

LEADVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
Tuesday, January 19, 2016

CITY COUNCIL PRESENT:

Greg Labbe, Mayor  
Jake Mohrmann, Councilmember  
Absent: Mike Cauty, Councilmember  
Greg Douglas, Councilmember  
Shoshanna Beck, Councilmember  
Max Duarte, Mayor Pro Tem  
Gwen Shepherd, Councilmember

STAFF, DEPT HEADS, & COMMISSIONERS PRESENT:

Sarah Dallas, Administrative Services Manager, HR and Planning Official  
Roy McGinnis, Finance Director  
Saige Bertolas, Acting Police Chief  
Joe Swyers, P & Z Commissioner  
Pam Andrews, City Clerk  
Jim Schneider, Street Department Supervisor  
Others Present: Ryan Fitzmaurice, reporter for Herald Democrat

**City Council met in a regular public session in the Council Chambers of City Hall.**

**Mayor Labbe called the meeting to order at 6:30PM with the Pledge of Allegiance. Roll Call was taken.**

**Agenda Revisions:** None.

**Approval of minutes of the regular meeting of January 5, 2016:** Councilmember Mohrmann moved to approve the minutes the meeting of January 5, 2016. Mayor Pro Tem Duarte seconded. Roll call: unanimous yes, Councilmember Cauty Absent.

**Approval of minutes of the special meeting of January 11, 2016:** Councilmember Mohrmann moved to approve the minutes the special meeting of January 11, 2016. Mayor Labbe seconded. Roll call: unanimous yes.

**Early Unscheduled Business:** None

**Lake County Dept of Human Services Employment First Program:** ASM Dallas: People receiving benefits will need to work to receive those benefits. Does the City Council want to partner with the County for the Employment First Program. Lake County is picking up all insurance costs so no risk to us, just benefit. Councilmember Shepherd is concerned that Ms Dallas might be overloaded with this being one more thing for her to oversee. She suggested maybe we join in 6 months after the County has it set up. She wonders if Sarah has to keep track of hours or do payroll. Mayor Labbe assumed there might be less involved. ASM Dallas thinks it won't take much of her time, she thinks it will be invaluable. Councilmember Shepherd wants to know if we find out it takes a lot of time, can we get out of it? ASM Dallas answered yes. Councilmember Shepherd is willing to try if we can opt out. Councilmember Mohrmann moved that City Council authorize ASM Dallas to sign the contract and work with Lake County Human Services on the Employment First Program. Mayor Labbe seconded. Roll call: unanimous yes.

**Resolution 5, Series 2016, regarding Tabor Opera House:** Mayor Labbe explained changes to the contract to purchase the Tabor Opera House which appear in red. He said that Councilmember Douglas pointed out that the historical collection, which are the contents of the Tabor Opera House are of critical importance although cannot be included in the transfer. That would affect the appraised value of the building and second, the Blands would not get the tax write off of donating those items. There are 2 automatic extensions of time which will allow the City to satisfy the financial contingency. The resolution had changed so that the City Council authorizes the Mayor, the City Attorney or the City Administrator to negotiate modifications within the agreement, provided the modifications do not increase the total purchase price of \$600,000. Mayor Labbe explained that the agreement is not quite done and they would like City Councils authorization to finalize it without having to come back to Council every time there is a minor change. Mayor Labbe related that he met with the State Historic Preservation Society and that they were chomping at the bit to get to work on this. We have committed \$100,000 upfront and the State Historic Preservation Society will vote this week to grant us \$200,000. He said it was a powerful meeting. If the State Historic Preservation Society cannot make this happen then it should not happen. We as a poor city cannot afford to do it without them. ASM Dallas said that because we might procure the \$300,000 gap funding before what we have put in this agreement for closing time. They have been vetting out if the non-profit, dissolved by the Blands, given over to the City, with a new board, under a new umbrella, could potentially get the revolving loan for the gap funding in the non-profit's name, not the City's name. Because of the Tabor laws, the City could not enter into any kind of loan without going to the voters. That is another contingency that may come up in the next 4 to 5 months (ASM Dallas). The Blands have agreed to a February 3rd meeting to reconstitute the board of the nonprofit. On February 5th we will inventory the contents of the Tabor Opera House. Those contents will fall into one of three categories: items on loan to the Opera House, items owned by the Blands, and then the historical collection that is going to stay with the Tabor Opera House. Councilmember Shepherd asked who will do the inspection and how does that work. Mayor Labbe's assumption was that the City would pay an inspector to inspect the building including plumbing, electrical wiring, foundation and roof. The building is old and does not meet code, we already know that (Labbe). Councilmember Douglas expressed concern that the building is not structurally sound and that the roof is falling in. Mayor Labbe said the roof has been completely restructured a few years ago. We know that once we own this building there will still be issues. We know that there will need to be more grants as an ongoing process. We are hearing from several foundations and people who want this to go forward. They are willing to get deeply involved in this, but only after the acquisition has taken place. Councilmember Douglas is concerned that

