



CITY OF LEADVILLE

800 HARRISON AVE.
LEADVILLE, CO 80461

REGULAR COUNCIL MEETING AGENDA

Tuesday,
October 4, 2022

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 participants' 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.
- 6:20 pm**
6. Consent Agenda:
 - A. Approval of the September 20, 2022 minutes
- 6:25 pm**
7. Presentations and Discussions
 - A. Transit Planning Update- Jeff Feidler/Jason Miller or Sydney Provan
 - B. Housing Update- Michael Yerman and/or Jackie Whelihan
 - C. Tourism Panel Budget Preparation- Adam Ducharme
 - D. Hazard Mitigation Plan Grant from FEMA- BOCC Representative
 - E. City Administrator Report – Laurie Simonson
- 7:25 pm**
8. Certificates of Appropriateness/Conditional Use Permits/Temporary Use Permits/Licenses
 - A. Zero Day Coffee CUP (Public Hearing)
 - B. 601-631 E 8th St Plat Amendment (Public Hearing)
- 8:00 pm**
9. 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)

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



- 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
- 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

- 8:30 p.m. 10. Public Meetings Planner
- 11. Mayor’s Report
- 12. Council Reports
- 9:00 p.m. 13. Adjournment

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



REGULAR COUNCIL MEETING MINUTES

Tuesday,
September 20, 2022

6:00 P.M.

Council Chambers & Zoom

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

2. **Roll call:**

Present: 6 - Mayor Labbe, CM Hill, CM Luna-Leal, and CM Grant. MPT Greene appeared online. CM Forgensi appeared online at 7:25 pm.

Absent: 1- CM Lauritzen

Staff Members Present: Deputy City Clerk Mayda Silver, Financial Director Dawna Schneider, Planning Director Chapin LaChance, Police Chief Hal Edwards, Fire Chief Dan Daily, Street Department Manager Tony Medina. City Administrator Laurie Simonson, Animal Shelter Manager Caitlin Kuczko, and City Attorney Christiana McCormick appeared online. Administrative Assistant Lori Tye arrived at 6:51 pm. Administrative Assistant Lori Tye, Police Chief Hal Edwards, Fire Chief Dan Daily, Street Department Manager Tony Medina, and Caitlin Kuczko departed at 8:21 pm.

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

4. **Housekeeping Matters:** None

5. **Public comments for items not on the agenda:**

- a. Andy Hofer spoke regarding the light pollution emanating from streetlights. He suggested using fewer lumens and shields or removing some of the streetlighting.
- b. Kristi Galarza spoke regarding the 10/21/2022 1st Annual Fair Housing Fair at Freight. There will be fun carnival activities and a discussion on housing. Kristi was looking for volunteers from City Council for a pie-throwing event.
- c. Nancy Bailey from the Leadville Lake County Economic Development Corporation regarding the 10/26/2022 Future of Work event. Create, organize, and develop an apprenticeship program and career pathways for our community.

6. **Consent Agenda:**

CM Hill **moved** to approve the minutes of 09/06/2022; MPT Greene **seconded**. All present were in favor.

7. **Department Reports**

- a. Departments gave their monthly reports
- b. Bills- CM Hill **moved** to pay the bills; CM Luna-Leal **seconded**. All present were in favor.

8. Presentations & Requests:**A. Presentation on Community Solar Garden- Tim Hilgert**

- a. Mr. Hilgert explained how a residential solar garden can impact the City of Leadville. Community Solar Gardens work through the existing Xcel Energy lines. The program can be reached through Xcel Energy's website.

B. Presentation on sponsorship for the Tourism Panel film festival- Adam Ducharme

- a. Mr. Ducharme, Tourism Director, spoke regarding the *Stories Worth Telling Festival* on October 15th, 2022 at the Tabor Opera House. He requested that the city help support and sponsor the event to help pay for the programming, guests, and staff. He requested \$2,000.
- b. CM Grant **moved** that the city support the film festival at the Tabor Opera House on October 15th in the amount of \$2,000. CM Hill **seconded**. All present were in favor.

C. Stage and Rail Historic Route signage proposal

- a. Mayor spoke regarding the signage in conjunction with Lake County. The signage would include logos, and directional arrows, adding indicators of sections beginning and ending where they intersect CDOT highways, and adding safety signage. The S&R project is seeking funding of \$3,132 to purchase and install appropriate identification, directional, and safety signage similar to that already installed on previously designated SRT sections in Chaffee County. This would cost the city approximately \$1566.00.
- b. Further questions were asked and discussion ensued.
- c. Mayor Labbe suggested that this be postponed until Alan Robinson can answer City Council's questions.

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

- a. The Community Justice Center costs are increasing. However, Commissioner Fiedler has assured the City Administrator that the cost commitment and the space allocated for the city have not changed.
- b. The city is working on getting a tenant in 809 Spruce by October 1st.
- c. There has been a lot of housekeeping on Business Licenses. We are down to 15 non-compliant businesses that do not have licenses.
- d. The city of still looking for a Human Resources position.

9. Certificates of Appropriateness/Conditional Use Permits/Temporary Use Permits/Licenses**A. Discussion Regarding 5th Street Parking vs. One Way**

- a. Mayor Labbe stated that there has been some input regarding the diagonal parking spaces on 5th Street due to space.
- b. The positives are that allows for a lot of parking spaces. The negatives include how the parking impacts the space for passage on the street.
- c. Mayor Labbe stated that there are two ways to alleviate concerns.
 - i. To return to parallel parking and remove the diagonal spaces.
 - ii. To make Harrison to Pine one way on 5th Street.
- d. Mayor Labbe will approach the Post Office, county offices, and the Sheriff's Office regarding their opinion on the matter.

B. Trick or Treat TUP

- a. Karen Lewis from the Lake County Recreation Department and Nancy Baily spoke and answered questions regarding the TUP.
- b. Discussion ensued regarding the closure of Harrison Avenue, the detours, and barriers for safety purposes.

CM Luna-Leal **moved** to approve the Temporary Use Permit for Trick-or-Treat on Mainstreet, Sunday, October 30th, 2022 from 1:00 pm to 3:00 pm on Harrison Avenue from 4th Street to 8th Street, with the closure of Harrison Avenue from 12:00 pm to 4:00 pm with the addition of changing the maps to accurately reflect the closures.

CM Hill **seconded**. **Vote was 6-0-0-1.**

City Council adjourned for a 5-minute break at 8:15 pm.

City Council reconvened at 8:20 pm.

C. AG Marble and Granite Mixed Use CUP Amendment and Site Plan with Waivers; 300 Tom Starr St.

- a. Planning Director LaChance gave his staff report regarding the CUP and Site Plan and a verbal summary of the proposal and the decision made by the Planning Commission
- b. City Attorney Christiana McCormick stated that this is a public hearing.
- c. Mayor Labbe opened the public hearing at 8:21 pm.**
- d. Planning Director LaChance continued his staff report regarding the CUP and Site Plan. He also highlighted some of the conditions necessary.
- e. Planning Director Chapin LaChance answered City Council's questions.
- f. Applicant Anita Harvey clarified some items regarding the width of the road and the tandem parking spaces for the ADA apartment.
- g. There were no comments in opposition to the CUP.
- h. Rohn Regolas spoke in favor of the CUP.
- i. CM Hill **moved** to close the public input portion of the public hearing. CM Grant **seconded**. All present were in favor.

CM Luna-Leal **moved** to approve the AG Marble and Granite Mixed Use Conditional Use Permit Amendment and Site Plan with Waivers application dated August 15, 2022, on the condition that the applicant meets the requirements of and otherwise complies with the attached Conditions of Approval.

CM Hill **seconded**. **Vote was 6-0-0-1.**

Mayor Labbe closed the public hearing at 8:50 pm.

10. Public Meetings Planner:

- a. CM Luna-Leal stated that the Regional Housing Authority will be meeting on 10/03/2022 at 5:30-7:30 at a place that is to be determined.
- b. The Deputy City Clerk will add a Joint Work Session with the Planning and Zoning Commission on Tuesday, 11/15/2022 at 6 pm.

11. Mayor's Report:

- a. The House of the Eye reopened this year with 799 visitors in 13 weeks. They received over \$2k in donations.
- b. Tabor Home had a total of 378 visitors with about \$2599 received.

12. Council Reports:

- a. CM Hill will be out from 10/17-10/22.
- b. CM Forgensi asked about the schedule on the paving of Pine Street. Depending on the weather, the mayor stated that Pine Street is ready to be paved next Tuesday.

Adjournment: 8:56 pm.

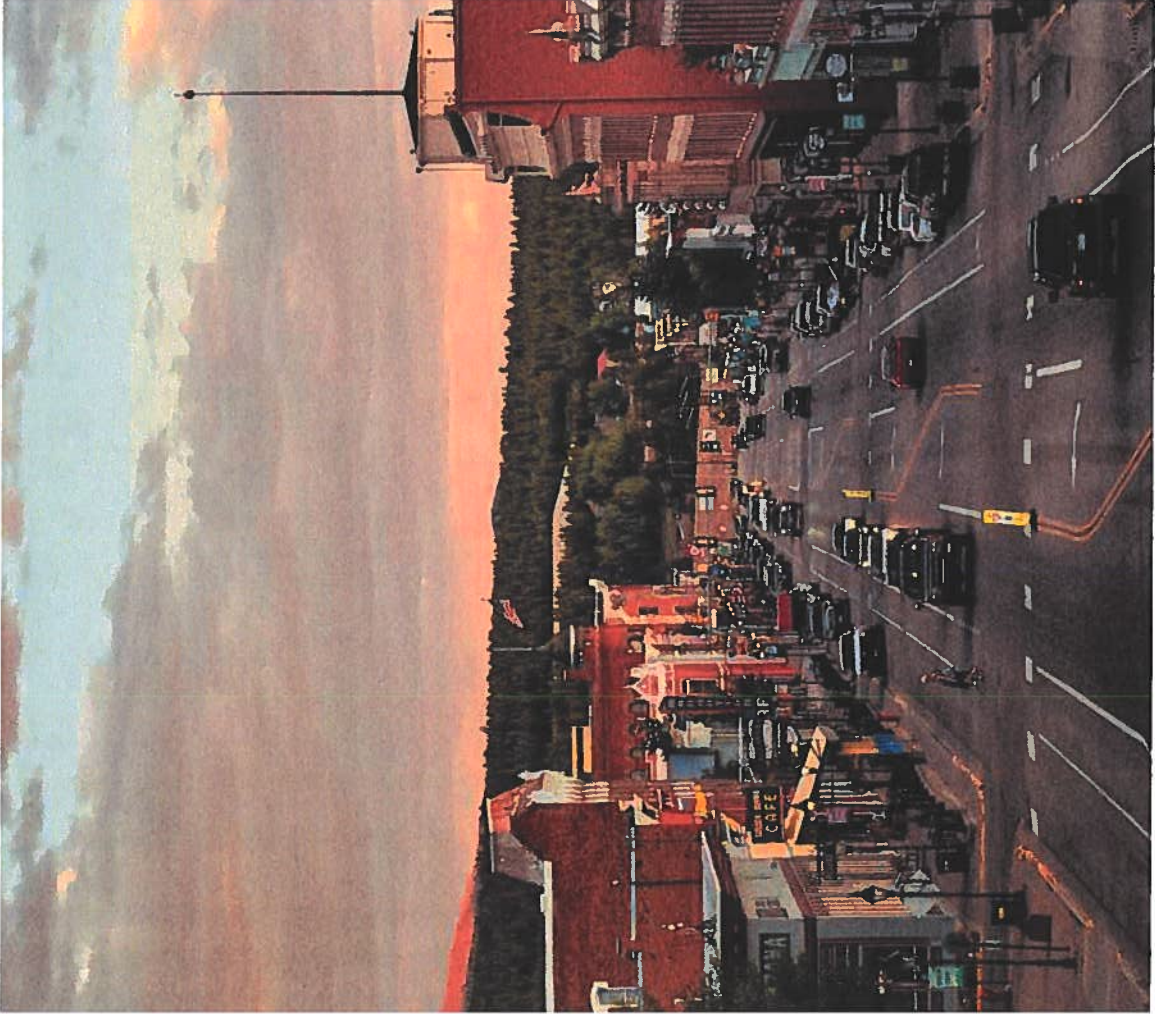
APPROVED this 4th day of October by a vote of ☐ in favor ☐ against, ☐ abstaining, and ☐ absent.

CITY OF LEADVILLE, COLORADO

ATTEST:

By

Deputy City Clerk



LAKE COUNTY TRANSIT STUDY

October 4, 2022

Presentation to City of Leadville
Council

TRANSIT PLAN CONTENTS



EXISTING
CONDITIONS



RECOMMENDED
SERVICE



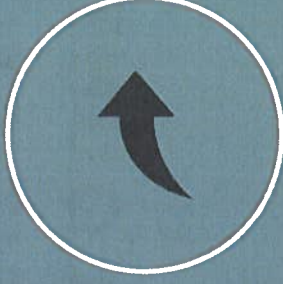
DOCUMENTATION OF
TRANSIT NEED



IMPLEMENTATION
PLAN



ALTERNATIVES
ANALYSIS



NEXT STEPS

TODAY'S PRESENTATION



EXISTING
CONDITIONS



DOCUMENTATION OF
TRANSIT NEED



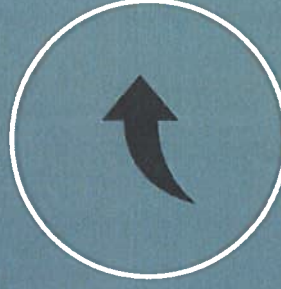
ALTERNATIVES
ANALYSIS



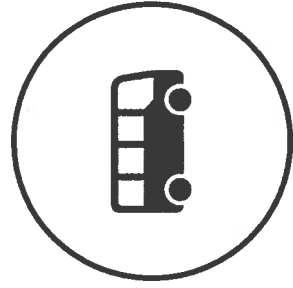
RECOMMENDED
SERVICE



IMPLEMENTATION
PLAN







NEXT STEPS



Recommended Service

Summary of Alternatives

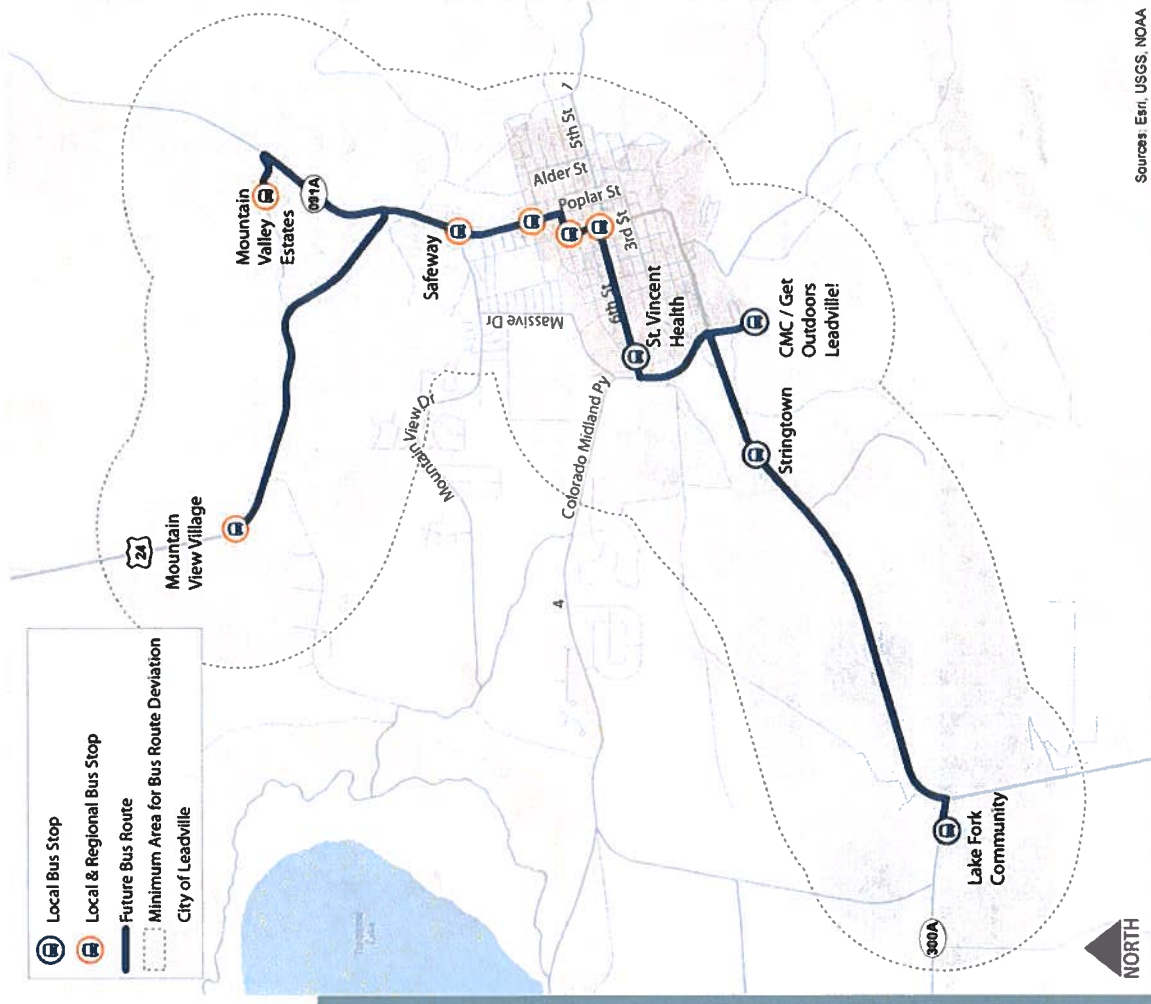
Alternative	Estimated Hourly Operating Cost	Number of Buses Needed to Start Service	Public Input	Ease of Implementation	Options to Scale Up Service
Alternative 1: Deviated Fixed Route	 \$120/hour	 1 bus	 Most positive public input	 Requires new dedicated stops	Frequency, route coverage, and zone size can all be increased
Alternative 2: On-demand Microtransit	 \$85/hour	 1-2 buses	 Positive public input	 No new bus stops required	Microtransit zone can be expanded, response times can be shortened
Alternative 3: Fixed Route + Microtransit	 \$205/hour	 2 buses	 Positive public input	 Requires new bus stops and higher investments	Frequency, route coverage, and zone size can all be increased Microtransit zone can be expanded, response times can be shortened

 Favorable
  Somewhat Favorable
  Unfavorable

Recommended Transit Service

Deviated fixed route bus

- 10 stops within and surrounding Leadville
- $\frac{3}{4}$ mile deviation zone
- 1 run/hour to start
- Weekdays, 10-hours/day to start
- Free to ride



Potential Funding Opportunities

Multimodal Transportation & Mitigation Options Fund (MMOF)

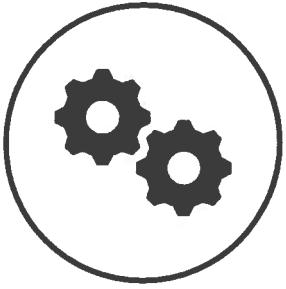
- *Through CDOT*
- *Vehicles, operations, bus stops*

Federal Transit Administration Funding (5311 & 5339 Grants)

- *Federal funding*
- *distributed by CDOT*
- *Vehicles, operations*

Potential Funding Opportunities

Funding Sources	Capital (Year 1)	Year 1	Year 2	Year 3	Year 4	Year 5
Local Match	\$120,000	\$81,000	\$87,000	\$90,000	\$95,000	\$95,000
MMOF Grant	\$360,000	\$240,000	\$240,000	\$200,000	\$150,000	\$150,000
FTA 5311	\$0	\$0	\$0	\$45,000	\$100,000	\$110,000
Total	\$480,000	\$321,000	\$327,000	\$335,000	\$345,000	\$355,000



Implementation Plan

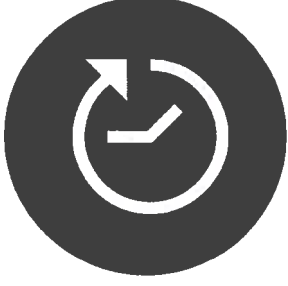
Implementation Plan



**IMPLEMENTATION
TIMELINE**
6 MONTHS BEFORE
THROUGH 1ST YEAR



SERVICE MONITORING
RIDERSHIP,
PERFORMANCE, USER
EXPERIENCE



FUTURE OPPORTUNITIES
FOR EXPANSION OF
TRANSIT SERVICE



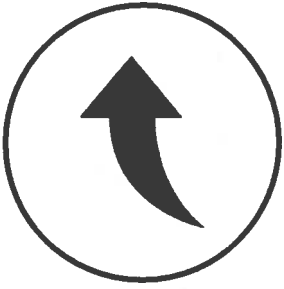
MARKETING
BRANDING, OUTREACH,
PARTNERSHIPS, &
EDUCATION

Operating Models

Operational Model Option	Advantages	Disadvantages
1. Lake County Operates the Service In-house	<ul style="list-style-type: none"> • Lower per hour operating cost. • Full control over operational decisions like wages and benefits. • Allows for more creative partnerships with other community entities. 	<ul style="list-style-type: none"> • Would require more staff capacity internally than the other options. • Would be a new role for the county to be a transit agency.
1. Contract with Summit Stage (or another existing transit provider)	<ul style="list-style-type: none"> • Less Lake County staff capacity needed. • Leverages existing relationship with Summit Stage or ECO. • Service would be operated with an experienced provider already operating bus services in the area. 	<ul style="list-style-type: none"> • Summit Stage is likely not able to provide this service in the near future but may be open to the idea in the future. • Higher operating cost per hour than a county operated system. • Less control of service quality, customer experience, and operational procedures.
1. Contract with Private Provider	<ul style="list-style-type: none"> • Less Lake County staff capacity needed. 	<ul style="list-style-type: none"> • There may not be a private provider willing to operate at this scale. • Higher operating cost per hour than a county operated system. • Less control of service quality, customer experience, and operational procedures.

Future Options for Expansion

- Expanded service hours, service days
- Increased frequency of service
- Expanding existing regional routes
- Satellite parking lots outside of Leadville served by transit
- Weekly winter bus between Leadville and Twin Lakes
- Winter weekend bus to Ski Cooper
- Weekend summer bus service to popular trailheads
- Regional bus between Leadville and Buena Vista



Next Steps

Immediate Next Steps

Check Mark Indicates an Item In Progress

- ☒ Apply for grant funding for service
- ☒ Develop FTA compliant policies and procedures
- ☒ Build community partnerships for marketing and education of the service
- ☒ Submit funding applications (MMOF funding approved!!)
- ☐ Determine who should operate the service
- ☐ Create a transit advisory committee to guide implementation and future operations

The background image is a wide-angle photograph of a town street during the 'golden hour' of sunset. The sky is a mix of orange, pink, and light blue. In the foreground, a multi-lane road with white lane markings is visible, with several cars parked or moving. On the left side of the road, there are historic buildings, including a large, light-colored building with a prominent, dark, pointed steeple. A sign for 'CAFE' is visible on one of the buildings. On the right side, there are more buildings, including one with a sign that says 'VISITOR INFORMATION'. The overall atmosphere is peaceful and picturesque.

Lake County MMOF:

- (1) US 24 and SH 91 Pedestrian and Bicycle Safety -- Design**
- (2) New Local Transit Service**

LAKE COUNTY IMTPR PRESENTATION

JULY 15, 2022

BICYCLE AND PEDESTRIAN SAFETY – DESIGN: PROJECT OVERVIEW

Issues:

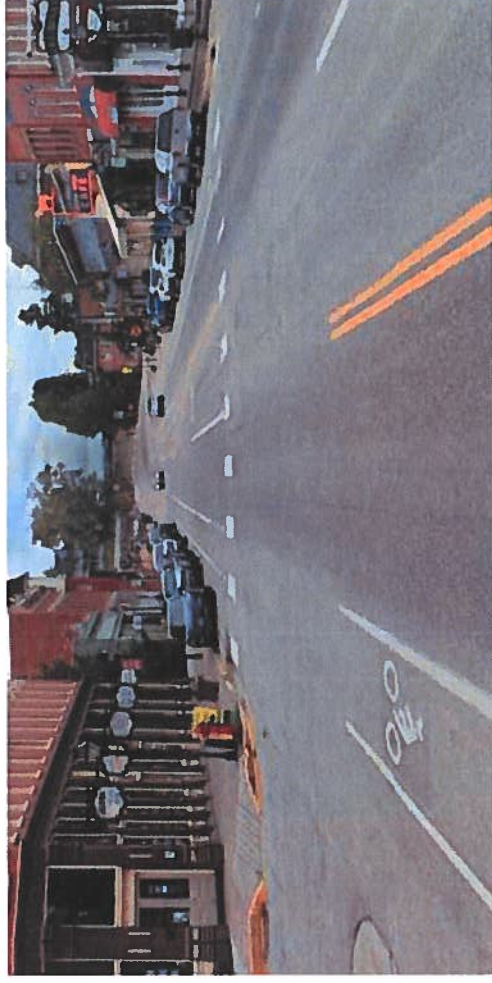
- Existing and rapidly emerging conflicts between vehicular traffic and bicycle/pedestrian traffic
- Lack of pedestrian/bike facilities
- Unsafe connection to local and regional transit
- Increasing truck traffic in city core

Benefits:

- Pedestrian and bicycle safety
- Vehicular crash reduction
- Shift toward a neighborhood functionality, not highway pit stop
- Complement local and regional transit

Solutions: Scope of Design Work

- Road diet
- Restriping
- Traffic calming/signage
- Merge/exit lanes
- Pedestrian/bike improvements
- Crossing/refuges/medians
- Improved bus pullouts / shelters / park-n-ride
- Explore speed limit reduction

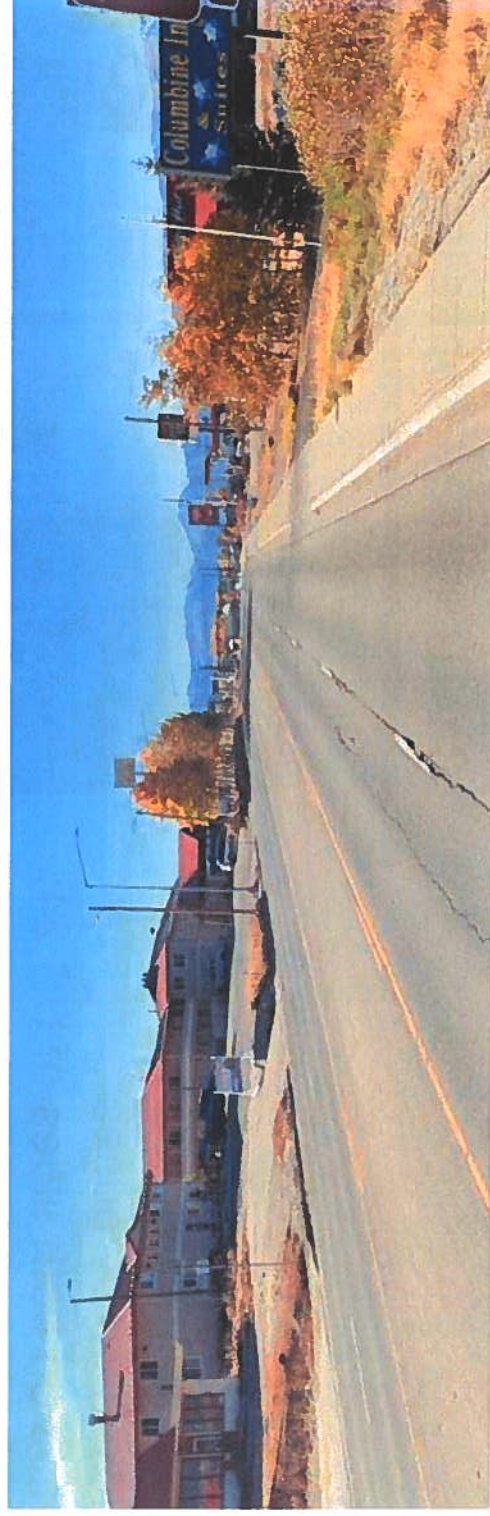
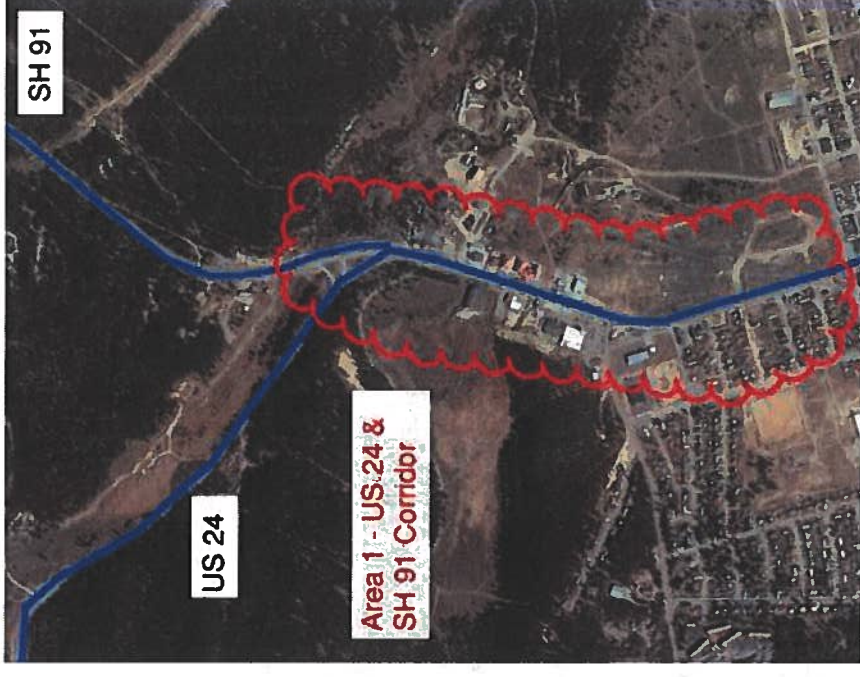


City of Leadville: Successful road diet using striping on US 24

CHALLENGES TO ADDRESS: AREA 1

Area 1 Challenges:

- Significant residential development along US 24 leading to increase in pedestrian and vehicular volume
- Existing intersection at US 24 / SH 91 has poor site distance
- Very high speeds at entry to Leadville
- Thru-traffic conflicts with turning/merging traffic
- 63' wide pavement with no refuge is challenging for pedestrian crossing
- Need for Park and Ride and bus pullouts and shelters to access Regional transit opportunities

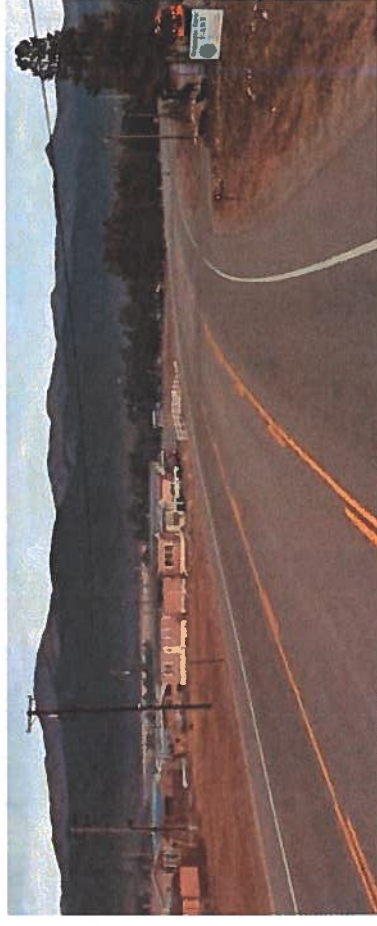


CHALLENGES TO ADDRESS: AREA 2

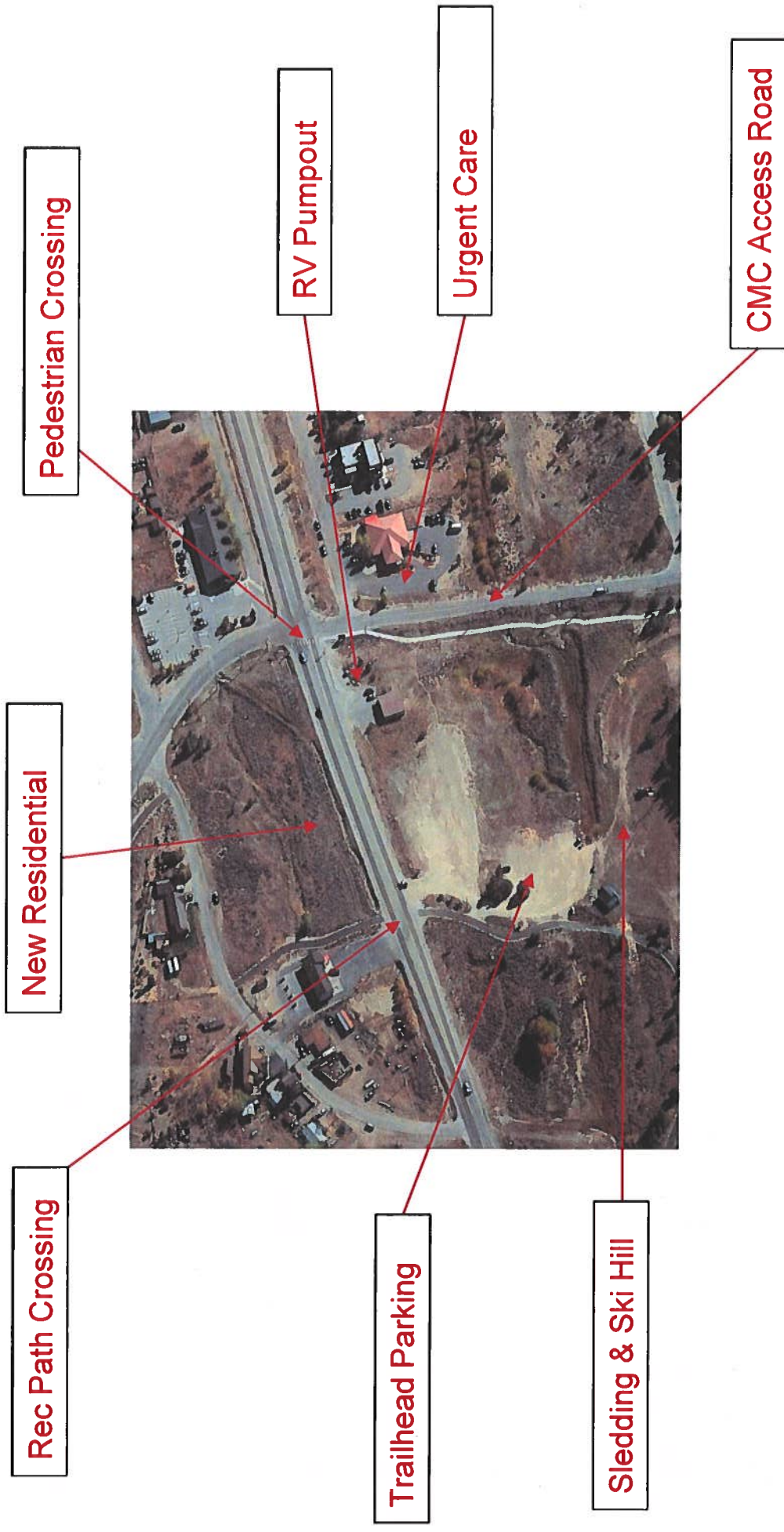
Area 2 Challenges:

- Dense residential area with 227 units on the east and 154 on the west sides of US 24. School district identified 250 school age children picked up by buses*.
- Various amenities on both sides of US 24: playground, community meeting room, office on one side; transit stop, soccer field on other side.
- Transit stops on east side only. School bus stops on both sides. Additional local transit being considered, would increase volume.
- 40 mph through development with 50/55 mph on either side. Blind corner.
- Safety concerns for pedestrian crossing and transit access.
- 53' wide existing pavement with no refuge is challenging for pedestrian crossings.

