

CITY OF LEADVILLE
CITY COUNCIL REGULAR MEETING
Tuesday, June 16, 2015

<u>City Council Members</u> <u>Present:</u> Jaime Stuever, Mayor Mike Canty Jake Mohrmann Gwen Shepherd Max Duarte Luke Finken Greg Labbe	<u>Staff Present</u> Joe Swyers, City Clerk Sarah Dallas, Planning Official, and Administrative Services Manager (ASM) Mike Leake, Police Chief Jim Schneider, Street Dept. Supervisor Roy McGinnis, Finance Director	<u>Others Present:</u> Mike Bordogna, Lake County Commissioner
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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.

(6:30 PM) Public comments on items not on the agenda:

Jeff McGinnis reported on the upcoming Barbecue Event on June 26th and June 27th.

(6:36 PM) Agenda Revisions: Mayor Stuever moved to add the art gallery liquor permit in the Liquor Licensing authority section under 11 and move the Tennessee Pass Cafe to 11A. Councilmember Finken seconded.

Roll call: unanimous yes.

(6:37 PM) Commissioner Bordogna presented awards to winners of Community Cleanup Day.

(6:44 PM) Approval of minutes of the special meeting of May 26, 2015.

Councilmember Canty moved to approve the minutes of the special joint meeting of Tuesday, May 26, 2015.

Mayor Stuever seconded. There were two corrections. Roll call: Councilmember Finken abstained.

Councilmembers Canty, Mohrmann, Shepherd, Stuever, Duarte, and Labbe voted yes.

(6:46 PM) Approval of minutes of the regular meeting of June 02, 2015.

Councilmember Finken moved to approve the regular city council meeting minutes of Tuesday, June 2, 2015.

Councilmember Labbe seconded. Roll call: Unanimous yes.

(6:47 PM) Memo about Vincent Van Gogh ballet Saturday, July 11th.

ASM Dallas and Mayor Stuever explained efforts by some members of the Historic Preservation Commission to have the Tabor Opera House designated as a National Treasure by the National Trust and that the effort needs evidence of support by the community and city. The upcoming season's events were described.

(6:51 PM) Complete Streets homework request from Planning & Zoning Chair.

Planning Official Dallas explained the request by P&Z Chair Sarah Mudge to schedule individual meetings with councilmembers prior to the city work session with planning & zoning on June 30th.

(6:52 PM) Temporary Use Permit for Independence Day Parade on July 4th.

Cara Russell, representing the Chamber of Commerce, described the event. Councilmember Labbe moved to approve the temporary use permit for the Leadville Chamber of Commerce annual 4th of July Parade, on Saturday July 4th, 2015 and it be a dog free event. Councilmember Canty seconded. Councilmember Finken asked that the Avenue remain closed until 11 am so that people can meander on the Avenue. Roll Call: unanimous yes.

(6:57 PM) Temporary Use Permit for Lemonade Stand in Front of County Courthouse.

ASM Dallas explained the absence of applicant and the option to postpone to July 7 due to lack of representation.

Mayor Stuever suggested acting on this. Councilmember Labbe moved to approve the temporary use permit for Jace Peters & Eli Missey to have a Two Mile High Lemonade stand in front of the Court House lawn, during the summer months, in accordance with the noted dates of operation. Councilmember Mohrmann seconded.

Roll call: Unanimous yes.

(7:03 PM) Mayor Stuever adjourned city council and convened the liquor licensing authority.

(7:03 PM) Art Gallery Permit application for Tabor Opera House.

Sharon Bland explained the request to serve during the season's events as they did last year. Councilmember Canty moved to approve the Art Gallery Liquor Permit for the Tabor Opera House, LLC at 308 Harrison Avenue. Councilmember Labbe seconded. Roll Call: unanimous yes. Councilmember Finken moved to amend the motion to waive the local renewal fee of \$50. Councilmember Labbe seconded. Roll call on the amendment: Unanimous yes. Roll call on the approval of the permit: Unanimous yes.

Councilmembers discussed having late agenda additions approved by the Mayor or Mayor Pro Tem because information about them are not included in the Friday packets—this to be a work session agenda item.

