

**Minutes  
City of Leadville  
Regular Council Meeting  
December 6, 2016  
Leadville City Hall, 800 Harrison Avenue**

**COUNCIL MEMBERS**

**PRESENT:** Dave Chimovitz, Jake Mohrmann, Mayor Greg Labbe, Mayor Pro Tem  
Max Duarte, Shoshanah Beck, Gwen Shepherd

**COUNCIL  
MEMBERS**

**ABSENT:** None

**STAFF PRESENT:** Bethany Maher, (City Clerk), Sarah Dallas, (Administrative Services Manager  
& Deputy City Clerk) Roy McGinnis, (Finance Director,(Absent)), Steve Boyle  
(Fire Marshall), Jim Schneiter (Street Dept. Supervisor), Robert Glenny (Police  
Chief)

**PUBLIC**

**PRESENT:** Ryan Fitzmaurice, Sarah Mudge, Gabby Voeller, Debbie Harmon, Scott Harmon,  
Joseph Swyers, Leslie Cook-Knerr, Lisa Dowdney, Scott Marcella, Stephanie  
Dowel, Christina Floyd, Abigail Long, Kevin Masten, Brenda Marine, Kathy  
Blackford, Ryan Erbstoesser

**6:30 PM CALL TO ORDER, ROLL CALL & PLEDGE OF ALLEGIANCE**

**Approval of Agenda.**

**CM Mohrmann suggest move of unfinished business to beginning.**

**Mayor Labbe suggest moving “e” after “f” so that the budget items go together.**

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

Michael – Evicted from his own and lost all belongings due to police department not following protocol.  
Violation of civil rights.

Consent Agenda

- a. Approval of the Minutes from October 18, 2016  
CM Chimovitz moved, CM Beck seconded.
- b. Approval of the Minutes from November 1, 2016  
CM Mohrmann, CM Chimovitz seconded
- c. Approval of the Minutes from November 15, 2016  
Mayor Labbe moved, CM Mohrmann seconded

**Unfinished Business**

- a. Public Hearing for Second Reading Ordinance 08, Series 2016 changes to Accessory Dwelling  
Units

**In Favor**

Debbie Harmon – Has been working on ADU revisions with P&Z. Spoke in support of Ordinance  
08 and the

Sarah Mudge – Chair of P&Z. Pointed out there is already an ADU requirement and reduced the  
minimum size and were concerned about RV’s so they included the requirement of a  
foundation and hook up to water & sewer. They wanted these to increase housing stock.  
Afraid of the square foot minimum being reduced they may want to repeat that a building  
permit is required. Second, one per property, enumerates the possibility of someone  
adding several where they may have the ability to. Owners of the property should inhabit

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either the ADU or the structure. The idea is to create and ease hence the reason for reducing the minimum size to 100 square feet and adding the foundation requirement. CM Mohrmann questioned the subdivision possibility and process. ASM Dallas – Chapter 16 of city code lays out the process of subdivision and there is specific criteria.

Scott Harmon – Supports this due to the housing problem in this city. If approved, they will build and ADU for themselves and put a 3 bedroom on the rental market for a family, in addition to helping their income. No loss to character and charm to the city and can build it to fit in. His property taxes will go up and the school and hospital will benefit.

Joe Swyers – Vice Chair of P & Z – Spoke to segregation of people and that people will have to live somewhere – called it “snobbery.” Spoke to the parking issue. He does not think it is an issue with the alley. Third concern he’s heard was density. Talked about Use by Right. Need for more customers downtown for the hospitals, schools and the businesses downtown, walking distance. It can increase home values and put the burden of proof on those who object. 100 square feet is a “starter home” size and better than being homeless.

### **Against**

Lisa Dowdney – Not the job of the government to provide housing stock. When the demand is there, it will be built. Thinks the “We Love Leadville” development will provide that. Concerned with fire and parking in allies. Issue of parking on streets due to snowplowing. Suggested to vote no because a lot of concerns not addressed in ordinance. Hook up to sewer, water and electric wasn’t mentioned? Commissioner Mudge confirmed electric required as well.

Scott Marcella – It’s not bad in the situation like the Harmons who have extra space. The parking is an issue for him as where he is, parking for his residence is challenging. He wants to see Commissioner Mudge’s recommendations and require off-street parking and snow storage.