*data from 2016



CHALLENGES/SOLUTIONS TO AREA 3



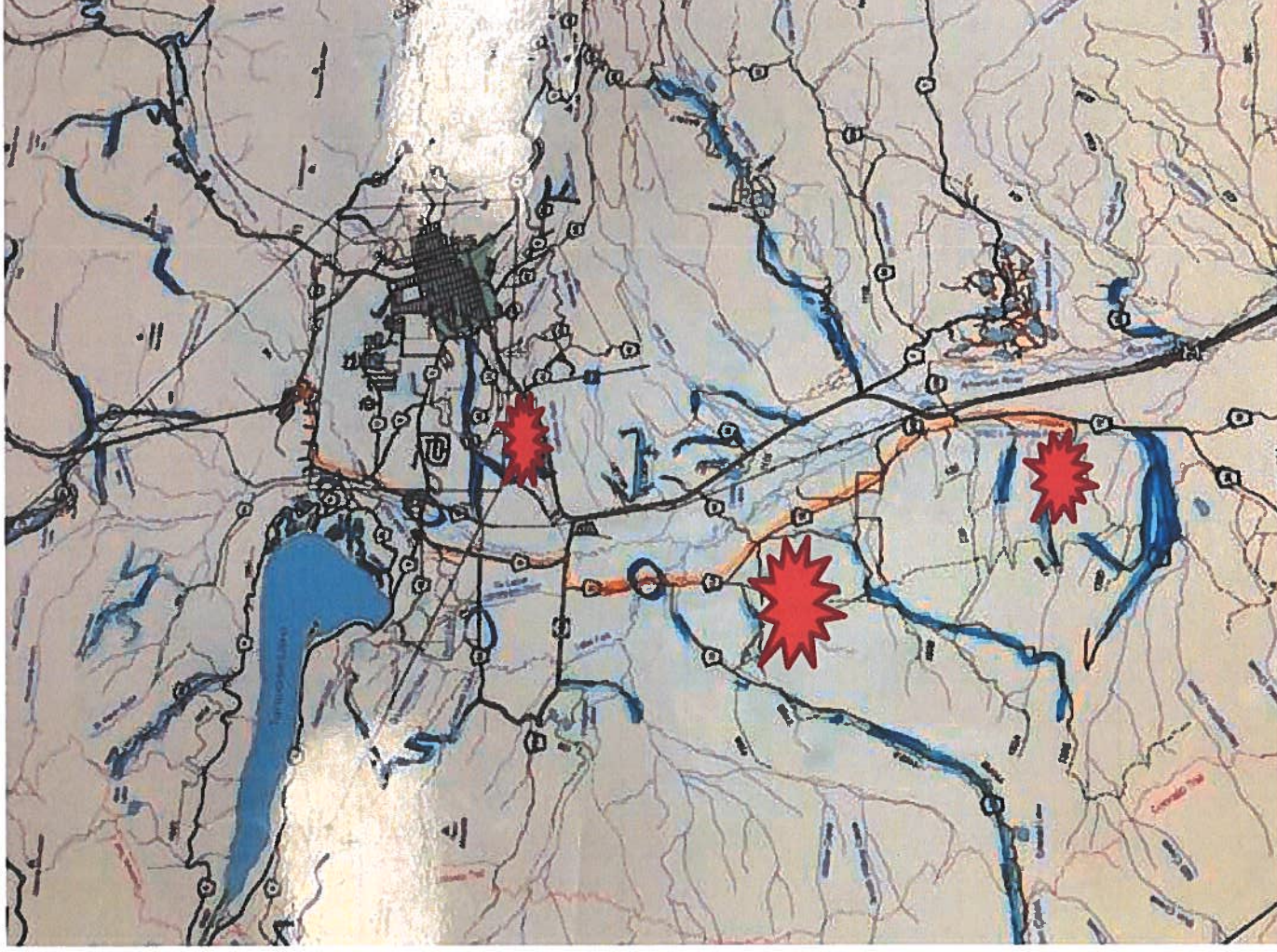
Solutions:

- Redesign / Establish Pullouts and Vehicle Access Points
- Crossing Safety

CHALLENGES TO AREA 4

Area 4 Challenges:

- New & expanding gravel pit and milling operations
- Up to one heavy truck every 4 minutes through City core on US-24 at peak times
- Avoid impact on pedestrian and bicycle safety on US-24
- Feasibility study needed for alternate truck route to require in permitting (orange route)



BICYCLE AND PEDESTRIAN SAFETY DESIGN: SCHEDULE AND BUDGET

Schedule:

- August 2022: Draft Scope of Work and issue RFP/RFQ
- September 2022: Award Contract/Kickoff Meeting
- October 2022 – January 2023: Analysis Conducted (including community outreach)
- February 2023: Community/County/City outreach and feedback on preliminary analysis
- March 2023: Finalize analysis
- [Summer 2023: Additional traffic study for summer visitation / fine-tuning analysis]

Budget:

- MMOF Request: \$700,000
- Local Match: \$175,000
- Project Total: \$875,000
- Project Budget based on overall \$1.5 M Planning & Design previously presented to IMTPR
 - This MMOF application does not include work on traffic circles at US 24/91 intersection

NEW LOCAL TRANSIT: PROJECT SCHEDULE

Timeframe	Actions
6 Months Before Launch	<ul style="list-style-type: none"> Finalize program management and oversight Finalize vehicle fleet plan and secure vehicles Finalize budget and associated operating hours Select program name, logo, and brand Final design on bus stop improvements and secure materials
4 Months Before Launch	<ul style="list-style-type: none"> Develop marketing materials and advertising plan Formalize promotional partnerships with community groups Service plan adjustments Secure operators and vehicle maintenance program Make bus stop improvements Install electric charging stations if needed
1-2 Months Before Launch	<ul style="list-style-type: none"> Install vehicle brands Begin intensive advertising and promotion of program launch Coordinate with program partners and elected officials about launch Testing and dry-run of service
Launch of Operations	<ul style="list-style-type: none"> Final planning, promotion, and coordination Determine performance monitoring program Launch event to initiate service Intensive advertising and promotion of service
Month 1	<ul style="list-style-type: none"> Daily service quality monitoring Responsiveness to passenger complaints/ input Weekly evaluation of performance metrics Intensive advertising and promotion of service
Month 2	<ul style="list-style-type: none"> Review lessons learned in first month Ongoing evaluation/ monitoring/ customer responsiveness Intensive advertising and promotion of service
Months 3-6	<ul style="list-style-type: none"> Implementation of possible service adjustments (if needed) Ongoing advertising and promotion of service Ongoing evaluation/ monitoring/ customer responsiveness Report to elected officials and community partners on early results
Months 7+	<ul style="list-style-type: none"> Plan for Year 2 of service and develop necessary resources Ongoing advertising and promotion of service Ongoing evaluation/ monitoring/ customer responsiveness Review and report on first year of service

NEW LOCAL TRANSIT: PROJECT BUDGET

Funding Sources	Capital (Year 1)	Year 1	Year 2	Year 3	Year 4	Year 5	First 5 Year Total
Local Contributions	\$120,000	\$81,000	\$87,000	\$90,000	\$95,000	\$95,000	\$568,000
MMOF Grant	\$360,000	\$240,000	\$240,000	\$200,000	\$150,000	\$150,000	\$1,340,000
FTA 311	\$0	\$0	\$0	\$45,000	\$100,000	\$110,000	\$255,000
Total	\$480,000	\$321,000	\$327,000	\$335,000	\$345,000	\$355,000	\$2,163,000

- Transit consultant retained to develop FTA 311 grant & federal compliance
- BOCC has consensus on approach, local contribution

IMTPR MMOF 2022 Distribution

Total 2022 MMOF Grant Requests:	\$14,456,061	Federal available	State available
Total Available:	\$8,350,443	\$ 4,204,882	\$ 4,185,561

Entity	Project Description	Amount Requested	Amount Awarded	Type (fed/state)	Total Project Cost	Match	Req match	Notes
Summit County	Summit County Little Beaver Trail Connection Engineering & Design Project	\$75,000	\$75,000	state	\$ 150,000	\$ 75,000	50%	Requested state
Town of Parachute	1st Street / Downtown Development Plan	\$150,000	\$150,000	fed	\$ 200,000	\$ 50,000	25%	
Town of Vail	Vail E-courier Pilot Program Expansion	\$250,000	\$250,000	state	\$ 500,000	\$ 250,000	50%	EV purchases and install of bollards; Fall '22 start
Town of Breckenridge	Blue River Rec Path - Underpass and Bridge Design	\$675,000	\$675,000	fed	\$ 1,350,000	\$ 675,000	50%	Requested federal\$
Lake County	Lake County Multimodal Mitigations Planning Project	\$700,000	\$700,000	state	\$ 933,333	\$ 233,333	25%	Proposed \$700k total; May need to expand scope to include enough match; Professional services, design
Town of Glenwood Springs	HWY 6 & 24 Shared Use Path Improvements	\$750,000	\$750,000	state	\$ 1,500,000	\$ 750,000	50%	
Town of Vail	Vail Intermodal / Mobility Hub Site Expansion	\$750,000	\$750,000	fed	\$ 1,500,000	\$ 750,000	50%	transit facility expansion
Total Planning and Small Grants		\$3,350,000	\$3,350,000					

Total Award:	\$3,350,000.00	\$m/Planning Grants
Balance:	\$5,040,443.00	
Fed awarded - small	\$1,575,000.00	
state awarded - small	\$1,775,000.00	

Balance of funds split among large requests: \$5.04mil / 5

Town of Avon	US 6 Multimodal Safety and Mobility Improvement Project	\$1,000,000	\$1,000,000	state	\$ 3,500,000	\$ 2,500,000	50%	Requested State\$; includes \$2M RMS; 30% design complete
Lake County	Lake County Transit Implementation	\$1,340,000	\$760,561 \$275,000	state state	\$ 1,790,000	\$ 1,029,439	25%	Transit expansion; personal services only
RFTA	SH 82 / 27th Underpass	\$2,000,000	\$1,000,000	fed	\$ 17,420,000	\$16,420,000	50%	\$1,035,561 combined MMOF
EcoTrails	Eagle Valley Trail	\$3,000,000	\$1,000,000	fed	\$ 38,200,000	\$37,200,000	50%	Includes TAP funds
Town of Snowmass Village	Snowmass Transit Center	\$3,766,061	\$1,004,882	fed	\$ 34,028,141	\$33,023,259	50%	Includes other federal\$ already
Town of Breckenridge	E-Bike Share Feasibility Study and Implementation	Extension granted						
RFTA	SH 82 / 27th Underpass	Extension granted						Includes FTA awards

Total Large grants	\$11,106,061	\$5,040,443
--------------------	--------------	-------------

Highlighted entries are carry forward projects

Total Award:	\$5,040,443.00	Large Grants
Balance:	\$0.00	
Fed awarded - Large	\$ 3,004,882	
state awarded - Large	\$ 2,035,561	
TOTAL awarded	\$8,390,443.00	
Total Fed awarded	\$4,579,882.00	\$ (375,000.00) Fed Remaining
Total state awarded	\$3,810,561.00	\$ 375,000.00 State Remaining

TO: Board of County Commissioners, Mayor Labbe, City of Leadville

FROM: Jackie Whelihan, Housing Director

SUBJECT: Housing Director staff report

DATE: October 3, 2022

HB 21-1271 Incentives Grant Update

Staff submitted the letter of intent to DOLA on August 30, 2022, this let DOLA know that Lake County would like to apply for the Incentives Grant. DOLA wanted to highlight the work that our community has completed at the American Planning Association State Conference last week in Vail and again October 12 at DOLA's Small Communities Workshop in Salida. Staff was asked to present and discuss which of the DOLA Qualifying Strategies were popular and which ones were not. Communities must have adopted at least 3 Qualifying Strategies to apply for the Grant. To date Leadville and Lake County have adopted 11 of the strategies and have demonstrated several "other novel, innovative, or creative approaches to incentivize affordable housing development". DOLA received 54 applications, totaling \$90 million dollars in requested funding. They only have \$19 million to award.

The next step will be a pre-application meeting with DOLA. It will be scheduled later this month. After the pre-application meetings, DOLA will determine which applicants will be invited to apply for the Incentives Grant.

Leadville Lake County Regional Housing Authority

The first meeting is October 3rd at 5:30Pm at the public library. The four seated board members will be reviewing the applications and the process for selecting the 3 at large board members. Other agenda items will include discussions regarding seating the Development Subcommittee board, and hiring legal representation, Chaffee Housing Trust's request to create a partnership with LLCRHA.

LLCRHA sent 35 home buyer referrals to Chaffee Housing Trust.

Policy Advisory Team

The Policy Advisory Team will be hosting a housing event October 21st at Freight from 4pm-7pm.

Housing Coalition

The Housing Coalition has been working diligently this summer to bring Special Project HUD programming to our community. The Advocates completed the HUD grant application.

Matchmaking Update

The matchmaking effort has resulted in 22 matches.

Housing Update

October 2022



DOLA
Update

DOLA is presenting at the American Planning Association and is highlighting our community for tour work on affordable housing

LURA
Parcel

LLCRHA sent 35 buyer referrals to Chaffee Housing Trust

Policy
Advisory
Team

Community Housing Event
October 21st at Freight
From 4pm-7pm

Housing
Coalition

Successfully Submitted HUD Grant

Matchmaking
For Housing

Matched 22 people looking for housing with property owners offering housing

Tourism 2023 Budget Narrative – Adam Ducharme

Services

The Lake County Tourism Panel exists to create revenue through tourism to improve the quality of life for Lake County residents. Our community's largest assets are our heritage and our access to open space for outdoor recreation. The Tourism panel must help protect these resources as we are increasingly embracing the fact that our community is largely a tourism-based economy. Our work is to connect visitors and locals to Lake County experiences and sustainably growing our tourism economy. We work in partnership with businesses that depend on tourism and with local organizations that support those businesses.

Commented [GU1]: Renewable resource- protect natural resources (heritage and nature)

Current Issues

Lake county has seen a large growth in visitation over the last five years. The result of this is that our lodging tax revenue has grown significantly as well within the last five years from \$104K to \$345k. This access to capital has allowed us to better market our destination and create interest from outside investment which has improved the overall amount of businesses in Leadville and Twin Lakes. This revenue has also allowed us to manage tourism more actively.

This is a critical time for us to focus on the role of tourism in our community. We need to transition away from having our identity and tax base focused around mining, as the Climax mine is set to close in 2038. The goal is to have a resilient, year-round economy with tourism related businesses as the backbone of our sustainable growth. Many people within our community want to be here because we are isolated and small. This rural lifestyle is part of Lake County's character, but a "not in my backyard" philosophy to visitors will not work if we are to grow as a tourism destination.

Our natural resources are our largest asset, and the county recognizes the importance of protecting that resource. Our growth in visitation means that we need to focus on the rules and regulations that govern our tourism focused industries. For a long time, Lake County operated with minimal rules and regulations. This approach worked fine when the volume and complexity of tourism related businesses were minimal. This has changed over the past 5-10 years and now we need to adjust. A strong set of rules and regulations that help visitors, local businesses and the community understand what is expected of them is critical at this point. There are currently many examples of environmental degradation and areas that are experiencing overuse due to lack of regulation and enforcement.

Short and Long-Term Objectives-

Short Term Objectives:

Our biggest short-term objective is to use strategic communication and marketing to help define what tourism needs to look like in how our community. That messaging will be echoed to our visitors. This consistent messaging will help us build a brand and let everyone understand who we are. Rather than focusing on what we were in the past and what doesn't work, we are focused on solutions around how to sustainably grow our Tourism Economy and continue to improve our quality of life for Lake County residents as we do so.

Tourism 2023 Budget Narrative – Adam Ducharme

One of the major issues that continues to crop up in our community is that we do not have the resources/enforcement in place to understand and help mitigate the impacts of outdoor recreation in Lake County. A short-term objective is to work with key stakeholders to create a “Friends of Leadville and Twin Lakes” recreation group that can work on outdoor recreation enforcement through an ambassador program.

Long Term Objectives:

Lake County’s work around tourism needs to grow into more of a tourism and community development organization that focuses on long ranging, sustainable growth. Right now, we have many organizations working on similar problems and objectives, without strategic alignment. We should be leveraging force multipliers to get more quality work done, faster. This would include a strategic assessment of the various organizations with similar purposes.

Lake County and the City of Leadville should create an umbrella organization that focuses on our economic vitality with dedicated revenue streams tied to it. This would be existing stream such as lodging tax revenue and chamber membership dues as well as new stream such as the campground concession revenue as well as the creation of a Local Marketing District or Tourism Improvement District. This would allow us to make more resilient businesses and attract a diverse workforce from within Lake County. This would be akin to the Tourism and Prosperity Partnership of the Gunnison Valley.

Fund	Account Number	Account Name	Account Type	Department	Division	2020 Total Activity	2021 Total Activity	2022 YTD Activity Through May	2022 Total Budget	2023 Total Budget DEPT REQ	2024 Total Budget LRP	2025 Total Budget LRP
1117	1117.417.00.40025	LODGING TAX	Revenue	417 Lodging Tax Fund	00 General	(215,894.39)	(289,966.88)	(57,670.17)	(305,000.00)	(300,000.00)	(290,000.00)	(310,000.00)
1117	1117.417.00.40026	CITY OF LEADVILLE LODGING TAX	Revenue	417 Lodging Tax Fund	00 General	-	-	(24,000.00)	(90,000.00)	(97,500.00)	(95,000.00)	(105,000.00)
1117	1117.417.00.40027	CTO OPERA HOUSE GRANT	Revenue	417 Lodging Tax Fund	00 General	-	-	(14,000.00)	(58,000.00)	(58,000.00)	-	-
1117	1117.417.00.42200	GRANT REVENUE	Revenue	417 Lodging Tax Fund	00 General	-	-	-	(12,500.00)	(30,000.00)	(20,000.00)	(30,000.00)
1117	1117.417.00.50990	TRANSFER OUT	Revenue	417 Lodging Tax Fund	00 General	-	-	-	-	-	-	-
1117	1117.417.00.51510	GENERAL COOP ADVERTISING	Revenue	417 Lodging Tax Fund	00 General	-	-	-	-	-	-	-
1117	1117.417.00.61100	SALARIES & WAGES	Expense	417 Lodging Tax Fund	00 General	-	-	10,096.17	56,000.00	75,000.00	75,000.00	76,000.00
1117	1117.417.00.62100	EMPLOYER: FICA TAX	Expense	417 Lodging Tax Fund	00 General	-	-	625.97	3,756.00	4,100.00	4,100.00	5,500.00
1117	1117.417.00.62200	EMPLOYER FICA MEDICARE TAX	Expense	417 Lodging Tax Fund	00 General	-	-	146.40	879.00	930.00	990.00	1,100.00
1117	1117.417.00.62300	COLO UNEMPLOYMENT	Expense	417 Lodging Tax Fund	00 General	-	-	24.52	147.00	175.00	190.00	210.00
1117	1117.417.00.62400	BENEFIT: RETIREMENT	Expense	417 Lodging Tax Fund	00 General	-	-	302.89	1,818.00	2,100.00	2,600.00	2,850.00
1117	1117.417.00.63100	BENEFIT: HEALTH INSURANCE	Expense	417 Lodging Tax Fund	00 General	-	-	-	-	-	-	-
1117	1117.417.00.80100	PHOTOGRAPHY & VIDEOGRAPHY	Expense	417 Lodging Tax Fund	00 General	10,289.88	10,321.12	426.33	5,000.00	30,000.00	5,000.00	10,000.00
1117	1117.417.00.80400	COMMUNITY ENGAGEMENT & ADVOCACY	Expense	417 Lodging Tax Fund	00 General	-	2,301.20	2,543.00	43,500.00	38,500.00	35,000.00	39,000.00
1117	1117.417.00.80450	BRAND RESEARCH/CONFERENCES	Expense	417 Lodging Tax Fund	00 General	-	-	-	-	1,000.00	2,000.00	2,500.00
1117	1117.417.00.80500	MARKETING & MANAGEMENT SUPPORT	Expense	417 Lodging Tax Fund	00 General	69,739.47	72,618.44	15,875.00	60,000.00	45,000.00	45,000.00	45,000.00
1117	1117.417.00.80550	GRANT VIDEOGRAPHY EXPENSE	Expense	417 Lodging Tax Fund	00 General	22,414.50	5,000.00	-	-	-	-	-
1117	1117.417.00.80560	GRANT DIGITAL EXPENSE	Expense	417 Lodging Tax Fund	00 General	19,589.76	18,692.86	685.97	15,000.00	-	-	-
1117	1117.417.00.80570	PRINT ADVERTISING	Expense	417 Lodging Tax Fund	00 General	1,717.00	-	-	17,582.00	15,000.00	15,000.00	12,500.00
1117	1117.417.00.80580	DIGITAL MARKETING	Expense	417 Lodging Tax Fund	00 General	13,381.67	68,572.34	22,986.28	85,000.00	80,000.00	75,000.00	45,000.00
1117	1117.417.00.80600	DISTRIBUTION AND POSTAGE	Expense	417 Lodging Tax Fund	00 General	3,293.32	-	-	200.00	500.00	500.00	500.00
1117	1117.417.00.80610	VISITOR CENTER SUPPORT	Expense	417 Lodging Tax Fund	00 General	31,678.00	57,474.19	18,540.00	58,200.00	60,000.00	60,000.00	65,000.00
1117	1117.417.00.80620	CTO OPERA GRANT CONTENT DEVELOPMENT	Expense	417 Lodging Tax Fund	00 General	-	-	11,075.00	-	-	-	-
1117	1117.417.00.80625	CTO OPERA GRANT EXPENSE	Expense	417 Lodging Tax Fund	00 General	-	-	30.18	60,000.00	60,000.00	-	-
1117	1117.417.00.80650	DIGITAL MARKETING TOOLS/WEBSITE SUPPORT	Expense	417 Lodging Tax Fund	00 General	4,558.00	9,672.17	5,844.28	18,000.00	16,000.00	28,000.00	20,000.00
1117	1117.417.00.80700	PUBLIC RELATIONS & INFLUENCERS	Expense	417 Lodging Tax Fund	00 General	11,769.54	17,929.27	2,150.00	4,000.00	6,000.00	6,000.00	15,000.00
1117	1117.417.00.80750	PRINT AND OSGV	Expense	417 Lodging Tax Fund	00 General	1,070.92	13,063.15	2,500.00	30,000.00	28,000.00	28,000.00	28,000.00
1117	1117.417.00.80850	ADDITIONAL TOURISM PANEL COUNTY STAFF	Expense	417 Lodging Tax Fund	00 General	-	3,000.00	2,500.86	1,000.00	4,000.00	2,000.00	45,000.00
1117	1117.417.00.80900	CONTINGENCY	Expense	417 Lodging Tax Fund	00 General	252.64	769.09	-	5,000.00	15,000.00	10,000.00	20,000.00
417 Lodging Tax Fund Total						(26,139.69)	(10,553.05)	682.68	(418.00)	(4,195.00)	(10,620.00)	(11,840.00)
Grand Total						(26,139.69)	(10,553.05)	682.68	(418.00)	(4,195.00)	(10,620.00)	(11,840.00)

Project SoW, Schedule, and Budget for the Leadville-Lake County Hazard Mitigation Plan Update

1. Scope of Work (SoW)

- A. The proposed project will develop a Hazard Mitigation Plan (HMP) Update for Leadville-Lake County that meets the requirements of the Disaster Mitigation Act (DMA) of 2000, 44 CFR Part 201.6 and the most current Federal Emergency Management Agency (FEMA) “how-to” planning guidance. The plan will meet the most current FEMA and DHSEM Local Mitigation Plan Review Tool requirements. In addition, the plan will be aligned with the current State of Colorado Hazard Mitigation Plan.
- B. This will be a **multi-jurisdictional** plan. At a minimum, the following cities, towns, and special districts are anticipated to be participating jurisdictions (as defined by FEMA) in this multi-jurisdictional plan update:
 - 1) **Lake County**
 - 2) **City of Leadville**
 - 3) **Leadville Sanitation**
 - 4) **Parkville Water**
 - 5) **St. Vincent’s Health**
 - 6) **Lake County School District**
- C. **Lake County** will procure a contractor with FEMA grant funds to facilitate the planning process, identify the data requirements, conduct research, develop and facilitate the public input process, document the planning process, produce the draft and final plan document, and facilitate the plan adoption process. The contractor will be responsible to the **Lake County Office of Emergency Management Director, County Project Manager** for the following four stages: Organizing Resources; Hazard Identification and Risk Assessment (HIRA); Developing a Mitigation Strategy; and Plan Adoption, Monitoring & Evaluation. The contractor will maintain its project management role until FEMA approves the plan update. The contractor will assist the **Director of the Office of Emergency Management**, as necessary, with documentation for grant management, to include quarterly progress reports, reimbursements for contractual fees, and time spent towards eligible in-kind activities with participating jurisdiction representatives.
- D. Plan Development Tasks. The proposed planning project has five tasks:
 - 1) Task 1. Organize Resources. The plan will document the planning process used to develop the plan update and how the plan will be maintained within a five-year cycle, including the following information:
 - a) Lake County will establish a planning team to oversee the development of the plan. The planning team will include representatives from: participating jurisdictions; local elected officials; local, regional, and state agencies involved in hazard mitigation activities; agencies that have the authority to regulate development; neighboring communities; and other public, private, and non-profit interests.
 - b) Each jurisdiction’s participation in the planning process and how they met FEMA’s participation requirements.

Project SoW, Schedule, and Budget for the Leadville-Lake County Hazard Mitigation Plan Update

- c) An action plan, involving a variety of methods, for public involvement and comment during the plan development tasks and a public review/comment period. The plan will document both the process and results.
 - d) Which plans, studies, reports, and technical information were reviewed and incorporated. This could include local comprehensive plans, local ordinances, Capital Improvement Plans (CIPs), warning systems, Community Wildfire Protection Plans (CWPPs), public education initiatives, local building codes and zoning ordinances, Floodplain Management Plans, mitigation planning-type activities such as Risk MAP, and others.
 - e) A description of building codes, hazard overlay districts, zoning and subdivision codes, or other hazard mitigation measures currently in effect for each participating jurisdiction that has land use authority. Building code information shall include the version of the code and any local changes that may affect hazard mitigation.
 - f) A description of how the plan update incorporates Plan Assessment comments from the previous plan's Review Tool.
 - g) The participating jurisdictions' implementation and maintenance of the current plan since FEMA's approval.
 - h) How each jurisdiction will continue public participation and monitor, evaluate, and update the plan within a five-year cycle.
- 2) Task 2. Hazard Identification and Risk Assessment (HIRA). The updated plan will include an assessment of the changes in development in hazard prone areas and how the vulnerability of each jurisdiction has been affected. The updated plan will also include hazard events that have occurred and any other appropriate changes in data and analysis since the last plan was developed. The HIRA will include the following information, at a minimum:
- a) A review of and comments about all natural, human-caused, and technological hazards listed in the Colorado State Hazard Mitigation Plan (SHMP), with updated or new descriptions of those specific hazards that most affect or impact the participating jurisdictions.
 - b) Updated information on the location, extent, and previous occurrences of each hazard affecting each jurisdiction.
 - c) Updates on any hazard events that have occurred since the last plan date.
 - d) Updated information on the probability of future hazard events.
 - e) An overall summary for each jurisdiction's vulnerability to each hazard. Rate the impact, for example high, medium, or low and explain the rating system used and the process followed to achieve the ranking.
 - f) For each jurisdiction, describe in general each hazard's impact on buildings, infrastructure, critical facilities, the vulnerable population, and Lifelines, based upon FEMA's Lifeline Assessment Toolkit. Lifeline analysis should include ingress/egress challenges during hazard events.

Project SoW, Schedule, and Budget for the Leadville-Lake County Hazard Mitigation Plan Update

- g) Describe vulnerability in terms of types and numbers of National Flood Insurance Program (NFIP) insured properties, to include repetitive loss (RL) and severe repetitive loss (SRL) properties, located in the identified hazard areas. Include information regarding insured values and previous claims.
 - h) Include the most current FEMA Flood Insurance Rate Map (FIRM) in plan, if available.
 - i) Based on best available data, provide updated information on the vulnerability of existing and future buildings, infrastructure, critical facilities, and Lifelines for each jurisdiction. Specify the types and numbers of buildings, infrastructure, critical facilities, and Lifelines.
 - j) Based on best available data, provide estimated potential dollar losses to vulnerable structures and infrastructure, describing the methodology used to prepare the estimate.
 - k) Based on best available data, describe vulnerability in terms of land use and development trends.
 - l) Based on best available data, analyze the economic impacts from potential hazards.
 - m) Based on best available data, describe how potential climate adaptation may impact each jurisdiction's current and future vulnerability to specific hazards.
 - n) Based on the Future Avoided Cost Explorer (<https://cwcb.colorado.gov/FACE>), an assessment or evaluation of potential losses from climate change associated with flood, drought, and wildfire.
- 3) Task 3. Develop a Mitigation Strategy. Each jurisdiction will participate in the development of a mitigation strategy that reflects the results of the risk assessment and includes the following:
- a) Document each jurisdiction's existing capabilities (authorities, policies, programs, and resources) related to hazard mitigation, and its ability to expand on and improve these existing tools.
 - b) Overall goals for reducing risk in the planning area. The participating jurisdictions may also create objectives as part of the mitigation strategy. The plan will describe how the planning team reviewed, and if applicable, updated the goals and objectives.
 - c) The plan update will describe mitigation actions in the current plan, identifying which are complete, incomplete (and why), deleted, or continued for each jurisdiction.
 - d) Specific mitigation actions and projects to reduce the impacts identified in the risk assessment, with an emphasis on new and existing buildings, community lifeline assessments, and infrastructure for each jurisdiction. There must be new identifiable action items for each jurisdiction seeking adoption of the plan.
 - e) A description of each jurisdiction's participation in the NFIP and continued compliance with NFIP requirements, as appropriate.

Project SoW, Schedule, and Budget for the Leadville-Lake County Hazard Mitigation Plan Update

- f) A description of each jurisdiction's compliance with the Colorado Rules and Regulations for Regulatory Floodplains (2 CCR 408-1).
 - g) A description of how the jurisdictions will prioritize and implement the mitigation actions identified for each jurisdiction.
- 4) Task 4. Plan Adoption, Monitoring, and Evaluation. The plan will describe a process for adopting, monitoring, and evaluating this plan update, to include:
- a) The method and schedule for monitoring and evaluating the plan, including progress on action items, updates to the HIRA or mitigation goals and objectives, and adding new mitigation actions before the next plan update.
 - b) The process to incorporate the mitigation plan into other local planning mechanisms for each jurisdiction, and how the previous mitigation plan elements were incorporated into the same.
 - c) A strategy for continued public participation.
 - d) Lake County will submit the draft plan and completed FEMA Local Mitigation Plan Review Tool to the DHSEM Mitigation Planning Team for review of compliance with FEMA HMP requirements. DHSEM will forward the plan to FEMA Region VIII for review and Approvable Pending Adoption (APA) status. The contractor will make revisions to the plan as required by DHSEM and FEMA (*Note- These changes may be required after final payment is made to the contractor in order to maximize the grant award, but final payment does not relieve the contractor of delivery of a FEMA approved plan*). Upon receiving APA status, all participating jurisdictions will formally adopt the plan and provide their resolutions of adoption to DHSEM within three months. DHSEM will provide local resolutions to FEMA for final plan approval.
 - e) Posting the FEMA-approved plan, FEMA approval packet, and all local adoptions to the Lake County website within three months of FEMA's approval date.
- 5) Task 5. Grant Management. Lake County and participating jurisdictions' staff will assist the County Project Manager, as necessary with the following tasks:
- a) Grant application development.
 - b) Setting up grant documentation and accounting upon award.
 - c) Consultant procurement and compliance with local, state, tribal, and federal procurement rules.
 - d) Documenting and reporting in-kind labor and quarterly progress reporting.
 - e) Documenting grant reimbursements, close-out, and records maintenance.

2. Part II: Project Work Schedule

- A. Lake County will complete this HMP update within the following timeline.

Project SoW, Schedule, and Budget for the Leadville-Lake County Hazard Mitigation Plan Update

B. All time periods in this schedule **begin from the date FEMA awards this grant.**

- 1) Award Date + 3 Months: State-Local Grant Agreement Process; Local Procurement Complete
- 2) Award Date + 4-16 Months: HMP development; DRAFT plan complete
- 3) Award Date + 17-18 Months: State HMP Review and potential revisions
- 4) Award Date + 19-21 Months: FEMA HMP Review and potential revisions; FEMA APA Status
- 5) Award Date + 21-23 Months: HMP local adoptions
- 6) Award Date + 24 Months: Official FEMA HMP approval; End State Period of Performance
- 7) Award Date + 25.5 Months: Complete Local-State Grant Closeout
- 8) Award Date + 27 Months: Complete FEMA Grant Closeout

3. Budget Cost Estimate and Breakdown

- A. The proposed budget for Lake County is a **\$57,600.00** total project cost, rounded to the nearest whole dollar. DHSEM provided guidance for a range of costs that combines inputs from FEMA Region VIII and the cost breakdowns of recent HMPs throughout Colorado. Based on that guidance, a mitigation plan for Lake County should be between **\$40,000-70,000**. This range accounts for the total population in the planning area (**7,417 based on CO Demography Office numbers**), the number of participating jurisdictions (**6**), and the complexity of the planning area's terrain and hazards (**provide specific examples here**).

B. Cost Estimate (by Scope of Work Tasks)

Lake County 2022 HMP Budget					
Task	Description	Cost (% of Total)	Unit Cost	# of Units	Total
1	ORGANIZE RESOURCES: Management Costs, Kickoff Meetings, and Outreach Activities (% of Total Cost Estimate)	19.07%			
	<i>1a. Contractual (% of estimated contract cost)</i>	19.28%	\$10,604.00	n/a	\$10,604.00
	<i>1b. Local In-Kind (% of estimated total cost)</i>	0.7%			\$378.12
	<i>Personnel</i>		\$31.51	12	\$378.12
	<i>Mileage (at IRS 2021 rate of \$0.62/mile)</i>		\$0.625	0	\$0.00
	<i>Other Eligible Costs (e.g.- Room Fees, etc.)</i>		\$300.00	0	\$0.00
	Cost Line 1a rounded to nearest whole dollar				\$10,604.00
	Cost Line 1b rounded to nearest whole dollar				\$378.00
	Task 1 Sub-Total				\$10,982.00
2	HAZARD IDENTIFICATION & RISK ASSESSMENT (HIRA) (% of Total Cost Estimate)	32.56%			
	<i>2a. Contractual (% of estimated contract cost)</i>	33.41%	\$18,375.50	n/a	\$18,375.50

Project SoW, Schedule, and Budget for the Leadville-Lake County Hazard Mitigation Plan Update

	2b. Local In-Kind (% of estimated total cost)	0.7%			\$378.12
	Personnel		\$31.51	12	\$378.12
	Mileage (at IRS 2021 rate of \$0.62/mile)		\$0.625	0	\$0.00
	Other Eligible Costs (e.g.- Room Fees,etc.)		\$300.00	0	\$0.00
	Cost Line 2a rounded to nearest whole dollar				\$18,376.00
	Cost Line 2b rounded to nearest whole dollar				\$378.00
	Task 2 Sub-Total				\$18,754.00
3	DEVELOP A MITIGATION STRATEGY (% of Total Cost Estimate)	29.19%			
	3a. Contractual (% of estimated contract cost)	30.11%	\$16,560.50	n/a	\$16,560.50
	3b. Local In-Kind (% of estimated total cost)	0.4%			\$252.08
	Personnel		\$31.51	8	\$252.08
	Mileage (at IRS 2021 rate of \$0.62/mile)		\$0.625	0	\$0.00
	Other Eligible Costs (e.g.- Room Fees,etc.)		\$300.00	0	\$0.00
	Cost Line 3a rounded to nearest whole dollar				\$16,561.00
	Cost Line 3b rounded to nearest whole dollar				\$252.00
	Task 3 Sub-Total				\$16,813.00
4	PLAN ADOPTION, MONITORING & EVALUATION: Plan Review/Adoption (% of Total Cost Estimate)	13.52%			
	4a. Contractual (% of estimated contract cost)	14.02%	\$7,711.00	n/a	\$7,711.00
	4b. Local In-Kind (Personnel) (% of estimated total cost)	0.1%	\$31.51	2.5	\$78.78
	Cost Line 3a rounded to nearest whole dollar				\$7,711.00
	Cost Line 3b rounded to nearest whole dollar				\$79.00
	Task 4 Sub-Total				\$7,790.00
5	GRANT MANAGEMENT & OTHER ELIGIBLE COSTS (% of Total Cost Estimate)	5.66%			
	5a. Contractual (% of estimated contract cost)	3.18%	\$1,749.00	n/a	\$1,749.00
	5b. Local In-Kind (% of estimated total cost)	2.6%			\$1,512.48
	Personnel		\$31.51	48	\$1,512.48
	Other Eligible Costs (e.g.- Printing, Supplies, etc.)		\$52.38	0	\$0.00
	Cost Line 5a rounded to nearest whole dollar				\$1,749.00
	Cost Line 5b rounded to nearest whole dollar				\$1,512.00
	Task 5 Sub-Total				\$3,261.00
Total Budget Estimate					
Total Project Cost (Rounded to nearest whole dollar per cost line)					\$57,600.00
- Total Contractual Costs (Rounded to nearest whole dollar per cost line)					\$55,000.00
- Total Local In-Kind Costs (Rounded to nearest whole dollar per cost line)					\$2,599.00
Federal Share of Total Project Cost (90%- Rounded DOWN to nearest whole dollar)					\$49,500.00
Local Share of Total Project Cost (10%- Rounded UP to nearest whole dollar)					\$5,500.00
- Local Share of Total Contractual Cost (Total Contract Cost - Federal Share)					\$2,900.00
- Local In-Kind Cost					\$2,600.00

C. Explanation of Budget Breakdown

Project SoW, Schedule, and Budget for the Leadville-Lake County Hazard Mitigation Plan Update

- 1) The \$[57,600] total project cost was broken down into the five tasks listed in Section I: Scope of Work in this document. The cost percentages in the Cost Estimate reflect average HMP contract prices in Colorado and estimates of local participation and eligible costs.
- 2) The local costs percentages noted above were modified based on criteria such as the number of participating communities, projected size of the planning team, expected amount of travel required, and other items. The final budget was reviewed and approved by the sub-applicant and DHSEM as being reasonable.
- 3) Each of the budget cost lines are separated into contractual fees and local in-kind. The in-kind will primarily consist of staff participation during planning meetings and follow-up work, mileage to attend meetings in non-government vehicles, room rental fees, and other eligible costs. A default value of \$30.31 is used to value an hour of time - this value comes from the Independent Sector value of a volunteer hour for Colorado for 2020, which is the most recent year available. Each participating jurisdiction will track its staff and volunteer participation for the sub-applicant's grant management tasks. Although we are estimating the budget with the volunteer rate of \$30.31 per hour, many participants will provide documentation necessary to use their actual "loaded wage," which is a combination of their hourly salary/wage rate and their fringe benefits rate. These loaded wages will frequently exceed \$29.50 per hour but it was not feasible to include them during this application process.
- 4) The Federal Award amount will only apply to contractual costs. The participating jurisdictions will be responsible for any cash differences between the total contract price and the Federal Award. Each jurisdiction's Funding Match Commitment Letter (attached to the application) support the local cash and in-kind portions of the cost estimate.
- 5) The justifications for the Personnel cost lines items follow:
 - a) Task 1- Organize Resources: 75 hours are estimated for the participating jurisdictions and districts. They derived from one, three-hour meeting at \$29.50 per participant per jurisdiction (6 jurisdictions total) [20 personnel total; Lake County x 10; City of Leadville x 3; Parkville Water x 2; Leadville Sanitation x 3; St. Vincent's Health x 1; Lake County School District x 1] - to be identified in planning process. We also anticipate 15 hours of participant follow-up with the contractor to prepare for the meeting in Task 2 (see below). Travel time/mileage throughout all sections of the cost estimate are reasonable based on the distances between jurisdictions. Mileage is based on the 2022 IRS business mileage rate of \$0.585 per mile.
 - b) Task 2- Hazard Identification & Risk Assessment (HIRA): The contractor will complete the bulk of the hazard identification and risk assessment work but the planning team will provide data and analysis to complete this effort. Approximately 60 hours are provided for all participating jurisdictions, in both meeting attendance and follow-up with the contractor. We anticipate that the Kickoff Meeting in Task 1 will begin the HIRA update process. Therefore, we anticipate that the HIRA-specific meeting during this phase will last two hours instead of three, with a slight reduction to 40 hours of participation and in-kind values compared to the Kickoff Meeting. The additional 20 hours estimated for this task beyond the HIRA Meeting are a conservative estimate of follow-up time required for participants to finalize the HIRA.
 - c) Task 3- Develop a Mitigation Strategy: The contractor will facilitate the Mitigation Strategy Meeting and complete the plan writing during this stage. The planning team is

Project SoW, Schedule, and Budget for the Leadville-Lake County Hazard Mitigation Plan Update

focused on developing a viable local mitigation strategy, based on the HIRA, and reviewing the plan. Approximately 75 hours are provided for all participating jurisdictions, in both meeting attendance and follow-up with the contractor. We anticipate a three-hour Mitigation Strategy Meeting, with 60 hours of participation and in-kind values. The additional 15 hours estimated for this task beyond the Mitigation Strategy Meeting are a conservative estimate of follow-up time required for participants.