(7:08 PM) Liquor License renewal for Tennessee Pass Cafe.

Councilmember Finken moved to approve the renewal of the Hotel & Restaurant Liquor License for the Tennessee Pass Cafe to sell Malt, Vinous, and Spiritous Liquors. Mayor Stuever seconded. Council discussed the waiver of the requirement for submitting a renewal application 45 days before expiration and a late fee therefor.

Councilmember Finken withdrew his motion and Mayor Stuever withdrew his second. City Clerk Swyers reported that there is a \$100 fee for a late application. When reminded by Clerk Swyers about renewal, the applicant had not located the preprinted renewal application from the state. A blank renewal form was completed and

submitted. The applicant did this last year. Application after license expiration really constitutes a late application. Councilmember Finken moved to approve the renewal of the Hotel & Restaurant Liquor License for the Tennessee Pass Cafe to sell Malt, Vinous, and Spiritous Liquors. Mayor Stuever seconded. Roll call: Unanimous yes.

(7:11 PM) Special Event Liquor Permit for Leadville Lions Club for Boom Days: August 7, 8 and 9.

John Cirullo explained the beer garden they've had for many years. Mayor Stuever explained his involvement with the Lions Club. There were no objections. Councilmember Canty moved to approve the special event liquor permit for the Leadville Lions Club for their 2015 Boom Days Beer Garden Tent in the Pueblo Bank and Trust parking lot, 600 Harrison, Saturday, August 8 from 6 am to 6 pm and Sunday, August 9 from 8 am to 6 pm. Councilmember Labbe seconded. Recycling is provided by Boom Days. Roll call: Unanimous yes.

(7:18 PM) Public hearing for 3.2% Beer License for ShopKo Store #572 at 401 South Hwy 24.

Mayor Stuever opened the public hearing. Lana Marsh was present to represent Shopko. There were no public comments for or against. Councilmember Labbe moved that City Council approve the new liquor license for Shopko Stores Operating Company, LLC, dba Shopko Hometown #572 for a new Colorado Fermented Malt Beverage (3.2% Beer) License at 401 South US Highway 24, Leadville, Colorado. Mayor Stuever seconded. Roll call: Unanimous yes.

(7:22 PM) Mayor Stuever adjourned the liquor licensing authority and convened the marijuana licensing authority.

(7:23 PM) Renewal of Marijuana Retail Store License for Earl's at 115 Harrison Avenue.

Joel Payne, of Earl's, was present. Chief Leake said he had no concerns. Councilmember Finken to approve the renewal of the Retail Recreational Marijuana Store License for JEM Dutch Acres, dba Earl's at 115 Harrison Avenue according to the findings of fact detailed in the approval renewal form. Councilmember Labbe seconded. Roll call: Unanimous yes.

(7:26 PM) Mayor Stuever adjourned the marijuana licensing authority and re-convened City Council.

(7:26 PM) First Reading of Ordinance 7, Series 2015, amending sign code.

Staff explained the ordinance and discussion included the following points regarding the proposed ordinance:

- Existing banners will not be grandfathered in.
- The flags on a pole, known as wind feather flags or tear drop banners, will not be permitted.
- Historic Preservation Commission is working with property owners to have murals on panels attached to a wall. Ghost murals are allowed to be restored. Fine art is a use by right which is problematic as a mural.
- The limit of four banners per year is to prevent banners from being used as permanent year-round signage.
- This is a compromise compared to prohibiting banners.
- We need to consider to what degree banners degrade the appearance of Leadville.
- Staff and P&Z Chair to deliver information to businesses to inform them and get them to come to the hearing.
- This ordinance is primarily regarding banners because of issues concerning them are pressing.
- Other changes to the sign code for other types of signs will come in a future ordinance.
- This does not regulate banners in parades.
- Council should consider, before second reading, if the time period for displaying banners is adequate.
- Ten days includes the weekend before the event.
- We need clear provisions for enforcement.
- The city cannot regulate the content of banners due to first amendment rights.
- Change wording in 17.80.100 Definitions regarding murals to read "on panels, or any other medium,"
- Change wording in all zoning districts to read: "Total area 20 square feet or less".
- Change wording in B (9)(a) to read: "four (4) grommet holes, one at each corner," in each paragraph a.

