

CITY OF LEADVILLE
CITY COUNCIL REGULAR MEETING
Tuesday, September 1, 2015

<u>City Council Members</u>	<u>Staff Present</u>	<u>Others Present:</u>
<u>Present:</u> Luke Finken Mike Canty Greg Labbe Max Duarte Jaime Stuever, Mayor Jake Mohrmann <u>Absent:</u> Gwen Shepherd	Joe Swyers, City Clerk Sarah Dallas, Planning Official, and Administrative Services Manager (ASM) Roy McGinnis, Finance Director Mike Leake, Police Chief Jim Schneider, Street Dept. Supervisor	Judy Hinton, Chair of Historic Preservation Commission Curt Fladager, Historic Preservation Commissioner Victor Christian, Historic Preservation Commission

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.

(6:30 PM) Agenda Revisions: None.

(6:31 PM) Approval of minutes of the regular meeting of August 15, 2015.

Councilmember Finken moved to approve the city council regular meeting minutes of Tuesday, August 15, 2015. Councilmember Canty seconded. One addition was the words "try to" in the conditional use permit paragraph, and correction of some typographic errors. Roll call: except for Councilmember Mohrmann who abstained, unanimous to approve the minutes as amended.

(6:33 PM) Ski Joring Mural permit for 601 Harrison Ave Leadville Arts Coalition & Bill Comcowich.

Marsha Carter described the mural proposal to be completed by the end of fall. Councilmember Labbe moved that city council approve the ski-joring mural to be installed at 601 Harrison on the side wall of the building facing West 6th Street. Mayor Stuever seconded. Roll call: unanimous yes.

(6:47 PM) Temporary use permit for St. Patrick's Day Practice Parade, Harrison Ave, Sept 19, noon.

Luke Finken, representing the Shack Club, explained the request. Entrants can contact Mr. Finken or just show up in front of the mining museum. He requested that Harrison Avenue be closed. Chief Leake had no reservations but to close off the street will require officers called in on overtime. Supervisor Schneider said that closure would require a CDOT permit. Mr. Finken then agreed to using only the two southbound lanes. Councilmember Labbe moved the City Council approve the temporary use permit for the Annual St. Patrick's Day Practice Parade on Harrison Avenue, the parade will begin at noon on Saturday September 19th, 2015 and that the city provide for a Police and Fire escort down Harrison Avenue from 9th to 3rd Streets for the event. Councilmember Canty seconded. Roll call: except for Councilmember Finken who abstained, unanimous to approve the permit.

(6:51 PM) Mayor Stuever adjourned city council and convened the liquor licensing authority.

(6:52 PM) PUBLIC HEARING for new brewpub liquor license for Periodic Brewing at 115 East 7th.

Councilmember Labbe recused himself and left the council chambers. Mayor Stuever opened the public hearing. No councilmembers reported any ex-parte communications. Public posting requirements were met. Gregory Christopher Labbe explained the request. They will be serving mostly their own beer, some specialty beers from other breweries, wine and some liquor. They will serve food. It will not be a music hall with a jukebox, occasional music will be low key and family oriented. They will have a TIPS certified person on site and endeavor to have every server TIPS certified. They will run a 100% ID policy. There were no public comments for or against. Councilmember Canty moved to approve a new liquor license application by Gregory Christopher Labbe, Pamela Labbe, Thomas Labbe and Bethany Labbe dba Periodic Brewing, LLC for a new liquor license to open a brew pub at 115 East 7th Street, Leadville, Colorado. Mayor Stuever seconded. In response to a question from Councilmember Finken, City Clerk Swyers explained differences between the different liquor licenses. Food service will have to go through the health department. Mayor Stuever closed the hearing. Roll call: except for Councilmember Labbe who was recused, unanimous to approve the license. Councilmember Labbe returned to his council seat.

(7:00 PM) Special Event Liquor permit for Cloud City Conservation Center.

Cameron Millard, representing Cloud City Conservation Center, explained the request. Councilmember Finken and Mayor Stuever reported that they knew Cameron but they had no ex parte communications. It is a fundraiser for their organization; if people bring their own glass it will be free, otherwise there will be a small charge. Though the event will run for 2 to 3 hours, they will be serving alcohol only from 6 pm to 7 pm. City Clerk Swyers explained that the state requires a state sales tax account number. Councilmember Labbe moved that city council approve a special event liquor permit for the Cloud City Conservation Center to hold an event at the Tabor Opera House on September 5, 2015 from 6 pm to 7 pm. Councilmember Canty seconded. Chief Leake expressed no concerns. Roll call: unanimous to approve the permit.

(7:06 PM) PUBLIC HEARING for new tavern liquor license for Wilde's Green Hour at 313 Harrison. Councilmember Finken recused himself and left the council chambers. Mayor Stuever opened the public hearing. No councilmembers reported any ex-parte communications. Public posting requirements were met. Ben Dallas explained the request for a lounge with tapas and cocktails menus. It will be all table service, no bar. Public comments in favor included: Dan Pedrow, East 5th Street, Todd World Class Distributors/Rocky Mountain Spring Water at 317 Harrison Avenue, and Federico Montes, owner of Manuelita's Restaurant at 311 Harrison Ave. There were no public comments against. Councilmember Canty asked about the owner of Manuelita's wanting to expand into that space and had difficulties with the building department. Mr. Dallas explained that the building has a new owner who has been working with the fire marshal to have an occupancy number which would meet the fire marshal's requirements. Councilmember Canty moved to approve a new liquor license application by Luke Finken and Ben Dallas dba Triumphant Good Life, LLC dba Wilde's Green Hour to open a tavern at 313 Harrison Avenue, Leadville, Colorado. Councilmember Labbe seconded. The police chief expressed no concerns. Mayor Stuever closed the public hearing. Roll call: except for Councilmember Finken who was recused, unanimous to approve the license. Councilmember Finken returned to his council seat.