- d) Task 4- Plan Adoption, Monitoring, & Evaluation: 36 hours is for working with the contractor and individual communities to ensure the "Approvable Pending Adoption" (APA) plan is adopted, providing assistance to participating communities in the plan review process, and similar activities.
- e) Task 5- Grant Management: 72 hours- Lake County staff, as the grant fiscal agent, will monitor the HMGP grant, supervise the contractor, track in-kind personnel and other costs, and provide necessary quarterly financial and progress reporting to the state and FEMA. The number of personnel units (72) is derived from an estimate of 3 hours per month over the period of the grant (24 months).

[_Signature of Chief Elected Official or Authorized Agent_]

Date: _____

[_Title of Chief Elected Official or Authorized Agent_]

Lake County 2022 HMP Budget					
Task	Description	Cost (% of Total)	Unit Cost	# of Units	Total
1	ORGANIZE RESOURCES: Management Costs, Kickoff Meetings, and Outreach Activities (% of Total Cost Estimate)	19.07%			
	1a. Contractual (% of estimated contract cost)	19.28%	\$10,604.00	n/a	\$10,604.00
	1b. Local In-Kind (% of estimated total cost)	0.7%			\$378.12
	Personnel		\$31.51	12	\$378.12
	Mileage (at IRS 2021 rate of \$0.62/mile)		\$0.625	0	\$0.00
	Other Eligible Costs (e.g.- Room Fees,etc.)		\$300.00	0	\$0.00
	Cost Line 1a rounded to nearest whole dollar				\$10,604.00
	Cost Line 1b rounded to nearest whole dollar				\$378.00
	Task 1 Sub-Total				\$10,982.00
2	HAZARD IDENTIFICATION & RISK ASSESSMENT (HIRA) (% of Total Cost Estimate)	32.56%			
	2a. Contractual (% of estimated contract cost)	33.41%	\$18,375.50	n/a	\$18,375.50
	2b. Local In-Kind (% of estimated total cost)	0.7%			\$378.12
	Personnel		\$31.51	12	\$378.12
	Mileage (at IRS 2021 rate of \$0.62/mile)		\$0.625	0	\$0.00
	Other Eligible Costs (e.g.- Room Fees,etc.)		\$300.00	0	\$0.00
	Cost Line 2a rounded to nearest whole dollar				\$18,376.00
	Cost Line 2b rounded to nearest whole dollar				\$378.00
	Task 2 Sub-Total				\$18,754.00
3	DEVELOP A MITIGATION STRATEGY (% of Total Cost Estimate)	29.19%			
	3a. Contractual (% of estimated contract cost)	30.11%	\$16,560.50	n/a	\$16,560.50
	3b. Local In-Kind (% of estimated total cost)	0.4%			\$252.08
	Personnel		\$31.51	8	\$252.08
	Mileage (at IRS 2021 rate of \$0.62/mile)		\$0.625	0	\$0.00
	Other Eligible Costs (e.g.- Room Fees,etc.)		\$300.00	0	\$0.00
	Cost Line 3a rounded to nearest whole dollar				\$16,561.00
	Cost Line 3b rounded to nearest whole dollar				\$252.00
	Task 3 Sub-Total				\$16,813.00
4	PLAN ADOPTION, MONITORING & EVALUATION: Plan Review/Adoption (% of Total Cost Estimate)	13.52%			
	4a. Contractual (% of estimated contract cost)	14.02%	\$7,711.00	n/a	\$7,711.00
	4b. Local In-Kind (Personnel) (% of estimated total cost)	0.1%	\$31.51	2.5	\$78.78
	Cost Line 3a rounded to nearest whole dollar				\$7,711.00
	Cost Line 3b rounded to nearest whole dollar				\$79.00
	Task 4 Sub-Total				\$7,790.00
5	GRANT MANAGEMENT & OTHER ELIGIBLE COSTS (% of Total Cost Estimate)	5.66%			
	5a. Contractual (% of estimated contract cost)	3.18%	\$1,749.00	n/a	\$1,749.00
	5b. Local In-Kind (% of estimated total cost)	2.6%			\$1,512.48
	Personnel		\$31.51	48	\$1,512.48
	Other Eligible Costs (e.g.- Printing, Supplies, etc.)		\$52.38	0	\$0.00
	Cost Line 5a rounded to nearest whole dollar				\$1,749.00
	Cost Line 5b rounded to nearest whole dollar				\$1,512.00
	Task 5 Sub-Total				\$3,261.00
Total Budget Estimate					
Total Project Cost (Rounded to nearest whole dollar per cost line)					\$57,600.00
- Total Contractual Costs (Rounded to nearest whole dollar per cost line)					\$55,000.00
- Total Local In-Kind Costs (Rounded to nearest whole dollar per cost line)					\$2,599.00
Federal Share of Total Project Cost (90%- Rounded DOWN to nearest whole dollar)					\$49,500.00
Local Share of Total Project Cost (10%- Rounded UP to nearest whole dollar)					\$5,500.00
- Local Share of Total Contractual Cost (Total Contract Cost - Federal Share)					\$2,900.00
- Local In-Kind Cost					\$2,600.00



Lake County Government Board of County Commissioners

505 Harrison Avenue • PO Box 964 • Leadville, Colorado 80461 • (719) 838-0004

Dear Mayor Labbe, City Council Members, and Administrator Simonson,

Lake County will be applying for the Hazard Mitigation Grant Program (HMPG) through FEMA in order to update the City of Leadville and Lake County Hazard Mitigation Plan (HMP).

The current City of Leadville and Lake County HMP was completed and approved by the Board of Commissioners on May 6, 2019 and serves as the physical representation of the County and City's commitment to reduce risks from natural hazards. This plan must be updated every five years, and will expire in 2024. A current HMP is required for communities to adopt to receive funding for hazard mitigation projects.

The current comprehensive plan is available at:

https://www.lakecountyco.com/sites/g/files/vyhlf5486/f/uploads/lake_county_natural_hazard_mitigation_plan.pdf

Lake County has been working with Emily Palmer, Mitigation Planner from the Office of Emergency Management- State of Colorado Department of Homeland Security and Emergency Management, to develop a budget and apply for the FEMA HMPG grant. The total cost to complete the HMP is estimated to be \$55,000. If Lake County receives the grant, FEMA will cover 90% (\$49,500) and Lake County will be responsible for the remaining 10%. FEMA will accept both cash and in-kind donations.

Lake County's total responsibility is estimated to be \$5,500.00 which will be divided into \$2,900 local cash and \$2,600 local in-kind. The Lake County Board of Commissioners approved up to this amount at their regular meeting on September 20, 2022.

Lake County is requesting \$520 of in-kind funding and \$725 of cash funding, or 25% of each category from the City of Leadville for the 10% of the contract price the County would be responsible for.

Thank you for your time and consideration for this request. If you have any questions, please do not hesitate to reach out. The County looks forward to partnering with the City in the writing and implementation of the HMP and making our community a safer place for our residents and visitors.

Sincerely,

Tim Bergman
Lake County Manager

FUNDING MATCH COMMITMENT LETTER

(Participating Jurisdiction Letterhead)

September 20, 2022

State Hazard Mitigation Officer (SHMO)
Colorado Division of Homeland Security & Emergency Management (DHSEM)
9195 East Mineral Avenue, Suite 200
Centennial, CO 80112

Re: "Funding Match Commitment Letter" as a participating jurisdiction in the Leadville Lake County Multi-jurisdictional Hazard Mitigation Plan (HMP)

Dear Mr. Thompson,

This letter serves as City of Leadville's commitment to meet the matching fund requirements for the Leadville-Lake County Hazard Mitigation Plan (HMP) Update.

If awarded an HMA Planning Grant, the City of Leadville will provide local in-kind services in lieu of cash funds in the amount of at least \$ via staff time (labor) to assist in the planning process, compilation of data, and other services related to development of the Leadville- Lake County HMP. Documentation of in-kind costs will be tracked by hourly wages and participation in planning activities via official sign-in sheets, and other data gathering needs as assessed and assigned by the Local Planning Committee (LPC).

AND

If awarded an HMA Planning Grant, the City of Leadville will provide local cash matching funds in the amount of \$ for development of the Leadville- Lake County HMP. These cash funds will be available as of .

Therefore, with a full understanding of the fiscal obligations incurred by this agreement, I [Name, Title], commit the City of Leadville match funding to the Leadville-Lake County Multi-Jurisdictional Hazard Mitigation Planning effort.

Executed this day of September

[Signature of Chief Elected Official or Authorized Agent]

[Title of Chief Elected Official or Authorized Agent]



AGENDA ITEM #8A

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: October 4, 2022

SUBJECT: Zero Day Coffee Change of Use Conditional Use Permit

PRESENTED BY: Chapin LaChance, Planning Director

☐ ORDINANCE
☐ RESOLUTION
☒ MOTION
☐ INFORMATION

I. REQUEST OR ISSUE:

The Planning and Zoning Commission recommends that the City Council conditionally approve this Conditional Use Permit application (Application) to expand the authorized use of the property to include the sale of beer and wine for consumption on the premises, which is considered a “bar/lounge” use by the Leadville Municipal Code.

II. BACKGROUND INFORMATION:

The one-story building was constructed in 1888, traditionally serving as a single-family dwelling and was used more recently as a retail store (antiques, books, and jewelry). In 2021, the current tenant began using the building as an approximately 706 sq. ft. residence in the rear (north) of the building and an approximately 572 sq. ft. coffee shop in the front (south). At the September 6, 2022 City Council meeting, the City Council approved a Liquor License for the service of beer and wine, with a Condition of Approval that the applicant obtain a Conditional Use Permit for the proposed bar use.

III. FISCAL IMPACTS:

None.

IV. LEGAL ISSUES:

None.

VI. PLANNING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission reviewed this application at a public hearing on September 28, 2022. The 48 attached public comment letters were received prior to the public hearing, the high majority in support of the application. Multiple persons provided public comment at the hearing as well, all in support of the application. All five (5) Commissioners unanimously recommended the approval of the application with the attached Findings and Conditions of Approval, including a Condition of Approval that the bar use shall only operate until 10:00pm.

VII. COUNCIL OPTIONS:

1. Approve the Application.
2. Approve the Application with conditions.
3. Deny the Application.
4. Table consideration of the Application and provide direction to staff.

VIII. PROPOSED MOTION:

"I move 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."

IX. ATTACHMENTS:

1. Staff report for the September 28, 2022 Public Hearing at Planning Commission.
2. Recommended Findings and Conditions of Approval.
3. Application dated 8/25/2022.
4. Public comment letters.



Planning and Zoning Commission Staff Report

Subject: Zero Day Coffee Change of Use (Conditional Use Permit, Public Hearing)

Application #: PL-2022-0825

Proposal: The applicant proposes to expand the authorized use of the property to include the sale of beer and wine for consumption on the premises, which is considered a “bar/lounge” use by the Leadville Municipal Code.

Legal Description: Stevens & Leiter Subdivision, Block L, Lot 12

Address: 122 E. 7th St.

Date: September 22, 2022

Application Manager: Chapin LaChance, AICP - Comm. Dev. and Planning Director

Applicant: Anthony Earl and Avery Williamson

Property Owner: Regentropf, LLC

Lot size: 0.04 acres

Zoning District: Transitional Commercial (TC)

Historic District: Yes

Site Conditions: The existing one-story historic residential-style building contains an approximately 706 sq. ft. residence in the rear (north) of the building and an approximately 572 sq. ft. coffee shop in the front (south). The front of the building is setback from the sidewalk and the E. 7th St. right-of-way by approximately 12 ft. There is a brick walkway and patio in the front yard, and a brick patio in the rear of the building accessed by a concrete walkway along the south side yard. There is a wooden fence in the rear of the property along the southern, northern, and eastern property line.

Adjacent Uses: North: public alley, single-family dwellings
South: E. 7th St., single-family dwellings, offices, retail
East: single-family dwellings
West: single-family dwellings
All adjacent uses are also zoned TC.

Site Photos



Image 1 (Above): Satellite image with the property's location highlighted in red.

Image 2 (Below): Zoning map excerpt, showing the property's location highlighted in red.

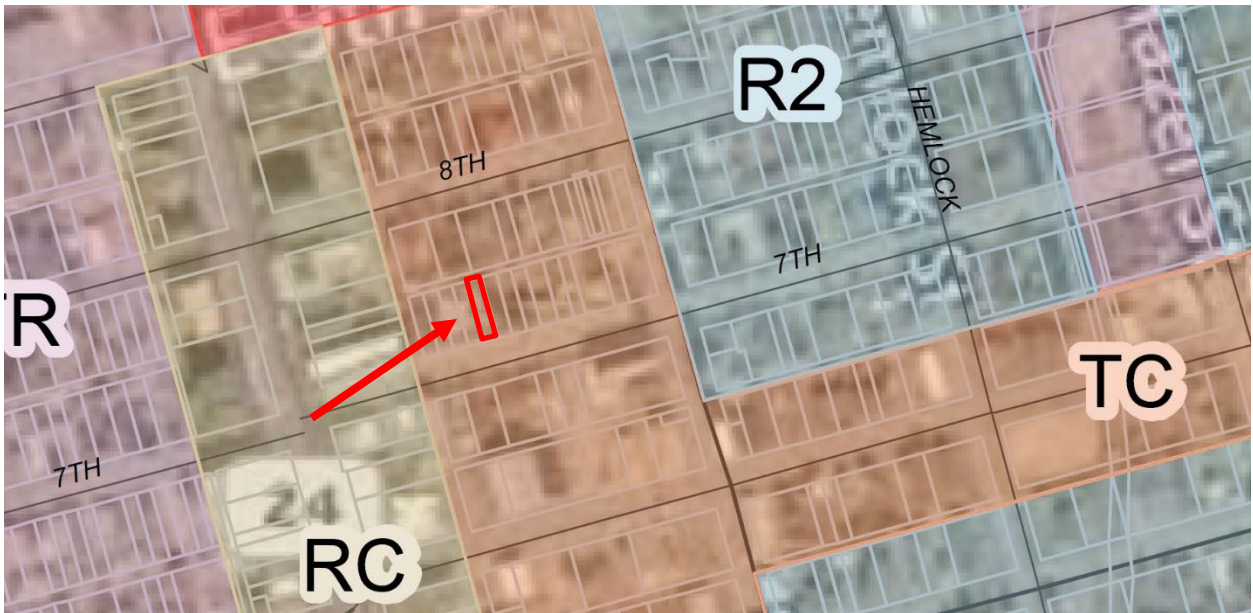




Image 3 (Above): Looking north at the subject property from the E. 7th St. sidewalk.

Image 4 (Below): Looking west towards the subject property and Harrison Ave. from E. 7th St.





Image 5 (Above): Looking west from Harrison Ave., up E. 7th St.

History

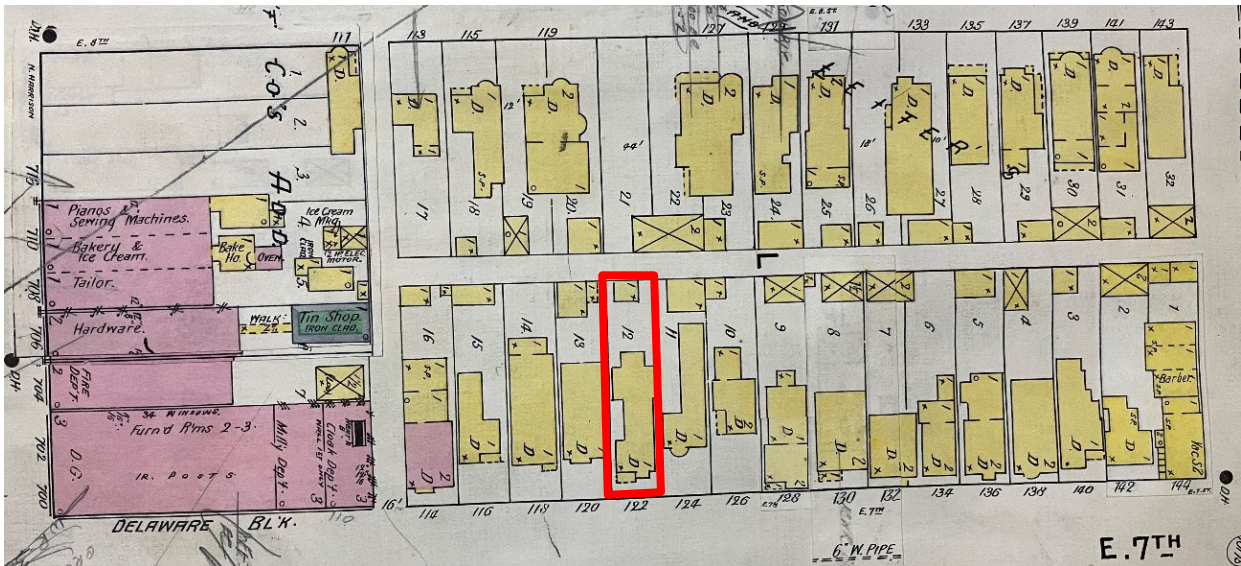


Image 6 (Above): 1896/1906 Sanborn fire insurance map excerpt, with subject property highlighted in red.

The one-story building was constructed in 1888, traditionally serving as a single-family dwelling and was used more recently as a retail store (antiques, books, and jewelry). In 2021, the current tenant began using the building as an approximately 706 sq. ft. residence in the rear (north) of the building and an approximately 572 sq. ft. coffee shop in the front (south). At the September 6, 2022 City Council meeting, the City Council approved a Liquor License for the service of beer and wine, with a Condition of Approval that the applicant obtain a Conditional Use Permit for the proposed bar use.

Staff Comments

17.48.010 – By Right, Conditional, and Prohibited Uses: This subject property is zoned Transitional Commercial (TC), and is the fifth lot inward from the Retail Core (RC zone). Within the TC zone district, “restaurants and cafes” are allowed as a by-right use, but “bars and lounges” are only allowed as a Conditional Use requiring a public hearing. None of these uses are defined by the Zoning code. Staff

interprets “bar” use to be a commercial use primary conducting business by the sale of alcohol beverages to patrons for immediate consumption on the property, which is not accessory to the sale of food. As Zero Day proposes to add beer and wine service to its coffee service, without predominately serving food, staff finds the proposed use to be bar use.

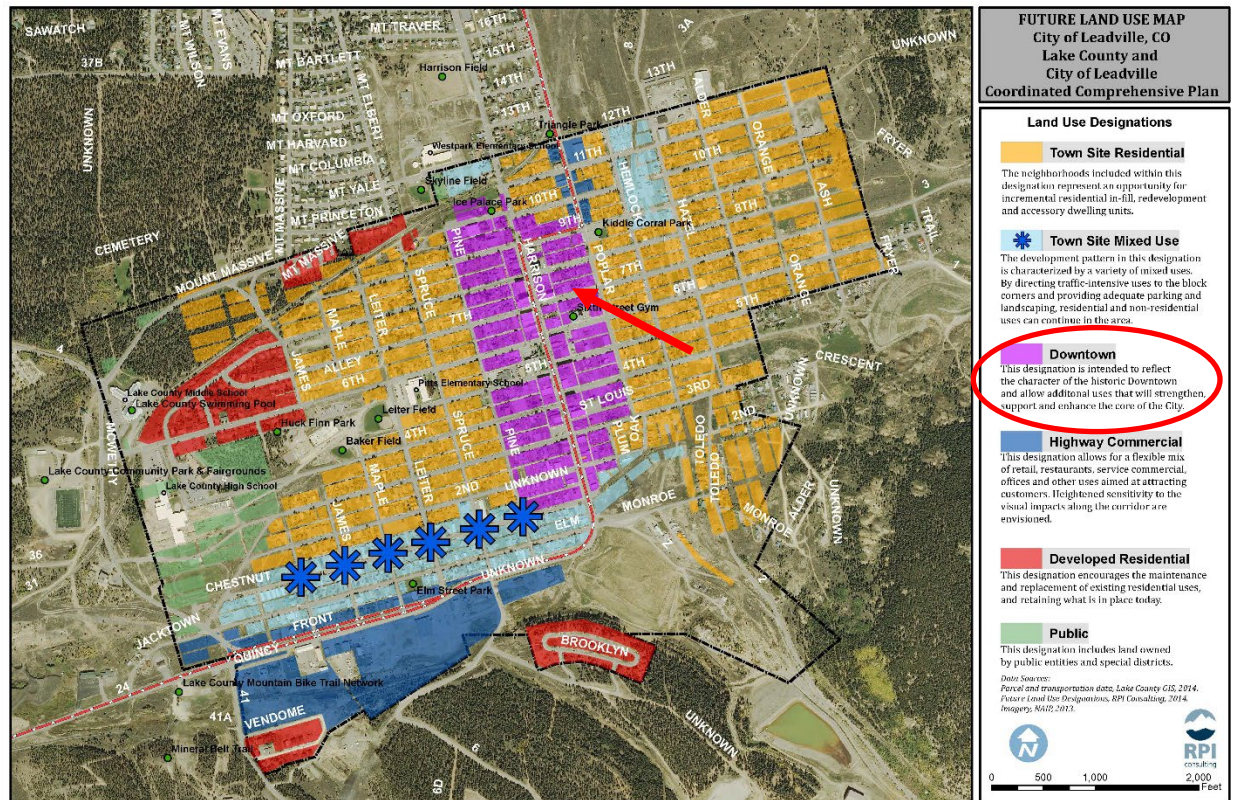
The general intent statement in the Zoning code preceding the specific regulations for the TC zone district states: *“This district is created to allow commercial business use in association with traditional residential occupation so long as such mixed land usage does not produce significant or objectionable levels of traffic, noise, dust or other adverse side effects not compatible to the existing neighborhood.”* While this statement is not a code criteria for approval, it emphasizes the importance of allowing commercial uses that are compatible with the surrounding residential neighborhood. This is evaluated in more detail in the criteria discussion below.

Staff’s evaluation below of the proposed bar use at the existing café and residence considers all future businesses and owners that may occupy the property if the business and/or property ownership changes in the future. Staff’s evaluation is not limited to the existing business’s past, present, or proposed use of the property (including operating hours, type of alcohol served, etc.), as the business may change in the future without requiring modification to the Conditional Use Permit, if approved as proposed. For example, if a Conditional Use Permit is approved for bar use of this property, a future business in this location could modify their liquor license to serve liquor with extended hours, and not require any modification to the Conditional Use Permit.

17.52.040 - Criteria for action on an application for conditional use.

A. That the proposed conditional use conforms to the requirements and provisions of this zoning regulation; The applicant does not propose to make any physical modifications to the property with this proposal, so there are not any issues concerning setbacks, height, lot coverage, or density with this application.

B. That the proposed conditional use is consistent with and in compliance with the Leadville comprehensive plan, as amended; Re-establishing the vitality of the historic commercial and mixed-use block east and west of Harrison Avenue was one of the approaches that guided the development of the City’s [Future Land Use Plan](#), which is a critical component of the City’s [Comprehensive Plan](#). As can be seen in the Future Land Use map below, the property is located within the “Downtown” area of the Future Land Use Map, which is an area *“intended to reflect the character of the historic Downtown and allow additional uses that will strengthen, support and enhance the core of the City.”* Bar uses invigorate and activate downtown cores through increased pedestrian activity to and from other downtown establishments and restaurants, create an inviting pedestrian environment through increased presence of other pedestrians, and generate sales tax revenue that supports downtown public infrastructure enhancements such as sidewalks, crosswalks and wayfinding signage. Staff finds that the proposed increase in intensity of use of the property will strengthen, support and enhance the Downtown core of the City, and is appropriate considering its “Downtown” designation on the Future Land Use Map of the City’s Comprehensive Plan. The proposed bar use is therefore consistent with and in compliance with the Future Land Use Map of the Comprehensive Plan.



C. That the proposed conditional use is consistent with and in harmony with neighboring land uses and future intended land uses in the area; The immediately adjacent land uses are single-family residential. Staff is concerned that the proposed bar use immediately adjacent to single-family residences could cause noise issues for those single-family residences. The adjacent historic homes to the east and west are constructed to the property line with no setback. Staff finds the neighboring property owners have rights to peaceful enjoyment of their property, and that the noise associated with bar use could have a negative impact on the ability for those property owners to peaceably enjoy their property. To address this concern, staff has included a recommended Condition of Approval that the bar use must all times be in compliance with the requirements of the Liquor License. **The Liquor License approved by the City Council strictly prohibits “the loitering of habitual drunkards or intoxicated persons; lewd or indecent displays; rowdiness or disorderly conduct; undue noise; and any other disturbance or activity offensive to the sensitivities of the average citizen or the residents of the neighborhood in which the establishment is located.”** (Emphasis added).

D. That the proposed conditional use will not result in overly intensive use of the land relative to the surrounding land; The proposed bar use will very likely increase the intensity of use of the property, but staff does not find that the proposed use will be overly intensive if the Condition of Approval stated above is complied with. Staff recommends a Condition of Approval that the property shall maintain an active Liquor License. If at any time the Liquor License is expired or revoked by the City, the Conditional Use Permit shall also be revoked.

E. That the proposed conditional use will not result in excessive traffic congestion or hazards to vehicular or pedestrian traffic; Staff does not have any concerns regarding excessive traffic, considering the relatively minimal amount of service area on the property.

F. That the proposed conditional use will not unnecessarily scar the land on which such use would be located and that the site be free from loose piles of soil or other materials and open, unprotected pits or holes; N/A.

G. That the proposed conditional use will not be likely to prove detrimental to the public health, safety or welfare of city residents nor cause hardship for neighboring persons; Staff does not find that bar use is detrimental to the public health, safety, and welfare, as bar use is a permitted use in other areas of town without detriment to the public. Noise considerations are evaluated above.

H. That the proposed site of the conditional use is and will be free from natural and manmade hazards or such hazards as have been identified can and will be adequately mitigated; N/A.

I. That all roadway systems and access roads will be open and readily accessible to police, fire and other emergency and public safety vehicles on a year-round basis. Staff does not have any concerns regarding access to the property.

17.76.020 - Off-street parking space requirements

The existing café use does not require any off-street parking per this section. Restaurants and “taverns” require 1 off-street parking space per every four seats. “Tavern” is not a defined use in the Code, but the Off-street parking requirements also state the parking requirements are for “principal uses.” Considering the proposed approximately 572 sq. ft. of bar use in the front of the building is secondary in floor area to the existing approximately 706 sq. ft. residence in the rear of the building, staff requests feedback from the Commission as to whether to the Commission finds the existing residential use to be the principal use, therefore exempting the proposed bar use from the off-street parking requirement.

Public comment: Numerous public comment letters have been submitted and are attached to this report, expressing both support and opposition to the proposed use modification.

Questions for the Commission

1. Considering the proposed approximately 572 sq. ft. bar use in the front of the building is secondary in floor area to the existing approximately 706 sq. ft. residence in the rear of the building, staff would like to know if the Commission finds the existing residential use to be the principal use, therefore exempting the proposed bar use from the off-street parking requirement.

Recommendation

Staff has evaluated this application for compliance with Title 17 Zoning of the Leadville Municipal Code. Pending the Commission’s responses to the question above, staff finds the proposal complies with this title, considering the recommended Conditions of Approval. Staff recommends the Planning and Zoning Commission recommend the City Council 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.

Recommended motion: “I move the Planning and Zoning Commission recommended the City Council 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.”

CITY OF LEADVILLE

**Zero Day Coffee Change of Use
Stevens & Leiter Subdivision, Block L, Lot 12
Conditional Use Permit
PL-2022-0825**

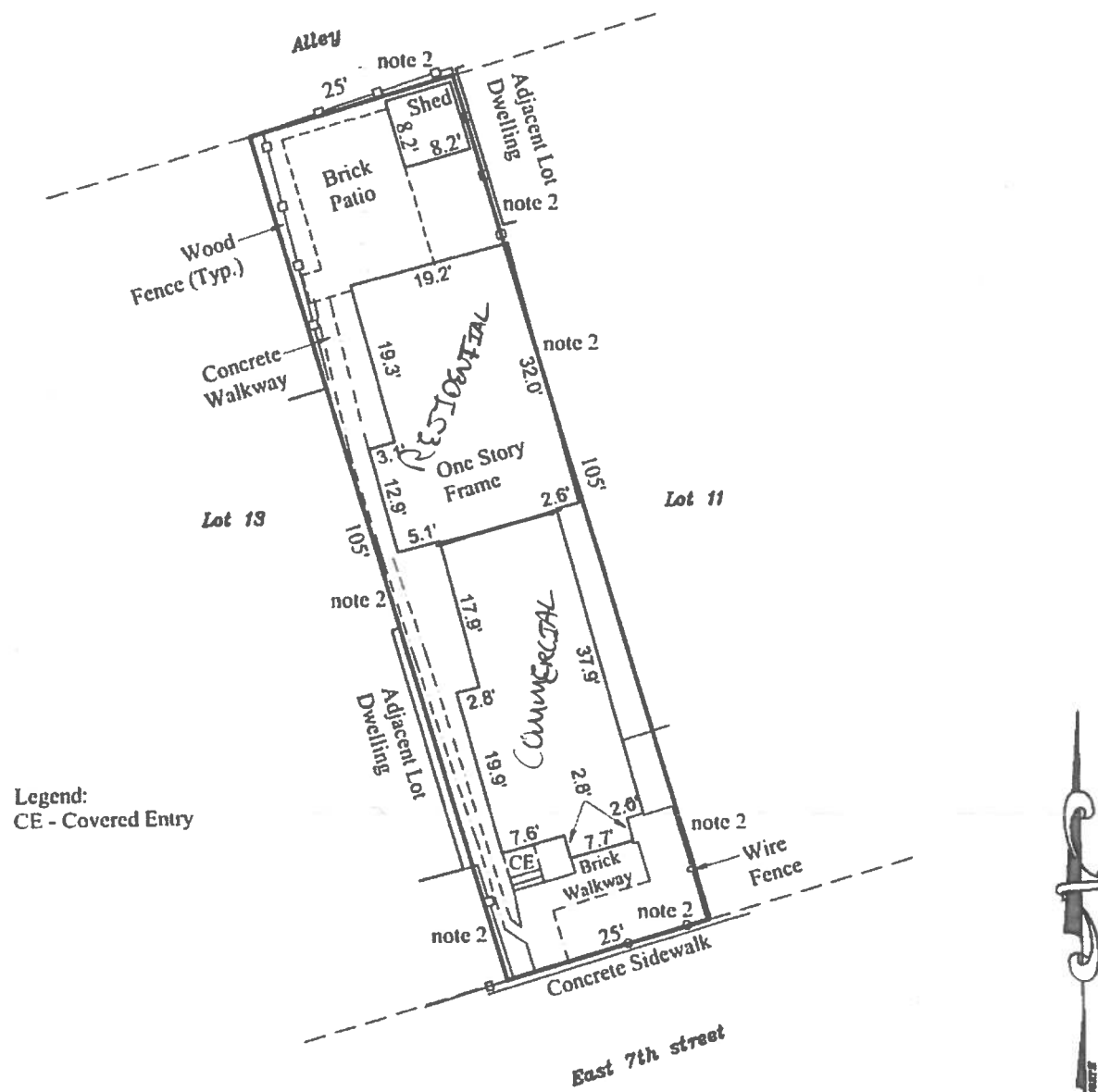
FINDINGS

1. The proposed conditional use conforms to the requirements and provisions of this zoning regulation.
2. The proposed conditional use is consistent with and in compliance with the Leadville Comprehensive Plan, as amended.
3. The proposed conditional use is consistent with and in harmony with neighboring land uses and future intended land uses in the area.
4. The proposed conditional use will not result in overly intensive use of the land relative to the surrounding land.
5. The proposed conditional use will not result in excessive traffic congestion or hazards to vehicular or pedestrian traffic.
6. The proposed conditional use will not unnecessarily scar the land on which such use would be located and that the site be free from loose piles of soil or other materials and open, unprotected pits or holes.
7. The proposed conditional use will not be likely to prove detrimental to the public health, safety or welfare of city residents nor cause hardship for neighboring persons.
8. The proposed site of the conditional use is and will be free from natural and manmade hazards or such hazards as have been identified can and will be adequately mitigated.
9. All roadway systems and access roads will be open and readily accessible to police, fire and other emergency and public safety vehicles on a year-round basis.
10. This approval is based on the staff report dated **September 22, 2022** and findings made by the City Council with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
11. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the City of Leadville, and at the hearing on the project held on **September 28, 2020** and **October 4, 2022** as to the nature of the project. In addition to Commission minutes, the audio of the meetings of the Commission are recorded.
12. **Considering the proposed approximately 572 sq. ft. bar use in the front of the building is secondary in floor area to the existing approximately 706 sq. ft. residence in the rear of the building, the City finds the existing residential use to be the principal use, therefore exempting the proposed bar use from the off-street parking requirement.**

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the City of Leadville.
2. If the terms and conditions of the approval are violated, the City, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop work order requiring the cessation of work, revoke this permit, or require removal of any improvements made in reliance upon this permit. The payment of any costs incurred by the City related to enforcement actions related to violations of this permit shall be the sole responsibility of the applicant and shall constitute a lien on the property.
3. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the staff report and application.
4. This permit contains no agreement, consideration, or promise that a certificate of occupancy or certificate of compliance will be issued by the City. A certificate of occupancy or certificate of compliance will be issued only in accordance with the City's planning requirements/codes and building codes.
5. **The proposed bar use must all times be in compliance with the requirements of the Liquor License, including but not limited to Leadville Municipal Code section 5.08.060 - Conduct of business, which states *"Licensees shall conduct business in a decent, orderly and respectable manner. The following is strictly prohibited from occurring on or in the licensed premises or upon any adjoining grounds or parking area under the control or management of the licensee: the loitering of habitual drunkards or intoxicated persons; lewd or indecent displays; rowdiness or disorderly conduct; undue noise; and any other disturbance or activity offensive to the sensitivities of the average citizen or the residents of the neighborhood in which the establishment is located."***
6. **The property shall maintain an active Liquor License. If at any time the Liquor License is expired or revoked by the City, the Conditional Use Permit shall also be revoked.**
7. **The proposed bar use shall not operate after 10:00pm.**

IMPROVEMENT LOCATION CERTIFICATE
Lot 12, Block L
Stevens & Leiter's Subdivision of U.S. Survey No. 271
City of Leadville, Lake County, Colorado
(122 East 7th Street)



Legend:
CE - Covered Entry

Notes:

- 1) Legal description from Central Colorado Title & Escrow Commitment Number 19-09872.
- 2) A boundary survey (Improvement Survey Plat) would be required to dimension the houses and fences in these areas to the lot lines and to determine if any encroachments exist. A boundary survey with no snow on the ground is recommended.
- 3) Survey control: South side of the Delaware Building at the corner of Harrison and East 7th and the centerline-centerline monument box at the intersection of Poplar and East 7th. No survey monuments have been found in this block of East 7th Street by this surveyor.

Scale 1" = 20'

IMPROVEMENT LOCATION CERTIFICATE I hereby certify that this improvement location certificate was prepared for Central Colorado Title & Escrow, that it is not a land survey plat or improvement survey plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines. This certificate is valid only for use by Central Colorado Title & Escrow and describes the parcel's appearance on 10-14-2019.

I further certify that the improvements on the above described parcel on this date, 10-14-2019, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

By

Date



Blue River
Land Surveying
(970) 668-3730

www.blueriverlandsurveying.com

Renee B. Parent
P.O. Box 2820
Breckenridge, Colorado
80424

12616

9-19-2022

Leadville Planning and Zoning Commission
Leadville City Council

To whom it may concern:

We are responding to the public notice of a public hearing received in the mail today regarding the Conditional Use Permit submitted by Zero Day Coffee for land use change at 122 East 7th St to change the land use from Traditional Residential to bar/lounge to allow alcohol to be served.

Our house is located directly next door to Zero Day Coffee at 124 E 7th St. . When we purchased our property in 2015, there was an antique store that operated normal business hours of 10-5 causing very little noise. The yard was tidy, weeds were very rare, and there were few people that loitered on the sidewalks and in the yard causing noise early in the morning. We were not given a chance to object to the coffee shop when it opened even though we believe it was a major change from the original use of the property.

