "Off-highway vehicle" does not include the following:

1. Vehicles designed and used primarily for travel on, over, or in the water;
2. Snowmobiles;
3. Military vehicles;
4. Golf carts;
5. Vehicles designed and used to carry disabled persons;

6. Vehicles designed and used specifically for agricultural, logging, or mining purposes; or
7. Vehicles registered pursuant to Article 3 of Title 42, C.R.S.

Section 4. Preservation of Status Quo and Violation. Any person or entity that has received a business license from the City prior to the effective date of this Ordinance may continue to rely on such licenses throughout the duration of this Ordinance. Any person who violates this Ordinance may be subject to the general penalty provisions of the Leadville Municipal Code and enforcement action in Leadville Municipal Court.

Section 5. Remaining provisions. Except as specified in this Ordinance, all other provisions of the Leadville Municipal Code shall continue in full force and effect. This Ordinance makes no amendments to the Leadville Municipal Code and temporarily suspends the provisions specified herein only.

Section 6. 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 7. 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 8. 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 9. 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 3rd day of January, 2023 by a vote of _____ in favor, ____ against, and _____ absent.

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 this _____ day of _____, 2023.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED, with any amendments, this ____ day of _____, 2023 by a vote of _____ in favor, _____ against, and _____ absent.

CITY OF LEADVILLE, COLORADO:

Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

PUBLISHED by title only in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, following final reading on this _____ day of _____, 2023.

**CITY OF LEADVILLE, COLORADO
ORDINANCE NO. 1
SERIES OF 2023**

**AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON
THE ACCEPTANCE, PROCESSING, AND APPROVAL OF ANY NEW
BUSINESS LICENSES FOR THE RENTAL, LEASING, OR GUIDING
OF OFF-HIGHWAY VEHICLES IN THE CITY OF LEADVILLE**

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, the City Council is authorized pursuant to C.R.S. § 31-15-501 to license and regulate any lawful occupation, business place, amusement, or place of amusement and to fix the amount, terms, and manner of issuing and revoking licenses issued therefor; and

WHEREAS, 5.04.010 of Title 5 of the Leadville Municipal Code (“Code”) requires that “every person, firm, partnership, corporation or other business entity must obtain a business license from the city before operating, conducting or carrying on any for-profit retail trade, profession or business within the city”; and

WHEREAS, the City Council is further authorized pursuant to C.R.S. § 33-14.5-110 to regulate the operation of off-highway vehicles (“OHV”) on public lands, water, and property under its jurisdiction and on streets and highways within its boundaries by appropriate ordinance if such regulations are not inconsistent with state law; and

WHEREAS, the Comprehensive Plan recognizes the importance of tourism’s contribution to the economy by bringing outside money into Leadville and Lake County and by showcasing Leadville and Lake County to other areas; and

WHEREAS, the Comprehensive Plan also supports efforts to connect the City to neighborhoods and destinations in the unincorporated County while balancing safety and emergency services; and

WHEREAS, Lake County previously adopted ordinance No. 12-02 approving all County Roads designated for multi-purpose use which includes the regulation of OHVs; and

WHEREAS, Lake County is undertaking a comprehensive review of both current and future uses of OHVs; and

WHEREAS, the City Council desires to develop fair, clear OHV licensing regulations in accordance with the goals and strategies set forth in the City's Comprehensive Plan at or around the same time as Lake County is developing its OHV regulations; and

WHEREAS, the City recognizes the importance of establishing the appropriate balance between the varying goals in the City’s Comprehensive Plan of attracting new businesses, supporting existing businesses, encouraging tourism, and promoting businesses that serve both local residents and visitors and that augment the inventory of businesses within the City serving the day-to-day needs of residents; and

WHEREAS, pursuant to the authority stated herein, the City Council finds that a temporary moratorium until and including Thursday, January 18, 2024 on the issuance of new business licenses for the guiding, rental, or leasing of OHVs, as defined in this Ordinance, is reasonable and necessary to allow the City time to properly investigate, develop, and, if appropriate, adopt and implement new or revised regulations concerning OHVs necessary to best preserve the health, peace, and safety of the City.

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

Section 1. Recitals. The foregoing recitals are hereby adopted as findings of the City Council and are incorporated herein by this reference.

Section 2. Moratorium. No applications for new business licenses for the guiding, rental, or leasing of OHVs under Title 5 of the Code shall be accepted, reviewed, considered, or approved until such time as this Ordinance is terminated or repealed, unless otherwise expressly provided by this Ordinance. For the purpose of this Ordinance, “guiding” shall mean the provision of guided OHV tours. The provisions of this Ordinance are temporary in nature and intended to be replaced or repealed by a subsequent legislative enactment. The temporary moratorium established by this Ordinance shall automatically terminate and this Ordinance shall automatically be repealed as of **11:59 P.M. on Thursday, January 18, 2024**, unless terminated earlier by City Council or extended in its duration by the enactment of another ordinance. Nothing contained in this Ordinance shall be construed to limit or preclude the City Council from termination, repeal, amendment, or modification of this Ordinance prior to the date and time of expiration and repeal.

