

CITY OF LEADVILLE
CITY COUNCIL REGULAR MEETING
Tuesday, April 07, 2015

<p>City Council Members Present: Jake Mohrmann, Councilmember Greg Labbe, Councilmember Max Duarte, Councilmember Mike Canty, Councilmember Jaime Stuever, Mayor Gwen Shepherd, Councilmember Luke Finken, Councilmember</p>	<p>Staff Present Joe Swyers, City Clerk Sarah Dallas, Planning Official, Deputy City Clerk and Administrative Services Manager (ASM) Mike Leake, Police Chief Dan Dailey, Fire Chief Jim Schneiter, Street Dept. Supervisor.</p>	<p>Others Present: Mike Bordogna, Lake County Commissioner.</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: Mayor Stuever moved to move line item 17, which is Resolution 5, Series 2015 amending marijuana license fees, to the if or when line item 16 will potentially have second reading.

Councilmember Finken seconded. Roll Call: unanimous yes.

(6:33 PM) Temporary Use Permit for USA Cycling Pro Challenge on August 20, 2015.

Trooper Rich Duran of the Colorado State Patrol described the event. Councilmember Finken moved to approve a temporary use permit for the USA Pro Challenge to pass through the City of Leadville on August, 19, 2015 for approximately 20-30 minutes and to utilize the city services requested. Police Chief Leake reported that it will take about 36 volunteers to work intersection closures on Highway 24 within the City. Roll call: unanimous yes.

(6:42 PM) Request by local landscapers regarding providing flowers for Harrison Avenue.

City Clerk Swyers explained a question by Hannah Harbert from Diggin' Living Gardens who worked for Aaron's Irrigation and Landscaping, both of whom have city business licenses, about why is it going to Buena Vista. Councilmember Labbe said she should ask the EDC (Economic Development Corporation). ASM Dallas explained that the group with the EDC may not have been aware of the local businesses. Clerk Swyers explained that the EDC has gotten the city list of business licenses. Water and upkeep will be provided by the Visitor Center and County.

(6:47 PM) Approval of minutes of the regular meeting of March 16, 2015.

Councilmember Finken moved to approve the regular city council meeting minutes of Monday, March 16th, 2015. Councilmember Canty seconded. Roll call: except for Councilmember Shepherd who abstained, unanimous yes.

(6:48 PM) Approval of minutes of the special meeting of March 25, 2015.

Councilmember Finken moved to approve the city council special meeting minutes of Wednesday, March 15th, 2015. Councilmember Labbe seconded. Roll call: except for Councilmembers Mohrmann and Duarte who abstained, unanimous yes.

(6:49 PM) Approval of minutes of the special meeting of March 26, 2015.

Councilmember Labbe moved to approve the minutes of the special meeting of March 26th, 2015. Councilmember Canty seconded. Roll call: except for Councilmembers Stuever and Duarte who abstained, unanimous yes.

(6:50 PM) Fire Department Inter-Governmental Agreement (IGA) revisions.

Mayor Stuever and Councilmember Labbe explained some of the county's revisions. Councilmember Labbe moved to approve the Fire Department Intergovernmental Agreement with Lake County. Councilmember Finken seconded. Roll call: unanimous yes.

(6:52 PM) Third Reading and public hearing for Ordinance 1, Series 2015 regarding mayor's compensation.

Mayor Stuever re-opened the public hearing. Mike Bordogna of the County Commission and Francine Webber of the National Mining Hall of Fame and Museum explained reasons to increase in the compensation. Steve Prestash of 131 East 3rd Street, Kathy Garrison of 316 West 9th, and Betty Benson, City Treasurer, spoke against the increase. Ms. Benson asked council to re-consider the elected City Treasurer compensation. Mayor Stuever explained, that without including the benefits, the total compensation is about \$6000 more than at present. Discussion included the number of hours the mayor works, how to find the money in the budget, and the need for raises for city employees.

(7:40 PM) Councilmember Labbe moved to adopt on third reading Ordinance 1, Series 2015 amending Title 2 regarding the mayor's compensation and that amendment be modified to say that the mayor would no longer be eligible for benefits. Councilmember Finken seconded. City Clerk Swyers asked for clarification of what benefits to delete and suggested that the motion explicitly to define what benefits and what language to delete. Councilmember Labbe withdrew his motion and Councilmember Finken withdrew his second.