Now that Zero Day wishes to become a wine bar, we feel our concerns need to be aired. We are very concerned about the noise to our property from customers into the night as we are already wakened by the coffee customers. We understand that Zero Day's intentions are to add space heaters, possibly a fire pit and to have expanded business to include their backyard. This noise will definitely impact our long-term local renter who will be directly next to the back yard and us as well, in the front yard. Drinkers, (even wine drinkers), tend to be louder and more rambunctious than coffee drinkers and we do not want the noise, trash, or drunks that come along with a bar. Going from a 7 am – 2 pm business to expanded night hours is a lot to ask of the neighbors. We are also concerned about the long-term prospect of expanded alcohol offering making this property into a more traditional bar with late hours. Wouldn't this type of business be better suited to a totally commercial area and not to a currently zoned residential area?

We would like to ask the council to ask themselves, "Would YOU want to live next door to a coffee shop/bar that would have potential hours of 6 am – 12am?"

Sincerely,



Richard and Virginia Pokrant
124 E 7th St., Leadville, CO. 80461
303-881-5549
303-523-3302

Hi Virginia,

Thank you for your email. I received your email but the letter is imbedded into the email and is very small, so it is difficult to read and I am unable to download it. Are you able to attach the letter as a PDF and resend?

Thank you.

Chapin LaChance, AICP
Director of Planning
[City of Leadville](#)
800 Harrison Avenue
Leadville, CO 80461

tel: 719-427-0517

email: planningdirector@leadville-co.gov



On Mon, Sep 19, 2022 at 7:52 PM Virginia Pokrant <gpokrant@msn.com> wrote:

Hi! We just received our letter for the application of the conditional use permit for 122 E 7th St today. I'm not sure why we didn't get sooner as we have very little time to respond, but will mail our concerns tomorrow. Just in case it doesn't get there in time, I am sending you a copy as well. We will be out of state on the days of the hearings or would definitely have been there in person. Again- short notice for something that has potentially a very large impact on us as we are at 124 E St, directly next door to the proposed wine bar.

Can you please confirm that you received this?

Sincerely,
Virginia Pokrant

<RE 122 E 7th Street.jpeg>



Chapin LaChance <planningdirector@leadville-co.gov>

CONFIDENTIAL: liquor license application for 7th street

1 message

Brian Metzler <brianxmetzler@gmail.com>

Wed, Sep 21, 2022 at 9:16 AM

To: "planningdirector@leadville-co.gov" <planningdirector@leadville-co.gov>

Hello -

This note is not for publication or inclusion in public meetings.

I am a property owner of 118 E 7th Street and am curious about the city's existing policy about granting liquor licenses to businesses in residential blocks.

There are already significant problems with the liquor-serving establishment at the end of the block (Harrison and 7th) in which several drunk and disorderly incidents have left that business and subsequently damaged property on 7th street, including two drivers hitting parked vehicles, driving on the sidewalk, hitting signs and damaging fences. (My truck has been damaged three times by patrons of existing businesses on 7th Street.)

I don't think it makes sense to have a liquor-serving establishment in the middle of a block of residential homes. (And I was happy to have the poorly run brewing company on 7th Street go out of business when it did. The demise of the brewery was good for the block, for parking, for noise, for private property damage and for litter.)

Regarding the property at 122 E 7th and the application for a liquor license, what would be the city's reasoning for even having an option to consider a liquor license in a residential block?

Before I publicly offer my own input (and my input shouldn't matter, the burden of this is on the city to make a sensible decision), I would like to have a lot of answers about the following things that any city would and should normally consider before allowing a liquor license.

- Keep the liquor licenses on Harrison Street, which is need of more sustainable businesses, and other places where that kind of business makes sense.

- Who is the owner of the property at 122 E. 7th? Who is he owner of the business?

- Why and how was a coffee shop and retail shop even approved? I realize there was a home-based business there for years prior to that, but the coffee shop began operating before it had its tax license so this business already has a poor history with this property.

What city regulations are in place for a business in the middle of a residential block? What is the rationale for even considering a liquor license for a residential business? What additional regulations are in place for living in a residential home that also includes a public business?

- Does the city currently monitor the business operations of the existing business? For cleanliness? For proper disposal of garbage? For sanitation? For parking?

Will the city do an impact study of what the potential implications will be for allowing a liquor license in a residential block? Both for the proposed afternoon/evening wine servings and additional late-night events? What are the results of those city findings?

What are the parking implications for such a business (including the business that has already been allowed to exist?) What hours of operation would be allowed? (Not what is proposed but what city ordinances allow for?)

What higher burden of regulations would go along with a liquor license? Do they also have to serve food? What are potential hours of operation? Is there a noise ordinance that would come along with it? What about fire codes? Is there more than one public entrance/exit in that business? (I don't think there is, so that seems to be a significant concern from a fire code point of view.)

- What is the recent history of considering and allowing liquor licenses to businesses in residential blocks? How much is residential input a factor? Does the city have a map or details of other businesses with liquor licenses allowed in residential blocks?

Is residential input more of a factor than the interest of a business?

If so, should I apply for a liquor license to serve shots of moonshine or dollar beers in my front yard?

Are all residential blocks treated the same and are residents equally protected by the city? Given Leadville's desperate need for housing, does residential housing have a higher priority than expanding a business in a residential area?

If additional businesses on this residential block applied for liquor licenses, would each be considered the same by the city? If one liquor license was granted, what would stop the city from granting another one or several or dozens?

Is the precedence of the poorly operated brewery on the block a consideration for allowing a new liquor license on this block? Or does the city wish to return this block to a quiet residential block as with other residential blocks in the city?

If a new resident/owner of a property in the Railyard applied for a liquor license for a residential business that would serve alcohol be treated with the same and have the same considerations as a historic block such as 7th street?

These are questions I feel need to be answered and considered before allowing a liquor license in a residential block.

Thank you.
Brian

--

Brian Metzler
720-35-1948



Chapin LaChance <planningdirector@leadville-co.gov>

Emailing Support for Zero Day Coffee& MTN Equipment

1 message

Katherine Courtney <katherine.courtney92@gmail.com>
To: planningdirector@leadville-co.gov

Wed, Sep 21, 2022 at 2:35 PM

Hello hello!

My name is Kat, and I have the pleasure of knowing the owners of Zero Day Coffee (Tony and Avery).

These two gentlemen are absolutely wonderful, and are deeply passionate about participating in the growth of their community. They aim to create a special space for locals and visitors alike, where like-minded individuals can bond over a beverage, make new friends, and enjoy Leadville to its fullest 😊

I understand that Zero Day Coffee is looking to sell bottles of wine and potentially host small, intimate tasting events. I think this is a fabulous idea! I can't think of a better spot to relax while sampling new wine, and would be thrilled to hear that they can move forward with their plans.

I really can't say enough good things about Avery, Tony, and Zero Day. I think it would do great things for all who visit to allow them to continue expanding their business.

Please let me know if you have any questions, happy to speak to you about it further!



Chapin LaChance <planningdirector@leadville-co.gov>

In support of Zero Day Coffee Leadville Wine Bar Addition

1 message

Heather Morris <heatheremorris@gmail.com>
To: planningdirector@leadville-co.gov

Tue, Sep 20, 2022 at 11:27 AM

Good day-

I am writing in support of the proposed Zero Day Coffee Leadville wine bar addition. As a frequent visitor to the area, I fully support this addition to the community.

Zero Day Coffee has brought a coffee shop / equipment store to Leadville that is as unique as the town itself. Half rugged, half upscale, and 100% fun and for the people. I have no doubt that the owners would do the same by adding a wine bar to their location. I have visions of Colorado and other unique wines that may not be available at other Leadville establishments, as well as wine accessories that enhance the drinking experience - much like they do with their coffee.

As with every visit to Leadville, I look forward to visiting Zero Day and enjoying a glass of wine on their front lawn as I enjoy a Colorado sunset.

--

Heather Morris
heatheremorris@gmail.com



Chapin LaChance <planningdirector@leadville-co.gov>

In support of Zero Day Coffee Leadville Wine Bar Addition

1 message

Heather Morris <heatheremorris@gmail.com>
To: planningdirector@leadville-co.gov

Tue, Sep 20, 2022 at 11:27 AM

Good day-

I am writing in support of the proposed Zero Day Coffee Leadville wine bar addition. As a frequent visitor to the area, I fully support this addition to the community.

Zero Day Coffee has brought a coffee shop / equipment store to Leadville that is as unique as the town itself. Half rugged, half upscale, and 100% fun and for the people. I have no doubt that the owners would do the same by adding a wine bar to their location. I have visions of Colorado and other unique wines that may not be available at other Leadville establishments, as well as wine accessories that enhance the drinking experience - much like they do with their coffee.

As with every visit to Leadville, I look forward to visiting Zero Day and enjoying a glass of wine on their front lawn as I enjoy a Colorado sunset.

--

Heather Morris
heatheremorris@gmail.com



Chapin LaChance <planningdirector@leadville-co.gov>

In Support of Zero Day Coffee's Wine Bar Addition

1 message

Vanessa Butler <vbutlervlb@gmail.com>

Tue, Sep 20, 2022 at 11:57 AM

To: "planningdirector@leadville-co.gov" <planningdirector@leadville-co.gov>

Dear Mr. LaChance,

I reach out with thanks to your consideration, and to express support for Zero Day's proposed wine bar addition to their coffee and gear shop.

I first visited Leadville for the mountainous terrain, which offers its obvious draws to many of us. What keeps me revisiting Leadville on a regular basis from across the country is the people and the spaces they've thoughtfully created within Leadville. Tony and Avery have built an environment that makes people feel authentically welcomed in the space, and therefore within the town.

As someone who repeatedly chooses to expend resource to visit your rather remote town from New York, it's hard to not see the clear benefits to be had by Leadville for supporting local business owners who are actively cultivating spaces that draw people in. Simply put, offering a welcoming space is good for business, no?

As you are aware, the stark increase in the cost of living in Leadville is making it increasingly difficult for local residents and local business owners alike to remain there. It is my utmost hope that the city of Leadville will choose to support the expanded business plan of Zero Day in a move to support and preserve a part of Leadville that is truly unique, and makes visitors and locals alike feel welcomed.

I do plan to return to Leadville, and Zero Day will undoubtedly be one of my first stops. I would absolutely love to be celebrating your support of small business with a glass of wine the next time I'm there.

Please feel free to reach out with any questions you may have for me. Again, I thank you for your time.

Kind Regards,
Vanessa Butler



Chapin LaChance <planningdirector@leadville-co.gov>

In support of zero day leadville wine bar addition

1 message

Jeny Russek <jenyrussek@gmail.com>

Tue, Sep 20, 2022 at 5:14 PM

To: "planningdirector@leadville-co.gov" <planningdirector@leadville-co.gov>

Hello, my name is Jeny

I was a long-time resident of summit county and spent time in Leadville before moving to New Mexico for work. As a friend and Wine tender, a wine bar would absolutely benefit a town like Leadville. Not only would it be a way to understand local vines and make friends but being able to transition between coffee and wine in a sophisticated yet easygoing, fun, and relaxing space for adventurers and travelers alike, dramatically benefits all.

I would be more than happy to frequent a wine bar (as I specifically look for places as such in each town I go to) in the stunning Leadville Co.

Thank you for your time,
Jeny Russek



Chapin LaChance <planningdirector@leadville-co.gov>

In support of Zero Day wine bar

1 message

Erin Leosz <erinleosz@gmail.com>
To: planningdirector@leadville-co.gov

Tue, Sep 20, 2022 at 2:26 PM

Dear Planning and Zoning Commision,

I'm writing to support Zero Day Coffee in its endeavor to open a wine bar.

Zero Day has created a warm, welcoming space for Leadville's community. It has also promoted other local small businesses through advocacy and by providing a place for makers to sell their creations.

Adding wine offerings to Zero Day will support its continued growth, provide more jobs for locals, and open this space for even more community events.

Please consider Zero Day's request as this is the exact type of business we should help to flourish in town.

Best,

Erin Leosz
[921 Mount Massive Drive #21](#)
[Leadville, CO 80461](#)

In case this email isn't seen until later, I'm moving soon. My updated address as of Oct 1 will be:

[305 Mount Traver Drive](#)
[Leadville, CO 80461](#)

Erin Leosz

Writer | Editor | Content Strategist

[Erin Writes for You](#)

M: 603.858.0832

E: hello@erinwritesforyou.com

S: [LinkedIn](#) | [Instagram](#)



Chapin LaChance <planningdirector@leadville-co.gov>

letter concerning Zero Day Coffee

1 message

Phyllis Prodan <ppmada5@gmail.com>

Wed, Sep 21, 2022 at 6:36 PM

To: planningdirector@leadville-co.gov

I've attached and including it within the email.

September 21, 2022

Leadville Planning and Zoning Commission
Leadville City Council

To Whom it may concern:

I am responding to the public notice of a public hearing received in the mail regarding the Conditional Use Permit submitted by Zero Day Coffee for land use change at [122 East 7th. Street](#) to change the land use from Traditional Residential to bar/lounge to allow alcohol to be served.

This concerns me greatly as I own property at [136 East 7th. Street](#). I checked 17.48.010 - Designated from Chapter 17.48 - BY-RIGHT, CONDITIONAL AND PROHIBITED USES it notes that Zero Day Coffee currently is operating with a P = Use prohibited in a R-1 zone.

What date did this business obtain its original business license according to
5.04.010 - License required.

When this "business" started, the planning and zoning commission DID NOT survey the residents living in the 100 block of East 7th. Street.

The business hired out of county individuals to work on the renovations during the pandemic when Leadville was supposed to be closed. The business did not have a permit, and if they did that was not available for public viewing. The group also refused to abide by the snow removal rules, or respecting their neighbors and neighborhood. Patrons are parking anywhere, illegally on the wrong side of the street, and double parking because the parking is extremely limited.

I see this change from: restaurants/cafes would interrupt the neighborhood even more than they are at the present time. The group has allowed trash in their area, the neighbors' yards, and street. The inconsideration of the patrons at Zero Day Coffee during the day time hours is difficult. My residence has an ingress which has been utilized. When asked to move, the rudeness is unbelievable. I can't imagine what a bar/lounge noise level and behaviors would entail.

Also, dogs are allowed to urinate and defecate anywhere on the street. The owners do not abide by the leash/lead law or cleanup as listed in the Ordinances.

6.04.110 - Removal of animal waste.

The owner, custodian, or keeper of any animal shall be responsible for the proper removal of any feces deposited by such animal anywhere within the city. Any person violating the provision of this section shall be assessed a penalty of thirty-five dollars (\$35.00).

(Ord. 00-17 § 1 (part): prior code § 6.04.100)

This business really should be closed and moved into a commercial zone where it would be more appropriate. I'd like you to really think about the residents on East 7th. Street when you make your decision.

Concerned Home Owner,

Phyllis S. Prodan

9/23/22, 8:15 PM

City of Leadville Mail - letter concerning Zero Day Coffee

 **zoning letter 9:21:22.pages**
287K



Chapin LaChance <planningdirector@leadville-co.gov>

Letter in Support of Zero Day Wine Bar Application

1 message

emily olsen <emily.olsen89@gmail.com>

Tue, Sep 20, 2022 at 11:47 AM

To: "planningdirector@leadville-co.gov" <planningdirector@leadville-co.gov>

Dear Planning Director,

My name is Emily Olsen and I am writing in support of Zero Day's wine license application. Since opening last fall Zero Day's owners have worked tirelessly to support our community through their business. I am both a full time resident of Leadville and the Executive Director of a local nonprofit. Zero Day has supported our organization through donating gift cards and items for our fundraisers, coffee for our events and volunteering staff time to support our programs and work in the community. Personally, Zero Day has created a community gathering spot that promotes taking care of our community and neighbors. I have met so many new community members through their coffee shop, had civil discussions about issues facing our community and built new friendships with my neighbors whom I hadn't met previously. They have truly become a pillar of our small town in just a few short months. I support the addition of a wine lounge to their business because I know it will only increase the positive relationships and connections built in our community around a culture of gathering and supporting one another. I strongly encourage our city government to support locally owned business as they seek to expand as they will always give back to and prioritize our community.

Thank you for your consideration,

Emily

Emily Olsen
604 Dexter St, Leadville, CO 80461
802-355-8503



Chapin LaChance <planningdirector@leadville-co.gov>

Letter in Support of ZeroDay Wine Bar Proposal

1 message

Mike Hore <mjhore@gmail.com>
To: planningdirector@leadville-co.gov

Tue, Sep 20, 2022 at 12:26 PM

Dear Leadville Planning Director,

I'm writing to offer some comments in support of ZeroDay Coffee's proposal for a wine bar addition to their shop on 7th St. Although I am not a resident of Leadville, I am a very frequent visitor to the area and ZeroDay is the first place I head every time! ZeroDay has brought a much needed coffee shop to Leadville which complements existing businesses such as the Silver Llama and Golden Burro, while at the same time carving out their own unique space amongst local businesses. They are also a destination for CT/CDT thru-hikers and provide a valuable service for them. ZeroDay Coffee has been recognized locally as having some of the friendliest employees, best coffee, etc., which I mention only to highlight their thoughtful approach to running successful businesses that benefit the community.

While I am conscious of the fact that many in the community do not want Leadville to become another Breckenridge-style tourist destination with unaffordable housing and living costs for locals, I think that this addition to the coffee shop would only add to the community without altering its overall feel. The choice of a wine bar, in particular, would also not compete with other local businesses such as Two Mile Brewing, Silver Dollar Saloon, or Tennessee Pass Cafe (for example) which have their own unique specialties. Beyond providing a quiet, relaxing retreat for locals, thru-hikers, and visitors to the town, a wine bar at ZeroDay would also serve as the perfect venue to highlight emerging Colorado wines, stylistic/varietal differences, and for hosting other educational events. Already, ZeroDay provides advice/information on the different varieties of coffees/beans they sell and many methods for brewing them. With approval from your office for a wine bar, I envision these sorts of activities as simply expanding from coffee to include wine as well.

I hope that you can support and approve their proposal, and I appreciate your time reading my e-mail. I look forward to seeing you all again soon on my next visit.

With kind regards,
Mike Hore



Chapin LaChance <planningdirector@leadville-co.gov>

Letter of Support For Wine at Zero Day1 message

Adam Ducharme <aducharme@co.lake.co.us>

Tue, Sep 20, 2022 at 2:17 PM

To: "planningdirector@leadville-co.gov" <planningdirector@leadville-co.gov>

Hello,

I am writing with my letter of support for Zero Day Leadville's efforts to bring wine to their business. They do such an incredible job providing a consistently wonderful gathering place in our community for Leadville- Twin Lakes and all our visitors. They have proven themselves as good community members, volunteers, and business owners.

As a Leadville Resident and the Tourism Director, I fully support this effort.

Adam Ducharme

229 West 8th Street

Leadville, CO 80461



Adam Ducharme

Tourism Director

C: 719- 221- 8747

LeadvilleTwinlakes.com



Chapin LaChance <planningdirector@leadville-co.gov>

Letter of support for Zero Day Coffee

1 message

Teresa Garcia <teresagrc00@gmail.com>
To: planningdirector@leadville-co.gov

Tue, Sep 20, 2022 at 10:01 PM

Dear Chapin LaChance, and Leadville Planning Commissioners,

My name is Teresa Garcia, and I am a full-time resident of Leadville, Colorado, writing in support of Zero Day Coffee's plan to open a wine bar on E 7th street. I spoke with the owners of Zero Day, and agree that their vision of a small wine bar in a quiet, intimate setting will be an asset to our community, as there aren't many options for this kind of experience for locals in Leadville (maybe Before and After?, that is about it). In addition to increasing the quality of life for locals, it will be an attraction for visitors, and will create jobs. As a resident of E. 6th Street, I am not worried about an adverse impact to our neighborhood. Moe's Barbeque is less than a block from me, and they have an outdoor dining space that features music playing all day, and it has never, ever bothered me. Given Moe's doesn't create noise pollution, I can't imagine that a small, quiet wine bar would a problem or bother neighbors with regard to noise. I am also not worried about drunk people - this business is not going to be a bar in the vein of the Hat or Pastime.

Thank you for your consideration of my opinion and of Zero Day's vision to build community, and please feel free to contact me with any questions.

Teresa Maria Garcia



Chapin LaChance <planningdirector@leadville-co.gov>

Letter of Support for Zero Day Coffee's Permit Request

1 message

Ryan Cronshaw <cronshaw.ryan@gmail.com>

Tue, Sep 20, 2022 at 4:36 PM

To: planningdirector@leadville-co.gov, lvmayor@leadville-co.gov, cityadmin@leadville-co.gov

Dear Mayor Labbe, Director LaChance, and Members of City Council,

I hope this finds you well!

As a property owner and registered voter in Leadville/Lake County, I am writing in support of the permit and zoning requests to serve beer and wine by Avery Williamson and Anthony Earl of Zero Day Coffee.

Anthony and Avery are valued and distinguished members of our community. Their proposal to bring a curated wine experience to Leadville is something lacking in our community and would be an asset to both both locals and tourists alike.

Specifically, I would like to respond to an argument I have heard from some members of our community, that "Leadville does not need another bar". I disagree with this sentiment for two reasons.

First, the expansion of this already established business, is not about adding a "bar" to our community. My understanding is that their proposal, amongst other things, involves bringing in unique, organic, ethically sourced wines to create a curated experience, similar to what they have done with their coffee products. This would be something that we do not currently have in Leadville and would add to our already diverse offerings, rather than simply be another "bar".

Secondly, I feel that Anthony and Avery have done an amazing job already building a culture of equity and diversity for their patrons at Zero Day that I do not always find in other businesses. As a member of the LGBTQ community, I can tell you that I have walked out of other "bars" in town after feeling unwelcome in that space. Zero Day has created a space where many minority members of our community feel welcomed and supported. The crowd of Zero Day is usually one of the most diverse in town, and I credit Anthony and Avery's efforts and dedication to equity with creating this space. Having an extension of their business to include the sale of beer and wine would not only allow a dedicated small business to expand, but would extend a space where many already feel welcomed in an exceptionally unique way. This isn't about authorizing a bar, it is about promoting an experience.

To block this proposal would not only deny the ability of an established locally-owned small business to expand, but would be an affront to two people who have done an exceptional job at making our community more inclusive.

Thank you for taking the time to review my comments. Should you need clarification or further comment, do not hesitate to reach out!

Ryan

Dr. Ryan Cronshaw, Ed.D.
719-427-2717



Chapin LaChance <planningdirector@leadville-co.gov>

Public hearing for 122 E. 7th Street

1 message

Kent Shepherd <trackart66@gmail.com>

Fri, Sep 23, 2022 at 7:45 PM

To: planningdirector@leadville-co.gov

My wife and I are both strongly opposed to any liquor license request for this property. Increased traffic and parking are already a problem on E 7th, and this will further add to that. This business is currently operating in a predominantly residential area. We don't need or want more traffic, parking problems, drunk drivers, 2 a.m. closing time, and general congestion on our block. Please take into careful consideration the people that live on this block.

Regards
Kent Shepherd
Gwen Shepherd
129 E 7th

ps This public notice is dated Sep. 9, 2022 and the postmark was Sept. 16, 2022, we received it Sep. 20, 2022. This needs to be addressed and corrected, this was too short of a period to respond.



Chapin LaChance <planningdirector@leadville-co.gov>

Re: Zero Day Coffee Wine Bar Proposal

1 message

Hannah Simpson <simpson17hannah@gmail.com>

Fri, Sep 23, 2022 at 9:20 AM

To: "planningdirector@leadville-co.gov" <planningdirector@leadville-co.gov>

On Tue, Sep 20, 2022 at 12:28 PM Hannah Simpson <simpson17hannah@gmail.com> wrote:

Greetings!

I am emailing you today in regards to Zero Day coffee wanting to start a Wine Bar. I think this would be an amazing thing to start in Leadville as

1. It will generate more jobs in town for people - I know zero day pays and treats their employees with respect + fair wages which many establishments aren't doing.
2. This will be a nice - higher class place for people to visit in town (right next to the Delaware hotel too) there are so many bars that I personally don't even go to because of the service + characters that go there that often times make people, including myself uncomfortable. Having a safe place to grab a drink with a friend would be awesome.
3. The guys that own zero day have always show so much love and care in their business, their customer service and hospitality is beyond most places in town.
4. The location is great! I mentioned before it's right next to the Delaware Hotel - those people visiting are spending a lot of money to be there, having something close (walking distance) and of nice quality + great customer service will just boost the town's reputation. Often times I see Treeline + Before and after are so busy that visitors aren't going there - and as a local, I don't get to go to these places because of that reason.

Yes this email is unorganized but I felt there are so many great reasons for them to open up that it all just spilled out.

Thank you for taking the time to consider this in your decision making.

With kindness,

Hannah



Chapin LaChance <planningdirector@leadville-co.gov>

Support For Zero Day Coffee in Leadville, CO!

1 message

Erin Oliver <erin.b.oliver@gmail.com>

Tue, Sep 20, 2022 at 3:59 PM

To: "planningdirector@leadville-co.gov" <planningdirector@leadville-co.gov>

Hello,

I'm writing in support of Zero Day Coffee expanding their business into wine. While I've frequented Leadville multiple times since 2020, I first visited Zero Day Coffee this summer during my 2022 Continental Divide Trail thru-hike. Avery and Anthony were welcoming and professional. Both were very knowledgeable (but unpretentious) about the teas and coffees they were serving, just excited to provide customers the best experience possible.

From an establishment standpoint, it was clear Zero Day Coffee was becoming a local gathering place within the community for regulars + a welcomed stop for adventure-seekers pursuing many sports. On the 2 occasions I was in there, it felt easy to strike up conversations with other patrons as well as Avery and Anthony.

I can only imagine that if they were allowed to expand into wine, it could help expand their offerings, hours and further foster community within the Leadville area for locals and tourists alike!

Best,

Erin "Olive Oil" Oliver Chmielewski
2022 CDT Thru-hiker / Frequent Leadville Visitor
[839 S Wells St, Chicago, IL 60607](#)



Chapin LaChance <planningdirector@leadville-co.gov>

Support for Zero Day wine bar concept

1 message

Alex Willis <alex0william0willis@gmail.com>
To: planningdirector@leadville-co.gov

Tue, Sep 20, 2022 at 1:38 PM

Dear Planning Director,

I am emailing on behalf of Tony and Avery at Zero Day Coffee. I am a third generation local and have seen our town change and grow over the last 20+ years. I really love Zero Day's wine bar concept. I don't think this idea would great too much noise. This won't be a rowdy dive bar or pool hall. I have talked to them about this concept and I understand this to be an intimate experience for small groups and couples. Tony has experience in high end wine bars and wants to offer this experience to our community. Thought this business concept will require a liquor license, I do not see this turning into to the type of business that will break a noise ordinance or become unruly.

Thank you for reading my comments of support,

Alex William Willis**BA Architectural Design
Endurance Coach
AirBnB Superhost
Professional Triathlete & Elite Runner****719 293 1183**
www.a-w2.com



Chapin LaChance <planningdirector@leadville-co.gov>

Support for Zero Day Wine Bar

1 message

JT Greene <johntodd.greene@gmail.com>

Tue, Sep 20, 2022 at 11:44 AM

To: "planningdirector@leadville-co.gov" <planningdirector@leadville-co.gov>

Good afternoon,

I am writing this letter in full support of Zero Day Coffee acquiring their wine license. We need more places in Leadville that offer a calm and inviting environment to go and enjoy a drink at. As a local I have been frequenting Zero Day since they first opened and have become extremely fond of the business and its owners Avery and Anthony. They run an amazing business with incredible customer service and I think allowing them to add the wine bar will be a huge addition to our community.

Thank you!
JT Greene



Chapin LaChance <planningdirector@leadville-co.gov>

Support for Zero Day

1 message

Tim Henkels <henkelst@gmail.com>

Wed, Sep 21, 2022 at 12:33 PM

To: "planningdirector@leadville-co.gov" <planningdirector@leadville-co.gov>

Hi,
I am a homeowner at 612 East 10th, and wanted to voice my support to allow Zero Day Coffee to expand into wine. We don't have a boutique wine location in Leadville, and this would be a great addition. I can't imagine a small wine bar would raise any disturbances in the neighborhood.

Thanks,
Tim Henkels

--

Tim Henkels

Croatia: +385 91 4677 256

USA: +1 720 466 5332 (year round) +1 720 418 9251 (summers only)

email: henkelst@gmail.com



Chapin LaChance <planningdirector@leadville-co.gov>

Support for ZeroDay Coffee - Wine Bar Proposal

1 message

Daniel Gerken <daniel.gerken@gmail.com>

Wed, Sep 21, 2022 at 10:28 AM

To: planningdirector@leadville-co.gov

Planning Director of Leadville and To whom it may concern,

As you may know, Leadville is a pivotal stop for backpackers and cyclists along the Colorado Trail and Continental Divide Trail - among numerous other outdoor athletics and enthusiasts year round.

I made my first visit to Leadville this August as a hiker along the Colorado Trail. I had been looking forward to this visit, including visiting local businesses like ZeroDay Coffee. ZeroDay Coffee had already been recommended to me as a must-stop along the trail before I had even taken one step on the Colorado Trail. While in Leadville, three other individuals had recommended we stop by the coffee shop.

We did, and were greeted by Avery, one of the proprietors. We chatted about coffee, outdoor gear, being small business owners and the local mountains.

This was absolutely a positive experience and one that also shines brightly on the entire town of Leadville as well.

I don't know a lot about liquor licences and zoning in your state, county or town. I am confident that if granted the ability to expand their options and menu at ZeroDay Coffee to include a wine bar they would do so in a responsible manner. This would allow a locally owned and run business to thrive, and continue to support the growth, community and culture of Leadville as a whole. I hope this opportunity for ZeroDay Coffee continues their ability to support and lift up other local businesses, artisans, athletes, craftspeople and more.

Thank you for reading and consideration. I look forward to another visit to lovely Leadville and ZeroDay Coffee.

Best,
Daniel Gerken
[ANDA](#)



Chapin LaChance <planningdirector@leadville-co.gov>

Support local business

1 message

leah delynko <leahdelynko@yahoo.com>
To: planningdirector@leadville-co.gov

Tue, Sep 20, 2022 at 3:14 PM

>
> From Leah Delynko
> 520 Chestnut Street
> Leadville, CO 80461
>
> Please support Zero Day Coffee in expanding their business to include wine tastings, as this is a unique addition to our community. The owners are a positive addition to Leadville and deserve support from our local government and community members.
>
> Thanks for your commitment to small business!
>
> Leah
>
> Sent from my iPhone



Chapin LaChance <planningdirector@leadville-co.gov>

Support of ZeroDay Coffee Wine Bar

1 message

Marley Seifert <marleyseifertdesigns@gmail.com>
To: planningdirector@leadville-co.gov

Tue, Sep 20, 2022 at 5:05 PM

Hi there!

My name is Marley Seifert, I'm a local artist in Leadville.

I just wanted to reach out and say I'm in full support of Zeroday Coffee creating a new wine bar addition to their business. The owners Avery and Anthony run a great coffee shop / gear store and I look forward to every visit to their establishment! In addition, they've supported my business, featured my artwork, and helped my business reach more people!

This wine bar will not only bring a couple more jobs to the community but also just giving people other nicer options of places to go out in town. I think this would be a great new thing to have for locals and tourists, since we don't have anything like that.

It makes me excited to see what they come up with!

Thanks for your time!

Marley Seifert
719-429-3721
[205 W 2nd St #4](#)
[Leadville CO 80461](#)



Chapin LaChance <planningdirector@leadville-co.gov>

Support of ZeroDay's request to have a wine bar

1 message

Wendy Wyskiel <wendygw50@gmail.com>

Tue, Sep 20, 2022 at 5:10 PM

To: "planningdirector@leadville-co.gov" <planningdirector@leadville-co.gov>

Cc: zerodayleadville@gmail.com

Hello:

My name is Wendy Wyskiel, and I live at 322 W 6th in Leadville. I have been going to ZeroDay since the beginning of the year, and it has become my home away from home. What does that mean to me? It is a place of comfort, warmth, friends and support.

I don't drink and haven't for many, many years. I did visit one of the establishments to help surprise a friend for his birthday, and I will not be going back because of the atmosphere and, frankly, the negative vibe I got. It's unfortunate because though I don't drink I would like to meet friends who do in a more pleasant place.

I strongly support ZeroDay's request to open a wine bar. Why? I know that Avery and Tony will provide the same comfort, warmth and strong sense of community at their establishment. I will feel comfortable meeting my friends there who do drink and know I will be welcome with open arms.

Thank you, and please reach out if you have any questions or would like further input from me.

Regards, Wendy



Chapin LaChance <planningdirector@leadville-co.gov>

Zero Day

1 message

Haley Conroy <conroyhaley@gmail.com>

Tue, Sep 20, 2022 at 8:16 PM

To: "planningdirector@leadville-co.gov" <planningdirector@leadville-co.gov>

Hi there!

I recently heard that Zero Day is thinking about expanding into wine. I love the zero day space for a nice morning or afternoon coffee and chill atmosphere. The people are always welcoming no matter who's coming through, local or tourist. I'd love to see them expand into wine for a relaxed after work glass or weekend place to hang out.

Thanks for taking the time to read this!

Haley Conroy



Chapin LaChance <planningdirector@leadville-co.gov>

Zero Day

2 messages

Ginevra Whalen <ginevra.whalen@gmail.com>

Tue, Sep 20, 2022 at 11:20 AM

To: "planningdirector@leadville-co.gov" <planningdirector@leadville-co.gov>

Hi friends,

My husband and I are new residents in town, and I love the folks running Zero Day already. I don't even drink anymore and would love to support their wine bar. The area they're in isn't highly trafficked, wine people buy art from locals, and they seem very locked in on what locals want.

Hope this helps make their case!

Have a great day,
Ginevra

Ginevra Whalen <ginevra.whalen@gmail.com>

Tue, Sep 20, 2022 at 5:44 PM

To: "planningdirector@leadville-co.gov" <planningdirector@leadville-co.gov>

Our address:

[1321 Silver Vault St](#), Leadville

[Quoted text hidden]



Chapin LaChance <planningdirector@leadville-co.gov>

Zero Day Coffee

1 message

Justin Brouse <brouse.justin@icloud.com>
To: planningdirector@leadville-co.gov
Cc: Aimee Gutowski <aimeekate@live.com>

Tue, Sep 20, 2022 at 2:09 PM

Hi there,

My name is Justin Brouse, and I am writing as a community member here in town. My wife Aimee (CC'd here) and I both love Zero Day Coffee and their new space!

As young locals that are about to start a family, we believe we are in dire need of more community outlets in town. We often times find it hard to meet people with few common spaces to gather.

We believe that Zero Day's objective of getting into wine would be the perfect setting for us to gather, meet new friends, and enjoy ourselves in town. Additionally, their plan allows them to grow as a small local business and provide more jobs in Leadville.

Please consider their proposition to expand their business into wine. I know the town members would be extremely grateful for your support.

Thank you!
Justin and Aimee

722 Clarendon Ave
PO Box 81
Leadville, CO 80461

Sent from my iPhone



Chapin LaChance <planningdirector@leadville-co.gov>

Zero Day Coffee proposal

1 message

Sarah Hamilton <sareginah@gmail.com>

Thu, Sep 22, 2022 at 8:30 AM

To: "planningdirector@leadville-co.gov" <planningdirector@leadville-co.gov>

Good Morning,

I am writing in support of Zero Day Coffee's proposal to expand into hosting a small scale wine bar in their space.

As a Leadville resident, not only do I appreciate the delicious coffee that Zero Day serves up, but I appreciate the truly communal space that Toni and Avery have built with their shop. Zero Day is a place where residents and visitors alike can come to bond over coffee and a shared appreciation for this place and its people. It is a truly warm and welcoming atmosphere that is a credit to our community.

It has been a pleasure watching Zero Day grow and become such a pillar of community in Leadville. I hope they are able to strengthen their business and their commitment to building community and a stronger Leadville by moving forward with their plans.

Thanks for your consideration,

Sarah Hamilton

[619 E. 12th Street](#)

[Leadville CO 80461](#)

--

Sarah Hamilton

New Roots Farm



Chapin LaChance <planningdirector@leadville-co.gov>

Zero Day Coffee Shop - Alcohol Permit

1 message

Jeffery Edmonds <edmondsjeffery@gmail.com>

Tue, Sep 20, 2022 at 2:56 PM

To: "planningdirector@leadville-co.gov" <planningdirector@leadville-co.gov>

Dear Leadville Planning Director,

I would love to support Zero Day coffee shop as they request a license to serve alcohol. My husband and I own a house in Leadville and are registered to vote in lake county. We love to see local businesses expand and thrive. We frequent Zero Day every Saturday and Sunday for coffee and fellowship and know Avery and Tony very well. They are fantastic business owners and wonderful additions to our community. I have no doubt that expanding into alcohol sales will only enhance our wonderful experience of leadville culture. I support them and I hope that the city of leadville will support them too.

-Jeffery Edmonds

--

Sincerely,

Jeffery Edmonds



Chapin LaChance <planningdirector@leadville-co.gov>

Zero day coffee

1 message

Marionette Jump <marionettejump@gmail.com>
To: planningdirector@leadville-co.gov

Tue, Sep 20, 2022 at 7:30 PM

I'm writing to support our favorite coffee shop in town.

This coffee shop is everything good about Leadville. They are locally owned and live right here in our community. They support and attend everything they can because they love their community and we love them.

Adding wine to their business would be awesome! They already have such a good vibe personally and you can just feel the positivity when you go in their shop.

This place is the best!

