

CITY OF LEADVILLE
CITY COUNCIL REGULAR MEETING
Tuesday, October 20, 2015

<u>City Council Members</u> Present: Jaime Stuever, Mayor Max Duarte Greg Labbe Mike Canty Jake Mohrmann Gwen Shepherd Absent: Luke Finken	Staff Present Joe Swyers, City Clerk and P&Z Commissioner Sarah Dallas, Planning Official, and Administrative Services Manager (ASM) Jim Schneiter, Street Dept. Supervisor Mike Leake, Police Chief Dan Dailey, Fire Chief Roy McGinnis, Finance Director	Others Present: Gary Snider Ryan Fitzmaurice
--	--	---

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:

Jim Duke said that the city is not backing having a town greeter and asked council to consider doing so.

(6:31 PM) Agenda Revisions: None

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

Mayor Stuever moved to approve the regular meeting minutes of Tuesday, October 6, 2015. Councilmember Labbe seconded. Roll call: except for Councilmember Mohrmann who abstained, unanimous yes.

(6:32 PM) Approval of minutes of the regular meeting of October 13, 2015.

Councilmember Labbe moved to approve the minutes of city council special meeting of Tuesday, October 13, 2015. Councilmember Canty seconded. Roll call: unanimous yes.

(6:33 PM) Update on Tabor Opera House.

Mayor Stuever explained two scenarios: 1) the city is applying for a grant from Colorado Preservation Inc. to cover one half of \$5900 for an appraisal and there is commitment from the Lake County Economic Development Corporation (EDC) to cover one quarter or \$1475 and the city would, if council approves, be responsible for one quarter or \$1475 and if the purchase does not happen, the city would reimburse the EDC for their one quarter. 2) If we do not receive the grant from Colorado Preservation Inc., the EDC would cover three quarters of the funding for the appraisal and the city would be responsible for one quarter.

Councilmember Labbe stated that the EDC agreed to pay one half if the grant was not received and if the purchase does not happen, the city would reimburse the EDC for their one half.

ASM Dallas described a seven-seven page real estate market value appraisal which was done in 2005 and that an updated appraisal by the same firm would be less than a new appraisal which could be more than \$10,000.

Nicole Thompson of the Lake County Economic Development Corporation clarified that the grant would be from the National Trust for Historic Preservation, not from Colorado Preservation Inc. There is no time for approval but could be expected within the next 5 to 10 days in order for the appraisal to be done in November.

Carl Schaefer, 219 Elm Street, commended council's intentions but stated that it was premature of council to make such a commitment to purchase without any public input, that there are members of the public who have spent more time in the Opera House than all of council together, and described it as a speculative back door real estate deal which came about without informing the public. He further suggested that the money instead be put in the street department budget for snow plowing and removal.

Lisa Dowdney, 331 West 2nd Street, explained that Mary Jo Copper is present and willing to give her time to Lisa if Lisa's comment runs long. Lisa then read a letter into the record which stated that the function of city government is not to buy and sell real estate, but to manage police, fire and street departments. She referred to the city buying and selling the Tabor Grand Hotel behind closed doors and objected to the commitment being made without public notice. She explained that renovating the Opera House would be more than the city can afford even with grants, the loss in property taxes, the cost of maintenance and utilities, and questioned how long before the city would ask for a mil levy to maintain the Opera House. She asked what the city's plans are for the Opera House and suggested that it remain in the private sector which could form a foundation to apply for grants.

Sharon Dube, 137 East 9th, asked council to consider the long term effects, how to fund it down the road, and instead put the \$100,000 to use for results to be seen today such as street maintenance.

Curt Fladager, 145 West 7th Street, commended the city for efforts to save the Tabor Opera House.

ASM Dallas read a letter from Matthew Delaney, owner of 311/313 Harrison citing other examples of business improvements and compared the cost of buying the Opera House to the revenues from attendance at events.

Mayor Stuever commented on the number of Opera Houses left in Colorado compared to what there were.

Councilmember Shepherd explained that the vote was to go forward if we get the money, that as long as there are annual productions in the Opera House then renovation work can be done a little at a time, and emphasized that we need to save the Opera House.

Councilmember Mohrmann explained worst case scenarios of the loss of the Opera House or being bought and turned into unacceptable uses.

Councilmember Labbe stated that it is not a real estate deal but an effort to save the Opera House, and that once the city owns it and forms a 501(c)(3) there are those who will help fund it, that it is a national treasure, and that he is willing to take the risk as a city councilmember.

Lisa Dowdney explained that any owner of the Tabor Opera House can form a foundation, apply for a 501(c)(3) to apply for grants just like the city and that the Opera House has such as foundation and that ownership could be transferred to that foundation.