(7:13 PM) Mayor Stuever adjourned the liquor licensing authority and re-convened the meeting of City Council.

(7:14 PM) Resolution 13, Series 2015 First Amendment to the Fire InterGovernmental Agreement (IGA) for Fire Engine Acquisition.

Mayor Stuever explained that the Board of County Commissioners had not approved the amendment to the IGA, They had some changes regarding reserves and volunteers, and suggested postponing adoption of the resolution. Councilmember Labbe moved that city council postpone consideration of Resolution 13, Series 2015, First Amendment to the Fire InterGovernmental Agreement (IGA) for Fire Engine Acquisition. Councilmember Canty seconded. Roll call: unanimous yes. After September 22nd Pierce may invoke a 5% increase in the cost of the fire engine. The BOCC hopefully will have financing arranged by September 3rd.

(7:17 PM) Resolution 14 Series 2015 Amending Budget to Fund Fire Engine Acquisition.

Councilmember Labbe moved that city council adopt Resolution 14 Series 2015, a resolution of the City of Leadville, Colorado for a supplemental budget amendment to the general fund for city contribution and the fire operations fund toward purchase of a fire engine and appropriating additional sums of money to defray expenses of same and that this resolution be contingent upon the IGA adoption by both the City of Leadville and Lake County and also contingent upon Lake County procuring financing. Councilmember Canty seconded. Roll Call: unanimous yes.

(7:22 PM) First Reading of Ordinance 10 Series 2015 Historic Preservation changes to Chapters 2.48 and 17.44. Discussion comments or discussion included:

- Provision for HPC members or a consultant to meet with applicants to work through design questions and options, then to give an advisory memo to voting HPC members.
- Have HPC and P&Z commission members do minutes instead of staff. ASM Dallas stated that minutes must be written, that audio is not sufficient. Clerk Swyers stated that software to convert audio to minutes results in long, near verbatim minutes because it can't make bullet points of what matters rather including all discussion.
- Losing more structures in the historic district could threaten Historic Landmark District and CLG designation
- We need protection from developers demolishing buildings. Must take a stand to protect our history.
- Need certified structural engineer to determine if a building is unsafe.
- Cost of moving structures could be a condition in the Certificate of Appropriateness hearing for a demolition.
- More governmental red tape versus personal choice about property – including outbuildings.
- Property owners not aware of the historic significance of structures on their property. Alleys have history.
- People think that some buildings are salvageable when they are not.
- Must preserve what is left of Historic Leadville.
- How long will the process take? Advisory meetings are not hearings with a 10 or 15 day notice requirement.
- Change Section 1, Subsection A, paragraph 1 wording to "The City Council shall appoint to the HPC five members"

Councilmember Finken moved to adopt on first reading Ordinance 10 Series 2015 with the language discussed, an ordinance amending Chapter 2.48 concerning the Historic Preservation Commission and Chapter 17.44 of the Leadville Municipal Code concerning procedures conducted by the Leadville Historic Preservation Commission and guidelines to be adopted. Councilmember Labbe seconded. Roll call: unanimous yes.

(7:58 PM) Upcoming Meetings.

Fire Dept Management meeting will be on September 17 rather than on September 10.

(8:01 PM) Bills:

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

(8:02 PM) Mayor's Report included: meeting at CMC to meet new CMC President; meeting with Safeway manager; meeting with Dana Crawford; Tabor Home paint job; switches for stairway lighting; and Denver Post article.

(8:06 PM) Council Reports:

Councilmember Labbe reported on getting the Bell Tower painted at the Visitor Center; the Main Street Boot Camp; and the GoCo Inspire Initiative grant opportunity.

Councilmember Mohrmann reported on Lake County Recreation Advisory Board meeting and their projects.

Councilmember Finken reported that he will be recusing himself from future liquor license agenda items because he feels it is a great conflict of interest to sit on a liquor board while having a liquor license.

(8:14PM) Executive Session.

Mayor Stuever moved to go into executive session under C.R.S. 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators related to the Halfmoon gravel pit property; those present will be all councilmembers, the Administrative Services Manager, and City Clerk; that the executive session be held here in the city council chamber; 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 Canty seconded. Roll call: unanimous yes.

(8:17PM) Executive session commenced.

(8:47PM) Executive session concluded.

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.

(8:47PM) Any decisions to be made regarding the Halfmoon gravel pit property.

Councilmember Finken moved to create a committee of Jaime Stuever, Jacob Mohrmann, Joe Swyers seeking RFQs and RFPs for the Halfmoon Gravel property. Councilmember Canty seconded. Roll call: unanimous yes.

(8:48 PM) Public Comments not on the agenda: None.

(8:48 PM) Mayor Stuever adjourned the meeting.