Sincerely,
Marionette Jump-Perez
Leadville, CO



Chapin LaChance <planningdirector@leadville-co.gov>

Zero Day Coffee/Wine Bar

1 message

James Reinhart <james.reinhart11@gmail.com>
To: planningdirector@leadville-co.gov

Tue, Sep 20, 2022 at 7:13 PM

Good evening,

I am writing in regards to Zero Day Coffees attempt to establish a wine bar.

I am in support of this happening for many reasons, but will list three.

Firstly, creating more community in the form of a gathering place. I live in Leadville full time and am always so grateful for the establishments that create a culture of community. Zero Day has surrounded its current business with community at the forefront and I believe that allowing the purchasing of wine as well as small tastings would also increase the positive impact on Leadville in this regard.

Second, supporting small business in Leadville is of utmost importance if we want to continue improving our city in the right ways. With the allowance of this petition for Zero Day, it will create more opportunities for positive growth of our community in sustainable and profitable business.

Lastly, knowing both owners on a personal level, I am extremely confident that their awareness of being respectful to other members of their community is top priority and would not cause any negative impact on surrounding residents, only creating positive atmosphere.

Thank you for your time and consideration in this matter.

Best,
James Reinhart
52 Chuckar Rd, Leadville



Chapin LaChance <planningdirector@leadville-co.gov>

Zero Day Coffee/Wine Bar

1 message

James Reinhart <james.reinhart11@gmail.com>
To: planningdirector@leadville-co.gov

Tue, Sep 20, 2022 at 7:13 PM

Good evening,

I am writing in regards to Zero Day Coffees attempt to establish a wine bar.

I am in support of this happening for many reasons, but will list three.

Firstly, creating more community in the form of a gathering place. I live in Leadville full time and am always so grateful for the establishments that create a culture of community. Zero Day has surrounded its current business with community at the forefront and I believe that allowing the purchasing of wine as well as small tastings would also increase the positive impact on Leadville in this regard.

Second, supporting small business in Leadville is of utmost importance if we want to continue improving our city in the right ways. With the allowance of this petition for Zero Day, it will create more opportunities for positive growth of our community in sustainable and profitable business.

Lastly, knowing both owners on a personal level, I am extremely confident that their awareness of being respectful to other members of their community is top priority and would not cause any negative impact on surrounding residents, only creating positive atmosphere.

Thank you for your time and consideration in this matter.

Best,
James Reinhart
52 Chuckar Rd, Leadville



Chapin LaChance <planningdirector@leadville-co.gov>

Zero Day expansion

1 message

Abby Reinholt <abigailscott@gmail.com>

Thu, Sep 22, 2022 at 5:02 PM

To: "planningdirector@leadville-co.gov" <planningdirector@leadville-co.gov>

Hi, I want to voice my support of Zero Day coffee shop continuing with their plans to expand into a bottle shop with wine tastings. They are a great local business and they really bring the community together. It would be awesome if they can get a better chance to succeed by adding some additional revenue streams. It's so hard for small local businesses to survive in the off seasons and this could really make a difference for them. Thank you.

Abby Reinholt
325 County rd 19
Leadville CO 80461



Chapin LaChance <planningdirector@leadville-co.gov>

Zero Day Support

1 message

Allison Lemaster <allisonlemaster@gmail.com>

Wed, Sep 21, 2022 at 3:29 PM

To: "planningdirector@leadville-co.gov" <planningdirector@leadville-co.gov>

To Whom It May Concern,

I am writing in support of Zero Day's wine bar proposal.

They are creating the exact business and environment this community needs. This establishment already connects our local community and this will allow that to expand in an appropriate way.

As a year long resident, it would be very disappointing to see this fail. As a community, we should support our local entrepreneurs. Especially those that are building businesses that cater to our local community, not just tourism.

Please feel free to contact me if you'd like to discuss any further. I will also be at next week's hearing.

Thank you,

Allison Lemaster
937.243.6365



Chapin LaChance <planningdirector@leadville-co.gov>

Zero Day Wine Bar Expansion

1 message

Hannah Gallagher <hannahamschmidt@gmail.com>

Tue, Sep 20, 2022 at 1:11 PM

To: "planningdirector@leadville-co.gov" <planningdirector@leadville-co.gov>

Hi there!

I am writing in support of the wine bar expansion at Zero Day Coffee. Ever since this coffee shop opened, they have added a great new space in our community to gather in the morning and I have no doubt that this could add another great space to gather later in the day. I try to immediately support and patronize every new business that opens in town because I strongly feel that our community growing to offer more amenities is good for all of us.

A healthier county is one that has healthy, growing, flourishing businesses and I look forward to this addition as well.

Thanks for your time!

--

Hannah Gallagher

"Live spherically, in many directions at once." -Federico Fellini



Chapin LaChance <planningdirector@leadville-co.gov>

Zero Day Wine Lounge

2 messages

Blueflower Candies <blueflowerllc@gmail.com>
To: Chapin LaChance <planningdirector@leadville-co.gov>

Tue, Sep 20, 2022 at 12:32 PM

Hi-

I am writing in regards to some of the negative commentary I have heard about my friends at Zero Day and their plans to open a wine lounge. Below are some points to consider:

- Bars on 7th
 - I can see two actual bars on 7th from where I am sitting.
 - The Manhattan - it's a constant nuisance to me, my business, and our customers. People become intoxicated there by 9am, then come and throw up on my sidewalk, scream loudly about anything and everything, deterring customers from coming into our store. Additionally, and the most mind-blowing part, these individuals leave the bar and get in their car and drive off. No one, including myself says anything - maybe it's time we should. Maybe the city could get more revenue if you actually arrested the insane amount of drunk driving around here.
 - The Delaware - This is still under construction, and I am sure it will be different than the Manhattan, but its still a bar - one that seemingly DID NOT have to jump through the hoops that are being required of Zero Day. Strange, don't you think?!
 - Pb Brewing - another bar that closed on 7th, quite literally across the street from Zero Day -
- Noise/Disturbances -
 - We are in a commercial district. I understand that it is a transitional commercial district, but guess what, more businesses will come to 7th and other side streets. If the current owners, who live in close proximity, do not like it, maybe they should find a home outside of the commercial district. What's more, most of the complaints are coming from people who don't even live here full time - that is not ok either.
 - It is also my understanding that Zero Day is looking to serve a few glasses of wine in a space that can probably hold no more than 20 people at a time, until 10pm. This does not scream public disturbance to me, in fact, it seems to be a space that will bring the community together during hours when a lot of other places in town have closed.

The space that Avery and Tony are trying to create is good, wholesome, inclusive and is what we need more of in this town. Making things difficult for them, will only push them to leave, which no one wants. Leadville should do everything in its power to protect its small businesses, they are the fabric of this community and what makes leadville - the grumpy old drunks that I deal with everyday do not. Currently, it seems that we get nothing but pushback from every direction.

Ted Green
Owner

--
Blueflower Candies & Provisions
blueflowerllc@gmail.com

Blueflower <blueflowerllc@gmail.com>
To: Chapin LaChance <planningdirector@leadville-co.gov>

Tue, Sep 20, 2022 at 7:38 PM

Chapin,

I had a lot going on today and my email tone and wandering manner was not really my intention. I simply want to support my friends in their business endeavors and hope that the city and our neighbors can do the same.

Please know that there is no ill will towards anyone. It just seems like we, as a community, should be asking how can we help Zero Day make this work, not pushing back.

Thank you for all of you help recently and look forward to meeting you in person soon.

Ted

On Sep 20, 2022, at 12:32 PM, Blueflower Candies <blueflowerllc@gmail.com> wrote:

[Quoted text hidden]



Chapin LaChance <planningdirector@leadville-co.gov>

Zero Day Wine-bar

1 message

Kellogg, Ian <ikellogg@fmi.com>

Wed, Sep 21, 2022 at 10:45 AM

To: "planningdirector@leadville-co.gov" <planningdirector@leadville-co.gov>

Good morning,

I'm writing in support of the Zero Day Wine Bar. I live here in town, and I think the expansion of that business would make an excellent addition to Leadville.

Local community has always been a significant part of Leadville's past and present. In the year that the coffee shop has been open, they've already built a very strong community that never hesitates to bring others in; expanding their business only provides the opportunity for that to grow in both size and strength. The concept would be unique in the town and having a lower energy, community oriented, inclusive space to go for drinks in the evening is very appealing to me personally. The staff and customers at Zero Day have always had a way with making locals and travelers alike feel like they belong, a valuable skill for a town with as much of a tourist economy as we have. The expansion would be an attractive alternative for anyone looking to spend a quieter, safer night out, whether they're local or just visiting town.

Thank you for taking the time to read through my thoughts, have a wonderful day!

Sincerely,

--

Ian Kellogg

he / him / his

Geologist I

Climax Molybdenum Co.

ikellogg@fmi.com

W: (719) 486-7743

WC: (970) 977-9164





Chapin LaChance <planningdirector@leadville-co.gov>

Zero Day

1 message

hartshorn.madison <hartshorn.madison@gmail.com>
To: planningdirector@leadville-co.gov

Wed, Sep 21, 2022 at 9:16 AM

Hello,

I'd like to contribute support for the Zero Day wine bar proposal.

This company has created a positive communal space expanding Leadville locals' and visitor's opportunities to connect. By affording this company the space to grow their business we are bolstering their ability to survive and thrive- furthering their inclusive and positive impact on the community.

Thank you,

Madison Hartshorn

Sent from my Verizon, Samsung Galaxy smartphone



Chapin LaChance <planningdirector@leadville-co.gov>

ZeroDay Coffee Expansion1 message

Don Owens <donaaldowens@me.com>

Tue, Sep 20, 2022 at 2:14 PM

To: planningdirector@leadville-co.gov

Please permit this letter to serve as support for ZeroDay Coffee and their desire to serve alcoholic beverages as a part of their offerings to Leadville consumers.

The owners and employees of ZeroDay have provided the community a quality product, excellent service and have spent much time and effort serving the local community.

ZeroDay has a successful record of local stewardship and support.

There can be no doubt with the expansion of other offerings they will remain a great neighbor and business in our local community.

Please grant their needed permits, licenses and support as needed to expand.

With thanks,

Don & Danae Owens
1000 Hemlock #302
Leadville, CO.



Chapin LaChance <planningdirector@leadville-co.gov>

Zeroday Coffee Wine Bar Proposal

1 message

Trent Hillier <thillier1@gmail.com>

Tue, Sep 20, 2022 at 11:34 AM

To: "planningdirector@leadville-co.gov" <planningdirector@leadville-co.gov>

To Whom It May Concern,

It has come to our attention that Zeroday coffee intends to put in a wine bar establishment in Leadville. Their current campaign intends to have supporters of their coffee shop send in activism requests to your office in order to have the wine bar proposal approved.

My wife, Sarah, and I are against these proposals as we believe it would contradict highly the beloved nature and culture of the town. As they have campaigned for others to support their proposal, we would like to voice our lack thereof as long time residents of Leadville and Lake County. We love our town and the surrounding county and would hate to have the character changed with certain establishments that do not expand on the already appreciated and loved nature of Leadville.

Thank you for keeping an open channel to have residents thoughts heard.

With Respect,

Trent Hillier

thillier1@gmail.com
(630) 244-8883



Chapin LaChance <planningdirector@leadville-co.gov>

Zeroday coffee

1 message

Maria Carolina Marin <macama444@gmail.com>
To: planningdirector@leadville-co.gov

Wed, Sep 21, 2022 at 7:39 PM

zero coffe is a unique place in Leadville. it's a good place to have a good experience, by its owners, what they offer, and the people who go. besides space that is super comfortable and special.
in my opinion, there is no other place like this and it would be very good that you can offer the public as much as possible.
and with this mountain climate, a glass of wine is very good.
Maria Carolina Marin
500 E 7th st, Leadville, 80461

Sent from my iPhone



Chapin LaChance <planningdirector@leadville-co.gov>

ZeroDay Wine Bar

1 message

Matthew Scholl <mscholl1693@gmail.com>

Tue, Sep 20, 2022 at 12:38 PM

To: "planningdirector@leadville-co.gov" <planningdirector@leadville-co.gov>

To whom it may concern,

I am writing in my support of the proposed wine bar at ZeroDay Coffee, Leadville, Colorado.

As a recent but proud participating member in the Leadville community, ZeroDay coffee is a cornerstone to my life and where I finally found a place I fit in.

It was ZeroDay that I found on a map search when in need of a coffee while passing through town, and got caught purchasing mountaineer equipment for hiking I came to the Rockies to do.

It was the generosity and selfless sense of friendship from the two owners, Anthony and Avery, that changed my original view of the town. They exposed me to activities and groups in the area that quickly became my family.

For the following several months, they provided me a place to sit and work, broadened my knowledge of the natural environment while exercising leave-no-trace to the maximum possible standard, and have developed partnerships with other local businesses that I truly had never seen in my thousands of miles traveling this country.

What business displays only local artist work and takes none of the sale? When the restaurant across the street was struggling to maintain staffing to stay open, ZeroDay opted to put their baked goods on the counter so they could make a few more sales.

ZeroDay is founded by folks who believe in community and serve more than drinks. They were my ride to the airport in a town with no ride services. They were my guides on my first ever rafting trip. They introduced me to the fine owners of other businesses along Main Street.

Now they want to offer a place for those who choose quality, culture, and companionship into the evening. People like this make a town great, and restricting them from doing what they do best is restricting the town from becoming the best it can be.

Sincerely,

Matt Scholl

Sept. 22

Leadville Planning Director Chapin LaChance
800 Harrison Avenue
Leadville CO 80461

Dear Director LaChance,

I am writing in support of Zero Day Coffee's liquor license application. Zero Day Coffee is a wonderful asset to Leadville's downtown corridor and an important part of the recent revitalization of East Seventh Street. The coffee shop serves as a welcoming meeting place for locals and tourists alike. The business' owners, Anthony Earl and Avery Williamson, are responsible and compassionate community members who have gone out of their way to participate in local events such as Trick or Treat on Main Street and the Leadville Race Series.

I would look forward to learning about, tasting, and buying wine at Zero Day Coffee if the business is granted licensing. There are currently no local businesses specializing in wine and Zero Day has the expertise to do so. Additionally, selling wine would provide Zero Day with a new income stream, aiding the business' future viability. I strongly support the granting of a liquor license to Zero Day Coffee.

Thank you,

Rachel Woolworth

605 West Third St.
Leadville CO 80461
rachel.woolworth92@gmail.com

Lenhardt Stevens
Regentropf LLC
PO Box 29153
Portland, OR 97239
971.712.5936

To Leadville City Council:

I am the landlord of 122 E 7th Street in Leadville. This is a letter of support on behalf of my company for ZeroDay's pursuit of a wine license for their business.

Since taking over the operations on 7th St, ZeroDay has been a bastion of community involvement. From the Leadville Race Series to supporting through-hikers, ZeroDay took up the mantle of commercial operations at 122 E 7th. Together with their fellow businesses, including the Delaware Hotel, Blueflower Candies and Provisions, and even the Abbey up the road, ZeroDay has made 7th Street a vibrant and economically contributive location in Leadville.

This letter is concerning their request for a wine license at the shop. Leadville's central blocks are part of a residential and commercial split in the city's zoning. Part of that split usage is the delicate balancing act between being a street of commerce and a street of residence. Serving alcohol immediately raises questions about how ZeroDay will respect their neighbors' rights towards quiet hours as well as the impact the license will have on ensuring that their property is not threatened with customer negligence.

I can say categorically that ZeroDay's operating hours and customer traffic will reflect the neighborhood character of 7th street. The street's residents currently enjoy a hodgepodge of short-term rentals, long-term rentals, single family homeowners, vacation home owners, non-profits, and, of course, businesses. ZeroDay's owners are available and ready to observe the wishes and answer any cares or worries that the street's many stakeholders may have as they pursue additional revenue streams to be a viable business in Leadville.

We're looking forward to a continued dialogue between residents, the city, the county, and other businesses over how best to serve community needs and wishes. We're looking forward to continuing ZeroDay's vibrancy and making Leadville a great place to live and work.

Please reach out with any questions or concerns.

Best wishes and kind regards,



Lenhardt Stevens



Chapin LaChance <planningdirector@leadville-co.gov>

Zero Day

1 message

Sam and Liz Saunders <saunders8000@gmail.com>
To: planningdirector@leadville-co.gov

Sat, Sep 24, 2022 at 6:49 AM

To whom it may concern,

I wanted to reach out and say how much I support Zero Day adding a liquor license to their business. Zero Day has been an amazing addition to our community and allowing them to expand and grow will make sure that they are able to remain open. It will also add to their ability to employ Leadville residents. All of the benefits seem great for Leadville and I can't wait to see how the Zero Day owners use their liquor license to create a positive community gathering place in the evenings.

Thank you for your time.

Sincerely,
Elizabeth Saunders
Leadville resident



Chapin LaChance <planningdirector@leadville-co.gov>

writing in support of Zero Day conditional use permit

1 message

Sara Edwards <saredw@gmail.com>
To: planningdirector@leadville-co.gov

Wed, Sep 28, 2022 at 11:42 AM

Greetings

As a citizen of Leadville for 5 years, I am writing in support of the conditional use permit sought by the owners of Zero Day Coffee, Avery and Anthony. I have been a patron of Zero Day since the day they opened, almost one year ago. The coffee shop is welcoming and builds community among locals. I've met many valued friends through introductions provided by the staff at Zero Day. As chair of the Lake County Tourism Panel, I also note that the shop appeals to tourists as "the highest coffee shop in the lower 48" and is a destination particularly among hikers traveling through on the national and state scenic trails.

Time and again, I've witnessed Zero Day support local non-profit causes like Community Clean Up Day, and offer to be host for local events like the CDT Trail Daze. They support local artists and makers through sales in their shop.

A permit to open up a refined, community focused wine bar would allow them to grow their potential as a community gathering space in the afternoons and evenings which would greatly benefit the community.

Thank you for your consideration.

Sincerely,

Sara Edwards
308 Poplar St
Leadville, CO 80461



AGENDA ITEM #8B

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: October 4, 2022

SUBJECT: Strayhorse Addition, Block 16, Lots 1-16 Plat Amendment

PRESENTED BY: Chapin LaChance, Planning Director

☐ ORDINANCE
☐ RESOLUTION
☒ MOTION
☐ INFORMATION

I. REQUEST OR ISSUE:

The Planning and Zoning Commission recommends that the City Council conditionally approve this Plat Amendment application (Application) to re-subdivide 16 existing lots into 13 wider lots for the construction of 13 single-family residences.

II. BACKGROUND INFORMATION:

The existing 16 lots were platted with the Strayhorse Addition to Leadville in 1880 as 25' wide lots. This property was surveyed in 2003. This application is classified as a Plat Amendment because it both removes and adjusts lot lines in a previously platted subdivision. A Plat Amendment is required to be reviewed at a public hearing at Planning and Zoning Commission and City Council. Because the R-2 zoning district allows single-family dwellings as a by-right use, the proposed site plan is exempt from Site Plan Review and can proceed to Building Permit application with the Lake County Building Dept. However, the criteria for review and approval of the subdivision discussed below requires the applicant's submittal of the attached site plans and architectural drawings.

III. FISCAL IMPACTS:

None.

IV. LEGAL ISSUES:

None.

VI. PLANNING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission reviewed this application at a public hearing on September 28, 2022. There were not any public comments received prior to or at the public hearing. All five (5) Commissioners unanimously recommended the approval of the application with the attached Findings and Conditions of Approval.

VII. COUNCIL OPTIONS:

1. Approve the Application.
2. Approve the Application with conditions.
3. Deny the Application.
4. Table consideration of the Application and provide direction to staff.

VIII. PROPOSED MOTION:

"I move to approve the Strayhorse Addition, Block 16, Lots 1-16 Plat Amendment, PL-2022-0726; located at 601-631 E. 8th St., along with the attached Findings and Conditions."

IX. ATTACHMENTS:

1. Staff report for the September 28, 2022 Public Hearing at Planning Commission.
2. Recommended Findings and Conditions of Approval.
3. Application dated 7/26/2022.



Planning and Zoning Commission Staff Report

Subject: Strayhorse Addition, Block 16, Lots 1-16 Plat Amendment (Public Hearing)

Application #: PL-2022-0726

Proposal: The applicant proposes to re-subdivide 16 existing lots into 13 wider lots for the construction of 13 single-family residences.

Legal Description: Strayhorse Addition to Leadville, Block 16, Lots 1-16

Address: 601-631 E. 8th St.

Date: September 22, 2022

Staff: Chapin LaChance, AICP –Comm. Dev. and Planning Director

Consultant Planner: Steve Hanson

Applicant: Jeremy Paddock

Owner: Chris and Rebekah Moll

Proposed Legal: Stray Horse Addition, Block 16, Lots 1R-13R

Lot size: 0.96 acres total (Existing lot sizes range from 2,605 sq. ft. to 2,650 sq. ft.)

Zoning District: R-2

Historic District: No

Site Conditions: The site does not contain any existing structures, with the exception of a small shed along the southern site boundary. The site lacks any notable existing vegetation, and drops in elevation approximately 22 ft. from east to west.

Adjacent Uses: North: E. 8th St. (70 ft. R.O.W.) and vacant property
South: Unpaved alley (16 ft. R.O.W.) and vacant property, plus 2 existing single-family dwellings
East: N. Ash St. (50 ft. R.O.W.), vacant property
West: N. Orange St. (50 ft. R.O.W.), vacant property
All adjacent properties are also zoned R-2.

Site Photos



Image 1 (Above): Satellite photo of the proposed subdivision, highlighted in red.

Image 2 (Below): Looking west into the site from N. Ash St.



Image 3 (Above): Looking southwest into the site from intersection of N. Ash St. and E. 8th St.

Image 4 (Below): Looking east into the site from the N. Orange St. right-of-way (unpaved).



Image 5 (Above): Looking north (off-site) from E. 7th St. into Block 16, Lot 17 containing a waste rock pile marked as the “Coronado Mine” (photo upper right), the unpaved N. Orange St. right-of-way, and Block 15, Lot 1 containing a large waste rock pile (photo upper left), all off-site to the south and west of the proposed development.

History

The existing 16 lots were platted with the Strayhorse Addition to Leadville in 1880 as 25' wide lots. The 1906 Sanborn map shown below documents that this site (boundary shown in red) historically contained the following:

- five (5) one-story dwellings on the eastern portions of the site
- a “dump” on the western portions of the site, and
- an elevated tramway crossing the western portion of the site, extending from the Coronado Shaft to the south to a “dump” to the north.



This property was surveyed and the attached survey recorded in 2003. The survey found the lots to be only 24.85' in width.

Staff Comments

This application is classified as a Plat Amendment because it both removes and adjusts lot lines in a previously platted subdivision. A Plat Amendment is required to be reviewed at a public hearing at Planning and Zoning Commission and City Council. Because the R-2 zoning district allows single-family dwellings as a by-right use, the proposed site plan is exempt from Site Plan Review and can proceed to Building Permit application with the Lake County Building Dept. However, the criteria for review and approval of the subdivision discussed below requires the applicant's submittal of the attached site plans and architectural drawings.

16.16.060 - Standards for approval of plat amendment.

A. The proposed amendment meets or satisfies all applicable requirements of this title. Staff does not have any concerns with compliance with the Zoning requirements.

B. The proposed amendment conforms to all applicable requirements for the zone district(s) in which the property is located, including but not limited to, requirements for setbacks, height, floor and lot areas, and minimum lot sizes. The applicant has provided the attached proposed plans for development of each lot using three (3) possible designs. See below for an evaluation of these proposed designs for compliance with the R-2 zoning requirements.

Lot area:

- Required: 2,250 sq. ft. minimum
- Existing: 2,605 sq. ft.
- Proposed: 3,210 sq. ft. – 3,257 sq. ft.

Lot width:

- Required: 25 ft. minimum
- Existing: 24.85 ft. (legal, non-conforming)
- Proposed: 30.58 ft.

Setbacks:

- Required:
 - Front: 10 ft. minimum
 - Side: 3 ft. minimum
 - Rear: 6 ft. minimum
- Proposed:
 - Front: 10 ft.
 - Side: 4 ft. (east), 4 ft. (west)
 - Rear: 8 ft. 8 in.

Height:

- Required: 35 ft. maximum
- Proposed: 31 ft. – 4”

Dwelling Size:

- Required: 600 sq. ft. minimum
- Proposed: 2,227 sq. ft. - 2,607 sq. ft.

Lot Coverage:

- Required: 75% maximum
- Proposed: 70%*
 - Building / non-permeable: 1,672 sq. ft. (52% of site)
 - Hard surface / non-permeable: 601 sq. ft. (19% of site)
 - Open space: 938 sq. ft. (30% of site)

*based on Plan “A” and smallest lots size of 3,210 sq. ft.

Density:

- Allowed: 18.24 units total (19 UPA) maximum

- Proposed: 13 units total (13 UPA)

Parking:

- Required: 1 space per dwelling, minimum
- Proposed: 1 space per dwelling. The applicant proposes to grade the public alley so that each home can take access from the alley to it's garage, but does not propose to pave the alley.

All 13 proposed lots conform to the requirements for the R-2 zone.

C. The proposed amendment substantially conforms to all other applicable requirements of the code and all regulations promulgated by the city. Staff has included a Condition of Approval that the applicant shall provide land dedication or fee-in-lieu payment to the Lake County School District per Ordinance 5, Series 2021.

D. The proposed subdivision substantially conforms to the goals and policies of the Leadville comprehensive plan, to the extent that such goals and policies do not conflict with provisions or requirements of the code and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the planning commission or city council to decide that such subdivision meets or fails to meet such goal or policy. The proposed subdivision and development plans will allow for infill development, creates diversity in housing types, and maintain the historic street and alley grid, all of which is encouraged by the Comprehensive Plan. Staff does not have any concerns with the proposed subdivision's compliance with the Comprehensive Plan.

E. The proposed amendment would not cause significant hardship or inconvenience for adjacent or neighboring landowners or tenants. By reducing the number of lots from 16 to 13, the proposed subdivision reduces the density and intensity of use of the overall property compared to the 16 dwelling units allowed by-right with the existing lots. With this reduction in expected intensity, the impact on neighboring properties is reduced. Staff does not find that any hardships, inconveniences, or detriments are created by the proposed subdivision.

F. The proposed amendment would not be likely to prove detrimental to the public health, safety or welfare of city residents. There are waste rock piles visible on neighboring vacant properties, as shown in the above photos. Staff contacted the Colorado Dept. of Public Health and Environment (CDPHE) to confirm if there were any soil contamination issues related to this property. Per CDPHE, this property is outside of any active Superfund Operable Units (OUs). The nearby piles are under CDPHE Institutional Controls (IC), but there are not any ICs that would apply to the proposed subdivision and development because the development will not disturb the nearby piles.

Other/Miscellaneous: The proposed subdivision was referred to the Parkville Water District, the Leadville Sanitation District, and Xcel Energy. At the time of this report, no comments from these utilities were received by staff. Staff has included a Condition of Approval that all utilities, including but not limited to water, sewer, electric, natural gas, and telecommunications shall be installed per the utility provider specifications, and the applicant shall dedicate any utility easement required by any utility provider.

Recommendation

Staff has evaluated this application for compliance with Title 16 Subdivision Regulations and Title 17 Zoning of the Leadville Municipal Code. Staff finds the proposal complies with these titles. Staff recommends the Planning and Zoning Commission recommend the City Council approve the Strayhorse Addition, Block 16, Lots 1-16 Plat Amendment, PL-2022-0726; located at 601-631 E. 8th St., along with the attached Findings and Conditions.

Recommended motion: “I move the Planning and Zoning Commission recommended the City Council approve the Strayhorse Addition, Block 16, Lots 1-16 Plat Amendment, PL-2022-0726; located at 601-631 E. 8th St., along with the attached Findings and Conditions.

CITY OF LEADVILLE

Strayhorse Addition, Block 16, Lots 1-16 Plat Amendment

Block 16, Lots 1-16, Strayhorse Addition

Plat Amendment

PL-2022-0726

FINDINGS

1. The proposed amendment meets or satisfies all applicable requirements of Title 16 of the Leadville Municipal Code.
2. The proposed amendment conforms to all applicable requirements for the zone district(s) in which the property is located.
3. The proposed amendment substantially conforms to all other applicable requirements of the code and all regulations promulgated by the city.
4. The proposed subdivision substantially conforms to the goals and policies of the Leadville comprehensive plan, to the extent that such goals and policies do not conflict with provisions or requirements of the code and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the planning and zoning commission or city council to decide that such subdivision meets or fails to meet such goal or policy.
5. The proposed amendment would not cause significant hardship or inconvenience for adjacent or neighboring landowners or tenants.
6. The proposed amendment would not be likely to prove detrimental to the public health, safety or welfare of city residents.
7. This approval is based on the staff report dated **September 20, 2022** and findings made by the City Council with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
8. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the City of Leadville, and at the hearing on the project held on **September 28, 2020** and **October 4, 2022** as to the nature of the project. In addition to Commission minutes, the audio of the meetings of the Commission are recorded.

CONDITIONS

1. The Final Plat of this property may not be recorded unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the City of Leadville.
2. If the terms and conditions of the approval are violated, the City, in addition to criminal and civil judicial proceedings, may, if appropriate, refuse to record the Final Plat, issue a stop order requiring the cessation of any work being performed under this permit, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the staff report and application.
4. Applicant shall construct the subdivision according to the approved subdivision plan, and shall be responsible for and shall pay all costs of installation of public roads and all improvements including revegetation, retaining walls, and drainage systems. All construction shall be in accordance with City regulations.
5. This permit contains no agreement, consideration, or promise that a certificate of occupancy or certificate of compliance will be issued by the City. A certificate of occupancy or certificate of compliance will be issued only in accordance with the City's planning requirements/codes and building codes.
6. Applicant shall install an address sign identifying all residences served by a private drive posted at the intersection with the primary roadway.
7. All utilities, including but not limited to water, sewer, electric, natural gas, and telecommunications shall be installed per the utility provider specifications, and the applicant shall dedicate any utility easement required by any utility provider.

PRIOR TO RECORDING OF PLAT

8. Applicant shall submit and obtain approval from Town staff of a plat that meets City subdivision requirements and the terms of the plat approval.
9. **Applicant shall provide land dedication or fee-in-lieu payment to the Lake County School District per Ordinance 5, Series 2021.**
10. Applicant shall submit a drainage plan to the City, prepared by an Engineer licensed in the State of Colorado, for all subdivided lots specifying top-of-wall elevations for all building foundations and directing drainage away from all structures. Drainage plan shall be approved by the Planning Official.



GENERAL APPLICATION FORM

Application File No. _____

1) ACTION REQUESTED

Rezoning ☐
 Subdivision Approval ☐
 Sketch Plan ☐
 Preliminary Plan ☐
 Final Plat ☐
 Plat Correction ☐
 Plat Amendment ☒
 Plat Vacation ☐
 Easement Vacation ☐
 Subdivision Exemption ☐
 Certif. of Appropriateness ☐
 Lot Consolidation ☐
 Other Action(s) (specify) ☐

Variance ☐
 Sign Variance ☐
 Performance/Other Bond ☐
 Temporary Use Permit ☐
 Petition for Time Extension ☐
 Zoning Text Amendment ☐
 Comprehensive Plan Amendment ☐
 Conditional Use Permit(s) ☐
 CUP/Other ☐
 CUP/Travel Trailer Park ☐
 CUP/Mobile Home Park ☐
 Lot Line Adjustment ☒

2) APPLICANT STATUS

Date of Application: 7/26/2022
 Received by: LORI TYE
 Application Fees Required: \$125.00
 Date Fee Paid: 7/26/22 Recpt #10.000150

Date(s) App. Acted On:	Action Taken:
_____	_____
_____	_____
_____	_____

3) APPLICANT AND OWNER INFORMATION

Name of Applicant: Jeremy Paddock
 Property Address: 601-631 e 8th St., Leadville, CO, 80461

Mailing Address of Applicant if other than property address: _____
3070 Furthermore Pt., Castle Rock, CO 80108

Telephone: 7206360530

Land Owner*: Chris & Rebekah Moll

Address: 8447 Burning Tree Dr., Franktown, CO 80116

Telephone: 9516521445

* List Landowner(s) individually if other than applicant

4) SUMMARY OF APPLICATION

Land Area Included Within the Scope
of This Application: _____

Location of Land: lots 1-16 block 16 Stray Horse Addition

Existing Zoning Districts: _____

Proposed New District(s): _____

Number of Existing Lots: 16

Number of Proposed Lots: 13

Number of Proposed Dwelling: 13

Proposed Average Lot Size: 3220 sqft

If this is a Variance Request, Type and Cause of Non-conformance: _____

Will the Proposed Development Require any State or Federal Permits no (Yes/No)

If yes, which Permits: _____

Additional Pertinent Information: _____

5) CERTIFICATION BY THE APPLICANT

I hereby state that this application is made with full knowledge of the design standards, procedures, disclaimers (see especially Titles 17.06 and 17.30.040) and other provisions of the Leadville Zoning Ordinance/Municipal Code pertaining to this application:

Signature of Applicant:  Date: _____

6) FINAL ACTION

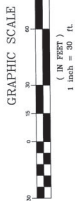
☐ Approved ☐ Conditionally Approved or ☐ Denied by the authorized Leadville permitting authority:

Name: _____ Signature: _____

Title: _____ Date: _____

LAND SURVEY PLAT

LOTS 1 - 16, BLOCK 16 AND LOTS 1-6, BLOCK 15, STRAY HORSE ADDITION TO LEADVILLE
A PART OF SECTION 24, TOWNSHIP 9 SOUTH, RANGE 80 WEST OF THE 6th PRINCIPAL MERIDIAN
CITY OF LEADVILLE, LAKE COUNTY, COLORADO



SURVEYOR'S CERTIFICATE

I, SAMUEL H. ECKER, A REGISTERED LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF COLORADO, HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED UNDER MY DIRECT SUPERVISION, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SAMUEL H. ECKER
COLORADO P.L.S. No. 30091
FOR AND ON BEHALF OF
CORE RANGE SURVEYING LLC

NOTES:

- PROPERTY DESCRIPTION: LOTS 1 THROUGH 16, BLOCK 18 AND LOTS 1-4, BLOCK 15, STRAY PORCE
TO LEADVILLE, CITY OF COLORADO, PER THE PLAT
RECORDED AUGUST 7, 1980.
- DATE OF SURVEY: JULY, 2003.
- THE BEARINGS SHOWN UPON THE LINE CONNECTING THE MONUMENTS SHOWN HEREIN MARKING THE
NORTHWESTERLY CORNER OF LOT 16, BLOCK 18 AND NORTHWESTERLY CORNER OF LOT 1, BLOCK 16,
AND BEARING BEING N74°10'00"E (SEE DRAWING).
- (B) NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMEANCE ANY ACTION BASED UPON ANY
MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS
FROM THE DATE OF CERTIFICATION SHOWN HEREIN.
- (C) JOSE RANGIER SURVEYS LLC DO NOT PERFORM A TITLE SEARCH OF THE SUBJECT PROPERTY TO
CONFIRM EXISTENCE AND RIGHTS OF WAY SHOWN HEREIN ARE FOR THE RECORD PLAT FOR THE SUBJECT
PROPERTY. NO ADDITIONAL RESEARCH WAS PERFORMED PER CLIENT'S REQUEST.
- (D) ALL DISTANCES SHOWN HEREIN ARE FIELD MEASURED, UNLESS OTHERWISE.
- (E) I BEID THE MONUMENTS FOUND MARKING THE NORTHWESTERLY CORNER OF LOT 6, BLOCK 15 THROUGH AND
NORTHWESTERLY CORNER OF LOT 1, BLOCK 15 FOR ESTABLISHING THE BOUNDARY OF LOTS 1 THROUGH 6,
BLOCK 15. NO ADDITIONAL MONUMENTS WERE FOUND IN BLOCK 15.
- (F) THE LOCATION OF MINERAL SURVEYS SHOWN HEREIN ARE APPROXIMATE PER THE RECORD PLATS
AFFECTING MANSIONS AND LOCATIONS OF THESE SURVEYS. NONE OF THOSE SURVEYS WHICH APPEARED TO
AFFECT THE SUBJECT PARCELS, PER THE MAPS OF MINERAL DISTRICT NOS. 3-5 AS PUBLISHED BY THE COLO
RADO DEPARTMENT OF NATURAL RESOURCES.