Councilmember Labbe moved that City Council adopt on First Reading of Ordinance 7, Series 2015, an ordinance amending Chapter 17.80 of the City of Leadville Municipal code concerning changes to the Leadville sign code and such changes as directed to staff be made. Councilmember Canty seconded. Roll call: Unanimous yes.

(8:02 PM) Discussion about adoption of building and energy codes.

Councilmember Shepherd made the following points:

- Requiring only electrical and plumbing inspections.
- Eliminating building codes is not allowing people to do whatever they want because the state has codes.
- Do away with building codes because imposition of the codes has hindered businesses from growing and made a business become smaller.
- Over-enforcement of fire codes and burden on businesses and property owners.
- Contractors care enough to do good work, and they can do shoddy work even with inspections as evidenced by inspections in past years.
- What of all the existing buildings which were built without the codes. Should they be inspected or torn down.

Councilmember Labbe made the following points:

- May not agree with doing away with codes, but Councilmember Shepherd had some excellent points
- How we as a nation have over several hundred years gotten to where we are without codes.
- Codes become ever more restrictive and onerous with each new iteration.
- Contractors' recommendations to have nothing to do with the 2012 code
- Contractors have admitted they do the work but don't pull permits,

- Contractors have not been involved.
- We need to hear not just from code enforcement people but from the contractors.
- Not have such onerous codes which hurt businesses and building owners.
- He referred to a map of counties which have not adopted building codes and people there have insurance.
- We have to carefully craft how codes are applied in this city.
- Contractors will meet snow loads and other requirements because they are liable.
- Building owners don't improve buildings because of cost of meeting codes and thus business owners suffer.
- Ten years from now how prosperous will the town be if building owners do not do improvements.

Mayor Stuever made the following points:

- Not fully for dropping the codes.
- Opportunity to work with codes that work for our community.
- Would not want a house built next door which is not under the eyes of the code.
- Public safety aspect and opening up a can of worms.
- We have lost a lot of buildings over the last hundred years.
- Insurance underwriters and how to get insurance in a community without codes.
- General contractors are licensed and bonded. Without codes they don't have to be licensed and bonded.
- Unlicensed contractors can take work away from licensed contractors.
- In rural areas, where houses are not side by side, only electrical and plumbing codes may be adequate.
- We need to work on a code that works for a historical city and makes exemptions for old historical buildings.

Building Official Dallas made the following points:

- Present code inspector, Gary Pringey with Colorado Code, has no political agenda and is not playing favorites.
- Gary Pringey is willing to work with individuals to meet the codes.
- Councilmembers can work with Gary Pringey to make amendments.
- Language can make exemptions for historic properties.

City Clerk Swyers made the following points:

- The counties on the list which have not adopted building codes reported that they did not do so because:
 - 1) they don't have resources to enforce codes, and 2) the codes won't work with their old historical buildings,
- Delta County requires only the electrical and plumbing codes. Snow loads can be required.
- Building codes, other than electrical and plumbing, are not required by the state.
- Council can go through the codes and change anything, add or take away anything – from just plumbing and electrical to adopting all of the International Code Council Codes—more than what the City has adopted.
- Some areas on the east side do not have houses side by side.
- Instance of a building owner not replacing a roof because of risk of getting into structural which triggers meeting snow load, which requires walls to support the roof and the foundation to support the walls – the result being that he did not replace the roof.
- The Sixth Street Gym faced demolition because upgrading the roof required upgrading the walls which required upgrading the foundation.

Work session to include contractors, property owners, Fire Marshal Steve Boyle , and Gary Pringey.

(8:22 PM) Upcoming Meetings.

Councilmember Shepherd wants a discussion about work sessions every other week and work sessions becoming more like meetings. Clerk Swyers reported that other municipalities call them study sessions to learn about, for instance, municipal code, statutes, budgets, etc. Mayor Stuever commented that work sessions may be valuable depending on how many councilmembers attend. Some discussions would be difficult during council meetings.