Councilmember Labbe moved to adopt on third reading Ordinance 1, Series 2015 amending Title 2 regarding the mayor's compensation but that health, disability, life and 457 plan be deleted from the ordinance. Councilmember Finken seconded. County Commissioner Bordogna questioned the legality of eliminating the 457plan benefit. Councilmember Labbe withdrew his motion and Councilmember Finken withdrew his second.

Councilmember Labbe moved to adopt on third reading Ordinance 1, Series 2015 amending Title 2 regarding the mayor's compensation but that we shall delete "in addition to such compensation, the mayor may elect to

participate in any health insurance plan, disability insurance, or life insurance". Councilmember Finken seconded. Mayor Stuever asked the City Clerk to read back the intent of the motion.

City Clerk Swyers read the following as the intent and restatement of the motion:

Councilmember Labbe moved to adopt on third reading Ordinance 1, Series 2015 an ordinance amending section 2.04.030 of the Leadville Municipal Code concerning compensation of mayor with the deletion of the following: "any health insurance plan, disability insurance, life insurance, or". Councilmember Labbe agreed to that wording.

Roll Call: Councilmembers Mohrmann, Labbe, Duarte, Stuever, and Finken voted yes. Councilmembers Shepherd and Canty voted no. The motion passed by a vote of 5 to 2.

(7:57 PM) Firefighter of the Year Award.

Fire Chief Dailey presented the Firefighter of the Year award to Brandon Drury.

(8:03 PM) Required recycling at events by Lynne Westerfield and Cloud City Conservation Center.

Lynne Westerfield explained the request. Councilmembers and staff discussed requiring recycling, that trash is being put in the present recycling containers, and some ideas about preventing trash going in recycling containers. Mayor Stuever suggested that Lynne and Jim Schneiter work together to solve the issues. This will be rescheduled.

(8:23 PM) Temporary Use Permit for Carl Lee Memorial Marathon on September 1, 2015.

Richard Englebert described the event with him as the only runner, and some support crew. He will not be required to contract for a paid police officer. The on-duty officer will handle it. Mr. Prestash volunteered to help with street crossing. Councilmember Finken moved to approve a temporary use permit for the Carl Lee Memorial Marathon to run the 1st annual memorial marathon and that a police escort will be available for the final leg of the marathon from East 7th Street to the end of Harrison Avenue on Tuesday, September 1st, 2015. Councilmember Labbe seconded. Roll call: unanimous yes.

(8:33 PM) Mayor Stuever adjourned city council and convened the Leadville Local Liquor Licensing Authority.

(8:23 PM) Special Event Liquor Permit for Mining Museum for 6/6 2015 (date change from 5/9).

Francine Webber, representing the National Mining Hall of Fame and Museum, described the event. The Miners' Ball will be moved to December and this event will be "Steampunk Leadville" with a 19th century theme. Councilmember Finken moved to approve the change in date for the special event permit for the Mining Museum from May 9th, 2015 to June 6th, 2015. Councilmember Labbe seconded. Roll call: unanimous yes.

(8:40 PM) Liquor License renewal for The Grill.

Councilmember Finken moved to approval renewal of the Hotel and Restaurant License for the Kootenay Club, Inc. dba The Grill Bar and Cafe to sell Malt, Vinous, and Spiritous Liquors. Councilmember Labbe seconded. Roll call: unanimous yes.

(8:41 PM) Mayor Stuever adjourned the Leadville Local Liquor Licensing Authority and re-convened City Council.

(8:41 PM) Second Reading and public hearing for Ordinance 3, Series 2015.

Mayor Stuever re-opened and continued the public hearing. There were no public comments.

Councilmember Finken moved to adopt on second and final reading Ordinance 03, Series 2015, an ordinance amending Chapter 2.44 Of The City of Leadville Municipal Code Concerning City Employees. Councilmember Labbe seconded. Roll call: unanimous yes.

(8:44 PM) Presentation by Steve Prestash about comprehensive plan.

Mr. Prestash distributed some materials and asked that the comprehensive plan be rejected and be rewritten because the average person was not involved in this comprehensive plan. They don't have the time to be involved since they are working. They are intimidated by the process. He also explained how poverty prevents involvement and cited the median household income of \$39,976 per year. He described the consequences of gentrification and said the plan exhibits class arrogance and promotes development. He explained that meetings were well attended but were not representative because attendees have more time, income or wealth than the average person.

