

CITY OF LEADVILLE
CITY COUNCIL REGULAR MEETING
Tuesday, July 21, 2015

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| <u>City Council Members</u> <u>Present:</u> Jaime Stuever, Mayor Jake Mohrmann Luke Finken Greg Labbe Max Duarte Gwen Shepherd <u>Absent:</u> Mike Canty | <u>Staff Present</u> Joe Swyers, City Clerk and P&Z Commissioner Sarah Dallas, Planning Official, and Administrative Services Manager (ASM) Jim Schneider, Street Dept. Supervisor Mike Leake, Police Chief Dan Dailey, Fire Chief Roy McGinnis, Finance Director | <u>Others Present:</u> Jacqlyn Ducharme, Planning & Zoning Commissioner candidate. |
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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: None.
- (6:31 PM) Agenda Revisions: Mayor Stuever moved to removed line item 8 and line item 9. Councilmember Finken seconded. Item 8 will be on the next meeting agenda. Item 9 is postponed until Cameron Millard meets with the street department and requests it to be on an agenda. Roll call: unanimous yes.
- (6:32 PM) Approval of minutes of the regular meeting of July 7, 2015. Councilmember Finken moved to approve the city council regular meeting minutes of Tuesday, July 7, 2015. Councilmember Labbe seconded. Roll call: except for Councilmember Duarte who abstained, unanimous yes.
- (6:33 PM) Temporary use permit for bike event using W. 3rd St. parking lot Tue 8/11 & Wed 8/12. Brian Feddema explained the request. Discussion included the chairs partially blocking the parking lot entrance. Street Supervisor Schneider will contact Parkville Water for use of their street barriers. Councilmember Labbe moved to recommend that city council approve the temporary use permit for the bike event using the West 3rd Street parking lot on Tuesday, August 11th and Wednesday, August 12th, 2015. Councilmember Finken seconded. Councilmember reported on seeing one to two rows of vehicles parked in the middle of the parking lot, sometimes including the fire apparatus. Roll call: except for Councilmember Shepherd who abstained, unanimous yes.
- (6:42 PM) Temporary use permit for GECKO marathon using W. 6th St. on Sunday, Sept 6th. Morgan Murri explained the request. Councilmember Shepherd expressed concerns about using 6th Street. Mr. Murri explained that they were using 6th Street because it has historically been used for races. Discussion included opening some or all of 6th Street to traffic from after the start until the finish. Councilmember Finken moved to approve the temporary use permit for GECKO Rocky Mountain Highest Leadville Marathon & Half Marathon event on Sunday, September 6, 2015; that the City of Leadville arrange for 100 block West 6th street road closure. Mayor Stuever seconded. Chief Leake stated that the one westbound lane could be opened. Councilmember Shepherd asked if they would consider moving the start to 5th Street next year as a condition for her voting yes. Clerk Swyers explained that West 6th Street, unlike the other west side residential streets, is a minor arterial where people turn at the light to access Turquoise Lake, campgrounds, and schools., Mr. Murri agreed to consider moving to 5th street next year. Roll call: Unanimous yes.
- (6:53 PM) Appointment(s) to Planning and Zoning Commission. Jacqlyn Ducharme explained her origin in Colorado Springs, visits to Leadville, moving here from Denver three months ago and her background in environment sciences and GIS mapping. She conveyed her impression of Leadville staying true to its roots, it history, while also moving forward. She described her experience as secretary for a Home Owners Association. Mayor Stuever moved to appoint Jacqlyn Ducharme to the Leadville Planning & Zoning Commission as a full time seat. Councilmember Labbe seconded. Roll call: unanimous yes.
- (6:59 PM) Colorado Plein Air ArtFest, Aug 1, 2015 Kickoff "Paint-Out" on West 3rd St sidewalk. ASM Dallas explained the event. Councilmember Finken moved to approve use by Plein Air Artists, to set up on the 3rd street sidewalk on August 1st & 2nd and on the sidewalk on West 10th street across from the National Mining Hall of Fame also on August 1st & 2nd. Councilmember Labbe seconded. Discussion included where they would be setting up across from the Tabor Opera House. Councilmember Finken withdrew his motion. Councilmember Labbe withdrew his second. Councilmember Finken moved to approve use by Plein Air Artists, to set up on the north side of the 3rd street parking lot on the sidewalk on August 1st & 2nd and on the sidewalk on West 10th street across from the National Mining Hall of Fame on August 1st & 2nd. Councilmember Labbe seconded. Councilmember Duarte questioned the need for a permit for artists to set up. Roll call: Unanimous yes.
- (7:08 PM) Mayor Stuever adjourned city council and convened the liquor licensing authority.
- (7:08 PM) Renewal of liquor license for Manuelita's Restaurant. Councilmember Finken moved to approve the renewal of the Hotel & Restaurant Liquor License for Manuelita's Restaurant to sell Malt, Vinous, and Spiritous Liquors. Councilmember Labbe seconded. Roll call: unanimous yes.
- (7:09 PM) PUBLIC HEARING for new liquor license for Mt Massive Liquors. LLC, dba Mt. Massive Liquors for a new Colorado Retail Liquor Store License at 1017 Poplar Street.