Stephanie Dowell – High incidence of domestic violence which should be considered when you have such a small area to live in. Parking is the major concern. Told story about parking issues and the experience with most difficult customers which were those who had trailers. Tiny home maintenance issues and short life of tiny homes. Concern of emergency vehicles not being able to get in. Designated parking spot must be established for ADU’s for emergencies. Historical District not just Harrison Avenue and people come to see the Historic Buildings here, not tiny homes.

ASM Dallas read letter from Tracey Lauritzen – Takes away from property owner by limiting the short term rentals and there is a need for housing for winter employees and for those for short term in the summer months. Consider size of lot and footprint of existing structure. Urge council to spend more time.

ASM Dallas read letter from Colleen Hammon – Ask they not be condominized to create two separate family homes and not have adequate parking. ADU needs parking and biggest concern is the selling off of the units.

Mayor Labbe moved to close Public Hearing, Mayor Pro Tem Duarte Seconded

CM Shepherd used to be in favor of this 3 years ago, but now against it because of the rising cost of housing. She is concerned it houses will be bought, ADU built and both sold to make money.

CM Chimovitz asked Commissioner Mudge to come up to address parking issue.

Sarah Mudge – Decrease square footage meant to increase opportunity for home owner to build on their property. They are not necessarily meant to be rented. Requiring a parking space in a single lot would prohibit someone from building this.

CM Chimovitz – What about congestion with on street parking and ADU

Sarah Mudge – Cultural expectation to park in front of their home. The density will increase in Leadville one way or another and should not push people out of the city and put strain on

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utilities. In R1, it is prohibited to have Duplexes or that kind of density in current zoning. Park of transportation goal to better sign current parking and increase parking options in downtown, but not residential.

Lisa Dowdney – Knows no one who has 1 car for two people. Reality is most people work over the hill, so 2 vehicles per home.

ASM Dallas – ADU's are already allowed in code, no greater than 50 % of primary dwelling and not smaller than 400 square feet.

Mayor Labbe – P&Z trying to put some control in place because it will likely happen whether or not we like it. Compliment look of neighborhood, add foundation and make ADU's more viable and less likely to be a trailer parked with no hook ups.

CM Mohrmann – Off street parking concern, but most houses do not have off street parking. It's a cultural shift to not have an expectation of parking at the front door. Snow storage already in code to not move on to the road. Thinks the language in the ordinance helps to make sure the home looks like the neighborhood. It requires bathroom, kitchen, etc. and in order to have all of that, but it would be difficult to get it that small with all of the requirements.

Mayor Labbe – Would not object to require one parking space for an ADU. This ordinance will make it more difficult to have an ADU, but it will give those wishing to do so the ability to. It gives opportunity, but is restrictive. T might make it impossible for someone to meet the size requirements. Interesting idea of having one or the other owner occupies. Sees no problem with multiples especially if you have multiple lots. It doesn't have to be a separate unit – could be above garage or attached.

CM Shepherd – What was the intent? Thinks that most people will just be trying to make money during races.

CM Chimovitz asked if CM Shepherd thought that it was an unwarranted reason because people were looking to make money for short term rentals.

Sarah Mudge – for family, tiny home trend, allow those to live in small homes if they wish to do so, IRC Building codes now states that the minimum square footage is 70 square feet. Under current code, under 200 square feet does not require a building permit.

ASM Dallas – 2013 ordinance was for primary structure to reduce size but it did not pass.

Mayor Labbe – mentioned the head tax and that the county is watching rental market.

Chief Glenn – this is an opportunity for you to address the parking issue. It is a current problem. Some places this will not affect, but as you get closer to the core, there is already not enough parking and deal with this issue on a daily basis.

CM Beck – suggested that parking issue as a whole be taken up, not just for ADU's.

Scott Marcella – If you had a 2-3 block area where this exploded, this would cause a issue with sewer. They would not allow that though once they reached capacity.

CM Mohrmann – likes permanent foundation, likes minimum 1 off street parking or variance request, gets intent for owner occupancy but not sure how to regulate.

Mayor Labbe – suggest go to 3<sup>rd</sup> reading with public input to add language for owner occupy one of other units – 7 month provision for occupancy.

CM Chimovitz – objection to off street parking requirement – thinks it will significantly limit the likelihood of this.

Straw Poll – support off street parking

Mayor Labbe

Not support – Mayor Pro Tem Duarte, CM Beck & CM Chimovitz.

Only change is that owner occupies for at least 7 months. Take it to 3<sup>rd</sup> reading.

