



**CITY OF LEADVILLE**  
**Tuesday, November 27, 2018 – 6:00 P.M.**  
**REGULAR CITY COUNCIL MEETING MINUTES**  
**800 HARRISON AVE, LEADVILLE, CO.**

**Call to Order of regular meeting 6:00 PM**

**Pledge of Allegiance.**

**Roll Call.**

**Approval of Agenda.**

CM Gowing moved, CM Greene seconded.

**Housekeeping Matters**

Marcus McAskin is on his way but may be late.

**Public Comments about items not on the agenda.**

None.

**Consent Agenda**

a. Minutes from October 30, 2018

b. Minutes from November 13, 2018 – add names to vote counts

CM Linebarger moved, CM Greene seconded.

**P&Z Short term rental discussion**

Chair Osborne explained the history of creating short term rental guidelines and the community process involved. He mentioned the parking issues and will address parking separately. They eliminated the Minturn rule. They discussed putting a number on rentals but would be hard to implement at this point. Explained the data they did receive. Discussion about cap per block but also difficult to manage and wants something reasonable for staff to implement and may look at the at a later date and create some sort of percentage. They will look at parking holistically. Also discussed the different levels of rentals and the fees associated. They also discussed the extra \$100 fee to support affordable housing and it would apply to both local and non-local but need to refer to legal council if it could be one or the other. Mayor Labbe explained that the inspections on the city than the city takes liability and he likes the idea of having a self-inspection instead to put the responsibility on them. Commissioner Weston was happy to see that parking is on City Council priorities for 2019. Commissioner Lauritzen thinks the \$100 fee should be an annual fee, not a three year and would not be opposed to charging \$300 for the other. Commissioner Mudge noted that at the town hall, people really cared about the character, this is not a new tax and should be collecting that and having a clear expectation. Mayor Labbe is disappointed that the commission did not limit the number per block, even though he understands the difficulty in implementing. Explained that he feels most people will do the right thing without regulation, but laws are necessary to make sure that everyone is complying. CM Linebarger thinks one way to approach the maximum number of per block is to grandfather in those who already exist. Also concerned about those who only rent out during races because it shouldn't go against the number per block and should the fees be the same. CM Green also concerned about those who only rent a few days a year and Chair Osborne explained that as currently written, they still would

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need to. Part of that is to make sure everyone is paying the lodging tax. CM Greene mentioned the neighborhood cohesion and that the needs are still met with those who rent so minimally and shouldn't need a license. Discussion regarding administrative fees and time, as well as police department and code enforcement. If inspections are done away with that will lessen that burden. It is unknown what that will look like. ASM Dallas explained the county process and what that might look like for staff. Commissioner Weston explained that the additional revenues from these licenses will help increase staff time for code enforcement for example. It should be revenue neutral.

#### Comments from the public:

Tim Hill – Will the minimum use houses count against the cap and how long will you be allowed to use it. For example someone who is against the races, could apply for the license and never use it. Suggested a non-use stipulation.

Amy Mastin – Parking is clearly the biggest sticking point. Thinks it would be nice to have a spot per block as a permanent homeowner, long term renter or short term renter. It would also be great to have some unused lots turned into parking lots. Thinks the percentages changing as you near Harrison ave is a valid point as most are commercial in that area and as you get further away that it is more residential.

Cindy Dunn – They have an owner-occupied short term rentals (they rent rooms) and they have no way to have off street parking and would like to see private parking stay.

Chair Osborne explained the next steps of making tweaks and moving forward with an ordinance to go to legal for review and present for First reading in late January or early February. Commissioner Mudge questioned the leasing of public right of way and if a parking spot could be given with the short term parking license. Chair Osborne suggested it was a block parking that gives general area, not specific space. CM Gowing questioned final decision on having someone available within certain time and Mayor Labbe explained it is still in the current language.

Brian Feddemma – Commented that the revenue looks like it will likely be about \$20-30k annually, but there hasn't been talk or research into what the enforcement cost will be. He would like to know what happens if it costs the city money. Mayor Labbe explained that it can be revisited later and if changes need to be made.

