

CITY OF LEADVILLE
CITY COUNCIL REGULAR MEETING
Tuesday, November 17, 2015

<u>City Council Members</u> Present: Luke Finken, Mayor Pro Tem Mike Canty Greg Labbe Max Duarte Gwen Shepherd Jake Mohrmann Absent: Jaime Stuever, Mayor	<u>Staff Present</u> Joe Swyers, City Clerk and P&Z Commissioner Sarah Dallas, Planning Official, and Administrative Services Manager (ASM) Mike Leake, Police Chief Dan Dailey, Fire Chief Roy McGinnis, Finance Director	<u>Others Present:</u> Pam Andrews: City Clerk-elect. Shoshanah Beck, city council member-elect Ryan Fitzmaurice, Herald Democrat Joel Payne
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City Council met in a regular public session in the Council Chambers of City Hall. Mayor Pro Tem Finken called the meeting to order at 6:35 PM with the Pledge of Allegiance and a moment of silence for those affected by acts of violence across the world on Friday. Roll Call was taken.

(6:36 PM) Public comments on items not on the agenda: None

(6:36 PM) Agenda Revisions:

Mayor Pro Tem Finken moved to add under 8a the Eagles Liquor License renewal. Councilmember Labbe seconded. Roll call: unanimous yes.

(6:38 PM) Approval of minutes of the regular meeting of November 4, 2015.

Councilmember Canty moved to approve the minutes regular meeting of Tuesday, November 4, 2015. Councilmember Labbe seconded. Roll call: unanimous yes.

(6:39 PM) Update on snow storage MOU or IGA with Leadville Sanitation.

Councilmember and Mayor-elect Labbe offered to talk with the Leadville Sanitation Board and asked for direction. We have not had input from the city attorney as yet. Direction was to meet with Leadville Sanitation.

(6:41 PM) Temporary use permit for Parade of Lights on Harrison Ave, Sat., Dec. 5 at 5:30 pm.

Cara Russell, executive director of the Chamber of Commerce, described the request which will include a chili cook off. Mayor Pro Tem Finken explained that for a small parade it will be called a 'road delay' rather than a road closure which requires CDOT approval. Councilmember Canty moved to approve the temporary use permit for the Leadville/Lake County Chamber of Commerce for the Parade of Lights Parade on Saturday, December 5th starting at 5:30. Councilmember Labbe seconded. Roll call: unanimous yes.

(6:45 PM) Conditional Use Permit (CUP) Public Hearing for KORU Healing, LLC 115 Harrison Ave.

Mayor Pro Tem Finken explained the hearing procedure and opened the public hearing. Evidence of notice, the application materials, Leadville zoning ordinance, Leadville comprehensive plan, any correspondence received prior to the published deadline and in the course of tonight's hearing, and any other documents, photographs, or other material introduced at the hearing were made a part of the record.

Applicant's presentation: Eric Solveson described his request and included the following points:

- His process to extract cannabis oil will use organic alcohol or ethanol, not butane or propane.
- None of his machines or processes are directly related to the pictures in the packet from the Livewell site.
- His process will use the same technology as a still for distilling alcohol: electric heating element & condensor.
- His machine is approved for household extraction of essential oils.

Comments from public in favor:

Joel Payne, co-owner of Earl's, explained that Eric's process as the safest compared to other MIPS processes.

Comments from public not in favor: none.

Councilmember Shoshanah Beck, 124 East 2nd Street, asked about sales, taxes, and about safety for the process.

Responses from the applicant included:

- The entire process from seed to finished product is tracked by the state.
- There is about 20 to 25% sales tax on recreational sales at the retail level.
- There will be controls of static electricity, there will be no smoking in the facility,
- They are required to have written step-by-step procedures.
- The entire process will be under camera.

Police Chief Leake reported that even alcohol processes are blowing up and he wants a blueprint of the machine, safety rating and something from the Colorado Marijuana Enforcement saying it is a safe process.

ASM Dallas explained that this hearing is for land use and approval would allow the applicant to move through the process which includes the county health department, fire marshal, and police chief.

Applicant Eric Solveson made the following additional points:

- His process to extract cannabis oil will use organic alcohol or ethanol, not butane or propane.
- The finished product will have no alcohol in it.
- Alcohol will be purchased from organicalcohol.com in Oregon.
- Most of his product will be wholesaled to Earl's and the rest wholesaled elsewhere in the state.
- Will be using the back rooms of the building. The separate door will be out the back, not out the side.
- They will be using carbon filters and ozone generators to control odor.
- They will not be needing any signage.

Planning & Zoning recommendation was included in the packet. There was discussion about how often inspections could be required. Planning & Zoning Commissioner Swyers explained that he was asking for quarterly inspections requested by the applicant. He suggested deferring to the state for inspections. ASM Dallas explained we can't require other agencies to do inspections.

Chief Dailey asked the applicant to get with the fire marshal. Eric stated that he believed that the walls are explosion proof as determined by the state marijuana enforcement. ASM Dallas explained that approval from the fire marshal will be required before getting the license.

(7:22 PM) Mayor Pro Tem Finken moved to close the public input portion. Councilmember Labbe seconded. Roll Call: unanimous yes.

In response to a question from Councilmember Mohrmann regarding the applicant being restricted to using alcohol, ASM Dallas stated that the applicant is bound by the representations they made and that if they want to change the process they would have to come back for an amendment to the conditional use permit, but that the motion can explicitly include that restriction.

