

CITY OF LEADVILLE  
CITY COUNCIL REGULAR MEETING  
Tuesday, August 18, 2015

<u>City Council Members</u>	<u>Staff Present</u>	<u>Others Present:</u>
<u>Present:</u> Jaime Stuever, Mayor Greg Labbe      Max Duarte Luke Finken      Mike Canty <u>Absent:</u> Gwen Shepherd Jake Mohrmann	Joe Swyers, City Clerk and P&Z Commissioner Sarah Dallas, Planning Official, and Administrative Services Manager (ASM) Jim Schneider, Street Dept. Supervisor Saige Thomas Bertolas, Police Sergeant Dan Dailey, Fire Chief Roy McGinnis, Finance Director	Curt Fladager, HPC Alan Clubb, CDOT Harmony Jump Marsha Carter Phil Matsen Sue Fishman

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 add fire apparatus financing to line item 14. Councilmember Finken seconded. Roll call: unanimous yes.

(6:32 PM) Approval of minutes of the regular meeting of August 4, 2015.

Councilmember Finken moved to approve the city council regular meeting minutes of Tuesday, August 4, 2015. Councilmember Canty seconded. Roll call: unanimous yes.

(6:33 PM) Temporary Use Permit for food truck in front 115 East 7th St on August 20th.

Lentine Zahler, Culinary Director of Skratch Labs explained their request to park their food truck in front of Periodic Brewery to service a private party held therein. All food preparation is done in the trailer. Setup at 10:00 am and serving will be from 5:30 p.m. to 8:30 p.m. Heather Glyde and Donna Chapman of Leadville outdoors will also be involved. Councilmember Labbe explained that his son owns the brewpub but that he is not financially involved in it and that he will attend the party. Discussion included that parking in front of the brewpub cannot be reserved or assigned to the brewpub, they are not paid parking permit spaces. Mayor Stuever and City Clerk Swyers explained the provisions in the municipal code for private parking sign permits. Councilmember Finken moved to approve the temporary use permit request for the Skratch Labs Food Truck to set up on Thursday, August 20th 2015 in front of Periodic Brewing on East 7th Street in four reserved parking spots directly in front of the building from 10:00am-10:00 pm and that the city provide for closed signs/cones to reserve the four parking spots. Mayor Stuever seconded. Roll call: unanimous yes.

(6:44 PM) Mayor Stuever adjourned city council and convened the liquor licensing authority.

(6:44 PM) Transfer of Pastime Tavern Liquor License (expires August 31st).

Mayor Stuever explained the transfer process. Councilmember Finken moved to approve the transfer of the Tavern License from Garrell Dean Seme, dba The Pastime Bar and Café to Roy M. Seme conditioned on completing the application with proof of possession (deed or lease) to Roy M. Seme, the applicant, and transfer of the Colorado sales tax account from Garrell Dean Seme to Roy M. Seme dba The Pastime Bar and Café and any other documents required by the Colorado Liquor Enforcement Division or the City of Leadville and that we issue a temporary liquor permit for 120 days starting August 31st. Councilmember Canty seconded. City Clerk Swyers explained that he has received the deed and other transfer paperwork, and that the 120 days is to resolve any issues the state may have with the transfer. Roll Call: unanimous yes.

(6:47 PM) Mayor Stuever adjourned the liquor licensing authority and re-convened the meeting of City Council.

(6:47 PM) Conditional Use Permit amendment for 210 East 10th Street.

Mayor Stuever explained the process for the public hearing and described the application and opened the public hearing. Councilmember Labbe explained that he sold the building to Judy Feinberg who is leasing it to the applicant and stated that he has no obligation to recuse himself and that he can make a proper judgement on the facts. Councilmember Finken explained that Paul Irwin is a close personal friend of his but that he and Paul had not discussed this application.

Applicant Joshua Myers explained his request for to be allowed to replace the present building with a new building because the current building is not structurally adequate. . Paul Irwin introduced himself as a structural engineer and described option E recommended by the Planning & Zoning Commission. He stated that as a concession to the neighborhood they will use the guidelines from HPC (Historic Preservation Commission) and work with them to try to develop an addition that fits their guidelines and the Secretary of Interior Historic Preservation Guidelines. He presented drawings and explained their plans. The front buildings will be painted in Leadville historical colors. The back building will be in natural colors.

Mayor Stuever asked for public comments in favor or opposed.