Commissioner Mudge explained that there has been discussion of collaborating with the county now that the city will have code in place to actually enforce.

Chris Floyd – Curious as to where the documents are for this and ASM Dallas explained that she can be added to city email list and that ASM Dallas also has a P & Z List if she would like to be on it.

#### **Marcus McAskin SIA Discussion & Negotiation Points for major subdivision of Railyard**

Marcus McAskin explained the Subdivision Improvement Agreement and the process for this agreement as well as the warranty periods. CM Hagen wants to know why we would do anything different this time.

John Lichtenegger explained that the largest part of infrastructure left is Excel and they require money in their account months to a year before they even begin work so it is mostly utilities. He also explained the financial components for CDOT and sewer. John said he could get the collateral by next week and could work with Marcus on that. Marcus explained that is the streets. Curb and gutter, park improvements, etc. The items that will be handed over to the city and not held by other entities. Commissioner Mudge questioned that this is for infrastructure but how many years until it is tested for full capacity and Marcus explained that that is where the

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engineering comes in to play to make sure that any issues will be determined during that warranty period. Chair Osborne questioned the percentages. Marcus explained the standard across the board. Marcus explained the policy reason for the percentage is that at some point the local government would be able to exercise it's rights to utilize the funds to complete those public improvements in case the developer walked away. He recommends a lower percentage because cities rarely do that. There needs to be enough available to make sure there is no adverse impact. Marcus explained how a phasing plan might work and thinks certain parts that can be phased. There is no prohibition on paying that per phase and then spending down appropriately. Commissioner Lauritzen reading number two differently. She reads it as the money can be taken out as the improvements are complete, not as they progress. Chair Osborne also interprets it as the money is released once it is complete, not released to do the work. Marcus explained that the SIA is set up to release the funds once the work is complete and a request has been made. Marcus explained that city code requires an entity to maintain those improvements in perpetuity until the city takes over in 5 years. Mayor Labbe would like to see the park be open to the public.

CM Gowing concerned about costs to maintain and what that will look like. Mayor Labbe explained that the taxation that will be generated from the railyard will help these additional costs. Marcus explained a few options: A Metropolitan District through the developer, Form a General Improvement District and City Council could sit as board or a Property Owners Association/HOA and the intent would be that the parks will be open to all residents. The code requires that the developer identify which entity will be responsible. A GID might be the least burdensome on the developer because he would not have administrative costs, city council could sit as the board, it only requires one meeting a year. It would have it's own Mil Levy. Chair Osborne mentioned that P & Z had discussed this and that's where they landed as well. Marcus explained that it would be easier to establish on the front end. John explained that he would like this to be part of the public hearing process and would like all the public parks to be public parks. Chair Osborne strongly suggested the GID as the city does not have revenue streams. CM Greene agreed that new development will need to help kick up that revenue to help. Marcus explained that it would have to go to a vote of the taxpayer electors in the boundaries of the GID. Marcus explained that it will be a public park and we are trying to come up with a solution to how the parks will be maintained that will have amenities. It will be much more than what CTF revenues are and how it will be viable long term. Marcus explained that part of the current PUD dictates that the parks would be public so it is not really up for discussion at this point. The plat is not final until the SIA is agreed to and they both should be done simultaneously.

5 min break

### **2019 Budget finalization discussion**

Mayor Labbe explained the fire department documents he handed out. He also gave a run down of the budget process so far. Mayor Labbe explained addition of \$1000 for street signs. All of Harrison Avenue will be complete and then can build upon year after year. Addition of police legal coverage because they recently found that CIRSA does not cover on the front end of that process. It is about \$2000 per year for coverage on all officers per year. Psychological coverage is about \$3000 but he has added them both to help employees in times of need. Mayor Labbe explained the Fire