Mayor Stuever explained the hearing procedure and opened the public hearing for public comments. Phil Matsen explained his proposed business and introduced Katie Langdon, his co-owner and manager. Parking for 9 spaces will be on the side of the building. He will work with CDOT to repair the front sidewalk and drainage. Main entrance will be on the side. The front entrance will be onto a patio which will be used for tastings and thus included as part of the licensed premises. One office upstairs is included in the licensed premises for storage. Clerk Swyers read the first four criteria in C.R.S. 12-47-312 (2)(a) and asked for comments from Councilmembers or Chief of Police. There were no comments in opposition, and some in support of the liquor store. Chief Leake said he had no issues. Clerk Swyers explained that the notice was posted on the premises on Wednesday, July 8th and was published in the Herald Democrat on July 9th, satisfying the 10 day notice requirement. Mr. Matsen described the video monitoring system. There were no comments from the public in favor or in opposition. Councilmember Labbe moved to approve a new liquor license for Mt Massive Liquors. LLC, dba Mt. Massive Liquors for a new Colorado Retail Liquor Store License at 1017 Poplar Street, Leadville, Colorado. Councilmember Finken seconded. Councilmember Labbe reported for the record that he has heard a lot of compliments about the building design. They hope to be open before Thanksgiving. Mayor Stuever closed the public hearing. Roll call: Unanimous yes.

(7:27 PM) Mayor Stuever adjourned the liquor licensing authority and re-convened the meeting of City Council.

(7:28 PM) Resolution 10 Series 2015 regarding election official and an election IGA with County.

Clerk Swyers explained the resolution and that the designation of Sarah Dallas is because he may be running for another office and would rather not have that conflict. Councilmember Finken moved to adopt Resolution 10 Series 2015, a resolution designating the city election official and approving an intergovernmental agreement by and between the City of Leadville and Lake County clerk and recorder for participation in the 2015 coordinated election. Councilmember Labbe seconded. Clerk Swyers explained that nearly everything is done by the county clerk. but there are some things required of the city. Roll call: unanimous yes.

(7:31 PM) Reconsideration of suggested changes to Ordinance 7, 2015 regarding banners.

ASM Dallas briefed city council on the US Supreme Court decision in Reed v. Town of Gilbert and legal advice to stay clear of treating differently categories of signs determined by looking at sign content such as treating health and safety banners differently from civic or community event banners. She suggested having the same sign rules across a zoning district rather differing rules depending on type or content of a banner. Councilmember Labbe disagreed and opined that governing the content of a banner and the purpose of a banner are different. ASM Dallas explained that rules should be limited to time, place, and manner. Councilmember Labbe questioned that a government is not allowed discretion in that kind of use. Clerk Swyers explained that the US Supreme Court explained that such discretion by government officials can be used to impose restrictions on first amendment rights of free speech. ASM Dallas and P&Z Commissioner Swyers reported on Planning & Zoning working on alternatives to banners which would be wall signs which are not restricted. Councilmember Labbe commented that such wall signs could still look tacky and he would not be in favor of such a loophole. City Clerk Swyers advised that making exceptions can result in litigation which the City can't afford. Mayor Stuever, ASM Dallas, Clerk Swyers and Mayor Stuever advised caution about using variances because they can be perceived as spot zoning and our city attorney has cautioned us about variances.

(7:47 PM) Fire Department Apparatus purchase discussion.

Chief Dailey presented what was being proposed for purchase and financing. Mayor Stuever explained the process of getting a contract written and a resolution drafted for approval. Chief Dailey explained that delivery of the fire engine would take a year after purchase is approved. Councilmember Mohrmann asked about and Chief Dailey explained the preliminary capital improvement program. The next goal is to replace the white water tender. Councilmember Finken asked and Chief Dailey and Finance Director McGinnis explained funding options. Councilmember Labbe moved to approve the fire department moving forward to draft a contract to purchase a new Type I engine. Mayor Stuever seconded. Mayor Stuever invited council to the next joint fire department management and planning meeting concerning finance options on July 23rd. Roll call: Unanimous yes.