Councilmember Labbe stated that the grants for the Tabor Opera House have run into roadblocks because it is privately owned.

Lisa Dowdney said that ownership could be transferred to that foundation.

Mary Bender, HPC commissioner, spoke to the importance of being able to have events at the Opera House.

Lisa Dowdney asked if the public will be notified before council acts on the purchase.

Mayor Stuever explained that there is intent, but there is nothing in a contract, that council is looking at grant funding, that if grant funding does not come through, it is over. He explained the involvement of Dana Crawford of Denver, and that the Opera House is a national treasure.

(7:01 PM) Mayor Stuever read the Domestic Violence Proclamation.

(7:04 PM) Continuation of the Tabor Opera House discussion.

Mayor Stuever asked council for agreement on a scenario for the appraisal funding. A straw vote indicated consensus for "either, or" the two scenarios.

Councilmember Labbe moved that city council approve the cost of an appraisal for the Tabor Opera House that would equal one fourth of \$5900 if the grant from the National Trust for Historic Preservation is granted or, if the grant is not granted, that the city would commit to half of the \$5900.

Mayor Stuever suggested language for paying back the cost of the grant is not received.

Councilmember Labbe withdrew his motion.

Councilmember Shepherd asked Nicole Thompson if the EDC would work with the city to apply for grants, Nicole stated that the EDC would be willing to do so and will bring that to the EDC board.

Councilmember Labbe moved that city council approve the payment of one fourth of the appraisal price of \$5900 for the Tabor Opera House based on a 50% matching from the National Trust for Historic Preservation or, if that grant is not forthcoming, that the city agrees to split the cost of the \$5900 with the Economic Development Corporation, and if for any reason the deal does not go through, that the city is not able to buy the Opera House, that we decide not to buy it or the owners decide not to sell it, that the city would take on the entire obligation of \$5900 for the cost of the appraisal. Mayor Stuever seconded. Councilmember Labbe explained that, though it is spooky, the risk is slight. Roll call: unanimous yes.

Nicole Thompson commended the city for taking on the risk at an economic development deal and explained reasons council discussions behind closed doors, and difficulty of getting Denver developers to look at Leadville.

(7:15 PM) Mayor Stuever adjourned city council and convened the liquor licensing authority.

(7:15 PM) Renewal of the tavern liquor license for Doc's (expires October 27).

City Clerk Swyers that the representative for Doc's was present earlier, but that he had advised him that he did not have be present because city council does not get to ask questions which would jeopardize renewal, because if there were concerns about a renewal then the due process should have begun months ago. Councilmember Canty moved to approval the renewal of tavern liquor license for Doc's to sell malt, vinous, and spiritous Liquors.

Councilmember Labbe seconded. City Clerk Swyers explained that the change in manager is a separate issue which will come to council when we get a report from CBI and that it does not affect the renewal.

Roll Call: unanimous yes.

(7:17 PM) Mayor Stuever adjourned the liquor licensing authority and re-convened the meeting of City Council.

(7:17 PM) Conditional Use Permit for chickens at 215 East 7th Street.

Mayor Stuever explained the hearing procedure and opened the public hearing. Councilmembers did not report any ex parte communications. There were no public comments for or against. The applicant, Mary Bender, was

present. Mayor Stuever closed the public input portion of the hearing. Councilmember Mohrmann moved to approve the chicken conditional use permit for Mary Bender, at 215 E 7th street, to harbor chickens and that the chicken conditional use permit shall expire in the event that the keeping of chickens desists for more than two years. Councilmember Canty seconded. Councilmember Labbe asked planning & zoning to consider how many chicken CUPs to be permitted on a block. ASM Dallas explained that planning & zoning discussed making chicken permits administrative and that violations of conditions would result in revocation of a permit. City Clerk Swyers explained that there would be due process for revocation. Councilmember Labbe expressed concern about including neighbor input for a permit. Roll Call: unanimous yes. Mayor Stuever closed the public hearing.

(7:25 PM) Discussion of Paid Time Off (PTO) included the following points by staff and councilmembers:

- Concerns about long term illnesses and not being at work for several months due to recovery time.
- PTO to streamline and reduce out of control time off in order to have potential for raises.
- There being other insurance options for long term coverage, such as separate disability policies.
- Case by case for decision by supervisor for unpaid personal leave in lieu of being terminated.
- Examples of firefighters being off work for several months. Concern about income during that time.
- Options for lighter duty instead of being off work.
- 80 hours of time off per year is not very long. Can accrue up to 180 hours.
- Too much time accrued under the old policy and inability to use that time.
- A reason for pursuing PTO and fewer maximum hours due expense of very large termination payouts.
- Adoption of PTO at this time because of few long term employees.
- Need to pass a resolution adopting PTO by first of December so that it can be included in budget.
- Discussion of raises included a portion for supervisor discretion.

