

CITY OF LEADVILLE
CITY COUNCIL REGULAR MEETING
Monday, March 16, 2015

<p><u>City Council Members Present:</u> Mike Canty Max Duarte Greg Labbe Jaime Stuever Luke Finken Jake Mohrmann <u>Absent:</u> Gwen Shepherd</p>	<p><u>Staff Present:</u> Joseph Swyers, City Clerk Roy McGinnis, Finance Director Sarah Dallas, Planning Official, Administrative Services Manager, and Deputy City Clerk Jim Schneider, Street Dept. Supervisor Mike Leake, Police Chief Dan Dailey, Fire Chief</p>	<p><u>Others present:</u> Julie Lundgren, City Planning & Zoning Cindy DeMarco, City Planning & Zoning Paul Clarkson, County Building Dept and Planning & Zoning.</p>
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City Council met in a regular public session in the Council Chambers of City Hall.

Mayor Stuever called the meeting to order at 6:30 PM with the Pledge of Allegiance. Roll Call was taken.

(6:31 PM) Public comments on items not on the agenda: None.

(6:31 PM) Agenda Revisions: None

(6:33 PM) Approval of March 3, 2015 minutes of the special meeting of City Council.

Councilmember Finken moved to approve the regular meeting minutes of Tuesday, March 3, 2015. Councilmember Stuever seconded. There were no corrections. Roll call: unanimous yes.

(6:32 PM) Street Dept in kind services for dog park.

Mayor Stuever reported on an offer from Webster Sand & Gravel to assist in the hauling of the "highway fines" for the dog park. Street Supervisor Jim Schneider reported that they could haul about 30 tons in a week with all their trucks: a 6 ton, 4 ton, and a 13 ton. Questions from Jim included who will load trucks at the gravel pit and who will spread the material after dumped and he needs to know if the street department needs to do that. Tony DeMarco, representative of the dog park committee, will look into answers for those questions.

(6:45 PM) Mayor Stuever read the Proclamation of April as Historic Leadville Month.

(6:47 PM) Necessity for creating board of review International Code Council codes.

Planning Official Dallas reported on progress for adoption of the building codes and the need for a board of appeals as provided for in the municipal code, and a board of review for reviewing documents before council adoption. Paul Clarkson described the county combined board of appeals and board of review and the difficulty of finding enough knowledgeable professionals to appoint to such a board, otherwise the city council would act as that board. Work sessions in the next month or so will review the code adoption ordinances and the codes. Question whether council does that itself or appoints a board of review. Chief Dailey stated that if council sits as a board of appeals it recruit specific expertise as needed. He added that code adoption may not be this year. Mayor Stuever expressed concern about council making recommendations to itself and that the board should be of building professionals.

(6:57 PM) First Reading for Ordinance 2, Series 2015 vacating portion of Leiter between West 6th & 7th.

Mayor Stuever moved to open the public hearing portion of Ordinance 12, Series 2015. Councilmember Finken seconded. Roll Call: unanimous yes.

Elaine Kent, Centralia, Missouri, described her request and plans for the property, including building on it.

Patrick McNeirney, 324 West 6th adjacent to the requested vacation, referred to his letter and requested the half on his side of the alley for access to his property, and opposed cabling off the bottom which would close his access.

Steve Prestash, 131 East 3rd, favored vacating Leiter south to 6th street because of the erosion and it being better for someone to take care of it. ATVs, dirtbikes, and four wheelers use the hill which cause ruts and erosion.

Mayor Stuever described the erosion as not being that bad for a mountain community and the terrain we live with, and also the and concern about land locking the neighbor.

Street Supervisor Schneider described the need to use that portion of Leiter for storage of snow removed from the alley between West 6th and 7th where a lot of those residents park. Changes to the hill and may have material sloughing down into the culvert at the base of the hill. He does not want a road up that hill.

ASM Dallas referred to the letter from Parkville water and their request for a recorded utility easement of 12 feet. She reported that legally the vacation has to be half and half to adjacent neighboring property owners.

Elaine Kent explained that the request does not encroach on the alley and the upper section of her property is an easement for a neighbor's driveway. She talked with all the utilities and they did not have a problem. She would not put permanent structures in the utility easement, and she said that fences are not considered permanent.

Councilmember Labbe questioned why giving away three city lots rather than selling at fair market value.

Mayor Stuever expressed concerns about establishment precedent for vacating property which may result in others requesting more vacations of city property. He stated that he did not want public access taken away.

Councilmember Mohrmann suggested making the area a park and using Conservation Trust Fund.

Michael Scott, attorney for the applicant, cited a precedent for vacating a portion of Leiter near West 7th in 1991.

Councilmember Finken reported that fencing long-held public road packs county commissioners meetings. He disagreed that this is not needed by city inhabitants and described how it is needed as a social trail for foot travel.

Councilmember Duarte recounted how important that route was for kids on the West Side to go to high school on West 9th Street [now the Mining Museum], and people using it to go to the ball field.

Councilmember Canty expressed concern about the age of the water line and the need for access for repairs.

Mayor Stuever asked for a motion. City Clerk Swyers recounted that failures for lack of a motion leaves people in a quandary about what happened. ASM Dallas explained that the public hearing can be continued to second reading.

Councilmember Labbe moved to adopt on first reading Ordinance 02, Series 2015 an ordinance of the City of Leadville, Colorado vacating a portion of unimproved Leiter Street upon petition of Eleanor Elaine Kent.