Councilmember Mohrmann moved that that City Council approve the Conditional Use Permit for Koru Healing, LLC (Eric Solveson) to open a retail marijuana wholesale manufacturing operation at 115 Harrison Avenue and that all representations made by the applicant and relied upon by the Planning and Zoning Commission and the City Council in evaluating the Conditional Use Permit shall be deemed a part of the application and binding upon the applicant. Mayor Pro Tem Finken seconded. Discussion included having certification by the state as a requirement.

Councilmember Labbe moved to amend the motion on the table to include that the representation will be that this will be an ethanol based still extraction system and that any other extraction system will be subject to a new permitting process. Councilmember Canty seconded.

Mayor Pro Tem Finken asked if the councilmembers wanted to include state approval.

Councilmember Labbe withdrew his motion. Councilmember Canty withdrew his second.

Councilmember Labbe moved to amend the motion on the table to say that as part of this representation would be that this would be an ethanol extraction process and technology that is approved by the state marijuana board. Councilmember Canty seconded. Roll Call: unanimous yes for the amendment.

Roll Call on the main motion: unanimous yes.

(7:28 PM) Mayor Pro Tem Finken adjourned city council and convened the liquor licensing authority, recused himself from the meeting and left the council chambers, and handed the meeting to Mayor-elect Labbe.

(7:28 PM) Change of Manager at Doc's tavern.

Mayor-elect Labbe explained the application. Chief Leake reported that he has no concerns with this. City Clerk Swyers explained that the Individual History Report went to the police chief, and can be made available to city councilmembers but it is not public information due to it having confidential and privileged information. Councilmember Mohrmann moved to approve the change of manager for Doc's to William Robert Doyne. Councilmember Canty seconded. Roll Call: unanimous yes.

(7:32 PM) Renewal of the club liquor license for the Eagles (expires December 31).

Councilmember Canty moved to approve the renewal of the club liquor license for Aerie Number 91, Fraternal Order of Eagles. Councilmember Mohrmann seconded. Roll Call: unanimous yes.

(7:32 PM) Mayor-elect Labbe adjourned the liquor licensing authority and re-convened the meeting of City Council. Mayor Pro Tem Finken returned to the council table.

(7:33 PM) Approval of the draft changes to the TUP application.

ASM Dallas explained the changes and specifically the temporary delay and closures of Harrison Avenue.

Councilmember Labbe suggested wording in the second sentence to be: "permit applications must be received no later than thirty days prior to the actual date of your event for all requests that would delay access to Harrison Avenue for two hours or less or that do not require closure of Harrison Avenue and Highway 24."

Councilmember Canty moved to approve the application changes to the temporary use permit including the added wordage of Mr. Labbe. Councilmember Labbe seconded. Roll Call: unanimous yes.

(7:41 PM) Upcoming meetings.

There will be a fire planning board meeting at city hall on November 19th at 3:30 – not the usual time. The County Recreation Advisory Board meeting will be at 6 pm. No council meeting on December 8th.

(7:47 PM) GOCO Inspire Steering Committee. (Mohrmann)

Councilmember Mohrmann spoke to having someone from the city be on the GoCo Inspire Initiative steering committee. Councilmember Labbe nominated ASM Dallas, Councilmember Mohrmann seconded. Mayor Pro Tem Finken vetoed the motion. Discussion included how much time it would take. ASM Dallas said she would not want to be on the steering committee. Councilmember Labbe withdrew his motion and Councilmember Mohrmann withdrew his second. Mayor Pro Tem Finken referred to an email from City Clerk Swyers advising councilmembers to be careful about sitting on boards which later come to council to request money or approvals, and that prior councilmembers have gotten into trouble with the ethics committee at the state level in such cases because of the perception of showing favoritism.

Councilmember Labbe recommended to councilmembers the training from CML regarding liability.

(7:51 PM) Department Reports

Chief Leake explained reasons for not having a police report. It will be given to council for the next meeting. He gave a verbal report for Trick or Treat Street. Discussion including having extra crosswalk lighting next year.

Councilmember Canty moved to approve the animal shelter report. Mayor Pro Tem Finken seconded.

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

Mayor Pro Tem Finken moved to accept the fire department report. Councilmember Labbe seconded.

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

Mayor Pro Tem Finken moved to approve 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 Pro Tem Finken moved to accept the administrative manager's report. Councilmember Canty seconded.

ASM Dallas reported on the time table for the asbestos remediation which starts Wednesday, November 18.

Concerns about violations regarding banners, parking, or snow removal are to go to code enforcement.

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

(7:58 PM) Financial Report

Finance Director McGinnis explained the financial and sales tax reports. Discussion included using some of the extra sales tax revenue to fill needs of the departments to be discussed at the next budget meeting. Mayor Pro Tem Finken moved to accept the financial report. Councilmember Canty seconded. Roll call: unanimous yes.

(8:07 PM) Bills:

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

(8:08 PM) Mayor's Report: Mayor Pro Tem Finken thanked the city departments for dealing with the snow.

Councilmembers discussed which of them would be doing the internal audits when.

(8:08 PM) Council Reports:

Councilmember Labbe reported providing the Senior Center with a computer; and on the performances at Lake County High School.

Councilmember Mohrmann reported that Business After Hours will be Thursday, Nov 19th at the Mining Museum.

(8:11 PM) Public Comments not on the agenda: None.

(8:11 PM) Mayor Pro Tem Finken adjourned the meeting.