(8:09 PM) Resolution 15, Series 2015 Long Term Employees Preserving Benefits amendment.

ASM Dallas explained the resolution provisions.

Councilmember Labbe moved that city council adopt Resolution 15, Series 2015, a resolution of the City of Leadville, Colorado amending the personnel rules and regulations adopted March 3, 2015 to reinstate certain termination payments for employees who had completed over five years of service with the city as of March 3, 2015. Councilmember Canty seconded. Roll Call: unanimous yes.

(8:16 PM) Statewide Internet Portal Authority (SIPA) update.

ASM Dallas explained the provision of a free website. Accepting credit cards through that website is not viable. For comparison, a cost of a private professional to revise the city website is \$17,000 plus \$3500 per year to maintain it. Approval of pursuing the SIPA website is a commitment to adhere to the timeline to develop the website. ASM Dallas explained having interns from Colorado Mountain College (CMC) work at the city but discussions have gone nowhere due to interns not being paid. Councilmember indicated consensus to pursue this.

(8:25 PM) Channel 10 proposals from CMC.

City Clerk Swyers explained the proposals from CMC for repairs to or upgrades of the video equipment at CMC for putting meeting videos on Channel 10. The cable company only provides the channel, not the programming. The county and city are the only ones putting meetings on that channel. The county is pursuing its own solution. Given the limited audience for Channel 10, he asked council if they want to do video streaming of meetings via the internet. A frustration with public notices both here and elsewhere in Colorado via many methods is that people still say they were not notified. Staff time to upload and manage videos could be considerable. Councilmembers indicated a contingency line item in the 2016 budget in order to consider options.

(8:40 PM) Recess.

(8:45 PM) Direction to staff regarding IBC 2012 adoption.

ASM Dallas explained the progress for International Codes adoption. Consideration of amendments and exceptions for historical buildings will take a lot of time. This is to be pursued in 2016.

(8:50 PM) Municipal Code Codification

City Clerk Swyers asked council if there are any other ordinances to be done before the end of the year. ASM Dallas explained that an ordinance for number of medical marijuana establishments is yet to be done. City council directed staff to draft an ordinance for a moratorium on medical marijuana establishments. Consensus of city council was to do the codification.

(8:55 PM) Invitation to be on the panel for High Mountain Institute discussion on 11-5-15.

Mayor Stuever has signed up to participate. Invitation to other councilmembers to participate.

(8:57 PM) Upcoming meetings.

Reviewed upcoming budget meetings on November 4th, 10th, 17th at 5:30 pm.

November 12, 9:00 AM at Colorado Mountain College Rm 122 Lake County Open Space Initiative meeting.

(9:00 PM) Department Reports

Mayor Stuever moved to accept the police department report. Councilmember Canty seconded. There are three state troopers living in town and concern about how many tickets they are issuing on Harrison Avenue.

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 Canty seconded. Colorado Municipal League is coming up regarding how well the InterGovernmental Agreement works with the county.

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

Mayor Stuever moved to accept the fire department report. Councilmember Labbe seconded. Discussion included the unusual number of five fires in one month. All are under investigation.

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

Mayor Stuever moved to accept the street department report. Councilmember Canty seconded.

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

Mayor Stuever moved to accept the administrative manager's report. Councilmember Labbe seconded.

All councilmembers indicated being in favor of accepting the administrative services report by a raise of hands.

(9:11 PM) Financial Report

Finance Director McGinnis explained the financial and sales tax reports. Mayor Stuever moved to accept the financial report. Councilmember Canty seconded. There will be supplemental budget resolutions in November for the Conservation Trust Fund. There were no bids received for repairs at the Tabor Home. Mayor Stuever said we need to find a contractor and get moving. There were no objections to that. Roll call: unanimous yes.

(9:15 PM) Bills:

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

(9:17 PM) Mayor's Report included:

Update on efforts to do a request for qualifications for Halfmoon gravel pit property. Grants for mobile apps and consideration for budgeting \$2000 for match. Upper Arkansas Council of Governments meeting in Leadville.

(9:19 PM) Council Reports:

Councilmember Labbe reported on recognition of 21 businesses who have been in business in Leadville for over 100 years, and reported on Department of Local Affairs and Main Street Program; and reported on dog park.p

ASM Dallas reported on an online survey of businesses and asked for assistance from council members.

(9:23 PM) Public Comments not on the agenda: None.

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