



**REGULAR COUNCIL
MEETING MINUTES**

**Tuesday,
October 4, 2022**

6:00 P.M.

Council Chambers & Zoom

1. **Call to order** of regular council meeting at 6:03 p.m.
2. **Roll call:**
 - a. **Present:** 6 - Mayor Labbe, MPT Greene, CM Forgens, CM Hill, CM Lauritzen, and CM Grant.
 - b. **Absent:** 1 - CM Luna-Leal

Staff Members Present: Deputy City Clerk Mayda Silver, Planning Director Chapin LaChance, Street Manager Tony Medina, and City Administrator Laurie Simonson. Appearing virtually City Attorney Christiana McCormick and Finance Director Dawna Schneider. Finance Director Dawna Schneider departed at 7:30 pm.

3. **Approval of the agenda:** CM Hill **moved** to approve the amended agenda, and CM Grant **seconded**. All present were in favor.
 - a. **Agenda Revisions:** City Administrator Laurie Simonson requested that the agenda be amended to add an Executive Session.
4. **Executive Session:** At 6:03 pm, MPT Greene moved to go into executive session under Section 24-6-402(4)(b) of the Colorado Revised Statutes for legal advice on specific legal questions concerning matters related to the Police Department. MPT Greene further moved to reconvene the October 4th regular meeting at the conclusion of the Executive Session in order to proceed with the remaining items on the agenda.
CM Hill seconded; Vote was 6-0-0-1.

At 6:08 pm, the executive session has begun.

At 6:58 pm the executive session concluded. Participants in the executive session were Mayor Labbe, CM Tracey Lauritzen, MPT Dana Greene, CM Hill, CM Forgens, CM Shannon Grant, City Administrator Laurie Simonson, Deputy City Clerk Mayda Silver, and City Attorney Christiana McCormick.

CM Grant **moved** to reconvene the regular October 4th meeting. CM Forgens **seconded**;
Vote was 6-0-0-1.

5. **Housekeeping Matters:** CM Lauritzen asked who was appointed to the Regional Housing Authority.

- 6. Public comments for items not on the agenda:** County Commissioner Kayla Marcella gave an update regarding the American Rescue Plan Act funding to Bright Start Learning Center.
- 7. Consent Agenda:**
CM Hill **moved** to approve the **amended** minutes of 09/20/2022; CM Greene **seconded**. All present were in favor.
- 8. Presentations & Requests:**
- A. Transit Planning Update- Commissioners Jeff Fiedler and Kayla Marcella and Jason Miller**
- Commissioner Fiedler and Marcella gave an update regarding the Transit funding, grant, and plans.
 - Jason Miller, appearing virtually, thanked the city.
- B. Housing Update- Jackie Whelihan**
- Jackie Whelihan, Housing Director updated the council regarding the Incentives Grant.
 - She also updated the council regarding American Planning Association State Conference last week in Vail and again on October 12 at DOLA's Small Communities Workshop in Salida. The next step will be a pre-application meeting with DOLA. It will be scheduled later this month.
 - The Leadville Lake County Regional Housing Authority had its first meeting and chose its at-large board members and attorney.
 - The next meeting is scheduled for October 26th and November 16th.
 - The Policy Advisory Team will be hosting a housing event on October 21st at Freight from 4 pm-7 pm.
- C. Tourism Panel Budget Preparation- Adam Ducharme**
- Tourism Director Adam Ducharme presented information regarding the Tourism Panel budget. Leadville and Twin Lakes have been identified as growing destination cities.
- D. Hazard Mitigation Plan Grant from FEMA- BOCC Representative**
- Commissioner Marcella and Claire Skeen presented information regarding the Hazard Mitigation Plan for the county and city. Lake County is requesting \$520 of in-kind funding and \$725 of cash funding.
 - CM Lauritzen **moved** to approve \$520 of in-kind funding and \$725 of cash to the City of Leadville and Lake County Hazard Mitigation Plan.
CM Forgens **seconded**. **Vote was 6-0-0-1**.
- E. City Administrator Report – Laurie Simonson** updated the City Council regarding the following:
- The house on 809 Spruce Street has a tenant who is a city employee.
 - The new DOLA representative is Randi Snead.
 - The cyber security audit is on track to be completed on 12/14/22.
 - The EV Charging Station is now charging a fee for charging vehicles.

9. Certificates of Appropriateness/Conditional Use Permits/Temporary Use Permits/Licenses**A. Zero Day Coffee Conditional Use Permit**

- a. **Mayor Labbe opened the public hearing at 7:41 pm.**
- b. Avery Williamson from Zero Day Coffee spoke and answered questions regarding the CUP.
- c. Discussion ensued regarding the CUP.
- d. There were no comments in opposition to the CUP. However, there were letters submitted for city council's review.
- e. Wendy Wyskiel and Nancy Bailey spoke in favor of the CUP.
- f. Deputy Silver read a letter from Francisco Tharp in favor of the CUP into the record.