## **New Business**

### **Public Hearing for Conditional Use Permit for Christina Floyd Legal Office**

Christina Floyd – Solo Law practice – application for use of the front room as law office – used to operate as a barber shop and has two off street parking spaces out back. Transactional attorney

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and primarily works from home office but on occasion to meet with client on drop in basis. Don't anticipate having more than 2 additional people in most instances. It is a professional office environment so no issues with noise.

Sarah Mudge – P&Z had no concerns and were pleased to see a business occupying a space downtown with recommendation of approval.

No comments for or against.

Mayor Labbe moved too close.

Mayor Labbe moved, CM Beck seconded

### **Community Fund Request for in-kind and cash match**

Leslie Cook-Knerr – Explained the process of coming up with the community fund and how it was born and the need in our community. Looking for support of local governments to gain support of local community and it is helpful when they go to organizations for funds. They need a space for regular board meetings, hire staff and they would need a space for that and to house some of the swag. Also asking for \$1400 cash contribution or more in kind like copying.

Christina Floyd – purpose is to support existing non-profits, not in competition.

Leslie Cook-Knerr – will be making grants out to the community. Hoping first grant round will go out early 2017. The city could request funds from them in their grant cycles. They have about \$100k going into 2017. Fairly confident they will be able to raise the amount on the budget by the end of 2017.

Mayor Labbe confirmed with ASM Dallas that it would be acceptable to have her share that office which is adjacent to hers. Also discussed the in-kind copying costs. Talking about part-time staff person.

ASM Dallas – Roughly \$15203.00 in contingency fund for all of 2017. Beyond that you will continue to dip into deficit budget.

Mayor Labbe moved use of office space and \$1400 use of copier, CM Chimovitz seconded.

### **Commissioner Bordogna request to consider funding the Visitor Center before final budget adoption**

Kevin Masten – VP Chamber of Commerce, Presented a request a couple of months ago but were asked to revisit budget. Asking to continue to fund \$5000 to help run visitor center. In order to run the Visitor Center, it needs the community involved.

CM Chimovitz – Confirmed that they should expect to be asked every year.

CM Shepherd – Asked how much the Chamber of Commerce puts toward this.

Kevin Masten – Roughly 11k. Chamber of Commerce manages the Visitor Center. The ask is for the Visitor Center itself which has a separate bank account.

Mayor Labbe – asked how the visitor center fits if they are completely separate.

Kevin Masten – Ambassadors guide people around as a service, not knowing who the Chamber members are. The tourism panel brings to town, but once they get here the Visitor Center gets them around.

Mayor Labbe – The Tourism panel withdrew their \$15k. They can afford to keep their building open. They have to cut back all of that labor, so they will have to cut back their hours. The tourism panel is willing to entertain some contribution. They pulled back due to the proposal that was before them. They have \$9600 contingency money in their budget. The tourism panel should fund. County willing to give 12k if city gives 5k. Have never given money to the Visitor Center. The city has helped with clearing the parking lot and rebuilding the head frame.

CM Mohrmann moved to approve 5k, Mayor Labbe seconded.

### **P&Z Request for Engineer Planning Firm on Retainer to review Detailed Planning Documents for 2017**

Sarah Mudge – P&Z would like a plan to have a contractor/consulting firm that there are a lot of issues and revisions, new development, planned unit development, annexation Tabor opera House, CDOT & Infrastructure improvements. It would save a lot of time & effort and potential litigation.

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Mayor Labbe asked if the same person they want to hire could also be a code inspector.  
ASM Dallas - does not think so. Explained what this process might look like. Our city attorney does not feel comfortable advises on grades on roads, etc.

Mayor Labbe - How many plans need review?

Sarah Mudge – example of 2020 road resurfacing project. This will happen in 2019 and our utilities need to be done prior.

CM Beck – asked about how retainer would work.

Mayor Labbe – addressed cost and

Scott Marcella – suggested they do what they do. They have agreement to pay all costs with construction agreement including engineer.

Mayor Labbe – suggested RFQ.

Beck moved to create an RFQ to hire an Engineer or Planning Firm to review planning documents for 2017, Mayor Labbe seconded.

Break at 8:55 PM.

### **Adjourn Meeting of City Council Convene Board of Adjustment**

#### **Variance Request for Ryan 310 Hemlock**

Ryan Erbstoesser – Looking for a set back from 6 feet to 4 feet. He owns properties connected by alley – triangle of property unaccounted for behind property, unplotted property. He is looking to build a garage to solve parking issues. He wants to build 36 feet deep garage. He is still following the 10 foot front, but wants 4 foot approved in back.