Curt Fladager, 145 West 7th Street and HPC commissioner, asked about not demolishing the small 14 ft x 18 ft back separate shed on the west side with a red metal roof and moving it somewhere else. Joshua Myers stated that

he had no problem with giving away the shed or the entire building except for the front facades, that he would help with the process, but that it be removed in a timely manner to not prohibit getting construction done.

Mr. Myers, in response to a question from Councilmember Labbe about how they would deal with a potential requirement from HPC to retain the barn and outbuildings in the back, stated that he would work with Mr. Irwin to intertwine those buildings with their design. Councilmember Labbe expressed reluctance to approve the permit without seeing a final design. Mr. Irwin explained that delaying the permit approval until discussions with HPC results in a final design would mean that Mr. Myers would miss his construction window. He also explained that abiding by the guidelines could result in a design which would not make some people happy.

Mayor Stuever explained the P&Z understanding that the building is fit for residential but not cost effective for commercial use. ASM Dallas explained that under the municipal code the HPC does not have jurisdiction over the property but with a conditional use permit P&Z can recommend being bound to certain criteria and that the applicant's original testimony is binding on the applicant. Mayor Stuever explained the similarity with the bus barn and the design requirements imposed because it was a conditional use permit.

Mr. Irwin explained that for the metal building walls they are looking a wainscoting, then wood siding, then bare metal galvanized roof. Mr. Myers said they would put in a 6ft privacy fence.

Harmony Jump, 230 East 10th Street, explained that the streets are residential and her concern about odor and that it doesn't smell like an industrial area.

Mayor Stuever closed the public hearing.

Councilmember Finken remarked that a design along these lines would be good for an entrance to Leadville.

Councilmember Finken moved to recommend the approval of the conditional use amendment at 210 East 10th street with the conditions that 1) the applicant works with the Leadville Historic Preservation Commission in developing a final design that is integrated and in harmony with the surrounding neighboring land use and that 2) the design presented in rendering Set E, in regards to breaking up of the structure be used in the final design.

Roll Call: unanimous yes.

(7:21 PM) Minor Subdivision for Lot 15 in College Park, aka 722/724 Clarendon, for Phil Matsen.

Mayor Stuever explained the public hearing process and opened the public hearing. ASM Dallas stated that the public notice requirements have been satisfied. Councilmembers expressed that they did not have any communications with the applicant regarding this application.

Phil Matsen explained his request. Mayor Stuever explained that the municipal code should be changed so that such requests do not require a variance application because duplexes are a use by right in the residential zone. There were no public comments for or against. Mayor Stuever closed the public hearing.

Councilmember Labbe moved that City Council approve the Minor Subdivision for Phil Matsen at 722 & 724 Clarendon Ave, also known as Lot 15, College Park Filing #2 PER and that all representations made by the applicant and relied upon by the Planning and Zoning Commission and the City Council in evaluating the Minor Subdivision shall be deemed a part of the application and binding upon the applicant. Councilmember Canty seconded. Roll call: unanimous yes.

(7:30 PM) First Reading of Ordinance 9, Series 2015 re Setback Exception for Fire Escapes.

ASM Dallas explained the ordinance and referred to the city attorney memo to council regarding it.

Councilmember Finken moved to adopt on first reading, Ordinance 9, Series 2015, an ordinance amending Chapter 17.72 of the City of Leadville Municipal Code concerning setback measurement rules. Councilmember Labbe seconded. Roll call: unanimous yes.

(7:32 PM) Resolution 12, Series 2015 setting ballot referendums for November 3rd election.

Mayor Stuever explained the resolution. Councilmember Labbe moved to adopt a resolution of the City of Leadville setting the ballot title for a ballot issue to impose a new excise tax of 5% of the average market rate as determined by the Colorado Department of Revenue when unprocessed retail marijuana is first sold or transferred by a marijuana cultivation facility commencing January 1, 2018, with the rate of such excise tax being allowed to be decreased or increased without further voter approval so long as the rate of such tax does not exceed 10%; and directing that the ballot issue be submitted at the coordinated election to be held November 3, 2015. Councilmember Canty seconded. Councilmember Labbe objected to the language and said it was not true but is required by TABOR. Councilmember Canty stated that he had no opposition to the ballot language, that it is stated very well. Councilmember Finken expressed concern about the tax rate and that if this passes it could lead to a spike in the black market. Roll Call: unanimous yes. Roll call: Councilmember Finken voted no. Mayor Stuever and Councilmembers Labbe, Duarte, and Canty voted yes.

(7:37 PM) Leadville Police Dept. After Action Boom Days Event.

