

CITY OF LEADVILLE  
CITY COUNCIL REGULAR MEETING  
Tuesday, July 7, 2015

<u>City Council Members</u> <u>Present:</u> Mike Canty Jake Mohrmann Gwen Shepherd Jaime Stuever, Mayor Luke Finken Greg Labbe <u>Absent:</u> Max Duarte	<u>Staff Present</u> Joe Swyers, City Clerk Sarah Dallas, Planning Official, and Administrative Services Manager (ASM) Roy McGinnis, Finance Director Mike Leake, Police Chief Dan Dailey, Fire Chief Jim Schneider, Street Dept. Supervisor.	<u>Others Present:</u> Sarah Mudge, Planning & Zoning Chair Brad Palmer, County Road & Bridge
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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:

Sarah Mudge, Planning & Zoning Chair, reported on discussions with the County regarding streets and Safe Routes.

(6:36 PM) Melissa Ponce de Leon explained the Mineral Belt 100 mile longboard (skateboard) event on August 29th.

(6:39 PM) Agenda Revisions: None.

(6:39 PM) Approval of minutes of the regular meeting of June 16, 2015

Councilmember Finken moved to approve the city council regular meeting minutes of Tuesday, June 16, 2015.

Mayor Stuever seconded. Roll call: unanimous yes.

(6:40 PM) Temporary Use Permit change of date for Carl Lee Memorial run.

Councilmember Finken moved to approve the temporary use permit date change 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, 10/ 6/15. Councilmember Labbe seconded. Roll call: unanimous yes.

(6:42 PM) People's Bank Mural change of location.

ASM Dallas explained the request. Councilmembers Shepherd and Labbe expressed concerns about a mural on the front of a building rather than on the side but had no objections to it being about the 10th Mountain Division. Councilmember Finken moved to approve he 10th Mountain Division mural to be installed at People's Bank at 400 Harrison Avenue on the west face or front of the building. Mayor Stuever seconded. Roll call: Councilmembers Labbe and Shepherd voted no. Mayor Stuever and councilmembers Canty, Mohrmann and Finken voted yes.

(6:46 PM) Resolution 09 Series 2015, regarding authorized signatures for city bank accounts.

Mayor Stuever explained the resolution. Councilmember Finken moved to adopt Resolution 09 Series 2015, a resolution of the City of Leadville, Colorado designating authorized signatories on the city's bank accounts and for the safe deposit box. Mayor Stuever seconded. Roll call: unanimous yes.

(6:47 PM) Second Reading and PUBLIC HEARING for Ordinance 7, Series 2015, amending sign code.

Mayor Stuever explained the public hearing procedure and opened the public hearing. There were no public comments in favor.

- Lisa Zwerdinger, owner of Rocky Mountain Family Practice, objected to the time limit and explained her need to have a banner up for several months each year for the flu program.
- Joe and Melissa Ponce de Leon, co-owners of Dr. Ryde Industries, 121 East 9th Street, explained the impact on their business of not having several banners for several months each summer; their need for signs so that people will know where they are and their need for several banners for each of their product brands. and that they are prohibited from having an adequate sign because of their location in the TR zone.
- Planning Official Dallas explained that Dr. Ryde is in the TR (Transitional Retail/Residential) zoning district even though they are on US24 and that across the street it is zoned Commercial.
- Councilmember Shepherd asked if there was a way to do a variance. Planning Official Dallas explained that a variance could be applied for, changing the zoning could be considered, that enforcement issues should be considered, and that the sign language in each zone could be changed.
- Councilmember Labbe explained that banners degrade the historical look of the town and also suggested drafting exceptions for civic organizations or civic events or public health. He suggested that language should provide for discretion by city council for health and safety banners while leaving some controls in place. He explained that he wants something that does not require a variance process.
- Mayor Stuever suggested language to allow civic banners such as banners across a highway.

- Planning Official Dallas explained the city attorney's recommendation to use the phrase "community event" rather than "civic/community event".
- Council and staff discussed a process for banners similar to that for murals where an application comes to council. Present mural language in the code reads "All murals must be approved by city council in accordance with the intents and purposes of the sign code."
- ASM Dallas read into the record the two emails from David Wright, owner of Golden Burro Cafe and Lounge in opposition to the ordinance.
- Mayor Stuever explained the need for a tracking mechanism.
- Councilmember Finken expressed concern about the ordinance not allowing enough time for banner display.
- Councilmembers Labbe and Shepherd expressed that the limit of four banners per year is a compromise rather than having no banners.
- City Clerk and Planning Commissioner Swyers asked City Council to decide what they want regarding number of banner and time limits.
- Councilmember Labbe suggested that Melissa and Joe Ponce de Leon propose a sign and apply for a variance and further stated that that side of the block should be in the commercial zone.
- Councilmember Labbe moved to adopt on second reading and postpone final adoption to third reading. Ordinance 07, Series of 2015. an ordinance amending Chapter 17.80 of the City of Leadville municipal code concerning changes to the Leadville sign code. Mayor Stuever seconded.
- Councilmember Canty moved an amend the motion to state that it be brought back up at the August 4th council meeting. Mayor Stuever seconded. Roll call on the amendment: Councilmember Finken voted no. Mayor Stuever and councilmembers Canty, Mohrmann, Shepherd and Labbe voted yes.
- Roll call on the main motion: Councilmember Finken voted no. Mayor Stuever and councilmembers Canty, Mohrmann, Shepherd and Labbe voted yes. The public hearing was not closed.