Mayor Labbe – will you be able to drive behind star ditch and your property?

Ryan – yes, there is an access road.

Council & Ryan looked at map and discussed.

No public comments.

Mayor Labbe moved to close, CM Beck seconded.

CM Beck moved, MPT Duarte seconded.

### **Adjourn Board of Adjustment Convene City Council**

#### **Public Hearing for 2017 City of Leadville Budget Adoption**

Mayor Labbe – will take public comments all at the same time and conduct voting individually.

Mayor Labbe moved to close, CM Beck seconded.

**Resolution 25 – Mill Levy Certification** – Mayor Labbe moved, CM Mohrmann seconded.

#### **Resolution 28 – Budget Adoption & Summary of Expenditures**

CM Chimovitz asked if anything has changed. Added \$1400 in printing costs for community fund and \$5000 for Visitor Center.

Mayor Labbe - confirmed that we are well within the contingency line item of budget so there is no affect.

Mayor Labbe moved, MPT Duarte seconded.

#### **Resolution 29 - Appropriation of 2017 Funds**

Mayor Labbe explained

No public comments for or against.

Mayor Labbe moved, CM Beck seconded.

#### **Resolution 26 – Annexation Petition**

ASM Dallas explained the process of public posting and zoning. Explained that is just approval of timeline for public hearings but not the complete approval which will happen in January.

CM Chimovitz – this makes no commitments to property owners?

Mayor Labbe – confirmed that the property owners petition the city for annexation and the city accepts petition.

ASM Dallas – it's been 6 weeks since the petition for maps and legal descriptions and approval to come to City Council.

Mayor Labbe - The City annexed Brooklyn Heights and College Park.

Mayor Labbe moved, CM Beck seconded.

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CM Shepherd – Annexation of #4 is the Highway?

ASM Dallas & Mayor Labbe – confirmed the right of way not ownership.

**Resolution 27- Personnel Policy adjusted for Police Dept. Holiday Pay**

Chief Glenn explained why there is a need for this policy and the difference between this type of work and other types of work, as well as the increase in pay. His officers were satisfied with the pay increase.

Mayor Labbe moved, CM Chimovitz seconded.

**Report of upcoming meetings**

Confirmation there are no additional meetings in December.

Holiday Party on Friday.

Kerry Donovan will be at PB 5:30-6:30 next Thursday

Men’s Night Out

Business After Hours

January 24 – special meeting for annexation

**Sales Tax Report**

**Bills to be approved.\***

CM Mohrmann moved, CM Beck seconded. All in favor.

**Mayor’s Report.\***

The next two week he will be at La Resistance for Coffee with the Mayor, then at Cookies with Altitude. Going to URA training on Friday.

**Council Reports.**

CM Mohrmann asked for update on Bertolas family. Chief Glenn’s last update was that Kuper was handling treatment well, but steroids were causing fluid retention and he was readmitted but no contact since them. There was some discussion about coming home but hopes to talk with her in next few days.

City Party – Families are invited and awards. Chief Glenn thanked Sarah for decorating City hall and Street Department.

<i>Agenda Item</i>	<i>Roll Call</i>	<i>Agenda Revisions</i>	<i>Minutes Oct 18</i>	<i>Minutes Nov 1</i>	<i>Minutes Nov 15</i>	<i>close hearing 2nd Reading ordinance 08</i>	<i>Close hearing CUP Christina Floyd</i>	<i>Approval of CUP Christina Floyd Law Office</i>	<i>Community Fund</i>
<i>CM Shepherd</i>	<i>YES</i>	<i>YES</i>	<i>ABSTAIN</i>	<i>ABSTAIN</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>NO</i>
<i>CM Mohrman n</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>CM Chimovitz</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</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>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>MPT Duarte</i>	<i>YES</i>	<i>YES</i>	<i>ABSTAIN</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>NO</i>
<i>CM Beck</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>

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	<i>P&amp;Z Request</i>	<i>Close Hearing on Hemlock Variance</i>	<i>Variance 310 Hemlock</i>	<i>Close Hearing on Budget</i>	<i>Resolution 25 - Mill levy</i>	<i>Resolution 28 - Budget Adoption</i>	<i>Resolution 29 - Budget Appropriations</i>	<i>Resolution 26 - Annexation</i>	<i>Resolution 27 - Personnel Policy</i>
<i>CM Shepherd</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>CM Mohrman</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>CM Chimovitz</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</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>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>MPT Duarte</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>CM Beck</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>

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