

CITY OF LEADVILLE
CITY COUNCIL REGULAR MEETING
Tuesday, October 06, 2015

<u>City Council Members</u>	<u>Staff Present</u>	<u>Others Present:</u>
<u>Present:</u> Greg Labbe Mike Canty Jaime Stuever, Mayor Luke Finken Max Duarte Gwen Shepherd <u>Absent:</u> Jake Mohrmann	Joe Swyers, City Clerk Sarah Dallas, Planning Official, and Administrative Services Manager (ASM) Roy McGinnis, Finance Director Dan Dailey, Fire Chief Jim Schneiter, Street Dept. Supervisor Betty Benson, City Treasurer	Judy Hinton, Chair of Historic Preservation Commission Andy Wuenschel, Historic Preservation Commissioner Victor Christian, Historic Preservation Commissioner Mary Bender, Historic Preservation Commissioner

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: None.

(6:31 PM) Agenda Revisions: None.

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

Councilmember Finken moved to approve the city council regular meeting minutes of Tuesday, September 15, 2015. Councilmember Labbe seconded. Roll call: except for Councilmember Shepherd who abstained, unanimous to approve the minutes.

(6:32 PM) Approval of minutes of the special meeting of September 24, 2015.

Councilmember Finken moved to approve the city council special meeting minutes of Thursday, September 24, 2015. Councilmember Labbe seconded. Roll call: except for Councilmember Shepherd who abstained, unanimous to approve the minutes.

(6:33 PM) St. Vincent Hospital update.

Sam Radke, interim CEO at St. Vincent Hospital for Centura, spoke in support of the ballot issues 1a and 5a.

(6:47 PM) Temporary use permit for Homecoming Parade, Saturday, October 31st.

Jon Lenhard, representing the LCHS Student Council, described the event. Councilmember Labbe moved that city council approve a temporary use permit for the Lake County High School Student Council to hold the Annual Lake County High School Homecoming Parade on October 31st, 2015 between 10:00-10:45am and for the City to provide assistance in blocking traffic and escort with the police for the duration of the parade. Councilmember Canty seconded. Roll call: unanimous yes.

(6:49 PM) Temporary use permit for Trick or Treat Street, Saturday, October 31st.

Amanda Stinnett described the event, Councilmember Finken moved to approve a temporary use permit for the Trick or Treat Street to be held on Halloween Night, October 31, 2015; and for the city to block off the first 2 blocks of West 7th street from 5 to 8pm; and to provide trash cans and Fire Department presence for the event and volunteers to pick up trash on the following day, Sunday, November 1st, 2015. Councilmember Labbe seconded. Roll call: unanimous yes.

(6:53 PM) Temporary use permit for Lady Guadalupe parade, Saturday, December 12th.

Kathy Micklich and Luz Nava described the event. Councilmember Finken moved to approve a temporary use permit for the Holy family Parish to hold the annual Our Lady of Guadalupe Celebration on December 11th & 12th, 2015; and to provide the requested street closure, police escorts and trash cans for the annual event, and that the LLCFR fire marshal will be called to do a safety check prior to the event start. Mayor Stuever seconded. Roll call: unanimous yes.

(6:58 PM) Temporary use permit for Robert Huenta Martinez itinerant street vendor.

Robert Huenta Martinez described his health situation, prior employment history as a drug and alcohol counselor, examples of his momentos and his request for October. Councilmember Labbe moved that city council approve a temporary use permit for Roberto Huenta Martinez to walk Harrison Avenue and offer free momentos with a tip jar. Mayor Stuever seconded. Councilmember Labbe reported that a federal judge recently abrogated all panhandling laws. Council Canty expressed doubt about the tax considerations of tips. Councilmember Finken explained that because the motion does not limit the permit to October, he would vote no. Councilmember Duarte explained that since there is no law against it, he will vote no. Roll call: Mayor Stuever and Councilmembers Labbe and Shepherd voted yes. Councilmembers Finken and Duarte voted no. Councilmember Canty abstained. The permit was approved by a vote of 3 to 2.

(7:10 PM) Salida to Leadville Stage and Rail proposal, and \$1000 cash match contribution request.

Alan Robinson representing the Stage and Rail Trail Working Group, explained the request and handed out descriptive materials. Councilmember Finken moved to approve \$1000 in CTF funds and \$334 of in kind contributions to the Arkansas River Stage and Rail Trail. Councilmember Labbe seconded. Roll call: unanimous yes.

(7:31 PM) Mayor Stuever called a ten minute recess to prepare the room for the weed program presentation.

(7:45 PM) Update on noxious weed program.