(7:32 PM) Personnel, budget, legal or expense issues during next six months.

- Clerk Swyers stated that what he had to contribute was in his staff input sheet to council.
- Councilmember Shepherd asked council to look at the next six months to see if we want to continue the way we are going such as the expenses for legal fees.
- ASM Dallas explained some of the legal fees and the need to be defensible and not open ourselves up for more litigation which would cost a lot more.
- Councilmember Shepherd further mentioned the cost involved with Leiter Field and Elm Street Park which were far more than the lease for \$10.
- Regarding the Quincy Bldg, ASM Dallas explained that the previous insurance company is still covering that case but that they had also dropped us for further coverage.
- Councilmember Shepherd opined that the City overdoes consulting with attorneys and asked Council to think about the expenses. and questioned how often the lawyers are contacted.
- ASM Dallas explained that she consults with the Mayor and City Clerk before going to the city attorney. Mayor Stuever confirmed discussions among staff but that sometimes questions have to be asked of the city attorney.
- Clerk Swyers explained that he regards some inquiries from some people warrant getting the city attorney involved in order to be defensible.
- Councilmember Shepherd expressed surprises at the cost of some requests to the city attorney.
- Councilmember Shepherd and Mayor Stuever explained that the records are open to the public.
- Councilmember Shepherd asked Council to think about what to do in order to give pay raises and asked Chief Leake about how useful pay raises would be for keeping officers. Chief Leake confirmed that pay raises are important and the recent turnover resulting in officers coming on, getting training, and leaving.
- Chief Leake will get with the City Clerk to again get comparative salary information from other small towns to forward to City Council. He said that salaries must be examined because of where we live.
- ASM Dallas and Councilmember Labbe explained discussions about paid time off (PTO) and its importance to giving raises. Some of that was discussed in work sessions.
- Councilmember Shepherd asked about how full crews would affect overtime. Supervisor Schneider explained how every one of his crew learns to do everything: running each piece of equipment, doing welding and other tasks and that more competitive wages can help prevent employees leaving.
- Councilmember Labbe suggested re-prioritizing around people, keeping them here, rather than functionality and cutting in order to give raises.
- Councilmember Labbe agreed with Councilmember Shepherd's suggestions to determine priorities before we start budget discussions in September, so that departments know how much they may have to work with. Allow department managers discretion on how their budgets are formulated.
- Councilmember Shepherd asked that departments inform council of the larger expenses, what equipment they need, though they may not get everything.

- Councilmember Shepherd asked that discussions between department heads, mayor and staff about salaries and raises needs to be shared with City Council. Mayor Stuever questioned whether council does not know.
- Council discussed having department head meetings public because of what is shared among departments. Department head meetings are the first Monday of the month at 10 am. Further discussion resulted in a consensus to not post them as public meetings because sometimes personnel issues are discussed.
- Chief Dailey described the fire department management and planning board meetings. Clerk Swyers asked that he be included in emails as to when and where those meetings are held.
- Councilmember Shepherd asked about personnel management. Mayor Stuever stated that he is the day to day supervisor of department heads except that elected officials are determined by statute.
- Councilmember Labbe reported that a business owner had reported to him that businesses are concerned that if they come before city council they will have retribution.
- Mr. Swyers cited his experience owning a Harrison Avenue business, what he has seen happen to businesses and the advice he received from Tony Hren, past owner of Sayer McKee, for businesses to not get involved in political issues. He clarified that they feared retribution not from city council but from customers who disagree with a business owner's position on an issue; that each issue position ticks off a segment of the population and after that happens several times it adds up to a sizeable portion of lost business.
- Mr. Swyers explained that when he was on council he would be buttonholed by businesses concerning issues but they would not come to council with the result that he was told by Mayor Gaede that he was the only one with the problem
- Police Chief Leake agreed and cited his discussions with business owners who talk to him but who say they will not bring their concerns to council.
- Councilmember Labbe advised making it clear to those wanting to express an opinion that council will not hold it against them but he understood that opinions may cost the goodwill of some customers.
- ASM Dallas cited similar retribution on businesses due to political issues at the national level and that some of it is unavoidable.

(8:22 PM) Report on Barbecue event.