TYPICAL LOT SIZE PER PLAT

DEPOSITED THIS 6th DAY OF November, 2003, AT 12:04 P.M. IN BOOK 572 OF THE LAKE COUNTY SURVEYOR'S LAND SURVEY PLATS/RIGHTS-OF-WAY SURVEYS AT PAGE 383, RECEPTION NUMBER 935213

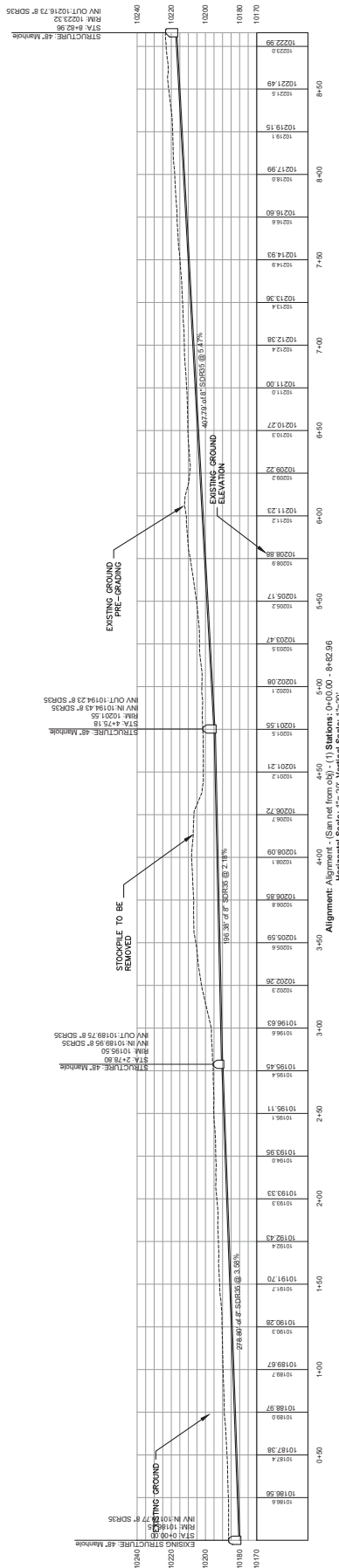
DRAWING BY:	CM	DATE:	7/28/2003
CHECKED BY:	SE	DRAWING NO:	03-113SP
TOP NO.:	03-113	SHEET	1 OF 1

**Gore Range
Surveying, LLC**

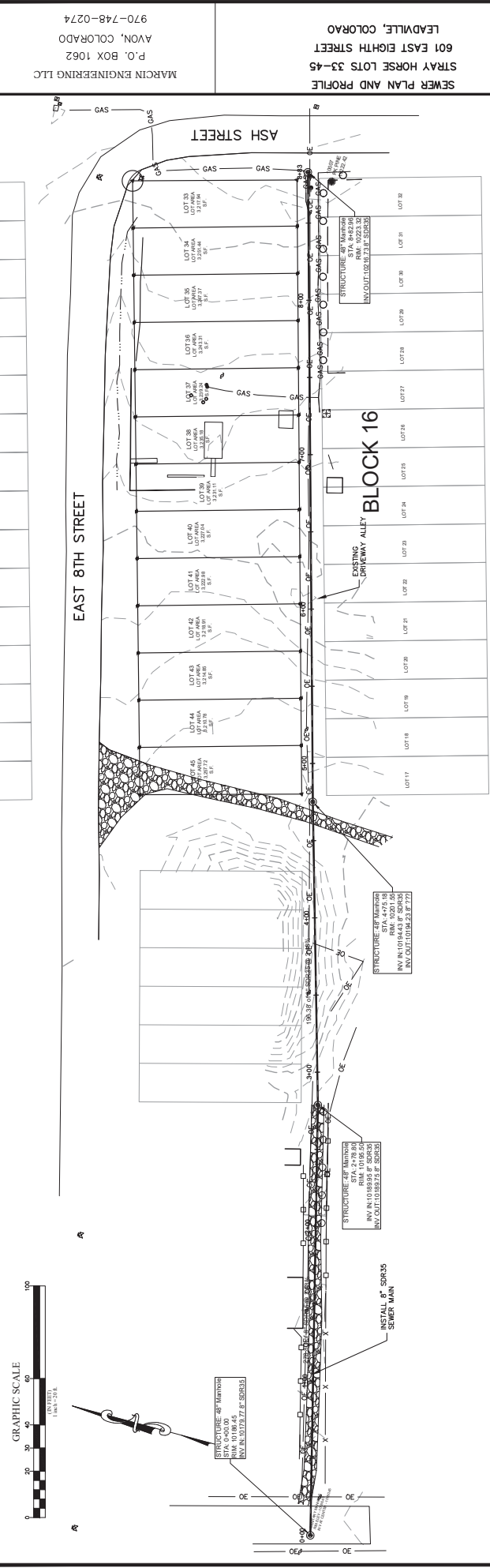
953 South Frontage Road West
Suite 106
Vail, CO 81657
(970) 479-8698 • fax (970) 479-0055

NOT FOR CONSTRUCTION

DATE: 2/20/20
SCALE: 1" = 20'



NO.	DATE	REVISIONS



SEWER PLAN AND PROFILE
STRAY HORSE LOTS 33-45
601 EAST EIGHTH STREET
LEADVILLE, COLORADO
P.O. BOX 1062
AVON, COLORADO 81602
970-748-0274
MARCIN ENGINEERING, LLC



AREAS SUMMARY

LOT AREA: VARY FROM 3,211 TO 3,258 SF

SITE COVERAGE AREA;
(1,672/3,211 =) 52%

HOUSE AREAS:
LOWER LEVEL; 1,094 SF
MAIN LEVEL; 1,453 SF
UPPER LEVEL; 1,183 SF
TOTAL; 3,730 SF
UPPER LVL DECK; 489 SF

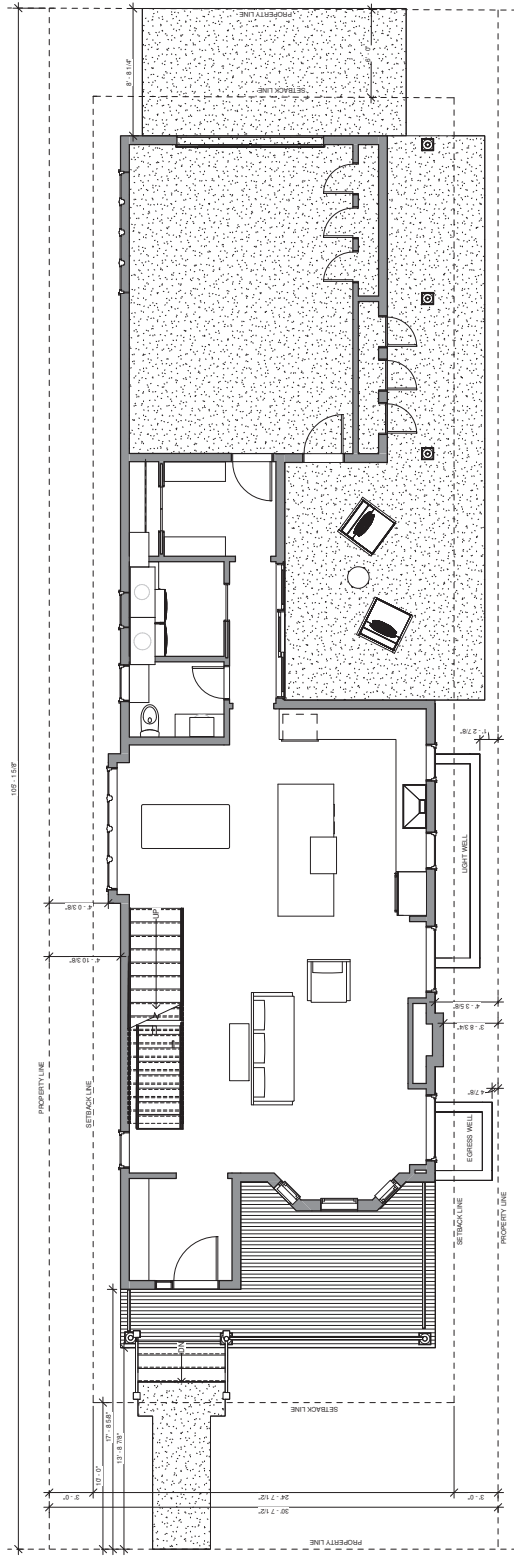
IMPERVIOUS SURFACE (IS) AREAS:

ENTRY WALK;	110 SF
PATIO;	323 SF
DRIVEWAY;	168 SF
TOTAL;	607 SF

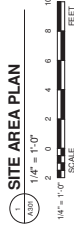
TOTAL SITE COVERAGE:	
HOUSE AREA;	1,672 SF
IS AREA;	607 SF
TOTAL;	2,279 SF







SITE AREA PLAN



AREAS SUMMARY

LOT AREA; VARY FROM 3.211 TO 3.258 SF

SITE COVERAGE AREA:

HOUSE AREAS:

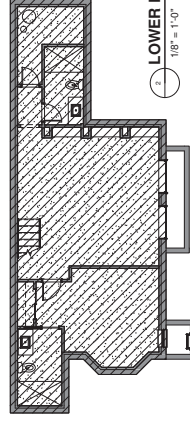
LOWER LEVEL;	1,094 SF
MAIN LEVEL;	1,379 SF
UPPER LEVEL;	883 SF
TOTAL;	3,356 SF
UPPER LVL DECK;	663 SF

IMPERVIOUS SURFACE (IS) AREAS:

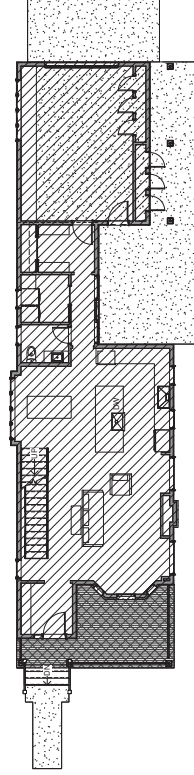
ENTRY WALK;	50 SF
PATIO;	370 SF
DRIVEWAY;	156 SF
TOTAL	576 SF

TOTAL SITE COVERAGE:

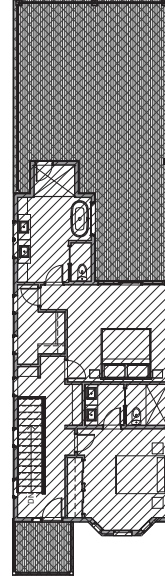
HOUSE AREA;	1,546 SF
IS AREA;	576 SF
TOTAL;	2,122 SF



LOWER LEVEL AREA PLAN



MAIN LEVEL FLOOR PLAN



UPPER LEVEL AREA PLAN



STRAY HORSE PLAN 'A'

GABLE

STRAY HORSE PLAN 'A'

STRAY HORSE PLAN 'A'

For Permit & Construction Issue Date

Project Name	STRAY HORSE PLAN 'A'
Project Location	2400 Central Ave., North
Project Address	303.447.2813
Code Authority	International Residential Code 2015 National Electric Code 2017 International Energy Conservation Code 2017
Construction Type	Type V
JOINT CRITERIA	
JOINT SIZES	
CONDITIONED FLOOR AREA	ACTUAL
ACTUAL COVERABLE	ACTUAL
ACTUAL WALL	ACTUAL
ACTUAL ROOF	ACTUAL
ACTUAL SIDE	ACTUAL
ACTUAL MAXIMUM HEIGHT	ACTUAL
ACTUAL	

Project Name	STRAY HORSE PLAN 'A'
Project Location	2400 Central Ave., North
Project Address	303.447.2813
Code Authority	International Residential Code 2015 National Electric Code 2017 International Energy Conservation Code 2017
Construction Type	Type V
JOINT CRITERIA	
JOINT SIZES	
CONDITIONED FLOOR AREA	ACTUAL
ACTUAL COVERABLE	ACTUAL
ACTUAL WALL	ACTUAL
ACTUAL ROOF	ACTUAL
ACTUAL SIDE	ACTUAL
ACTUAL MAXIMUM HEIGHT	ACTUAL
ACTUAL	

Project Name	STRAY HORSE PLAN 'A'
Project Location	2400 Central Ave., North
Project Address	303.447.2813
Code Authority	International Residential Code 2015 National Electric Code 2017 International Energy Conservation Code 2017
Construction Type	Type V
JOINT CRITERIA	
JOINT SIZES	
CONDITIONED FLOOR AREA	ACTUAL
ACTUAL COVERABLE	ACTUAL
ACTUAL WALL	ACTUAL
ACTUAL ROOF	ACTUAL
ACTUAL SIDE	ACTUAL
ACTUAL MAXIMUM HEIGHT	ACTUAL
ACTUAL	

Project Name	STRAY HORSE PLAN 'A'
Project Location	2400 Central Ave., North
Project Address	303.447.2813
Code Authority	International Residential Code 2015 National Electric Code 2017 International Energy Conservation Code 2017
Construction Type	Type V
JOINT CRITERIA	
JOINT SIZES	
CONDITIONED FLOOR AREA	ACTUAL
ACTUAL COVERABLE	ACTUAL
ACTUAL WALL	ACTUAL
ACTUAL ROOF	ACTUAL
ACTUAL SIDE	ACTUAL
ACTUAL MAXIMUM HEIGHT	ACTUAL
ACTUAL	

Project Name	STRAY HORSE PLAN 'A'
Project Location	2400 Central Ave., North
Project Address	303.447.2813
Code Authority	International Residential Code 2015 National Electric Code 2017 International Energy Conservation Code 2017
Construction Type	Type V
JOINT CRITERIA	
JOINT SIZES	
CONDITIONED FLOOR AREA	ACTUAL
ACTUAL COVERABLE	ACTUAL
ACTUAL WALL	ACTUAL
ACTUAL ROOF	ACTUAL
ACTUAL SIDE	ACTUAL
ACTUAL MAXIMUM HEIGHT	ACTUAL
ACTUAL	

Project Name	STRAY HORSE PLAN 'A'
Project Location	2400 Central Ave., North
Project Address	303.447.2813
Code Authority	International Residential Code 2015 National Electric Code 2017 International Energy Conservation Code 2017
Construction Type	Type V
JOINT CRITERIA	
JOINT SIZES	
CONDITIONED FLOOR AREA	ACTUAL
ACTUAL COVERABLE	ACTUAL
ACTUAL WALL	ACTUAL
ACTUAL ROOF	ACTUAL
ACTUAL SIDE	ACTUAL
ACTUAL MAXIMUM HEIGHT	ACTUAL
ACTUAL	

STRAY HORSE PLAN 'A'

STRAY HORSE PLAN 'A'

STRAY HORSE PLAN 'A'

STRAY HORSE PLAN 'A'

STRAY HORSE PLAN 'A'

STRAY HORSE PLAN 'A'

STRAY HORSE PLAN 'A'

STRAY HORSE PLAN 'A'

STRAY HORSE PLAN 'A'

STRAY HORSE PLAN 'A'

STRAY HORSE PLAN 'A'

STRAY HORSE PLAN 'A'

STRAY HORSE PLAN 'A'

STRAY HORSE PLAN 'A'

STRAY HORSE PLAN 'A'

Perspectives

Issuance Schedule		
#	Date	Description
01	190802	For Permit & Const.



STRAY HORSE PLAN 'A'

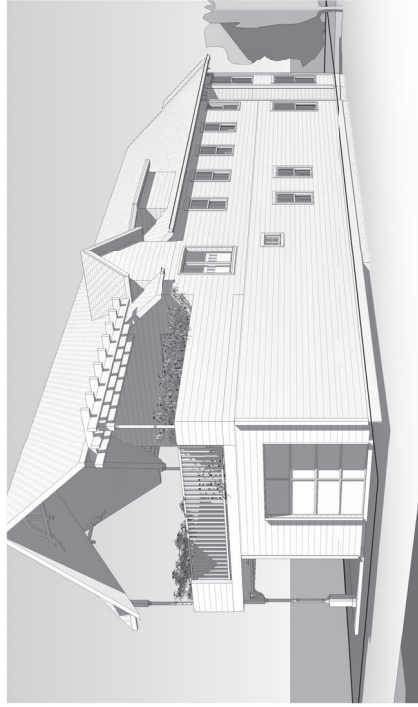
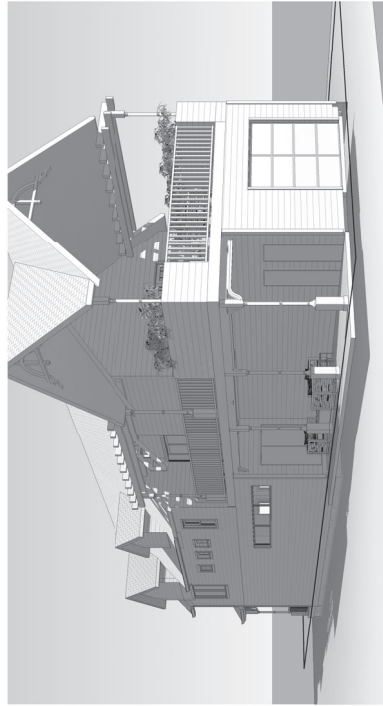
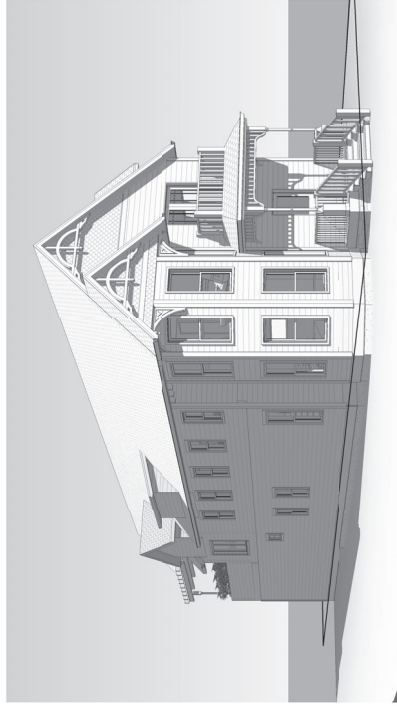
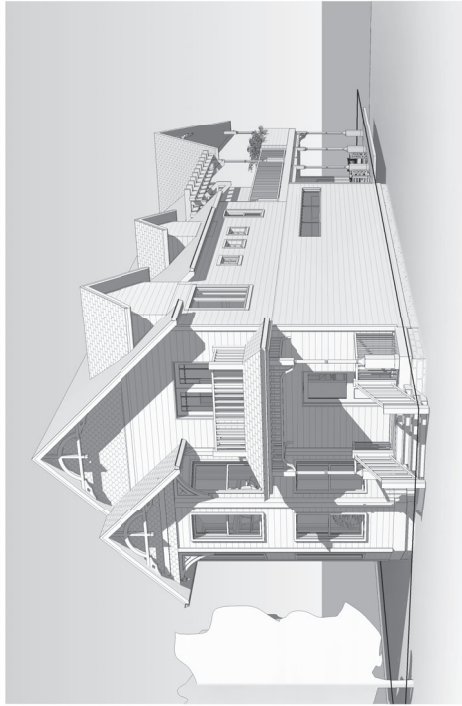
GABLE

Enter address here



fānas
architecture

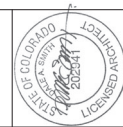
1000 14th Street, Suite 100
Durango, CO 81301-1716-5280



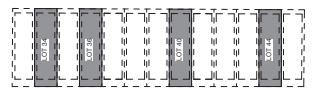
LOT KEY PLAN
1" = 80'-0"

Site and Grading
Plan

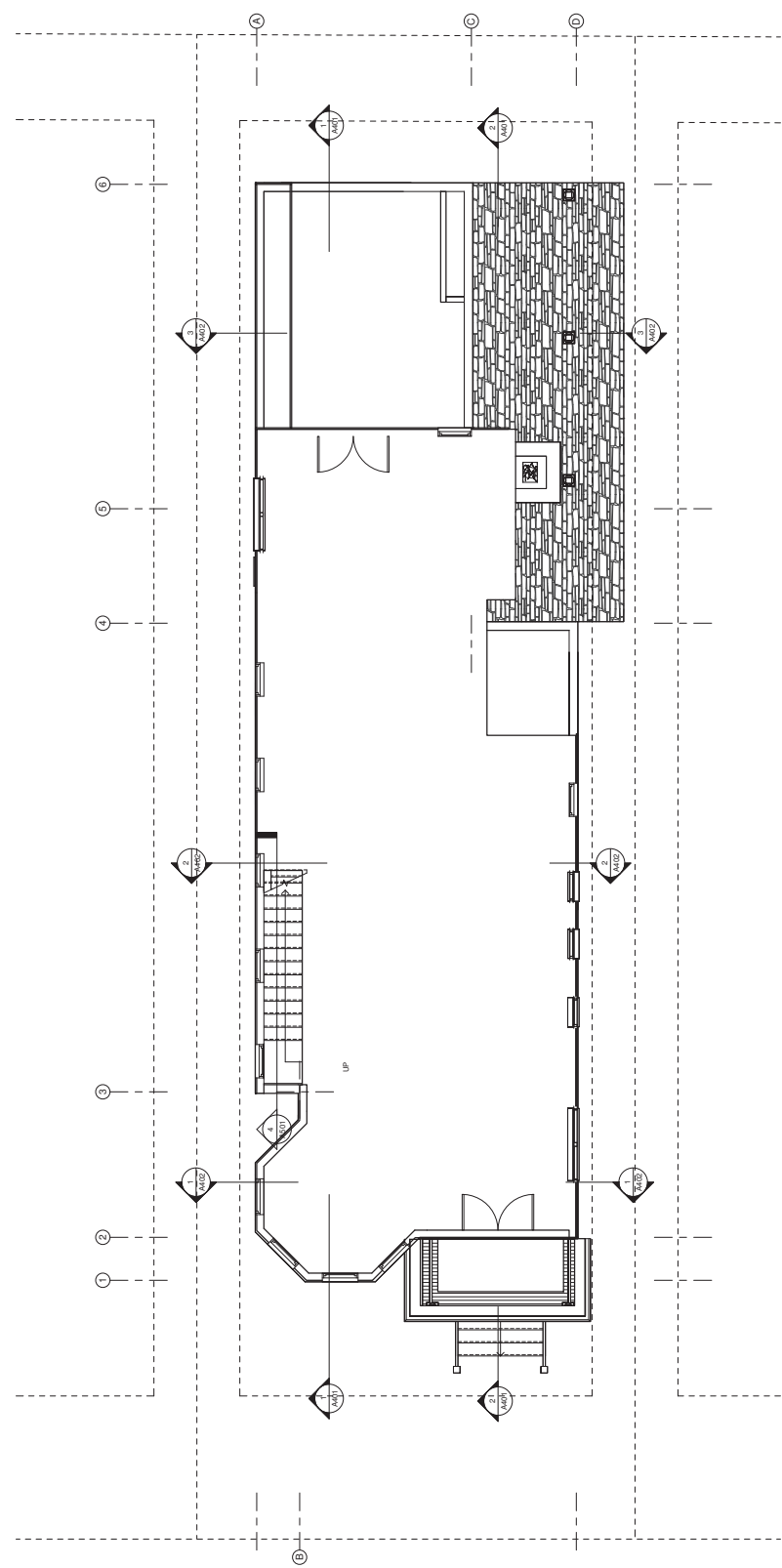
Issuance Schedule	
#	Date
01	190802 For Permit & Const.



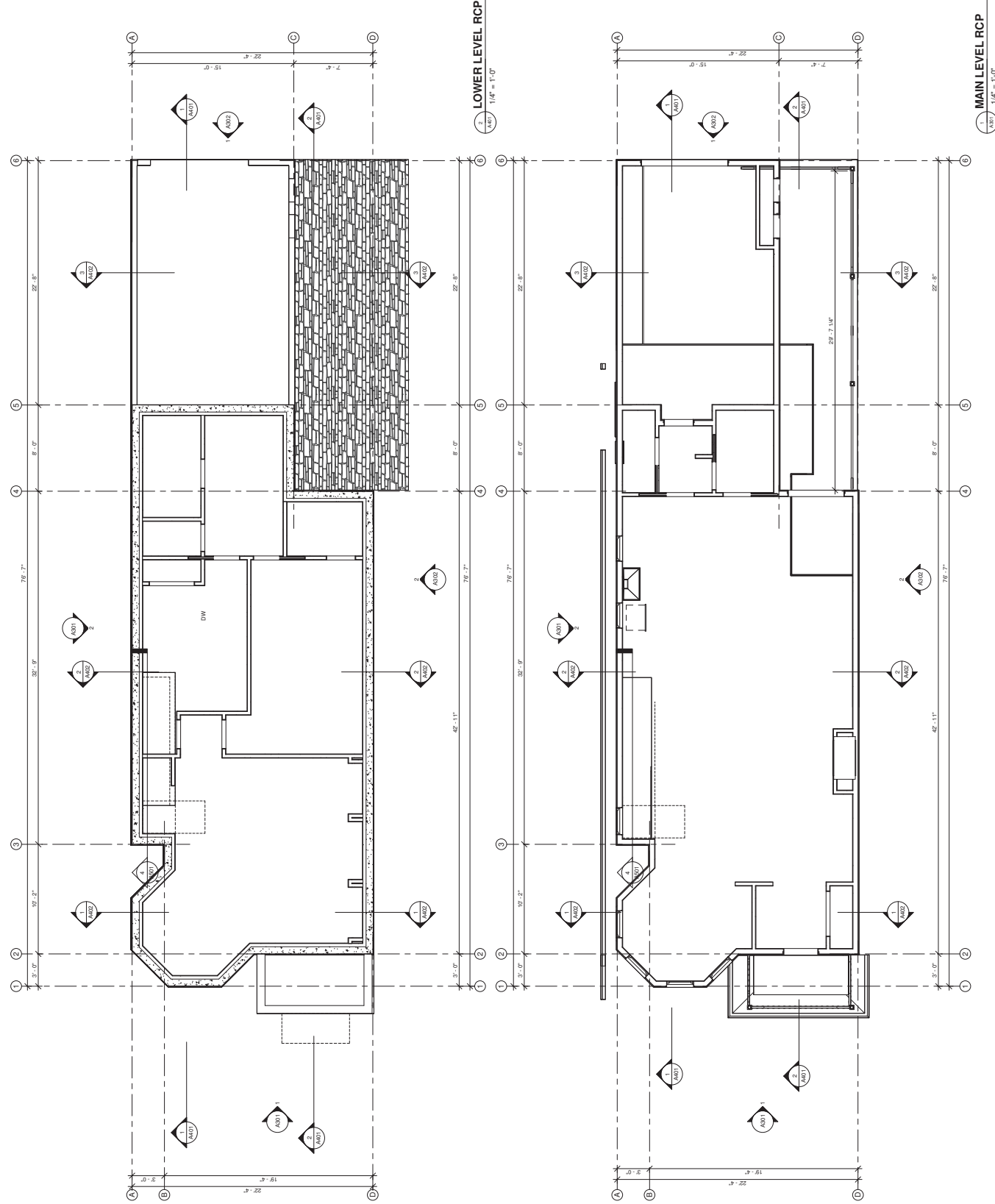
STRAY HORSE PLAN 'A'
GABLE
Enter address here

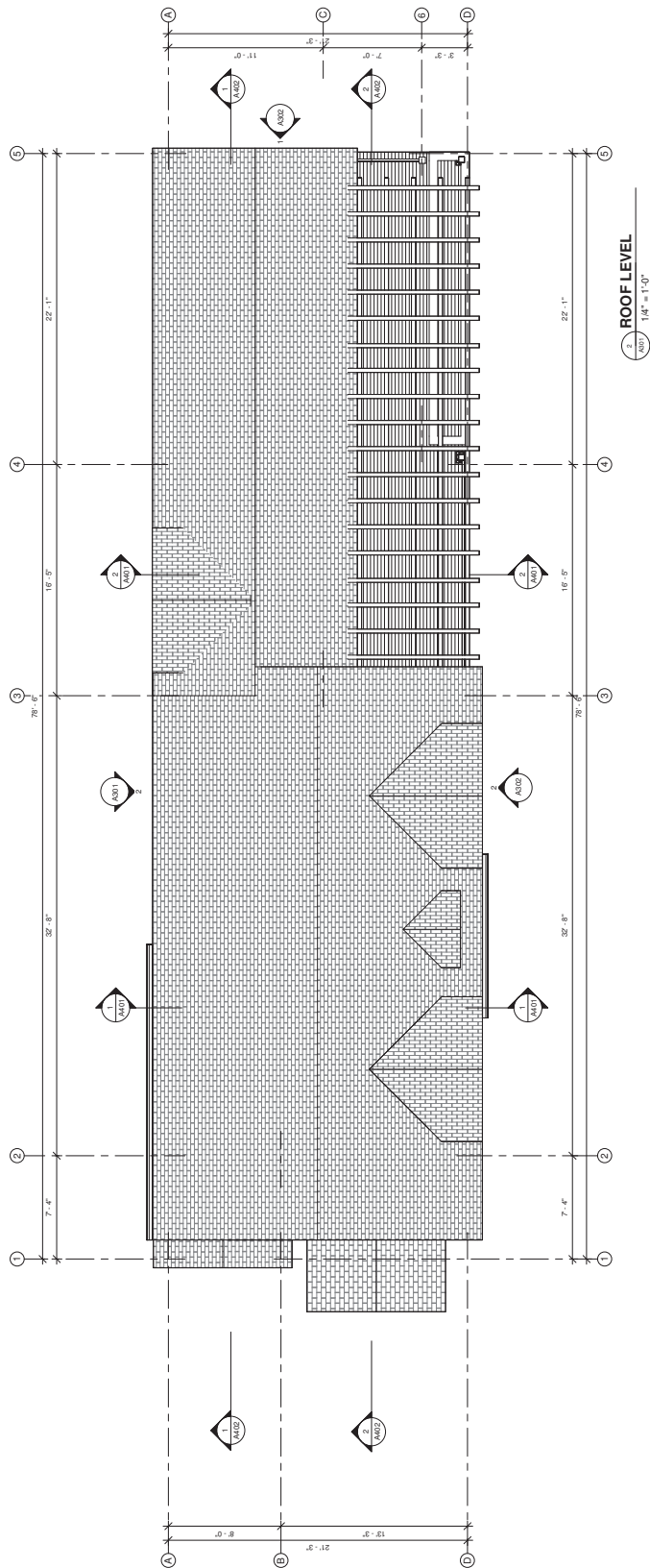


SITE PLAN
1/4" = 1'-0"



MAIN LEVEL FLOOR PLAN

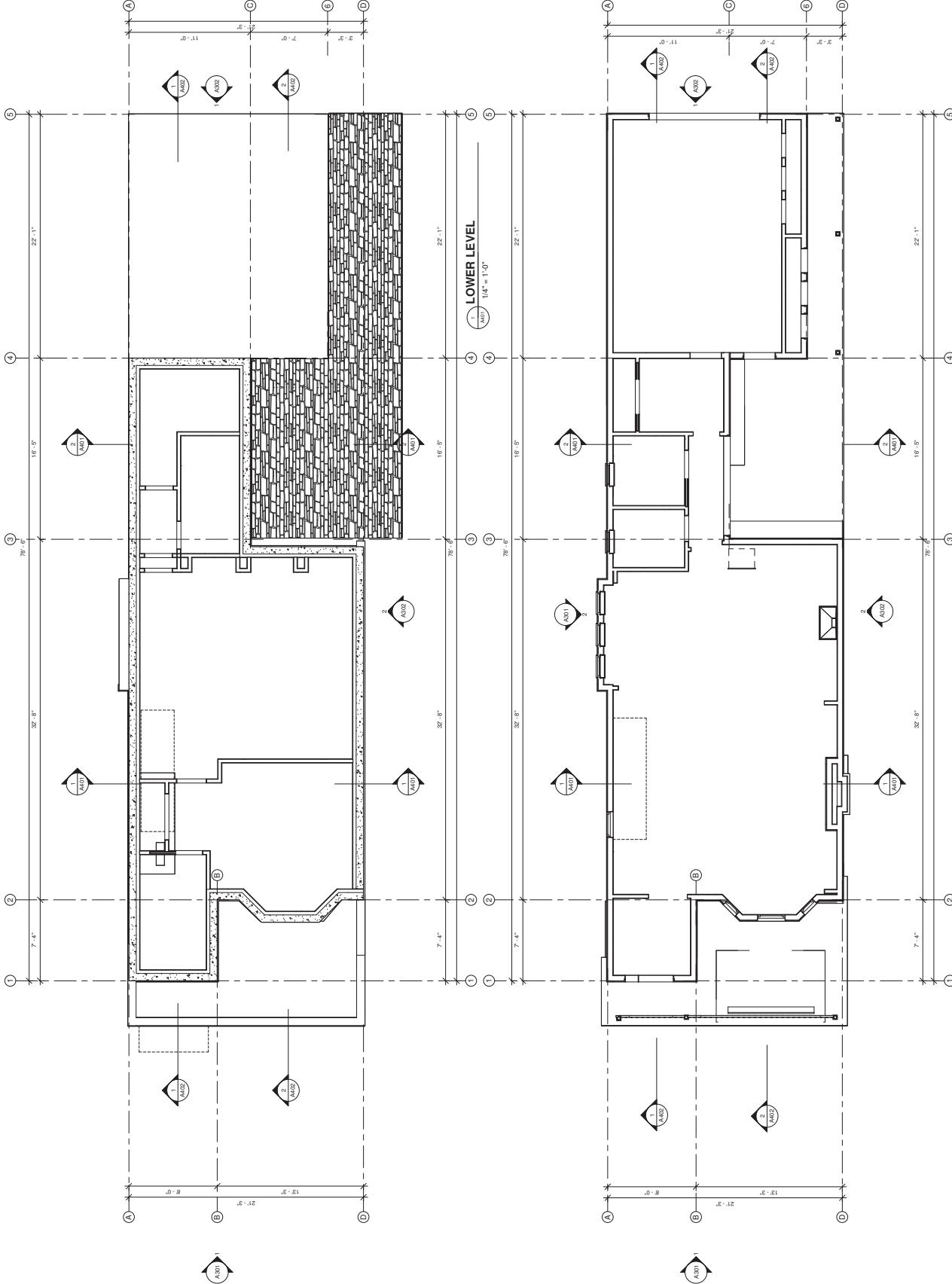




GENERAL NOTES

1. ALL ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND THE COLORADO ELECTRICAL CODE (CEC).
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING ELECTRICAL SYSTEMS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING LIGHTING FIXTURES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING ELECTRICAL PANELS.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING ELECTRICAL WIRING.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING ELECTRICAL EQUIPMENT.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING ELECTRICAL CONDUITS.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING ELECTRICAL TRAYS.

ITEM	DESCRIPTION
1	30" SINGLE OUTLET
2	30" DUPLEX OUTLET
3	30" DUPLEX UNDER COUNTER OUTLET
4	30" DUPLEX GFI OUTLET
5	30" DUPLEX GFI W/ TYPING OUTLET
6	30" DUPLEX GFI W/ TYPING OUTLET
7	30" DUPLEX GFI W/ TYPING OUTLET
8	30" DUPLEX GFI W/ TYPING OUTLET
9	30" DUPLEX GFI W/ TYPING OUTLET
10	30" DUPLEX GFI W/ TYPING OUTLET
11	30" DUPLEX GFI W/ TYPING OUTLET
12	30" DUPLEX GFI W/ TYPING OUTLET
13	30" DUPLEX GFI W/ TYPING OUTLET
14	30" DUPLEX GFI W/ TYPING OUTLET
15	30" DUPLEX GFI W/ TYPING OUTLET
16	30" DUPLEX GFI W/ TYPING OUTLET
17	30" DUPLEX GFI W/ TYPING OUTLET
18	30" DUPLEX GFI W/ TYPING OUTLET
19	30" DUPLEX GFI W/ TYPING OUTLET
20	30" DUPLEX GFI W/ TYPING OUTLET
21	30" DUPLEX GFI W/ TYPING OUTLET
22	30" DUPLEX GFI W/ TYPING OUTLET
23	30" DUPLEX GFI W/ TYPING OUTLET
24	30" DUPLEX GFI W/ TYPING OUTLET
25	30" DUPLEX GFI W/ TYPING OUTLET
26	30" DUPLEX GFI W/ TYPING OUTLET
27	30" DUPLEX GFI W/ TYPING OUTLET
28	30" DUPLEX GFI W/ TYPING OUTLET
29	30" DUPLEX GFI W/ TYPING OUTLET
30	30" DUPLEX GFI W/ TYPING OUTLET
31	30" DUPLEX GFI W/ TYPING OUTLET
32	30" DUPLEX GFI W/ TYPING OUTLET
33	30" DUPLEX GFI W/ TYPING OUTLET
34	30" DUPLEX GFI W/ TYPING OUTLET
35	30" DUPLEX GFI W/ TYPING OUTLET
36	30" DUPLEX GFI W/ TYPING OUTLET
37	30" DUPLEX GFI W/ TYPING OUTLET
38	30" DUPLEX GFI W/ TYPING OUTLET
39	30" DUPLEX GFI W/ TYPING OUTLET
40	30" DUPLEX GFI W/ TYPING OUTLET
41	30" DUPLEX GFI W/ TYPING OUTLET
42	30" DUPLEX GFI W/ TYPING OUTLET
43	30" DUPLEX GFI W/ TYPING OUTLET
44	30" DUPLEX GFI W/ TYPING OUTLET
45	30" DUPLEX GFI W/ TYPING OUTLET
46	30" DUPLEX GFI W/ TYPING OUTLET
47	30" DUPLEX GFI W/ TYPING OUTLET
48	30" DUPLEX GFI W/ TYPING OUTLET
49	30" DUPLEX GFI W/ TYPING OUTLET
50	30" DUPLEX GFI W/ TYPING OUTLET
51	30" DUPLEX GFI W/ TYPING OUTLET
52	30" DUPLEX GFI W/ TYPING OUTLET
53	30" DUPLEX GFI W/ TYPING OUTLET
54	30" DUPLEX GFI W/ TYPING OUTLET
55	30" DUPLEX GFI W/ TYPING OUTLET
56	30" DUPLEX GFI W/ TYPING OUTLET
57	30" DUPLEX GFI W/ TYPING OUTLET
58	30" DUPLEX GFI W/ TYPING OUTLET
59	30" DUPLEX GFI W/ TYPING OUTLET
60	30" DUPLEX GFI W/ TYPING OUTLET
61	30" DUPLEX GFI W/ TYPING OUTLET
62	30" DUPLEX GFI W/ TYPING OUTLET
63	30" DUPLEX GFI W/ TYPING OUTLET
64	30" DUPLEX GFI W/ TYPING OUTLET
65	30" DUPLEX GFI W/ TYPING OUTLET
66	30" DUPLEX GFI W/ TYPING OUTLET
67	30" DUPLEX GFI W/ TYPING OUTLET
68	30" DUPLEX GFI W/ TYPING OUTLET
69	30" DUPLEX GFI W/ TYPING OUTLET
70	30" DUPLEX GFI W/ TYPING OUTLET
71	30" DUPLEX GFI W/ TYPING OUTLET
72	30" DUPLEX GFI W/ TYPING OUTLET
73	30" DUPLEX GFI W/ TYPING OUTLET
74	30" DUPLEX GFI W/ TYPING OUTLET
75	30" DUPLEX GFI W/ TYPING OUTLET
76	30" DUPLEX GFI W/ TYPING OUTLET
77	30" DUPLEX GFI W/ TYPING OUTLET
78	30" DUPLEX GFI W/ TYPING OUTLET
79	30" DUPLEX GFI W/ TYPING OUTLET
80	30" DUPLEX GFI W/ TYPING OUTLET
81	30" DUPLEX GFI W/ TYPING OUTLET
82	30" DUPLEX GFI W/ TYPING OUTLET
83	30" DUPLEX GFI W/ TYPING OUTLET
84	30" DUPLEX GFI W/ TYPING OUTLET
85	30" DUPLEX GFI W/ TYPING OUTLET
86	30" DUPLEX GFI W/ TYPING OUTLET
87	30" DUPLEX GFI W/ TYPING OUTLET
88	30" DUPLEX GFI W/ TYPING OUTLET
89	30" DUPLEX GFI W/ TYPING OUTLET
90	30" DUPLEX GFI W/ TYPING OUTLET
91	30" DUPLEX GFI W/ TYPING OUTLET
92	30" DUPLEX GFI W/ TYPING OUTLET
93	30" DUPLEX GFI W/ TYPING OUTLET
94	30" DUPLEX GFI W/ TYPING OUTLET
95	30" DUPLEX GFI W/ TYPING OUTLET
96	30" DUPLEX GFI W/ TYPING OUTLET
97	30" DUPLEX GFI W/ TYPING OUTLET
98	30" DUPLEX GFI W/ TYPING OUTLET
99	30" DUPLEX GFI W/ TYPING OUTLET
100	30" DUPLEX GFI W/ TYPING OUTLET



Boulder 303.444.5380
Durango 970.476.5380

STRAY HORSE PLAN 'C' GABLE

Enter address here



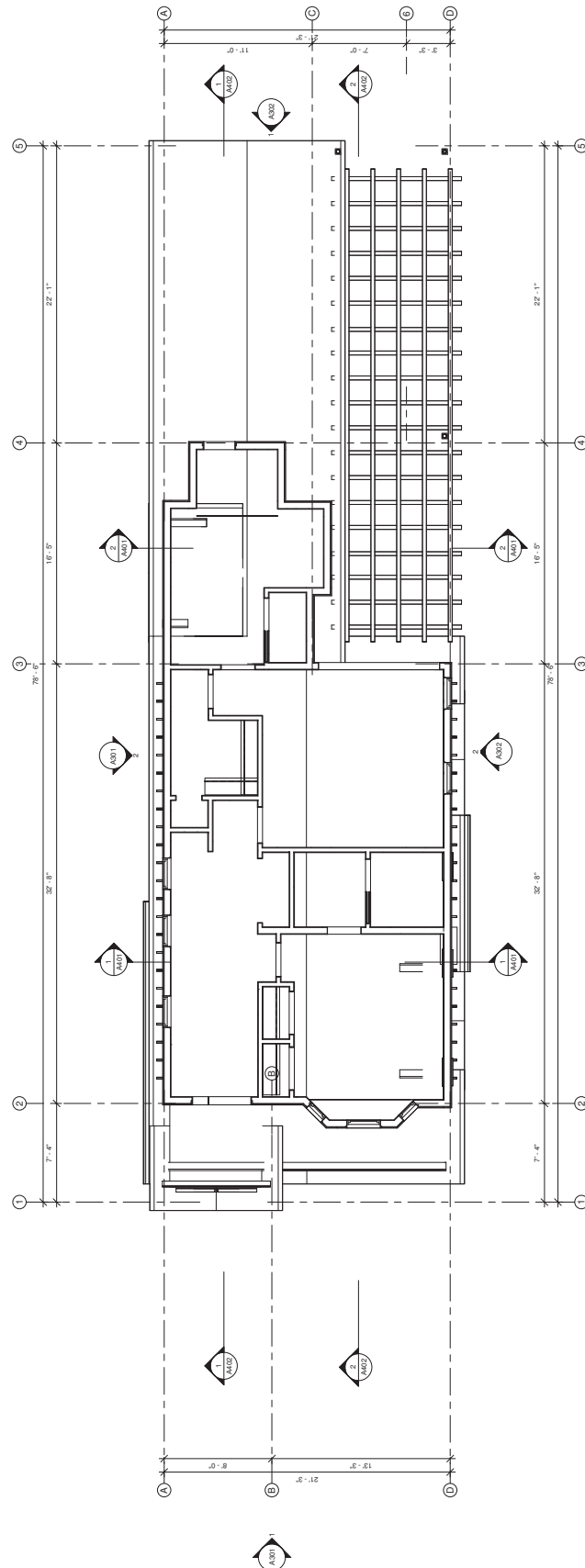
Issuance Schedule		
#	Date	Description
01	190802	For Permit & Const.