(8:02 PM) Upcoming meetings.

ASM Dallas reminded council of a conditional use permit hearing on August 4th at 5:30 p.m. Councilmember Labbe and Mayor Stuever pointed out that department head meetings are not to be public meetings. City Clerk Swyers announced a meeting held by the state marijuana licensing for local licensing officials, councilmembers or town trustees on August 4th at 10 am in Frisco.

(8:07 PM) Department reports.

Mayor Stuever moved to accept the police department report. Councilmember Labbe seconded. 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 Labbe seconded. 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. All councilmembers indicated being in favor of accepting the fire department report by a raise of hands.

Councilmember Finken moved to accept the street department report. Councilmember Labbe seconded. Mayor Stuever reported on the meeting with CDOT and possibility of getting a snow blower for a loader. Street

Supervisor Schneider reported on CDOT review of city signs which do not meet code. Second crosswalks at intersections are not allowed. Discussed also was trucks unloading at Subway and breaking the culvert. Clerk Swyers stated that there is no loading zone there because there is only one lane each way unlike on the Avenue. The Subway trucks must park down the street where there is parallel parking or in their parking lot. All councilmembers indicated being in favor of accepting the street department report by a raise of hands.

Councilmember Finken moved to accept the administrative manager's report. Councilmember Labbe seconded. Council discussed not receiving any applications for the code enforcement officer. Chief Dailey explained his proposal for Fire Marshal Boyle to be also municipal code enforcement and an administration position with the fire department and being a deputy chief for the fire department adding up to a full time position. He stated that the fire department is the only department which does not have administrative staff and explained his need for administrative staff. Mayor Stuever said that department heads must come up with plans before budget meetings. ASM Dallas asked for council comments on the asbestos mitigation grant application to DOLA by August 1st. All councilmembers indicated being in favor of accepting the administrative services report by a raise of hands.

City Clerk Swyers explained his business listing report and asked council and police for assistance in identification of businesses which are not on the list. He reported on compliance enforcement. He explained that more information is available to help refer people to businesses.

(8:37 PM) Financial Report

Finance Director McGinnis explained the financial and sales tax reports. Clerk Swyers explained that the city won't receive check for July sales taxes until October, and August sales taxes until November. Mayor Stuever moved to accept the treasurer's report. Councilmember Labbe seconded. Roll call: unanimous yes.

(8:41 PM) Bills:

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

(8:42 PM) Mayor's Report included:

DOLA meeting with people regarding grants, Governor's visit on July 31st at Tabor Opera House, Fire joint meeting about the fire apparatus, Tabor Home meeting, visitor numbers are down, meeting with Sea Grizzly for way finding, unveiling of mural at People's Bank,

(8:46 PM) Council Reports:

Councilmember Labbe reported visitor center visitations down from last year. Some museum visitation numbers are up, flower watering, Ward I town hall meeting on Friday at 6 pm and Saturday at 1 pm.

Councilmember Finken wants council to take some time to talk about Harrison Avenue flow. Mayor Stuever suggested that the city should look at 15 mph speed limit. Council discussed traffic calming methods.

Councilmember Finken brought up the option for the city taking over Harrison Avenue entirely. Councilmember Labbe suggested giving locals a clear path through town such as by taking all the stop signs out on Poplar. Councilmember Finken suggested designated such a route as a pedestrian and bike route.

ASM Dallas reported on ways for pedestrians to use flags to cross the Avenue.

(8:55PM) Mayor Stuever moved to go into executive session under C.R.S. 24-6-402(4)(e) to discuss negotiating strategies relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding the firefighter union contract and the Halfmoon city property; that included in the executive session will be all councilmembers present plus the Administrative Services Manager, City Financial Manager, and City Clerk that the executive session be held here in this council room; 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 Labbe seconded. Roll call: unanimous yes.

Mayor Stuever declared a five minute recess.

(9:01 pm) Council convened the executive session.

(10:40 PM) Council re-convened the regular meeting.

Mayor Stuever had participants in the executive session speak their names and asked if anyone had concerns about what was discussed. There were no concerns expressed.

Councilmember Labbe moved that the city form a negotiation team consisting of Gwen Shepherd, Sarah Dallas, Roy McGinnis. and Jaime Stuever as the lead negotiator and that the team negotiate on behalf of the city with the Leadville/Lake County Fire Department union. Mayor Stuever seconded. Roll call: Unanimous yes.

(10:42 PM) Public Comments not on the agenda: None.

(10:42 PM) Mayor Stuever adjourned the meeting.