people are not aware of the millions of dollars it is going to take to bring this back to life and that donors may bail out a third of the way through, leaving us stuck with a partially renovated building. To save the building will be about two million dollars, to renovate over the next 10 to 15 possible years, an additional six million dollars (Labbe). Councilmember Douglas wants something in writing from donors that they will finish the project. Mayor Labbe did not think that was probable. ASM Dallas said there will need to be feasibility studies, business plans and community visioning. They are already working on a grant to get the feasibility study done since many of the grants want to see that (ASM Dallas). That will show that we have a vision and a plan in place to show where we are going. It is also strategic ASM Dallas explained, to have the government and the non-profit since there are grant opportunities that will apply to either. We can sell tax credits from the Colorado Tax Credit Initiative for about 80 cents on the dollar. It is very complex and will probably take grants to get a manager and a body that just continues to go after grants. The Molly Brown Museum in Denver took 25 years to get ADA compliant. That might be what we are looking at for certain things (ASM Dallas). We have many opportunities to tap into before we even tap into the artistic community such as the National Endowment of the Arts. She's not sure any of those entities would give you a written letter that they will stay with you but she received many letters from the State Historical Fund that they were very committed to seeing this project through. Councilmember Douglas asked if there was already someone picked out for the project manager. ASM Dallas said no, there will be a lot of work to do with the coalition and community. First and foremost we need to get the acquisition money. Councilmember Mohrmann asked if a fourth category we could add for any item from the historic collection in the Opera House that did not get on one of the other three lists so that it would stay with the property and go to the City. Councilmember Mohrmann moved to adopt Resolution 05, Series 2016, a resolution to approve the purchase and sale agreement between the City of Leadville and Sharon Furman Bland for purchase by the City of Leadville of the Tabor Opera House. Councilmember Shepherd seconded. Mayor Labbe assured the people of Leadville and the City Council that if this doesn't look strong, and the people surrounding us are not doing what they say they are going to do, we will not buy this building. Roll call: Councilmember Douglas No, Councilmembers Mohrmann, Shepherd, Beck, Duarte all yes, Mayor Labbe yes.

Council Discussion regarding Treasurer Jaime Stuever's continued participation in the issues of the Tabor Opera House acquisition, the Halfmoon property known as the Gravel Pit, and the Fire Union negotiations continued from late 2015. Councilmember Mohrmann moved that the City Council allow Treasurer Jaime Stuever to continue ongoing work with the Tabor Opera House acquisition, the Halfmoon property known as the Gravel Pit, and current Fire Union negotiations. Mayor Labbe seconded. Roll call: unanimous yes.

Adjourn Meeting of City Council; Convene Meeting of Leadville Liquor Licensing Authority

**Liquor License renewal for Szechuan Taste Restaurant (expires Feb 28):** Mayor Labbe moved that City Council approve the liquor license renewal for Szechuan Taste Restaurant. Councilmember Shepherd seconded. Roll call: unanimous yes.

**3.2 Beer license renewal for Kum & Go, 300 Harrison Ave (expires March 23):** Mayor Labbe moved that City Council approve the renewal of the 3.2% Beer Retail License for Kum & Go store. Councilmember Douglas seconded. Roll call: unanimous yes.

**Resolution 02, Series 2016 regarding authorized signatures for city bank accounts:** Mayor Labbe and Councilmember Shepherd noted corrections to be made including updating the Mayor's name and Mayor Pro Tem on the printed Resolution 02. It was asked if the Treasurer does not get to sign checks (Mohrmann). ASM Dallas responded that is correct, it is an internal control. Mohrmann moved to adopt Resolution 02, Series 2016 a Resolution of the City of Leadville Colorado designating authorized signatures on the City's bank account, then for the deposit box. Mayor Labbe seconded. Councilmember Shepherd asked again about the corrections to be made, City Clerk Andrews responded that changes would be made to the Resolution and noted in the minutes. Roll call: unanimous yes.

**Resolution 03, Series 2016, Designating municipal judges:** This would be to appoint Honorable Neil B Reynolds to a two year term (Labbe). Councilmember Mohrmann moved to adopt Resolution 03, Series 2016, a Resolution to appoint Municipal Judges for the Leadville Municipal Court. Councilmember Douglas seconded. Councilmember Mohrmann asked how long Judge Reynolds had been in that roll. ASM Dallas answered in the area of 30 years. Mayor Labbe described that in wanting to understand how all City departments worked, he attended a Court session and thought that Judge Reynolds handled it well. He also spoke to police officers who said they felt like he ran a good court as well. He thought it was a great decision (Labbe). Roll call: unanimous yes.