Police Sergeant Saige Thomas Bertolas read Chief Leake's report and explained some of the items with the following additional information: that vendors with dogs complained that the prohibition against dogs was not in their Boom Days paperwork. Over the past several years returning burros and racers had to deal with traffic. Councilmember Canty suggested forwarding the report to the Boom Days Committee. Sergeant Bertolas agreed. She also reported that the intoxicated people came from the bars and next year a goal is to discuss this with the bars. She explained reasons for having the parade stop at the 3rd Street parking lot rather than at 4th Street.

Discussion included issues with a detour at East 3rd Street or having northbound traffic continue to 4th Street for a detour.

Mayor Stuever introduced Alan Clubb from CDOT, Permit Coordinator for Region 3, and explained that we will be working as partners with CDOT regarding events. Mr. Clubb spoke to deficiencies in the permit process for both city and county. He reiterated that the advertised opening time of a closure is to be adhered to. He added that his job is not to say what the city can or can't do but to find out what we want to do and figure out a way to get it done. Mayor Stuever spoke to having a meeting in October between all entities involved in events regarding what worked and what didn't. Street Supervisor Schneider reported that they lost four signs. Signs are also run over. Mayor Stuever said that this information should be given to city council next year for consideration of permits.

(7:59 PM) Upcoming meetings.

Upcoming meeting with BOCC regarding fire apparatus financing on August 25th at the regular BOCC meeting.

(8:00 PM) Fire Apparatus Financing.

Chief Dailey reported that the Board of County Commissioners (BOCC) wants to see what direction city council will take. Finance Director McGinnis and Chief Dailey explained financing options. City unassigned financial reserves are almost \$1.2 million which is over 7 months operating reserves. The city could fund the \$135,000 up-front, forgo interest expenses, and in future years apply the \$16,000 to other operating expenses such as pay raises. Councilmember Labbe explained some of the issues involved with financing and complications with the fire department InterGovernmental Agreement (IGA) with the county. Chief Dailey stated that the apparatus is a fifteen year investment, possibly twenty years. If the county finances their portion and defaults there is risk to the city. Discussed was the city 30% and county 70% portions of the financing. Chief Dailey proposed cutting the fire dept budget by \$35,000 to soften the blow of the finance payments. Councilmember Labbe emphasized that the apparatus purchase needs to be revenue neutral and the fire department should take responsibility for the cost even though the funds are coming out of reserves. Councilmember Finken added that there should be plans to replenish the reserves from the fire department budget and that the same should be asked of the street department for similar purchases paid for from reserves so that we have reserves for other expenses.

Mayor Stuever asked for a straw poll: Unanimous to pay the city's portion outright.

(8:25 PM) Department Reports

Mayor Stuever moved to accept the police department report. Councilmember Canty seconded. Police Sergeant Bertolas explained how they are using police cars to pick up dogs, and that they are picking up dogs.

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

Mayor Stuever moved to accept the animal shelter report. Councilmember Finken 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. Councilmember Labbe seconded. Chief Dailey reported on firefighter deployment to Oregon wildfires and Phyllis Carnahan helping with fire dept admin filing.

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. Mayor Stuever seconded. Street Supervisor Schneider explained the overtime work done for event signage, traffic control, trash collection and that giving operators time off during the week to save on weekend overtime would result in other regular work not getting done. He spoke to needing events to adhere to scheduled and permitted starting and ending times and cited specifically Boom Days setup starting on Thursday and Ski Joring not ending when it was scheduled to.

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 Canty seconded. ASM Dallas reported on impacts of the US Pro Challenge bicycle race. All councilmembers indicated being in favor of accepting the administrative services report by a raise of hands.

(8:51 PM) Financial Report

Finance Director McGinnis explained the financial and sales tax reports. Mayor Stuever moved to accept the financial report. Councilmember Canty seconded. Roll call: unanimous yes.

(8:57 PM) Bills:

Mayor Stuever moved to approve paying the bills. Councilmember Finken seconded. Roll call: unanimous yes.

(8:57 PM) Mayor's Report included:

Welcome speech to Lifetime Fitness racers; USA Pro Challenge; National Trust and Tabor Opera House.

Teleconference with US Senator Tory Gardner regarding municipalities and foreign trade.

(9:00 PM) Council Reports:

Councilmember Labbe announced the upcoming Main Street Program Boot Camp.

Councilmember Canty announced the upcoming Lake County Economic Development Corporation meeting and volunteering for the upcoming USA Pro Challenge.

(9:02 PM) Public Comments not on the agenda: None.

(9:02 PM) Mayor Stuever adjourned the meeting.