Lisa Taylor gave a Powerpoint presentation about noxious weeds and the city noxious weed control program.

(8:11 PM) Conditional Use Permit (CUP) public hearing for Oppenheimer for chickens at 229 E 5th street.

Mayor Stuever explained the public hearing procedures and opened the public hearing. The posting requirements were satisfied. The permit was approved by the City Planning & Zoning commission. Jenna Oppenheimer explained her request. Representations by the applicant included:

- A year of experience harboring chickens at her previous residences in Redcliff and in Parachute.
- Were approved by town council of Redcliff to harbor chickens, and received no complaints there.
- Chickens don't really give off anything that would cause allergies.
- Will clean the coop of waste twice per week.
- Coop design fenced to be proof against rodents, foxes, and raccoons.
- Will put up a game camera.
- No plans for roosters on the property.

There were no public comments for or against the application. Mayor Stuever closed the public input portion of the hearing. Planning & Zoning Commissioner Swyers and Mayor Stuever reported that concerns expressed to P&Z did not warrant denying the permit. City Clerk Swyers advised that the motion include that the permit expires in two years if they have not used it. Councilmember Labbe moved that city council approve the conditional use permit for Jenna Oppenheimer of 229 East 5th Street, Leadville, Colorado to house harbor chickens on their property which encompasses one lot and that the permit expires in two years if the permit is not implemented. Councilmember Canty seconded. Roll call: unanimous yes.

(8:23 PM) Mayor Stuever adjourned city council and convened the liquor licensing authority. Councilmember Finken recused himself and left the council chambers.

(8:23 PM) Liquor License renewal for Callaway's Restaurant at the Delaware Hotel.

Councilmember Labbe moved that city council approval the renewal of the Hotel & Restaurant Liquor License for Callaway's Restaurant at the Delaware Hotel to sell Malt, Vinous, and Spiritous Liquors. Councilmember Canty seconded. Roll call: unanimous yes.

(8:24 PM) Liquor License renewal for the Manhattan Bar

Councilmember Labbe moved that city council approval the renewal of the Tavern Liquor License for Manhattan Bar to sell Malt, Vinous, and Spiritous Liquors. Councilmember Canty seconded. Roll call: unanimous yes.

(7:13 PM) Mayor Stuever adjourned the liquor licensing authority and re-convened the meeting of City Council. Councilmember Finken returned to the council chambers.

(7:14 PM) Second Reading and PUBLIC HEARING for Ordinance 10 Series 2015 Historic Preservation changes to Chapters 2.48 and 17.44.

Mayor Stuever explained the hearing procedures and opened the public hearing. There were no public comments in favor or against. Mayor Stuever closed the public hearing. Comments of councilmembers and staff included:

- This would protect Leadville from developers demolishing historic properties.
- Objects could be burial items, buried guns, alcohol stills or other artifacts.
- Language for appointment includes consent of council.
- Changes recommended by staff and included in the proposed ordinance in caps and highlight should be included in the motion.

Councilmember Labbe moved that city council adopt on second and final reading Ordinance 10 Series 2015 Historic Preservation changes to Chapters 2.48 and 17.44. 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; and to include the changes submitted. Mayor Stuever seconded. Roll call: unanimous yes. Mayor Stuever closed the public hearing.

(8:40 PM) Upcoming Meetings.

Fire Dept Management meeting on October 8th will be at the fire department. Mayor Stuever and Councilmember Labbe requested that Leadville Sanitation, School Board and other taxing district meetings be added.

(8:42 PM) Bills:

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

(8:43 PM) Mayor's Report included: sidewalk pavers for the city hall sidewalk; upcoming mobile apps meeting. Mayor Stuever and ASM Dallas reported on getting the grant for asbestos mitigation in city hall basement.

(8:45 PM) Council Reports:

Councilmember Labbe reported on the sanitation board meeting and use of sanitation land for snow storage.

(8:48 PM) 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 Tabor Opera House; and included in this executives session will be all those councilmembers present as well as the Administrative Services Manager, and Financial Director; 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.

(8:49 PM) Executive session commenced.

(9:38 PM) 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.

(9:39 PM) Any decisions to be made regarding the Tabor Opera House.

Councilmember Labbe moved that the Leadville City Council commit to purchase the Tabor Opera House, committing \$100,000 against the total purchase price of \$600,000 which will include all contents; the additional \$500,000 will have to be acquired or arranged before final commitment can be made by City Council.

Councilmember Canty seconded. There was no discussion. Roll call: unanimous yes.

(9:40 PM) Public Comments not on the agenda: None.

(9:40 PM) Mayor Stuever adjourned the meeting.