Section 3. Definition. "Off-highway vehicle" means any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. "Off-highway vehicle" does not include the following:

1. Vehicles designed and used primarily for travel on, over, or in the water;
2. Snowmobiles;
3. Military vehicles;
4. Golf carts;
5. Vehicles designed and used to carry disabled persons;
6. Vehicles designed and used specifically for agricultural, logging, or mining purposes; or
7. Vehicles registered pursuant to Article 3 of Title 42, C.R.S.

Section 4. Preservation of Status Quo and Violation. Any person or entity that has received a business license from the City prior to the effective date of this Ordinance may continue to rely on such licenses throughout the duration of this Ordinance. Any person who violates this Ordinance may be subject to the general penalty provisions of the Leadville Municipal Code and enforcement action in Leadville Municipal Court.

Section 5. Remaining provisions. Except as specified in this Ordinance, all other provisions of the Leadville Municipal Code shall continue in full force and effect. This Ordinance makes no amendments to the Leadville Municipal Code and temporarily suspends the provisions specified herein only.

Section 6. 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 7. 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 8. 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 9. 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 3rd day of January, 2023 by a vote of _____ in favor, ____ against, and _____ absent.

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 this 12th day of January, 2023.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED, with any amendments, this 7th day of February, 2023 by a vote of _____ in favor, _____ against, and _____ absent.

CITY OF LEADVILLE, COLORADO:

Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

PUBLISHED by title only in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, following final reading on this _____ day of _____, 2023.



AGENDA ITEM #8F

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: February 7, 2023

SUBJECT: Ordinance No. 12, Series of 2022: An Ordinance Amending Section 2.48.020 of the Leadville Municipal Code and Adding New Sections 2.36.080 and 2.48.060 to Permit Members of the Planning and Zoning Commission and the Historic Preservation Commission to Receive Meeting Stipends Approved by City Council (Second Reading)

PRESENTED BY: Christiana McCormick, City Attorney

- ORDINANCE
 RESOLUTION
 MOTION
 INFORMATION
-

I. REQUEST OR ISSUE:

Before City Council for consideration is Ordinance No. 12, Series of 2022 (“Ordinance”), which amends the Leadville Municipal Code (“Code”) to allow for Planning and Zoning Commission (“PC”) members and Historic Preservation Commission (“HPC”) members to receive meeting stipends set by city council.

II. BACKGROUND INFORMATION:

City Council passed this Ordinance on first reading with no amendments at its meeting on December 20, 2022.

Council approved meeting stipends for PC and HPC members beginning in 2023 during its budget process in 2022. Currently, there is no language in the Code addressing stipends or payment to the PC, and there is language in the Code stating that HPC members must serve without compensation. The Ordinance amends the Code to expressly permit stipends to be paid to PC members and HPC members, and it removes language that conflicts with the approval of the stipends.

The Ordinance makes one additional Code amendment to ensure consistency between the PC and HPC code provisions concerning reimbursement of expenses. Members of any municipal commission are allowed to be reimbursed for reasonable expenses related to the commission member’s functions as a commission member, if approved by city council. The Code contains

language allowing such reimbursement for HPC but not for PC. The Ordinance changes the Code language to be consistent for both commissions.

The Ordinance allows stipends to be set by resolution of Council, and a resolution setting the stipend amounts approved for 2023 is included in this meeting agenda. Approval of stipends by resolution will allow Council flexibility in making adjustments to stipends as needed and when needed, as long as there are sufficient funds in the budget for the adjustment, without having to revise the Code or wait for the annual budget process.

III. FISCAL IMPACTS:

Council approved a meeting stipend of \$200.00 per month for regular members of PC and HPC beginning in January 2023.

V. LEGAL ISSUES:

None.

VI. STAFF RECOMMENDATION:

Staff recommends adopting Ordinance No. 12, Series of 2022 on second 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. 12, Series of 2022, An Ordinance Amending Section 2.48.020 of the Leadville Municipal Code and Adding New Sections 2.36.080 and 2.48.060 to Permit Members of the Planning and Zoning Commission and the Historic Preservation Commission to Receive Meeting Stipends Approved by City Council on second reading.”