Cara Russell, Executive Director of the Chamber of Commerce, and Keith Bouma gave reports on the barbecue event

- Had 5,500 to 7,000 attendees.
- Both Kansas City Barbecue Society and Rocky Mountain Barbecue Association considered it a success.
- Event for locals who don't have to be athletic to attend.
- Ran out of food on Friday before locals got off work.
- Same complaints from businesses every time Harrison is shut down.
- Next year will do a better job to prevent vendors selling items similar to what local businesses sell.
- Need to help merchants figure out ways to draw attention to their businesses.
- Success in stopping people with drinks from leaving the event area.
- Problems with people bringing their dogs into the event. Asked Council to codify it into an ordinance.
- Some different understanding on how the Leadville tickets would work within local brick & mortar businesses.
- Next year will set up a designated charity.
- First year event – businesses did not know what to expect.
- Next year will coordinate with Cloud City Conservation.
- Detour at East 4th would cause problems with people walking back and forth to Scarlet Bar and Silver Dollar.
- Top ticket taker was the Manhattan Bar.

Councilmembers and staff added the following comments or points:

- Some merchants who staffed up early had to send people home. Restaurants did well in the evening. (Labbe)
- Five restaurants lost a lot of money over lunch, no customers. Sent employees home to come back later. (Canty)
- Some merchants did worse this year than same weekend last year. (Labbe)
- Event brought people to event who may be back. Give merchants ability to market to the event. (Labbe)

Chief Leake made the following points.

- Generally it went very well. It was a good, safe event.
- Need to prohibit skateboards.
- Dogs. Even with volunteers stopping people, they brought in their dogs – mostly from north side.
- People acted like they did not see the signs prohibiting dogs.
- Don't want dogs around food. Don't want dogs in parades or events where babies are in strollers.
- Need ability to write tickets for dogs.
- People tried to take their beers into the bars. Event vendors continued serving into the evening.
- Need to stop beer serving at the event earlier, such as by 7:30, before people go to the bars.
- With the exception of the bars overserving, we did not have alcohol related events on the street.
- Vendors were sitting around drinking their own beer from coolers. If not buying at the event, it should be prohibited. Clerk Swyers added that people are not allowed to bring drinks into a licensed or permitted area.
- Problems with Pine Street detour with cars parking along it.

Street Supervisor Schneider

- Stopped for trucks in a row heading north. They ignored or didn't see the signs.
- Highway 24 is CDOT's highway and we have to do what they request.
- Lost \$800 in signs at this event in addition to those damaged.
- At least better than the \$1200 in signs lost in Ski Joring.
- Events should put down money to cover the cost of lost signs, rather than cost coming out of street budget.
- Did not have enough stands for signs for detour signs for three detours.

ASM Dallas made the following points.

- We will have to meet CDOT regulations.
- For now CDOT says detour at East 4th street is the only option because of issues with East 3rd Street.
- Must have infrastructure changed on East 3rd Street before it can be used again for a detour because of the federal regulations for turning of trailers.
- Entertainment District could be a solution to some of the alcohol issues.

Clerk Swyers made the following points.

- Detour on 3rd Street is fixable, but we need a survey to establish property lines and cooperation from Xcel to move the utility poles

Councilmember Labbe added that East 3rd Street is a nightmare with vehicles parked on both sides. ASM Dallas and Councilmember Labbe pointed out that it is an unattractive street. Keith Bouma, who lives on East 3rd Street, added that half the time it is one way with vehicles on both sides. Street Supervisor Schneider added how it is worse in the winter.

Chief Dailey made the following points.

- Made last minute change for proximity to trees.
- The street barriers were satisfactory for access and egress.

Councilmember Finken made the following points.

- Need kids events.
- Have vendors in the middle of Harrison so that the sidewalks are open.
- Stage added a lot to the even. Have music all day.
- Music was initially audible in West Park.

(9:01 PM) Quick Update about the CML conference and highlights to share,

ASM Dallas reported on some of the points from the event and recommended future attendance by city officials: suggested engage businesses into the city budget process, city business board or a small survey of businesses regarding their economic outlook for the next year. Mayor Stuever stressed the importance of meeting other officials at the CML conference. Councilmember Labbe stressed hearing what other communities face.

(9:05 PM) Upcoming Meetings.

Mayor and Councilmembers discussed whether to have the monthly department head meetings with the Mayor and one or more councilmembers posted as public meetings. Consensus was to not post them as public meetings and to limit councilmember attendance to two so as not to require the meetings being public.

(9:10 PM) Fire Dept Benefit

Chief Dailey reported on the Leadville Firefighter Association and Crossfit 10-2 will hold a benefit for Marc Lizardo at 601 South Hwy 24 on Friday and education event with Summit County's public safety trailer.

(9:15 PM) Bills:

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

(9:16 PM) Mayor's Report: Hospital meeting, we will see a mil levy request for the hospital; met with Tom Peterson of Colorado Asphalt Association regarding assessment for paving; Barbecue event had a lot of people from out of state, Each year need 50 volunteers to put on the fireworks display and don't have to be Lions member; meeting with DOLA and Lake County EDC; Friday grand opening of Shopko, next week with CDOT

(9:21 PM) Council Reports: None.

(9:21 PM) Public Comments not on the agenda:

Brad Palmer, 113 West 9th and County Road & Bridge, questioned the city's purchase of the broom for the street department when the city has a street sweeper, commented on dust from the broom, and asked why the City is not patching streets.

(9:23 PM) Mayor Stuever adjourned the meeting.