Upper Level
Power & Lighting
Plan

A205

GENERAL NOTES

- CONTRACTOR USE MAXIMUM VANTAGE WALL
FEATURES, INCLUDING DECORATIVE FEATURES,
TO MATCH WITH COLOR OF ALL WALL
SURFACES WITH DECORATIVE PRIOR TO
ROUGH-IN.
- CONTRACTOR TO VERIFY ALL WALL SCORING
AND CRACKS WITH ARCHITECT PRIOR TO
ROUGH-IN.
- ELECTRICAL CONTRACTOR IS RESPONSIBLE FOR
INSTALLATION OF ALL ELECTRICAL FOR THE
CONTRACTOR TO RUN SEPARATE CONDUIT FOR
TELEPHONE OR DATA CABLES WHERE
CONTRACTOR TO RUN #2 WHERE FROM REMOTE
TRANSFORMERS TO LOW VOLTAGE FEATURES.
CONTRACTOR TO VERIFY ALL ELECTRICAL
FROM B.O. DECORATIVE WALL CONTRACTOR TO
VERIFY REQUIREMENTS WITH THE AEC
FOR ALL ELECTRICAL. CONTRACTOR TO
VERIFY CONTRACTS TO BE INSTALLED AFT-
ER #1, BOTTOM OF B.O. WALLS OTHERWISE
NOTED. ALL WIRING CONTRACTOR TO VERIFY
CONTRACTOR TO VERIFY CONTRACTOR TO VERIFY
MOUNT LOW VOLTAGE TRIP LIGHT IN LENGTHS
CONTRACTOR TO VERIFY QUANTITY.
SPACING AND LOCATION OF VENTILATION
FEATURES TO VERIFY QUANTITY.



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80																				



AGENDA ITEM # 9.A

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: October 4, 2022

SUBJECT: 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)

PRESENTED BY: Christiana McCormick, City Attorney

☒ ORDINANCE
☐ RESOLUTION
☐ MOTION
☐ INFORMATION

I. **REQUEST OR ISSUE:**

Before City Council for consideration is Ordinance No. 9, Series of 2022, (the “Ordinance”), which amends Sections 1.20.010, 1.20.030, and 1.20.040 of Chapter 1.20 of the Leadville Municipal Code (“Code”). The amendments in the Ordinance update the Code for consistency with current state law governing jail time for municipal code violations and for nonpayment of municipal court fines.

II. **BACKGROUND INFORMATION:**

City Council adopted this Ordinance with no amendments on first reading at its September 6, 2022 regular meeting.

Chapter 1.20 of the Code sets forth the general penalties for violations of the Code and includes several out-of-date sections that are not consistent with current state law. The City’s municipal judge has ensured that the municipal court’s practices are consistent with current state law, and this Ordinance brings the outdated Code sections in line with current state law as well. The municipal judge reviewed the Ordinance and had no comments.

There are three sections of Chapter 1.20 that the Ordinance would amend, if adopted:

- Section 1.20.010 sets the maximum monetary and jail time penalties for violations of the Code. The current maximum penalty for jail time under this section is one (1) year. Under Colorado Revised Statutes (“C.R.S.”) § 13-10-113(1)(a), however, the maximum jail sentence for a municipal code violation is three hundred sixty-four (364) days. State law

changed from one year to 364 days in 2019, and the purpose was to eliminate the risk of deportation of foreign nationals who are convicted of lower-level state and municipal crimes. Federal immigration laws state that foreign nationals who are lawfully in the United States are subject to removal if convicted of a state or local crime that carries the potential for a one-year jail sentence. The Ordinance changes the maximum jail sentence under the Code from one (1) year to three hundred sixty-four (364) days.

- Section 1.20.030 establishes when a person may be jailed for nonpayment of a court fine. This section currently states that a person who has been convicted of a municipal code violation and fails to pay municipal court fines is subject to imprisonment, but the municipal judge must make a finding that the person had the ability to pay before sentencing the person to jail. This section must be updated to comply with C.R.S. § 18-1.3-702, which sets out a procedure courts must follow when imposing fines to ensure that defendants are not jailed for the inability to pay a court fine or fee. Under C.R.S. § 18-1.3-702, courts cannot sentence a defendant to jail for failing to pay a fine unless the court makes specific findings, after the defendant has received notice and a hearing on the matter, about the defendant's ability to pay, hardship to the defendant or the defendant's dependents, and whether the defendant made a good-faith effort to comply with the court order to pay the fine(s). The Ordinance amends the Code to ensure that it complies with state law by explicitly requiring the procedure in and referencing C.R.S. § 18-1.3-702.
- Section 1.20.040 currently requires the municipal court to immediately issue a bench warrant (an arrest warrant issued directly by a judge, usually when someone does not follow the rules of the court) if a person uses a check to pay a court fine and the check bounces because there are insufficient funds in the person's bank account to pay the fine. Because C.R.S. § 18-1.3-702 requires a specific procedure before a defendant can be jailed for nonpayment of a court fine as described in the paragraph above, the Ordinance amends this section of the Code to impose a fee for payment with insufficient funds checks and removes the requirement for the municipal court to jail the defendant. C.R.S. § 13-21-109 allows a fee of \$20.00 to be added to the amount due when a person uses an insufficient funds check to make a payment, and the fee for bounced checks in the Ordinance is \$20.00.

III. FISCAL IMPACTS:

N/A

IV. LEGAL ISSUES:

See Background section above.

V. STAFF RECOMMENDATION:

Staff recommends that City Council approve Ordinance No. 9, Series of 2022 on second reading.

VI. COUNCIL OPTIONS:

Council may take one of the following actions:

1. Adopt the Ordinance.
2. Adopt the Ordinance with amendments.
3. Table the Ordinance for further discussion and consideration.

VII. PROPOSED MOTION:

"I move 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.**"

VIII. ATTACHMENTS:

Ordinance No. 9, Series of 2022

**CITY OF LEADVILLE, COLORADO
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**

WHEREAS, the City of Leadville (“City”) previously adopted general penalty provisions, codified in Chapter 1.20 of the Leadville Municipal Code (“Code”), including provisions concerning maximum jail sentences, imprisonment for nonpayment of fines, and payment of court fines with insufficient funds checks at Sections 1.20.010, 1.20.030, and 1.20.040, respectively; and

WHEREAS, the City desires to update Sections 1.20.010, 1.20.030, and 1.20.040 to ensure consistency with current state laws; and

WHEREAS, the City Council finds 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:

Section 1. **Recitals Incorporated.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. **Section 1.20.010 Amended.** Section 1.20.010 of the Leadville Municipal Code, titled “Designated,” is hereby amended as follows with ~~strike through text~~ showing deletions and **bold, underlined text** showing additions:

1.20.010 - Designated.

- A. No person shall violate any provisions of the ordinances of the city or of this code. Except in cases where a different punishment is prescribed by any ordinance of the city or this code, any person who violates any of the provisions of the ordinances of the city or of this code shall be punished by a fine of not more than two thousand six hundred fifty dollars (\$2,650.00), or by incarceration not to exceed ~~one year~~ **three hundred sixty-four (364) days**, or by both such fine and incarceration; provided, however, that no person under the age of eighteen (18) years shall be punished by incarceration.
- B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the city or of this code is committed, continued or permitted by any such persons, and he or she shall be punished accordingly.

Section 3. **Section 1.20.030 Amended.** Section 1.20.030 of the Leadville Municipal Code, titled “Imprisonment for nonpayment of fine—Exception,” is hereby amended as follows with ~~striketrough text~~ showing deletions and **bold, underlined text** showing additions:

1.20.030 - Imprisonment for nonpayment of fine—Exception.

Failure or refusal to pay a fine or penalty imposed by the municipal court of the city shall result in confinement until such time as such fine or penalty is paid. ~~However, no person shall be imprisoned for failure to pay a fine imposed by the municipal court unless and until such court finds and determines that the defendant had the ability to pay the fine at the time that such payment or payments should have been made.~~ **Notwithstanding the foregoing, the municipal court shall not issue an arrest warrant or incarcerate a defendant related to the defendant’s failure to pay a monetary amount unless and until the court has followed the procedural protections and made the required findings as set forth in section 18-1.3-702 of the Colorado Revised Statutes.**

Section 4. **Section 1.20.040 Amended.** Section 1.20.040 of the Leadville Municipal Code, titled “Insufficient fund check—Tendered as payment of fine,” is hereby amended as follows with ~~striketrough text~~ showing deletions and **bold, underlined text** showing additions:

1.20.040 - Insufficient fund check—Tendered as payment of fine.

A twenty dollar (\$20.00) fee shall be assessed against any person who issues a check returned for insufficient funds in any payment of any municipal court fees and such fee shall be in addition to any other penalty or interest provided by law. ~~It is unlawful for any person to tender to the court an insufficient fund check or draft in payment of a fine or costs and an attempt to pay any fine or costs imposed by the municipal court with an insufficient fund check or draft shall result in the immediate issuance of a bench warrant for the arrest of the person signing such check or draft.~~

Section 5. **Severability.** Should any one or more sections or provisions of this ordinance or enacted hereby 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 6. **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.

**INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on
first reading this 6th day of September, 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 15th day of September, 2022.

**PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED,
with any amendments, this 4th day of October, 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.



AGENDA ITEM # 9.B

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: October 4, 2022

SUBJECT: 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

PRESENTED BY: Laurie Simonson, City Administrator

☐ ORDINANCE
☒ RESOLUTION
☐ MOTION
☐ INFORMATION

I. REQUEST OR ISSUE:

Before City Council for consideration is Resolution No. 38, Series of 2022 ("Resolution"), the approval of which would reflect the City Council's decision to participate in the State's Paid Family and Medical Leave Insurance ("FAMLI") Program and designate how much, if any, of employee premiums for the FAMLI Program will be paid by the City.

II. BACKGROUND INFORMATION:

At its September 6, 2022 regular meeting, City Council voted to participate in the FAMLI Program and did not adopt the resolution to opt out of the FAMLI Program. The Resolution before City Council formalizes that decision in writing and will also formalize Council's decision on what amount, if any, of the employee premiums the City will cover.

Because the City is participating in the FAMLI Program:

- The City is required to pay the employer premiums for the program;
- All employees are required to participate;
- All employees are required to pay premiums unless the City decides to cover employee premiums; and
- The City must participate in the program for at least three (3) years.

The total FAMLI Program premium for each employee is 0.9% of the employee's gross wages. The employer and employee each pay half of that amount (0.45%) unless the employer decides to pay all or a portion of the employee's premium.

FAMLI Coverage Overview

The FAMLI program is intended to ensure all employers in the state of Colorado provide twelve (12) weeks of protected paid leave for:

- Caring for a new child (birth, foster placement, adoption, caring for child within the first year from birth);
- An employee's serious health condition;
- A family member's serious health condition;
- Arrangements for a family member's military deployment; and
- Immediate safety needs and impact of domestic violence and/or sexual assault.

Paid coverage provides benefits up to a maximum of \$1,100 per week for higher earners (\$91,000 a year or above). The benefit is 37% to 90% of an employee's regular income paid during leave taken depending on the employee's annual base salary amount/wages.

Payment of FAMLI premiums begins on January 1, 2023, and program coverage/benefits begin on January 1, 2024.

III. FISCAL IMPACTS:

The estimated costs to the City are as follows:

- City Pays Employer Premiums Only - \$10,365.00/year
- City Pays Employer Premiums and Employee Premiums - \$20,730.00/year

NOTE: These estimates are based on current employee wages paid by the City for its current number of employees. If the City increases its employee wages or hires additional employees, the costs to the City will increase.

V. 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.

VII. PROPOSED MOTION:

"I move to adopt 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 and that the Resolution be amended to show that the City will pay percent of the employees' premiums."

VIII. ATTACHMENTS:

Resolution No. 38, Series of 2022

**CITY OF LEADVILLE, COLORADO
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**

WHEREAS, in November 2020, Colorado voters approved Proposition 118 creating the Paid Family and Medical Leave Insurance Program (“FAMLI” or the “FAMLI Program”); and

WHEREAS, the FAMLI Program requires participating employers to remit to the FAMLI Division of the Colorado Department of Labor premiums in the form of 0.9% of all employees’ gross wages beginning January 1, 2023, and permits participating employers to require that employees pay for one-half of the premium amounts; and

WHEREAS, the FAMLI Program allows local governments to decline to participate in the FAMLI Program; and

WHEREAS, participation in the FAMLI Program will provide an important benefit to employees, and City Council voted not to opt out of the FAMLI Program at its September 6, 2022 regular meeting; and

WHEREAS, the City Council desires to formalize its decision in writing and designate the portion of employee premiums, if any, to be paid by the City through adoption of this Resolution.

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

Section 1. Participation in FAMLI Program. The City Council hereby formalizes its decision made on September 6, 2022 to participate in the FAMLI Program, which provides employees access to an additional employee benefit. The City Council authorizes and directs the City Administrator or her designee to take such steps and execute such documents as may be necessary to register the City for participation in the FAMLI Program.

Section 2. Payment of Employee Premiums. The City Council hereby determines that the City shall pay _____ percent (____%) of each employee’s FAMLI premiums. If the percent listed in this section is greater than zero, City Council directs that City staff account for this expense in the City’s budget for 2023 and future budgets, unless City Council directs otherwise.

Section 3. Instruction to Notify City Employees. The City Council directs the City Administrator or her designee to provide individual notice of this decision to City employees within thirty (30) calendar days of the date of this Resolution.

Section 4. Instruction to Post Notice of this Decision in the Workplace. The City Council directs the City Administrator or her designee to post notice of this decision in a

conspicuous and accessible place in each establishment where employees are employed by the City, in accordance with any applicable provisions of 7 CCR 1107-2, within thirty (30) calendar days of the date of this Resolution.

Section 5. **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 6. **Effective Date.** This Resolution shall be effective immediately upon approval of the City Council of the City of Leadville.

**ADOPTED this 4th day of October 2022 by a vote of ___ in favor, ___ against,
___ abstaining, ___ absent.**

CITY OF LEADVILLE, COLORADO:

By: _____
Greg Labbe, Mayor

ATTEST:

Deputy City Clerk



AGENDA ITEM # 9.C

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: October 4, 2022

SUBJECT: 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

PRESENTED BY: Sarah Dae, TOHPF Executive Director

☐ ORDINANCE
☒ RESOLUTION
☐ MOTION

I. **REQUEST OR ISSUE:**

Before City Council is Resolution No. 39, Series of 2022, (the "Resolution"), which would approve an amendment to the Deed of Conservation Easement between the City and the Colorado Historical Foundation (CHF) for the City's historic Tabor Opera House ("TOH").

II. **BACKGROUND INFORMATION:**

The City of Leadville, in coordination and cooperation with the Tabor Opera House Preservation Foundation ("TOHPF"), is rehabilitating the City's historic Tabor Opera House ("TOH"), located at 312 Harrison Avenue, Leadville, Colorado 80461. The TOH is a contributing building in the Leadville National Historic Landmark District as noted on the National Register of Historic Places and designated as a National Treasure by the National Trust for Historic Preservation. The TOHPF is a Colorado nonprofit that leases and operates the TOH.

Phases 1 and 2 of the rehabilitation project ("Project") include the rehabilitation of the masonry and windows on the west (front) and south elevations, the replacement of three doors, the rehabilitation of a pair of doors, and the rehabilitation of the masonry and windows on the east (rear) and north elevations.

The City secured state and federal grant funding to cover a portion of the costs of the Project, including Grant No. P18AP00415 from the Save America's Treasures Program administered by the National Park Service ("SAT Grant").

The City also previously entered into a Deed of Conservation Easement in 2017 with the Colorado Historical Foundation ("Original Deed of Easement"). The Original Deed of Easement applies to the exterior of the TOH and helps preserve the historic nature and value of the TOH. Each year, a representative from the CHF inspects the TOH to see the status of the condition of the building and document the changes from year to year. This inspection ensures the historic integrity of the building is

being met per the requirements of the Original Deed of Easement. Having the Original Deed of Easement in place helped the City secure grant funds for the Project from the Colorado Department of Local Affairs and the State Historic Fund.

Due to the rehabilitation work to the exterior of the TOH and the requirements of the SAT Grant, the Original Deed of Easement must be amended to reflect the current state of the exterior of the building and include the interior areas of the TOH.

If adopted, the Resolution will approve the attached First Amendment to Deed of Conservation Easement ("First Amendment"), which amends the Original Deed of Easement per the SAT Grant requirements and shows the current state of the exterior of the TOH. The CHF will be charged with verifying this protection and enforcement of the restrictions outlined in the Original Deed of Easement, as amended by the First Amendment. The conservation easement will remain with the property if ownership should ever change.

III. FISCAL IMPACTS:

N/A

IV. PROPOSED MOTION:

"I move 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."

ATTACHMENTS:

Resolution No. 39, Series of 2022

First Amendment to Deed of Conservation Easement (Ex. 1 to Resolution)

**CITY OF LEADVILLE, COLORADO
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**

WHEREAS, the City of Leadville, Colorado (“City”) is the owner of certain real property located at 312 Harrison Avenue, Leadville, Colorado 80461, containing the historic Tabor Opera House (“Property”); and

WHEREAS, the Tabor Opera House is a contributing building in the Leadville National Historic Landmark District as noted on the National Register of Historic Places and designated as a National Treasure by the National Trust for Historic Preservation; and

WHEREAS, the City, in conjunction with the Tabor Opera House Preservation Foundation, is in the process of rehabilitating portions, primarily the exterior, of the Tabor Opera House (the “Project”); and

WHEREAS, to complete the Project, the City secured federal and state grant funding for a portion of the Project costs; and

WHEREAS, one such grant is Grant No. P18AP00415 from the Save America’s Treasures Program administered by the National Park Service (“SAT Grant”); and

WHEREAS, in addition, the City granted a conservation easement to the Colorado Historical Foundation, a Colorado nonprofit corporation, over the exterior of the Tabor Opera House for the purpose of preserving and maintaining the Opera House’s historical, architectural, cultural, and aesthetic value and significance, which easement is titled Deed of Conservation Easement and is recorded in the real property records of Lake County, Colorado at Reception No. 370101, dated May 4, 2017 (“Original Deed of Easement”); and

WHEREAS, due to the alterations to the Tabor Opera House made for the Project and to the requirements of the SAT Grant, the Original Deed of Easement must be amended to reflect the current state of the exterior of the Tabor Opera House and to include the interior areas of the Tabor Opera House within the conservation easement; and

WHEREAS, City Council therefore finds that it is in the best interests of the City to approve the First Amendment to Deed of Conservation Easement in substantially the same form as attached to this Resolution as Exhibit 1.

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 by reference as findings and determinations of City Council.

Section 2. The City Council hereby: (a) approves the First Amendment to Deed of Conservation Easement ("First Amendment") between the City and the Colorado Historical Foundation in substantially the form attached hereto as **Exhibit 1**, subject to minor corrections as approved by the City Attorney; and (b) authorizes the Mayor to execute the First Amendment on behalf of the City once in final form.

Section 3. **Severability.** If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

Section 4. **Effective Date.** This Resolution shall take effect upon its adoption by the City Council.

**ADOPTED this 4th day of October 2022 by a vote of ____ in favor, ____ against,
____ abstaining, and ____ absent.**

CITY OF LEADVILLE, COLORADO:

Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

EXHIBIT 1
FIRST AMENDMENT TO DEED OF CONSERVATION EASEMENT

(see attached)

COLORADO HISTORICAL FOUNDATION

FIRST AMENDMENT TO DEED OF

CONSERVATION EASEMENT

FOR THE PROPERTY KNOWN AS:

TABOR OPERA HOUSE

Granted by:

CITY OF LEADVILLE
A COLORADO STATUTORY MUNICIPALITY
to

Colorado Historical Foundation,
a Colorado nonprofit corporation

RECORDING REQUESTED BY:

Tom Witt, Esq.
Moye White LLP
16 Market Square, 6th Floor
1400 16th Street
Denver, Colorado 80202-1473

**FIRST AMENDMENT TO DEED OF
CONSERVATION EASEMENT**

THIS FIRST AMENDMENT TO DEED OF CONSERVATION EASEMENT (“First Amendment”), made as of _____, 2022, by and between THE CITY OF LEADVILLE, a Colorado statutory municipality, of 800 Harrison Avenue, Leadville, Colorado 80461, Grantor, and the COLORADO HISTORICAL FOUNDATION, a Colorado nonprofit corporation, of P.O. Box 363, Golden, Colorado 80402, Grantee;

RECITALS

- A. Grantee, a non-profit corporation exempt from income tax under Section 501(c)(3) of the Internal Revenue Code, is a qualified organization for the purposes of Section 170(h)(3) of the Internal Revenue Code, and as further defined by Internal Revenue Service Regulation § 1.170A-14(c);
- B. The Grantor is the owner in fee simple of certain real property known as the Tabor Opera House, located at 312 Harrison Avenue, Leadville, Colorado, 80461 (the “Property”), said Property presently including one structure (the “Building”); the Property is more particularly described in Exhibit A and commonly uses the address 308 Harrison Ave., Leadville, CO 80461;
- C. Grantee presently holds a Deed of Conservation Easement on the Property recorded at Reception No. 370101 on May 4, 2017, in the real estate records of the Lake County (the “Original Deed of Easement”);
- D. Grantor has altered the Property (the “Alterations”) and Grantor and Grantee desire to amend the Original Deed of Easement as provided for in this First Amendment.
- E. Grantee has received \$500,000 in grant-in-aid assistance from the National Park Service of the United States Department of Interior, Save America’s Treasures program Grant P18AP00415 which requires further easement restrictions be placed on the building;
- F. Grantor will document the interior as required by the National Park Service including photographs, floor plans and a narrative listing of character defining spaces, materials, and features to be placed on file as a part of the Amended Exhibits B.1 - B.3;
- G. Grantor and Grantee desire to amend the Original Deed of Easement as provided in this First Amended Deed of Easement; and
- H. All capitalized terms herein not otherwise defined shall have the meanings given in the Original Deed of Easement.

AMENDMENT

NOW THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the parties agree to amend the Original Deed of Easement as follows:

1. Exterior Photographs & Photographs, Floor Plans and Narrative of Character Defining Interior Spaces and Features. In order to make more certain the full extent of Grantor's obligations and the restrictions on the Property including the Building, and in order to document, in accord with the requirements of the National Park Service, the exterior and interior nature of the Building as of the date of the First Amendment, attached hereto as Amended Exhibit B.1 and Amended Exhibit B.2, both of which are incorporated herein by this reference, is a set of photographs depicting the exterior and interior surfaces of the Building. It is stipulated by and between Grantor and Grantee that the external nature and significant character defining interior spaces and features of the Building as shown in Amended Exhibit B.1 and Amended Exhibit B.2 are deemed to be the external and significant internal nature of the Building as of the date of this First Amendment and as of the date this Easement is first recorded in the real property records of Lake County, Colorado. The external nature of the Building as shown in Amended Exhibit B.1 is hereinafter referred to as the "*Present Facades*" and the internal space as shown in Amended Exhibit B.2 is hereinafter referred to as "*Character Defining Interior Spaces and Features*." To the extent necessary to protect and include the Character Defining Interior Spaces and Features, Grantor hereby extends and grants to Grantee an easement over the Character Defining Interior Spaces and Features subject to the same terms and conditions of the easement granted in the Original Deed of Easement, as amended hereby.
2. Grantee hereby approves the Alterations to the Present Facades by Grantor, subject to the terms and conditions of the Original Deed of Easement. The Alterations are shown in the photographs attached hereto as Amended Exhibit B.1.
3. Grantor hereby approves the further easement restrictions pertaining to the Character Defining Interior Spaces and Features, subject to the terms and conditions as defined in and Amended Exhibit B.2
4. Grantee hereby approves the proposed Alterations to the building interior, referred to as "Permitted Alterations - Interior" and attached hereto as Amended Exhibit B.3 and incorporated herein by this reference.
5. Grantor agrees that no ground disturbing activity shall be undertaken or permitted to be undertaken on the Subject Property which could potentially affect historic significant archaeological resources without prior written permission of the Grantee affirming that such work will meet the Secretary of the Interior's application "Standards for Archaeology and Historic Preservation".
6. Exhibit B to the Original Deed of Easement is hereby replaced by Amended Exhibit B.1-B.3, attached hereto and incorporated herein by this reference.

7. Grantee shall cause this First Amendment to be recorded in the official real estate records of Lake County, State of Colorado.
8. Grantor and Grantee, upon recordation of this amendment, agree that references in the Original Deed of Easement to the Property, the Building(s) and the Present Facades shall be deemed to refer to the appearance of the same, as documented in this First Amendment.
9. The parties agree that in all other respects, the terms and conditions of the Original Deed of Easement are and shall remain in full force and effect and are incorporated herein by this reference. The above recitals are hereby incorporated herein as if fully restated.

IN WITNESS WHEREOF, Grantor has executed, sealed, and delivered this First Amendment by Greg Labbe, Mayor of Leadville; and Grantee has caused these presents to be accepted.

GRANTOR:

CITY OF LEADVILLE, a Colorado statutory municipality

By: _____
Greg Labbe, Mayor

GRANTEE:

COLORADO HISTORICAL FOUNDATION,
a Colorado nonprofit corporation

ATTEST:

By: _____
Tina Bishop, Secretary

By: _____
Dominick Sekich, President

[SEAL]

ACKNOWLEDGMENT

STATE OF COLORADO)
) ss.
LAKE COUNTY)

I, _____, a Notary Public in and for the State of Colorado, do hereby certify that Greg Labbe, whose name is subscribed to the foregoing instrument as the Mayor, personally appeared before me and acknowledged that he executed the same on behalf of the Town of Leadville.

Given under my hand and seal this ____ day of _____, 2022.

My commission expires: _____.

Notary Public

[SEAL]

STATE OF COLORADO)
) ss.
CITY & COUNTY OF DENVER)

I, _____, a Notary Public in and for the State of Colorado do hereby certify that Dominick Sekich and Tina Bishop whose names are subscribed to the foregoing instrument as president and secretary, respectively, of the Colorado Historical Foundation, personally appeared before me and acknowledged that they executed the same.

Given under my hand and seal this ____ day of _____, 2022.

My commission expires: _____.

Notary Public

[SEAL]

Schedule of Exhibits

Exhibit A	Legal Description of Property
Amended Exhibit B.1	Exterior Photographs of Building
Exhibit B.2	Character Defining Interior Spaces and Features
Exhibit B.3	Permitted Alterations - Interior

DRAFT

EXHIBIT A
Legal Description

South 10 feet, Lot 7 and all lot 8 & 9, Block 1

Leadville Improvement Company's Addition to the City of Leadville

County of Lake, State of Colorado

together with Improvements thereon

The Property is commonly known as the Tabor Opera House and having a property address of 312 Harrison Avenue, Leadville, CO 80461. The Property has also historically been referred to as and has commonly used the address 308 Harrison Avenue, Leadville, CO 80461.

EXHIBIT B.1 (Baseline Photo-documentation)
(page 1 of 13)



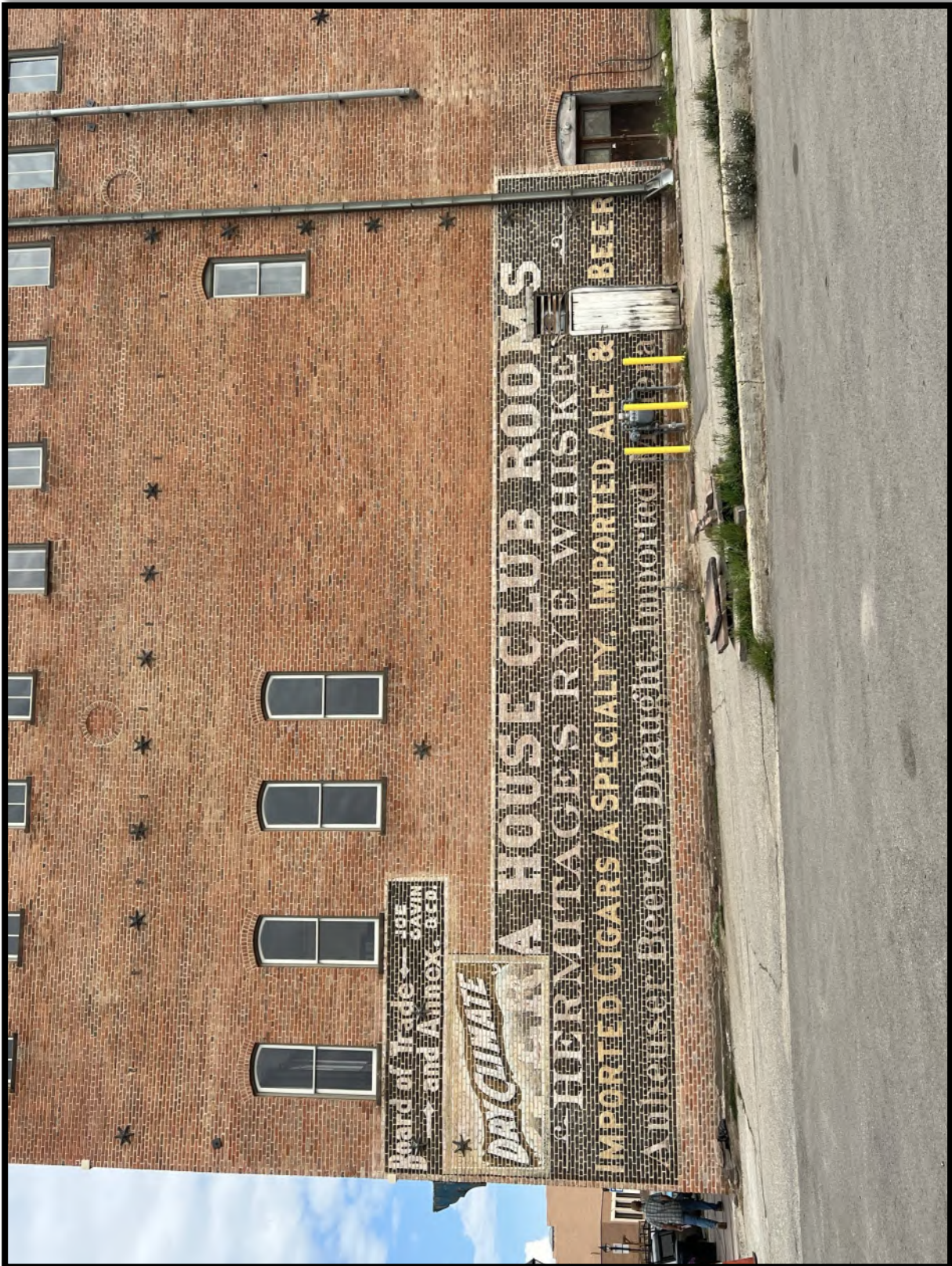
Tabor Opera House (1st Amend): Overall street view of main façade looking east across Harrison Avenue

EXHIBIT B.1
(page 2 of 13)



Tabor Opera House (1st Amend): Southwest corner showing full west and south elevations.

EXHIBIT B.1
(page 3 of 13)



Tabor Opera House (1st Amend): View of west end of south elevation showing restored ghost sign

EXHIBIT B.1
(page 4 of 13)



Tabor Opera House (1st Amend): View of east end of south elevation.

EXHIBIT B.1
(page 5 of 13)



Tabor Opera House (1st Amend): View of southeast corner.

EXHIBIT B.1
(page 6 of 13)



Tabor Opera House (1st Amend): View of east elevation.

EXHIBIT B.1
(page 7 of 13)



Tabor Opera House (1st Amend): View of northeast corner.

EXHIBIT B.1
(page 8 of 13)



Tabor Opera House (1st Amend): View of east and north elevations

EXHIBIT B.1
(page 9 of 13)



Tabor Opera House (1st Amend): View of upper west end of north elevation.