IX. ATTACHMENTS:

Ordinance No. 12, Series of 2022

**CITY OF LEADVILLE, COLORADO
ORDINANCE NO. 12
SERIES OF 2022**

**AN ORDINANCE AMENDING SECTION 2.48.020 OF THE LEADVILLE
MUNICIPAL CODE AND ADDING NEW SECTIONS 2.36.080 AND 2.48.060 TO
PERMIT MEMBERS OF THE PLANNING AND ZONING COMMISSION AND
THE HISTORIC PRESERVATION COMMISSION TO RECEIVE MEETING
STIPENDS APPROVED BY CITY COUNCIL**

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, the City Council recognizes that members of the Planning and Zoning Commission (“PC”) and Historic Preservation Commission (“HPC”) serve an important role to the City; and

WHEREAS, the City Council desires to approve a meeting stipend to be paid to each member of the PC and HPC for meeting attendance; and

WHEREAS, currently, the Leadville Municipal Code (the “Code”) does not specifically reference stipends for PC members; and

WHEREAS, furthermore, Section 2.48.020 of the Code prohibits members of the HPC from receiving compensation; and

WHEREAS, the City Council desires to amend the Code to allow for members of the PC and HPC to receive meeting stipends approved by City Council and to ensure the Code contains consistent language concerning allowable reimbursement for expenses related to commission members’ functions for both PC and HPC; 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. **Section 2.36.080 Added.** Chapter 2.36 of the Leadville Municipal Code is hereby amended to add a new section 2.36.080 to read in full as follows:

Sec. 2.36.080. – Meeting stipend and expense reimbursement.

Commission members may be entitled to a meeting stipend for meeting attendance in an amount established by resolution of the city council. Commission members may additionally receive reimbursement of reasonable expenses related to the functions of the commission to the extent approved by city council.

Section 3. Chapter 2.48 Amended. Chapter 2.48 of the Leadville Municipal Code is hereby amended as follows with ~~striketrough~~ text showing deletions and **bold, underlined** text showing additions:

Sec. 2.48.020. – Membership and Qualifications.

A. Membership.

1. Regular Members. Five members of the HPC shall be appointed by the mayor, with the consent of the city council, providing a balanced community-wide representation. ~~Members of HPC shall serve without compensation. To the extent authorized by the city council and funds are budgeted and appropriated therefor, members may be reimbursed for actual expenses incurred, such as training, or expenses incidental to the performance of their duties for HPC.~~

Sec. 2.48.060. – Meeting stipend and expense reimbursement.

HPC members may be entitled to a meeting stipend for meeting attendance in an amount established by resolution of the city council. HPC members may additionally receive reimbursement of reasonable expenses related to the functions of the HPC to the extent approved by city council.

Section 4. Remaining Provisions. Except as specifically amended hereby, all other provisions of the Leadville Municipal Code shall continue in full force and effect.

Section 5. 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 6. 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 7. **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 8. **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 9. **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 20th day December, 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 29th day of December, 2022.

**PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED,
with any amendments, this 7th day of February, 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.

Feb 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
29	30	31	1 5pm - Sanitation @	2 6pm - LURA Board	3	4
5	6	7 11am - BOCC @ 505 6pm - Regular CC Mtg	8 6pm - P&Z Meeting @	9 1pm - Leadville Municipal 5:15pm - Parkville Water	10	11
12	13	14 4pm - HPC Meeting @	15	16	17	18
19	20 President's Day - City Hall	21 8:30am - Tourism Panel 11am - BOCC @ 500 6pm - Regular CC Mtg @	22 6pm - P&Z Meeting @	23	24	25
26	27	28 4pm - HPC - Regular Mtg	1 5pm - Sanitation @	2 6pm - LURA Board	3	4

Mar 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
26	27	28	1	2	3	4
		4pm - HPC - Regular Mtg	5pm - Sanitation @	6pm - LURA Board		
5	6	7	8	9	10	11
		11am - BOCC @ 505 6pm - Regular CC Mtg	6pm - P&Z Meeting @	1pm - Leadville Municipal 5:15pm - Parkville Water		
12	13	14	15	16	17	18
		4pm - HPC Meeting @				
19	20	21	22	23	24	25
		8:30am - Tourism Panel 11am - BOCC @ 500 6pm - Regular CC Mtg @	6pm - P&Z Meeting @			
26	27	28	29	30	31	1
		4pm - HPC - Regular Mtg				

Apr 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
26	27	28 4pm - HPC - Regular Mtg	29	30	31	1
2	3	4 11am - BOCC @ 505 6pm - Regular CC Mtg	5 5pm - Sanitation @	6 6pm - LURA Board	7	8
9	10	11 4pm - HPC Meeting @	12 6pm - P&Z Meeting @	13 1pm - Leadville Municipal 5:15pm - Parkville Water	14	15
16	17	18 8:30am - Tourism Panel 11am - BOCC @ 500 6pm - Regular CC Mtg @	19	20	21	22
23	24	25 4pm - HPC - Regular Mtg	26 6pm - P&Z Meeting @	27	28	29
30	1	2 11am - BOCC @ 505 6pm - Regular CC Mtg	3 5pm - Sanitation @	4 6pm - LURA Board	5	6