Clerk Swyers explained that he is limiting the list of meetings to city and county meetings and that some other meetings change times and locations too much to include.

Some ballot issues were done by ordinances and some by resolutions. If by ordinance then first reading on July 21, second reading August 18. Certification of ballot content must be done to the county clerk by September 4th. Major reason to start early is time to sell what is proposed on the ballot.

ASM Dallas stressed that we need a work session for Paid Time Off (PTO), and to consider personnel policy amendments for long term employees hit hard by earlier personnel policy changes.

Take off the work session on June 23. Work sessions on June 30 (complete streets) and July 14 (personnel issues).

(8:34 PM) Department reports.

Mayor Stuever moved to accept the police department report. Councilmember Canty seconded. Chief Leake reported that he has four new patrol officers and a new admin person. He is working two jobs and will be back to a five day schedule to get chief work done by the end of the month. Neighborhood Watch has been re-assigned to Officers Campbell and Reynolds.

All councilmembers indicated being in favor of accepting the police department report by a raise of hands.

Councilmember Finken moved to accept the animal shelter report. Councilmember Canty seconded.

Councilmember Shepherd noted that there was nobody from the animal shelter to talk to.

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

Councilmember Finken moved to accept the fire department report. Mayor Stuever seconded. The fire boards selected future fire apparatus and discussion included whether the City would be responsible for payment for the fire apparatus if the IGA is terminated.

All councilmembers indicated being in favor of accepting the fire department report by a raise of hands.

Mayor Stuever moved to accept the street department report. Councilmember Canty seconded. Street Supervisor Schneiter reported on how much faster and better the broom did compared to the vacuum street sweeper. On streets with curbs, dirt was swept to the middle of the street and picked up by vacuum sweeper. Reported on repairs to alleys. Will need a roller for compaction of asphalt repairs. Personnel is pretty good with a seasonal employee. Need to know how much time off they can carry over. This to be discussed at work session meeting. Agreement worked out with Parkville to use the big traffic barricades.

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

Councilmember Finken moved to accept the May administrative report. Councilmember Labbe seconded.

ASM Dallas reported litigation by Steve Prestash and offered to Councilmembers to come look at the records.

All councilmembers indicated being in favor of accepting the administrative services report by a raise of hands.

(8:59 PM) Financial Report

Finance Director McGinnis explained some of the financials. Sales tax revenues are over previous years. Legal fees to be discussed during the budget meetings which begin in September. Councilmember Finken moved to accept the financial report for May. Councilmember Labbe seconded. Roll call: Unanimous yes.

(9:03 PM) Bills:

Councilmember Labbe moved to pay the bills. Councilmember Canty seconded. Mayor Stuever reported city paying a membership for the National Mining Museum because of the expense for insurance for the moon rock. Roll call: unanimous yes.

(9:06 PM) Mayor's Report:

Will be doing quarterly internal control bank reconciliation. Councilmember Canty will do the internal control bank reconciliation for May and June.

Meeting on Hospital Plan meeting at KW Room at CMC on June 22nd. Meeting with Asphalt Association member Tom Peterson for survey of streets, UAACOG meeting on June 25th. Barbecue opening ceremony on June 26th.

(9:09 PM) Council Reports:

Councilmember Labbe reported on flowers in downtown Leadville. Report on CML meeting on meetings and public official liability and public notice for officials meeting without the intent to have a meeting. Herald Democrat Reporter Greg Ellison commented that the notice depended on the relevancy of the topics discussed.

Councilmember Canty reported on County Courthouse planters.

Councilmember Shepherd reported that she may have some used file cabinets available to give to the City. Also success in being able to use the city email due to help from Clerk Swyers.

ASM Dallas reported on need for volunteers for Colorado Pro Challenge being hosted on orders by the Governor.

(9:17 PM) Public Comments not on the agenda: None.

(9:17 PM) Mayor Stuever adjourned the meeting.