EXHIBIT B.1
(page 10 of 13)



Tabor Opera House (1st Amend): View of west elevation/main facade along Harrison

EXHIBIT B.1
(page 11 of 13)



Tabor Opera House (1st Amend): View of storefront on main façade, north (left) side

EXHIBIT B.1
(page 12 of 13)



Tabor Opera House (1st Amend): View of main theatre entrance on façade, center

EXHIBIT B.1
(page 13 of 13)



Tabor Opera House (1st Amend): View of storefront on main façade, south (right) side

EXHIBIT B.2 (Baseline Photo-documentation)
(Interior Photographs, page 1 of 49)



Tabor Opera House (1st Amend) - Lower First Floor: West (front) end of North Tenant Space

EXHIBIT B.2
(Interior Photographs, page 2 of 49)



Tabor Opera House (1st Amend) - Lower First Floor: East (rear) end of North Tenant Space

EXHIBIT B.2
(Interior Photographs, page 3 of 49)



Tabor Opera House (1st Amend) - Lower First Floor: Entry Hall, looking west

EXHIBIT B.2
(Interior Photographs, page 4 of 49)



Tabor Opera House (1st Amend) - Lower First Floor: Entry vestibule showing built in display case ,
light fixture, and mill work

EXHIBIT B.2

(Interior Photographs, page 5 of 49)



Tabor Opera House (1st Amend): Lower First Floor - View of Entry Hall from vestibule

EXHIBIT B.2
(Interior Photographs, page 6 of 49)



Tabor Opera House (1st Amend): Lower First Floor - Central Hall & Stairs to Theater

EXHIBIT B.2
(Interior Photographs, page 7 of 49)



Tabor Opera House (1st Amend): Lower First Floor - Ticket Booth in Entry Hall, looking south

EXHIBIT B.2
(Interior Photographs, 8 of 49)



Tabor Opera House (1st Amend): Ticket Booth in Entry Hall, looking southwest

EXHIBIT B.2
(Interior Photographs, page 9 of 49)



Tabor Opera House (1st Amend): Ticket Booth in Central Hall, showing ticket seating chart

EXHIBIT B.2
(Interior Photographs, page 10 of 49)



Tabor Opera House (1st Amend): Lower First Floor - West/front end of south Tenant Space

EXHIBIT B.2
(Interior Photographs, page 11 of 49)



Tabor Opera House (1st Amend): Lower First Floor - East/back end of south Tenant Space

EXHIBIT B.2
(Interior Photographs, page 12 of 49)



Tabor Opera House (1st Amend): Lower First Floor - Steps in Entry Hall, looking up toward theater entrance

EXHIBIT B.2
(Interior Photographs, page 13 of 49)



Tabor Opera House (1st Amend): Upper First Floor - Steps in Entry Hall, looking west

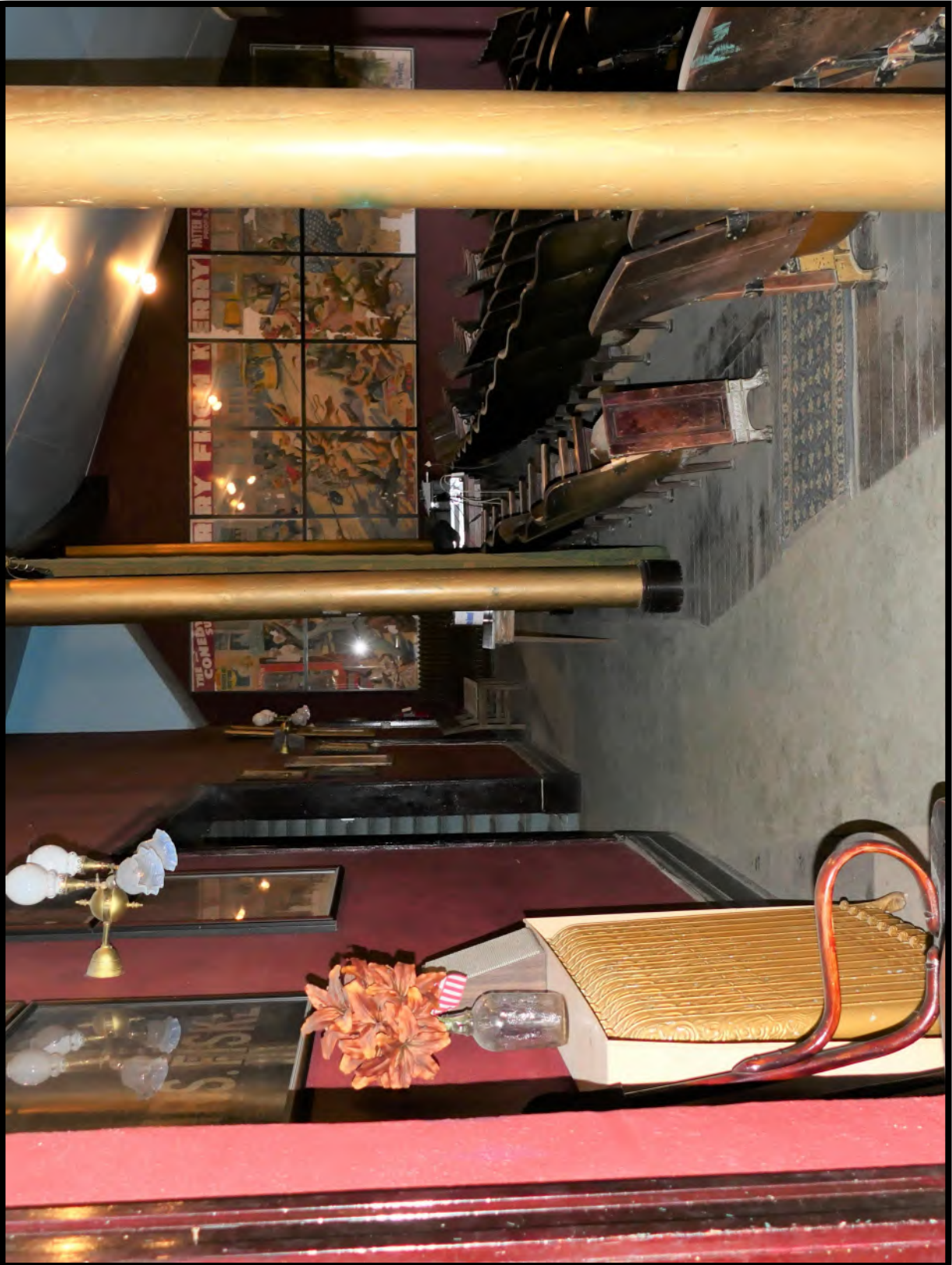
EXHIBIT B.2

(Interior Photographs, page 14 of 49)



Tabor Opera House (1st Amend): Upper First Floor - Entrance to theater at top of stairs

EXHIBIT B.2
(Interior Photographs, page 15 of 49)



Tabor Opera House (1st Amend): Upper First Floor - Back of theater house, looking north

EXHIBIT B.2
(Interior Photographs, page 16 of 49)



Tabor Opera House (1st Amend): Upper First Floor - Aisle along north (left) outside wall

EXHIBIT B.2
(Interior Photographs, page 17 of 49)



Tabor Opera House (1st Amend): Upper First Floor - Aisle along south (right) outside wall

EXHIBIT B.2
(Interior Photographs, page 18 of 49)



Tabor Opera House (1st Amend): Upper First Floor - View east to stage from theatre house

EXHIBIT B.2
(Interior Photographs, page 19 of 49)



Tabor Opera House (1st Amend) : Upper First Floor - View southwest from stage to theater house showing balcony

EXHIBIT B.2

(Interior Photographs, page 20 of 49)



Tabor Opera House (1st Amend) : Upper First Floor - Central view east from back of theater house to stage

EXHIBIT B.2
(page 21 of 49)



Tabor Opera House (1st Amend): Upper First Floor - North/left central aisle view east from back of theater house

EXHIBIT B.2
(page 22 of 49)



Tabor Opera House (1st Amend): Upper First Floor - South/right central aisle view east from back of theater house

EXHIBIT B.2

(Interior Photographs, page 23 of 49)



Tabor Opera House (1st Amend): Upper First Floor: View north to front of theatre house showing orchestra pit and stage right

EXHIBIT B.2
(Interior Photographs, page 24 of 49)



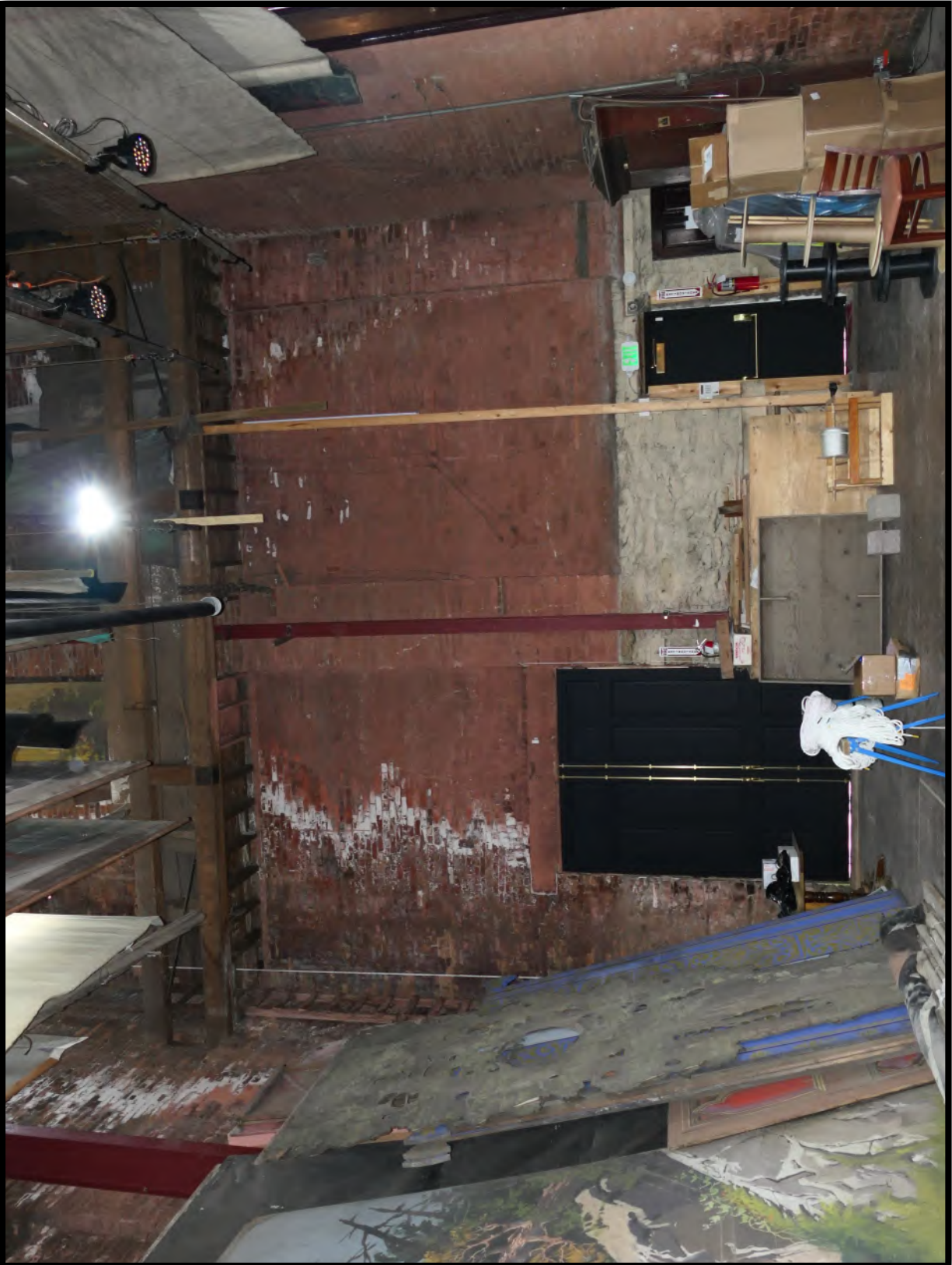
Tabor Opera House (1st Amend): Upper First Floor - View south to front of theatre house showing orchestra pit and stage left

EXHIBIT B.2
(Interior Photographs, page 25 of 49)



Tabor Opera House (1st Amend): Upper First Floor - Stage right

EXHIBIT B.2
(Interior Photographs, page 26 of 49)



Tabor Opera House (1st Amend): Upper First Floor - Stage left

EXHIBIT B.2
(Interior Photographs, page 27 of 49)



Tabor Opera House (1st Amend): Upper First Floor - View southwest across stage to theater house

EXHIBIT B.2
(Interior Photographs, page 28 of 49)



Tabor Opera House (1st Amend): Upper First Floor Stair to Second Floor looking northwest from landing

EXHIBIT B.2
(page 29 of 49)



Tabor Opera House (1st Amend): Upper First Floor Stair to Second Floor looking south from landing

(Interior Photographs, page 30 of 49)

(Interior Photographs, page 30 of 49)



Tabor Opera House (1st Amend): Second Floor - Tabor Suite south, looking to the west/front

EXHIBIT B.2
(Interior Photographs, page 31 of 49)



Tabor Opera House (1st Amend): Second Floor - Tabor Suite south looking east/rear

EXHIBIT B.2
(Interior Photographs, page 32 of 49)



Tabor Opera House (1st Amend): Second Floor - Tabor Suite south, west/front end of space looking south

EXHIBIT B.2
(Interior Photographs, page 33 of 49)



Tabor Opera House (1st Amend): Second Floor - Tabor Suite South - west/front end of space looking north

EXHIBIT B.2
(page 34 of 49)



Tabor Opera House (1st Amend): Second Floor - Tabor Suite north, west/front end

EXHIBIT B.2
(Interior Photographs, page 35 of 49)



Tabor Opera House (1st Amend): Second Floor - Tabor Suite North, looking to the west/front of building

EXHIBIT B.2
(Interior Photographs, page 36 of 49)



Tabor Opera House (1st Amend): Second Floor - Tabor Suite North looking east toward the back

EXHIBIT B.2
(page 37 of 49)



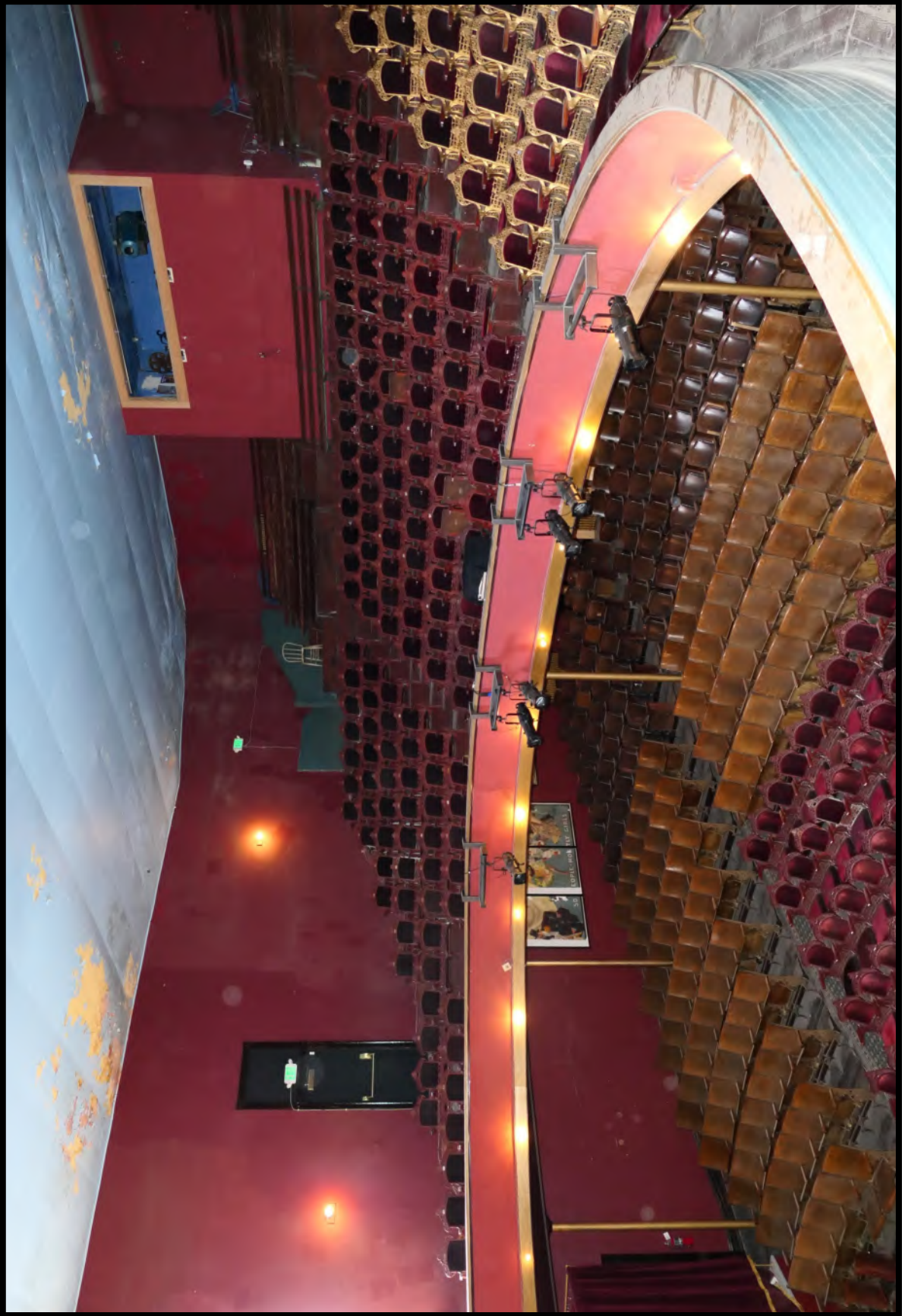
Tabor Opera House (1st Amend): Second Floor - North stair landing door to Balcony

EXHIBIT B.2
(Interior Photographs, page 38 of 49)



Tabor Opera House (1st Amend): Second Floor - View of theatre from Balcony, looking southeast

EXHIBIT B.2
(Interior Photographs, page 39 of 49)



Tabor Opera House (1st Amend): Second Floor - View of theater house looking southwest across Balcony

EXHIBIT B.2
(page 37 of 49)



Tabor Opera House (1st Amend): Second Floor - North stair landing door to Balcony

EXHIBIT B.2
(Interior Photographs, page 40 of 49)



Tabor Opera House (1st Amend): Third Floor - View of ballroom looking southwest toward front

EXHIBIT B.2
(Interior Photographs, page 40 of 49)



Tabor Opera House (1st Amend): Third Floor - View of ballroom looking southwest toward front

EXHIBIT B.2
(Interior Photographs, page 41 of 49)



Tabor Opera House (1st Amend): Third Floor - View of ballroom looking northwest toward front

EXHIBIT B.2
(Interior Photographs, page 42 of 49)



Tabor Opera House (1st Amend): Third Floor - View of ballroom looking east to rear

EXHIBIT B.2
(Interior Photographs, page 43 of 49)



Tabor Opera House (1st Amend): Third Floor - View of Ballroom double doors and rheostat along south wall at east end

EXHIBIT B.2
(page 44 of 49)



Tabor Opera House (1st Amend): Third Floor - View of third floor stair landing

EXHIBIT B.2
(page 45 of 49)



Tabor Opera House (1st Amend): Third Floor - View of stair from landing to the light well area

EXHIBIT B.2
(Interior Photographs, page 46 of 49)



Tabor Opera House (1st Amend): Third Floor - View of former light well looking northwest

EXHIBIT B.2
(page 47 of 49)



Tabor Opera House (1st Amend): Third Floor - Central view of former light wall looking west

EXHIBIT B.2
(Interior Photographs, page 48 of 49)



Tabor Opera House (1st Amend): Lower First Floor Plan - Original dressing room (sample)

EXHIBIT B.2
(Interior Photographs, page 49 of 49)



Tabor Opera House (1st Amend): Lower First Floor - Original dressing room (sample)

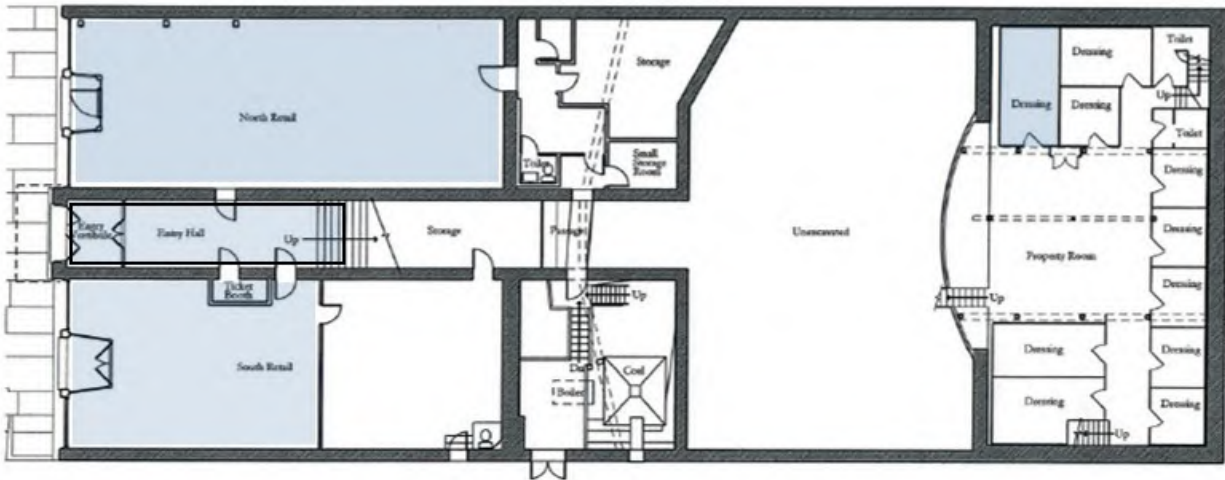
EXHIBIT B.2
Character Defining
Interior Spaces and Features

The required interior preservation, maintenance, and rehabilitation, as stipulated in paragraph 2 of this First Amended Deed of Conservation Easement, shall apply only to the spaces indicated by grey shading on the existing floor plans, included herein in Exhibit B.2. All other interior spaces shall also be maintained in a good and sound state of repair as stated in paragraph 2.2 of the Original Deed of Conservation Easement.

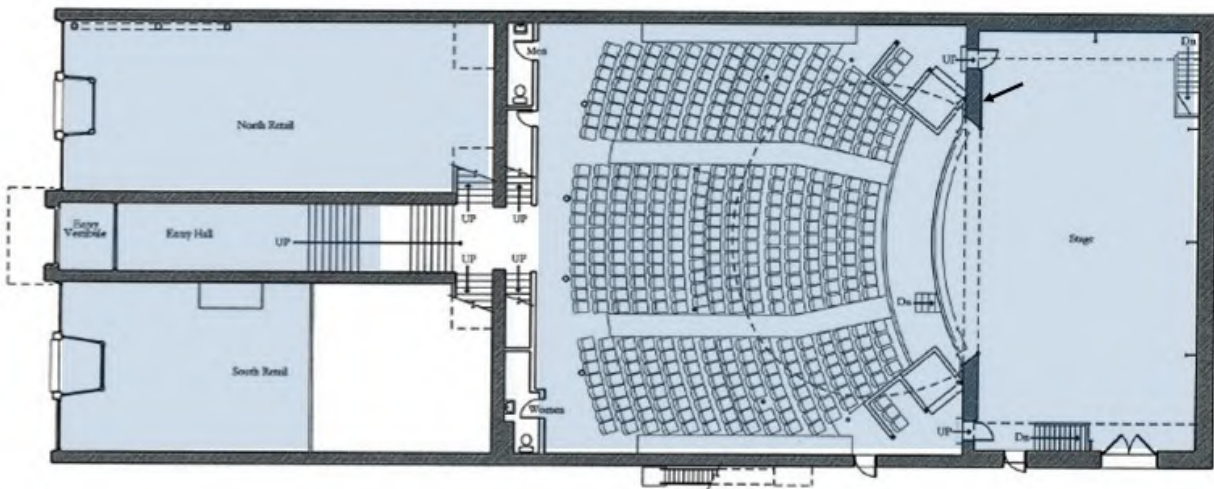
Unless otherwise specified, “Character Defining Interior Spaces and Features” include the following, as the same exists as of the date of this First Amendment.

1. Placement and configuration of primary walls and openings
2. Plaster walls and bead board finishes
3. Historic interior doors and door casings
4. Wood flooring
5. Wood trim to include baseboard and picture rail.
6. Main stair wood balustrade and newel posts
7. Specialty finishes including the stenciled frieze and decorative cornice in the lower first floor south retail space.
8. Large rheostats in the Ballroom

EXHIBIT B.2 (cont.)
Character Defining
Interior Spaces and Features



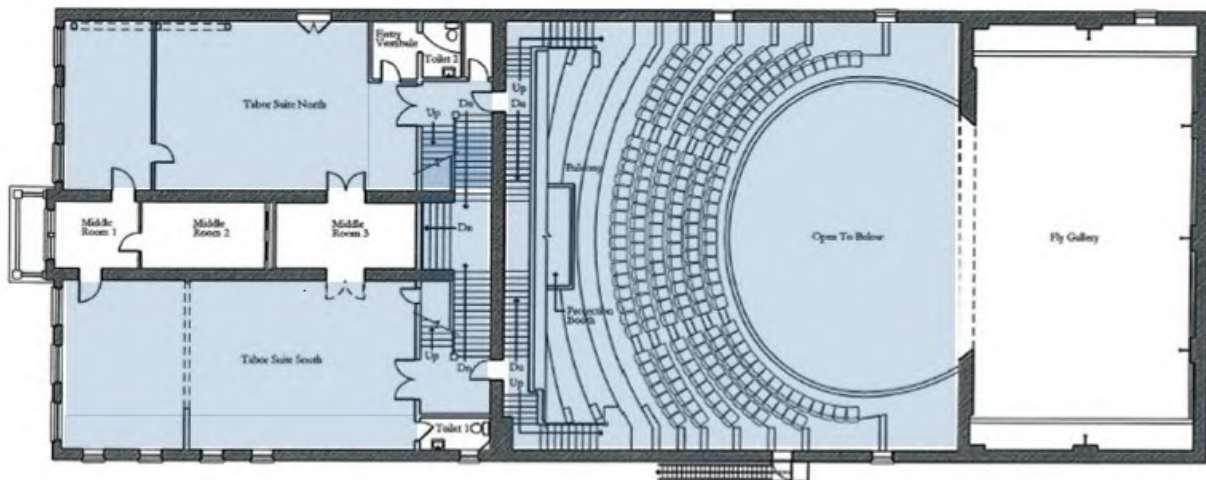
⊕ EXISTING LOWER FIRST FLOOR PLAN



⊕ EXISTING UPPER FIRST FLOOR PLAN

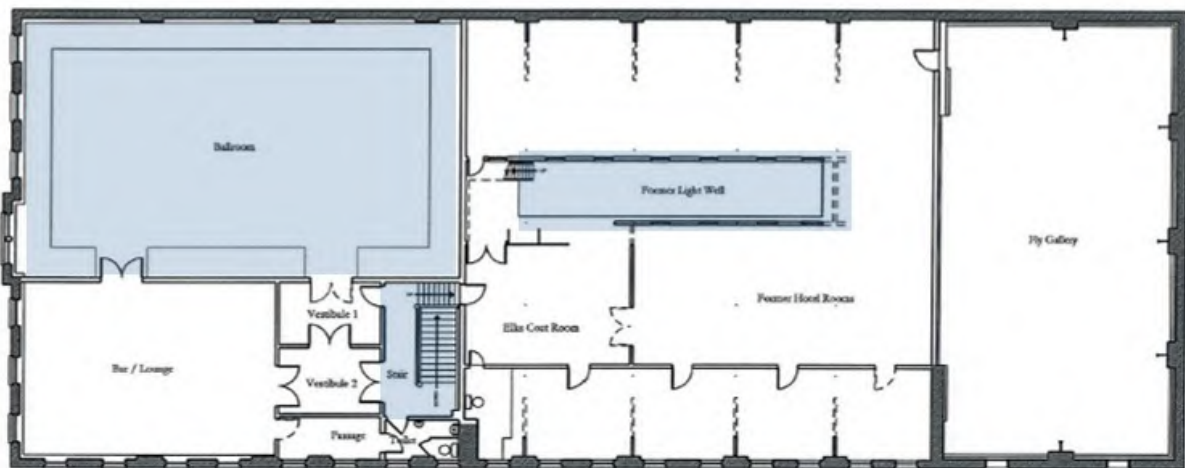
HOEHN ARCHITECTS PC

**EXHIBIT B.2 (cont.)
Character Defining
Interior Spaces and Features**



⊕ EXISTING SECOND FLOOR PLAN

HOEHN ARCHITECTS PC



⊕ EXISTING THIRD FLOOR PLAN

HOEHN ARCHITECTS PC

EXHIBIT B.3

Permitted Alterations - Interior

Subject to the provisions of paragraph 4 and per current building code, Grantor may construct the following permitted addition(s), alteration(s) and upgrades as shown in the floor plans/construction documents included herein in Exhibit B.3.

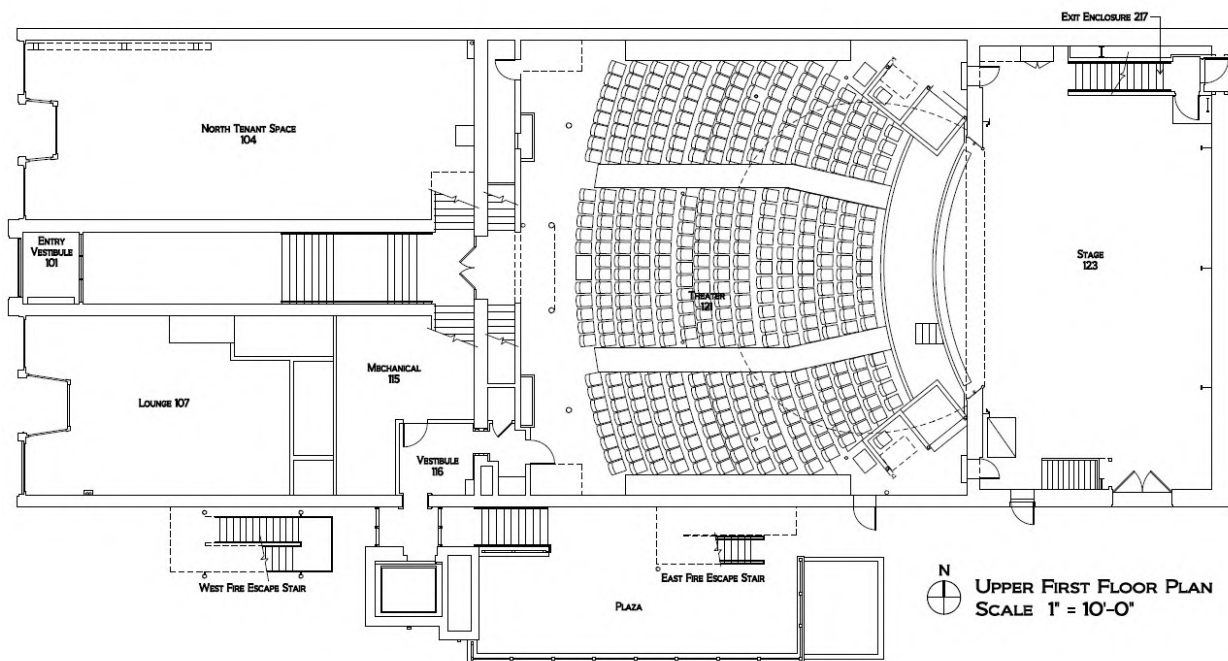
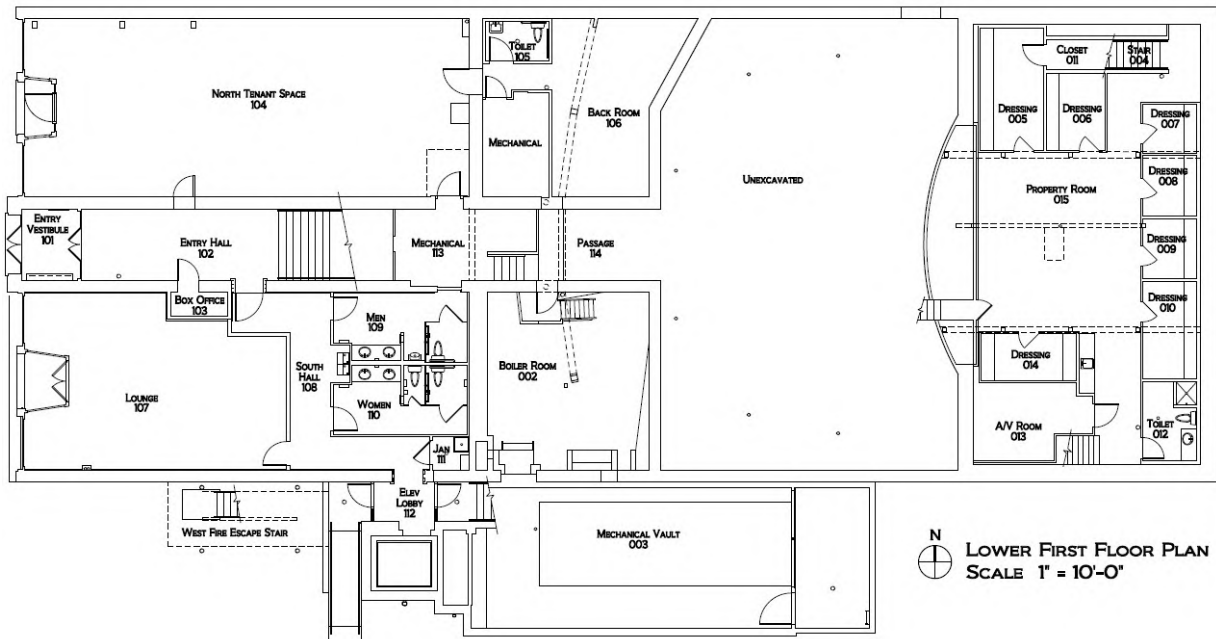
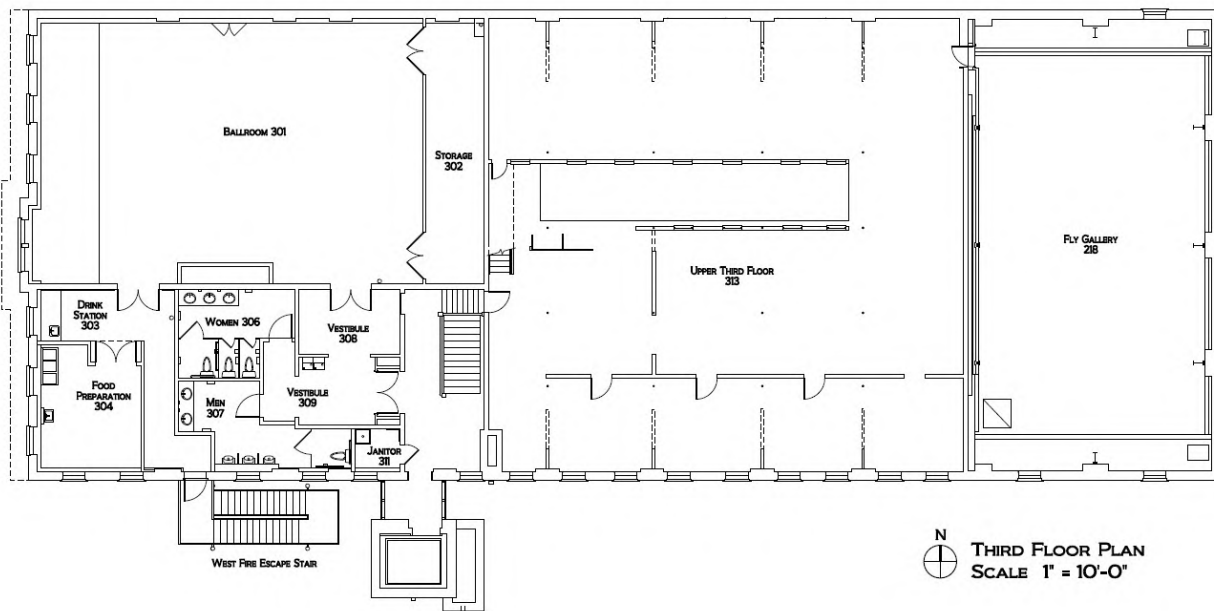
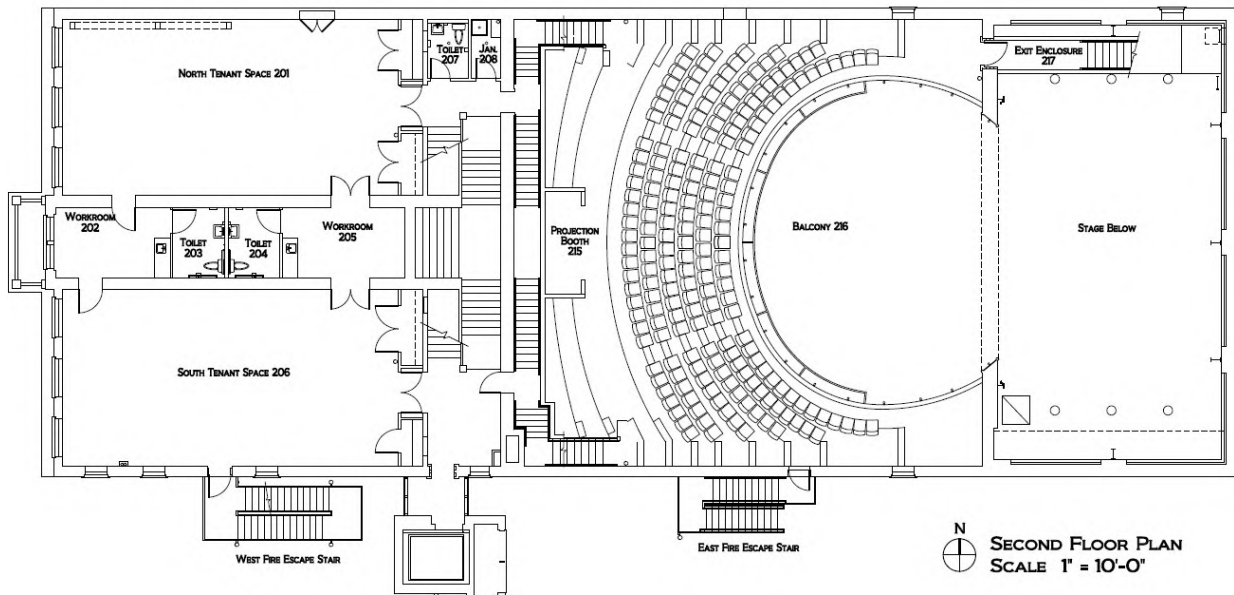


EXHIBIT B.3 (continued) Permitted Alterations



Additional Permitted Alterations not indicated on construction drawings:

- Electrical Panel on the stage wing will be upgraded for code compliance. The historic panel will be relocated for display to visitors.
- Staircase on stage level at northeast corner may be replaced if a second exit from the balcony is required.

Oct 2022

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

Nov 2022

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

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