CM Hill **moved** to close the public input portion of the public hearing. CM Forgensì **seconded**. All present were in favor.

CM Forgensì **moved** to approve the Zero Day Coffee Change of Use Conditional Use Permit, PL-2022-0825 located at 122 E. 7th St., along with the attached Findings and Conditions.

CM Hill **seconded**. The vote was 6-0-0-1.

Mayor Labbe closed the public hearing at 8:07 pm.

City Council convened for a break at 8:07 pm.

City Council reconvened at 8:15 pm.

B. 601-631 E 8th St Plat Amendment

- a. **Mayor Labbe opened the public hearing at 8:16 pm.**
- b. Planning Director LaChance gave his staff report regarding the Plat Amendment.
- c. Planning Director Chapin LaChance answered City Council's questions.
- d. Applicant Jeremy Paddock presented and answered questions.
- e. Randy Magill spoke in opposition to the Plat Amendment.
- f. None spoke in favor of the Plat Amendment.

CM Forgensì **moved** to close the public input portion of the public hearing. CM Hill **seconded**. All present were in favor.

Discussion ensued regarding tailings belonging to the Coronado Mining Pile.

MPT Greene **moved** to approve the Strayhorse Addition, Block 16, Lots 1-16 Plat Amendment, PL-2022-0726; located at 601-631 E. 8th St., with the specific condition that prior to the recording of the final plat the applicant shall provide written approval from CDPHE for the proposal complies with all CDPHE regulations and along with the attached Findings and Conditions.

CM Hill **seconded**. The vote was 6-0-0-1.

Mayor Labbe closed the public hearing at 9:10 pm.

10. Resolutions and Ordinances:

- A. Ordinance No. 9, Series of 2022:** An Ordinance Amending Chapter 1.20 of the Leadville Municipal Code Concerning Maximum Penalties for Municipal Code Violations, Imprisonment for Nonpayment of Fines, and Payment of Municipal Court Fines with Insufficient Funds Checks (Second Reading)
- a. City Attorney Christiana McCormick presented the information regarding Ordinance No. 9
 - b. There was no public comment in favor or opposing Ordinance No. 9.

CM Hill **moved** to close the public input portion of the public hearing. CM Forgenski **seconded**. All present were in favor.

CM Hill **moved** to adopt Ordinance No. 9, Series of 2022, An Ordinance Amending Chapter 1.20 of the Leadville Municipal Code Concerning Maximum Penalties for Municipal Code Violations, Imprisonment for Nonpayment of Fines, and Payment of Municipal Court Fines with Insufficient Funds Checks on second reading.

CM Grant **seconded**. The vote was **6-0-0-1**.

Mayor Labbe closed the public hearing at 9:16 pm.

- B. Resolution No. 38, Series of 2022:** A Resolution Designating the Percentage of Paid Family and Medical Leave Insurance (“FAMLI”) Program Employee Premiums to Be Paid by the City
- a. Discussion ensued regarding the FAMLI plan, the city’s payment of the employee’s premium, and the reconsideration of opting into the FAMLI program.

Mayor Labbe **moved** to reconsider the city’s option to opt in or opt out at a future City Council meeting when all seven of the city council members are present.

CM Hill **seconded**. Vote was **5-1-0-1**.

- C. Resolution No. 39, Series of 2022:** A Resolution Approving a First Amendment to Deed of Conservation Easement Between the City of Leadville and the Colorado Historical Foundation for the Tabor Opera House
- a. Sarah Dae, Executive Director for the Tabor Opera House Preservation Foundation, presented information and answered questions regarding the conservation easement.

CM Hill **moved** to adopt Resolution No. 39, Series of 2022, A Resolution Approving a First Amendment to Deed of Conservation Easement Between the City of Leadville and the Colorado Historical Foundation for the Tabor Opera House.

CM Grant **seconded**. The vote was **6-0-0-1**.

11. Public Meetings Planner:

- a. CM Grant and MPT Greene will appear virtually at the Work Session on Tuesday, October 11th.
- b. CM Hill will be absent from the regular meeting on October 18th.

12. Mayor's Report:

- a. Mayor Labbe spoke to The Honors College Colloquium on Tuesday, October 4th, and will speak again tomorrow.
- b. The C4 Harvest Dinner happened last weekend
- c. St. George's had a grand opening last weekend as well.
- d. Main Street's auction at the Tabor Opera House was a great success.

13. Council Reports:

- a. MPT Greene asked regarding the lodging tax.
- b. CM Hill spoke regarding Big R's contribution to the city's sales tax.

Adjournment: 9:50 pm.

APPROVED this 18th day of October by a vote of 6 in favor 0 against, 0 abstaining, and 1 absent.

CITY OF LEADVILLE, COLORADO

ATTEST:

By


Deputy City Clerk