Councilmember Canty seconded. Roll Call: unanimous no. There will not be a second reading.

(7:36 PM) Review of Ski Joring event and accountability for events.

Mayor Stuever reported on department head concerns specifically trash, dogs, horse droppings, theft of street closure signs, and other issues to be considered the next time a temporary use permit for Ski Joring is applied for.

Councilmember Labbe reported on unexpected crowds and a lot of business for restaurants and the Healy House.

Chief Leake reported on issues with dogs and dozens of open container violations.

Chief Leake and Street Supervisor Schneider reported that the free for all by the four wheelers at the end of Sunday held up for nearly an hour the street and road crews and police waiting to begin clearing the avenue of snow.

ASM Dallas suggested that all big events be coordinated with Cloud City Conservation and that we should encourage such events which now do separate permit applications, or no permit applications, to unite like Boom Days does.

Lynne Westerfield, Cloud City Conservation, explained their recycling services for events. She suggested that city council make recycling mandatory for events with over 500 people. Mayor Stuever directed staff to look into that.

Kendra Kurihara of Melanzana, 716 Harrison, reported that bags of trash and recyclables were left by people apparently associated with Ski Joring beside the dumpsters of both Melanzana and the Golden Burro.

Steve Prestash contrasted the penalties for people letting their dogs defecate in public areas with horses doing so during Ski Joring and the owners not cleaning up after them. Some of the horse manure is still on sidewalks.

(7:55 PM) Marijuana Zoning Consideration.

Planning Official Dallas explained zoning changes are to be considered first by Planning & Zoning Commission and council should either request consideration of changes or not. Councilmembers agreed to making that request.

Councilmember Labbe reported that high school students had told him that marijuana use has increased a lot since its legalization. Councilmember Finken questioned whether Planning & Zoning would accept the task given their prior work on it. Councilmember Labbe questioned whether council would have to take their recommendation other than the code requirement for zoning changes. Mayor Stuever suggested that they may think differently now.

(7:59 PM) Work session dates for marijuana (3/24), building code (4/14)? other (4/28)?

P&Z Commissioner DeMarco suggested a joint meeting with Council. Council agreed to a joint meeting on, March 24.

(8:05 PM) Fire Department Inter-Governmental Agreement (IGA) revisions.

Mayor Stuever asked council to review the proposed IGA and to be prepared to act on it at the next meeting.

(8:07 PM) Department Reports:

Mayor Stuever moved to accept the police department report. Councilmember Canty seconded. Chief Leake reported on the community meeting with law enforcement regarding safety issues and communications with the community. There were over one hundred in attendance. Councilmember Labbe noted the police turnover in the admin report. Chief Leake has a new hire and another coming out of the academy in May. He wants to wait until summer for ads. Mayor Stuever thanked Chief Leake for covering the streets himself while the police department is shorthanded. All councilmembers indicated being in favor of accepting the police dept report by a raise of hands.

Councilmember Finken moved to accept the animal shelter report. Mayor Stuever seconded and reported on an out building for storage. All councilmembers indicated being in favor of accepting the report by a raise of hands.

Councilmember Finken moved to accept the fire department. Councilmember Canty seconded. Mayor Stuever and reported that the joint fire management and planning board approved solicitation for bids for new fire apparatus. All councilmembers indicated being in favor of accepting the fire dept report by a raise of hands.

Mayor Stuever moved to accept the street department report. Councilmember Canty seconded. Councilmembers suggested that the report have a comparison with the prior year like the animal shelter report has. Mayor Stuever reported welding and other work by street dept in the city hall basement.

All councilmembers indicated being in favor of accepting the street dept report by a raise of hands.

Councilmember Canty moved to accept the administrative report. Mayor Stuever seconded. All councilmembers indicated being in favor of accepting the administrative services report by a raise of hands.

(8:20 PM) Meeting Planner:

The meeting on March 24th will start at 6:00 p.m. April 16 joint meeting of Fire Planning and Management Boards. Quasi-judicial hearing training by CIRSA on April 15 at 3 p.m.

(8:24 PM) Financial Reports:

Councilmember Finken moved to accept the financial reports. Mayor Stuever seconded. Roll call: unanimous yes. Finance Director McGinnis explained the annual report for 2014 and the monthly report for February 2015.

(8:29 PM) Bills: Mayor Stuever moved to pay the bills. Councilmember Labbe seconded. Roll call: unanimous yes.

(8:30 PM) Mayor Report included: thank you from exchange students; Colorado Mountain College advisory meeting; CMC weather station; CMC internships with local government; youth partnership meeting; EDC proposal for adopt-a-corner; signage for State Street; and reading of a letter from Logan Hottle regarding events.

(8:42 PM) Council Reports:

Councilmember Labbe reported on interviews with high school students request for youth activity center. Councilmember Mohrmann and ASM Dallas reported on College Park runoff drainage preparations and that an engineered solution is the only option and private grant opportunities for private property are being looked into.

(8:48 PM) Public Comments not on the agenda:

Steve Prestash, 131 E. 3rd, handed out documents regarding the comprehensive plan, unequal application of the law, and gentrification which forces people out of the community by increasing property values, duty to the people who live here, beautification and urban renewal which may result in condemnation of property.

(8:52 PM) Mayor Stuever adjourned the meeting.