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Department's Waive Merit increase and compensatory pay and they will still be eligible for traditional overtime, but mandatory overtime and compensatory will be included into phase pay to eliminate several pay codes. It would only exist if they took a shift outside of their normal schedule. Chief Dailey explained that most of the overtime is due to wildland coverage and it is reimbursed by the federal government. Mayor Labbe explained no changes to revenue projections. Mayor Labbe explained that the Municipal Court Clerk is still up in the air on page 4. Mayor Labbe explained he had to get someone from the Fraternal Order of Police to represent the officer involved in the recent incident. ASM Dallas explained that CIRSA would cover the city for civil lawsuit but not advise for potential criminal issues. There is a gap of coverage. Mayor Labbe explained the street signage line had \$3000 and he added \$1000, bringing it to \$4000. The animal shelter had a pay increase and an additional employee. Mayor Labbe will present to the BOCC regarding fire changes to explain to them. Chief Dailey explained that the \$80k is not reflected in the budget and Mayor Labbe explained that that is reflected in the wildland fire fund balance.

Chief Dailey requested a salary bonus for himself and Deputy Chief Boyle. Chief Boyle is at \$53.3k and it is incredibly low. He has done an exceptional job since he was hired and listed the many achievements he has reached. He is asking for a \$2000 bonus from the 2018 budget and it may be a little over budget due to the loss of personnel they've had. Chief Dailey is asking for \$5000 bonus and he continues to try to be under budget, cutting budget where he can, continues to work on program where there is staffing taking care of staffing issues at no cost, doing the best he can, the accomplishments he works on such as station 2, relationship with CMC fire science program, joint emergency training facility, and creating a culture to continue down good path.

Mayor Labbe explained that Chief Dailey is a master of the budget and thinks he has understated the amount of grant money he's brought in. Chief Dailey explained that the money would go over budget. Mayor Labbe suggested backing out bonuses from 2019 if we decide to approve these out of 2018. Mayor Labbe suggested that the money could be granted January 1<sup>st</sup> out of 2019 budget. Mayor Labbe will add in the additional funds to the 2019 contingency line item for the bonus and utilize merit evaluations to have council make that determination.

### **Letter of support and approval for DOLA Tier II application for the rehabilitation phase 1 of the Tabor Opera House**

ASM Dallas explained that she and Stephanie Spong met with DOLA and they are suggesting that they ask for the maximum they need because it is base don readiness. They will continue to seek other grants between now and the spring when they would present, but because they would be at risk of losing the \$625 already committed, they should ask for the maximum and could always ask for less later. ASM Dallas is requesting Council make a decision to approve. CM Linebarger moved to approve request, Mayor Labbe seconded.

### **Bills**

Ric Eisenring explained there were a lot of bills since Roy left. Mayor Labbe questioned the collision center for fire department and ASM Dallas explained that insurance reimbursed. CM Gowing moved, CM Hagen seconded.

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Public Meetings Planner

Special Meeting on December 18<sup>th</sup> to approve budget. January meetings will be January 8<sup>th</sup> & January 15<sup>th</sup>. ASM Dallas mentioned the holiday party on December 15<sup>th</sup>.

Mayor's Report. Mentioned the community meal at St. George's.

Council Reports. None

Public Comments about items not on the agenda

Adjournment. 8:56 PM

<i>Councilmember</i>	<i>Roll Call</i>	<i>Agenda</i>	<i>Minutes</i>	<i>Ltr of Support for DOLA</i>	<i>Bills</i>
<i>CM Linebarger</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>CM Hagen</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>Mayor Labbe</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>CM Gowing</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>MPT Beck</i>	<i>NO</i>	<i>ABSENT</i>	<i>ABSENT</i>	<i>ABSENT</i>	<i>ABSENT</i>
<i>CM Lauchner</i>	<i>NO</i>	<i>ABSENT</i>	<i>ABSENT</i>	<i>ABSENT</i>	<i>ABSENT</i>
<i>CM Greene</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>P &amp; Z Commissioners</i>					
<i>C Weston</i>	<i>YES</i>				
<i>C Osborne</i>	<i>YES</i>				
<i>C Lauritzen</i>	<i>YES</i>				
<i>C Mudge</i>	<i>YES</i>				

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