Councilmember Labbe explained representative government and how people who attend meetings have influence.

ASM Dallas explained some of the changes being made to the comprehensive plan before adoption by city council.

(8:58 PM) First Reading of Ordinance 4, Series 2015 revising marijuana license municipal code.

ASM Dallas explained some provisions and changes in the proposed ordinance and questions from the city attorney and explained the "pending ordinance doctrine" which allows us not to accept any applications while ordinances are pending. This ordinance references the Title 17 zoning table of uses and changes to that will be a later separate ordinance. Councilmember Labbe moves to approve an ordinance repealing and re-enacting chapter 5.48 of the Leadville Municipal Code regarding the licensing and regulation of retail marijuana establishments on first reading. Councilmember Finken seconded. Roll call: unanimous yes.

(9:17 PM) Recess

(9:22 PM) Discuss hiring a broker for 201 Chestnut property.

Mayor Stuever suggested drawing by lot from among the real estate agencies who have a city business license. Councilmembers discussed "for sale by owner". Councilmember will do brochures.

(9:35 PM) Disposition of some city property - specifically gravel pit area.

Mayor Stuever explained the interest from L.G. Everist, Inc. Councilmember Mohrmann reported on interest by

someone purchasing it for open space. Leasing it for sand and gravel were discussed. City Clerk Swyers suggested an executive session for real estate negotiations. Also discussed were other properties such as 569 Birch Drive.

(9:42 PM) City Council decision about officially closing the rest of City Hall on Fridays.

Police Chief Leake explained short staffing and difficulties with coverage on Friday are temporary. Mayor Stuever is in on Friday mornings. Finance Director McGinnis is in on Fridays. Security issues were discussed.

(9:47 PM) Street Sweeper.

Mayor Stuever and Jim Schneiter described advantages for purchasing a brush attachment for the front end loaders for summer dirt to save wear on street sweeper and winter snow to prevent hard packed snow surface. Basic unit is about \$15,000 and can be on the street in about a month.

(9:59 PM) Meeting Planner.

Councilmembers and staff discussed upcoming agenda items, issues, and work sessions. Temporary use permit recycling requirements to be discussed at a work session in May 12th. Snow removal plan also on May 12th. Discussion about a meeting on April 14th at 6:00 p.m., possibly to discuss the comprehensive plan.

(10:11 PM) Bills:

Councilmember Finken moved to pay the bills. Councilmember Labbe seconded. Roll call: unanimous yes.

(10:11 PM) Mayor's Report included fire danger alert, high school musical, LCCCA fund raiser, UAACOG meeting, dog park, closing of the senior center, weed mitigation program, and utilities for stronger communities.

(10:15 PM) Council Reports:

Councilmember Labbe requested help in recruiting volunteers for the Visitor Center. He will be presenting to the Community Investment Committee for grants for city and county consolidation feasibility.

Councilmember Mohrmann reported on a complimentary story for police officer Mitchell and his partner.

(10:18 PM) Executive Session.

Mayor Stuever moved to go into executive session under C.R.S. 24-6-402(4)(b) for the purpose of discussing with and receiving legal advice from the city attorney representing the City of Leadville specifically legal questions related to for purposes of receiving legal advice concerning the boiler in city hall and that included in the executive session all councilmembers present [Councilmembers Shepherd, Finken, Mohrmann, Stuever, Duarte, Canty and Labbe stated their names] and also the Director of Administrative Services Sarah Dallas, that the executive session will be held in the conference room upstairs 201 and further moved to reconvene the Council meeting at the conclusion of the executive session for the purpose of taking any actions deemed necessary. Councilmember Finken seconded. Roll call: unanimous yes.

(10:20 PM) Councilmembers moved to the upstairs conference room.

(10:53 PM) Executive Session concluded. Mayor Stuever reconvened the regular meeting of city council.

Those present in the executive session stated their names. He then asked if anyone had concerns about what was discussed. There were no concerns expressed and no motions made regarding the subject of the executive session.

(10:54 PM) Public Comments not on the agenda: None.

(10:54 PM) Mayor Stuever adjourned the meeting.