**Resolution 04, Series 2016, Designating City Attorney:** Linda Michow is currently our City Attorney, they have a list of attorneys that can also represent us (Labbe). It was asked how long she has been in this capacity (Douglas). Former City Clerk Swyers responded since 2002. Councilmember Shepherd asked if anyone local had expressed any interest in having this job. ASM Dallas responded that Mayor Stuever had met with Attorney Chris Floyd who had considered the job and then decided she didn't want to do it. Chris Floyd did say she would be willing to review their (Linda Michow's firm) contract and give us (City of Leadville) suggestions. Chris Floyd did make suggestions, we sent those in, and Michow's firm did make those changes in our favor. That was fall of last year (2014) to think

about the 2015 budget. Councilmember Shepherd brought up that Leadville was one of Michow's first cities. ASM Dallas confirmed. There certainly is a disadvantage sometimes having her (Michow) in Centennial but then as Chris Floyd brought up, there were a lot of conflicts that would come up for her, having independent clients in the same town. Labbe stated he thought they did pursue it. He also said that Chris Floyd affirmed that having someone in the same small town is not necessarily the best solution. Councilmember Shepherd related that Michow told her that she would not charge Shepherd if she just called and asked her a quick question. ASM Dallas told Council that they have up to 30 minutes per question to Michow's office and it does not get billed. Shepherd thought our (City of Leadville) bill was high last year. ASM Dallas said our bill has been high for three years, we have had some big issues, some ongoing. She said that some municipalities hire an attorney on staff and that that is an option. Councilmember Mohrmann contributed that he felt after looking back over the time and cost last year, they have billed pretty fairly. Councilmember Shepherd said she too broke down every call over the last year for cost and most of it was for marijuana. Labbe said that Michow's office specializes in municipalities, especially small towns, and so have been a pretty good fit for us. He said they seem to be in the ballpark in terms of fairness and certainly have the expertise that we need. Councilmember Mohrmann moved to adopt Resolution 04, Series 2016, a Resolution appointing City Attorney of the City of Leadville. Mayor Labbe seconded. Roll call: unanimous yes.

**Schedule 2016 Council Retreat to discuss goals:** After brief discussion of dates, it was decided Tuesday Councilmember Beck suggested a facilitator at the meeting. Labbe responded that this time they plan to keep the meeting to an hour. A retreat would take some dedicated time from Council, he would like to do that and that might be a time to have an outside facilitator. He said he'd like to not set priorities, but to hear from Council, ideas, visions and what they care about. Councilmember Beck said she was ok with that, she did not want it to take the place of a priority setting meeting. Labbe said then maybe in a month or two, there should be strategic planning. Councilmember Shepherd said she'd like to see Council come up with ideas and then have a meeting to go from fifty ideas to the five things they want to work on. This would be a time to throw those ideas out that everybody thinks they should do. Labbe would like this meeting to be an hour. It was decided Tuesday, January 26<sup>th</sup>, 6:30pm upstairs room of Periodic Brew Pub.

**Schedule 2016 elected officials ethics and responsibilities training with CIRSA and City Attorney:** ASM Dallas explained this is done every year and more in depth when there are newly elected officials. Councilmember Shepherd asked if P & Z or HPC should come. ASM Dallas said all the Commissioners could be invited and the newspaper is also invited. She said the presentation is one hour. It was decided that after mid- February, on a Monday evening will be the criteria Sarah Dallas will try to schedule.

**Upcoming Meetings:** Councilmember Mohrmann encouraged anyone who can come to the Wednesday morning coffee club meeting at CMC to do so. It's an outstanding opportunity to hear from all of the different community organizations & businesses about what's going on in town. It's an open conversation that one can learn a great deal from (Labbe).

**Unscheduled Late Business:** Jim Schneider of Street Dept asked about the land swap on 6<sup>th</sup> Street. Mayor Labbe said he had spoken to the owners of the land and that Jaime had stepped out of that and he would step in (for that situation).

**Police Report:** Acting Chief Bertolas said there were some numbers that did not get on the Police Report. She described them as actual total for Calls for Service corrected total 183, add 51 business checks and 20 bar checks, and 5 arrests should be added to the report. Mayor Labbe noted that Chief Bertolas has had to pick up a lot of slack between being Acting Chief and her own duties. Chief Bertolas added that three new police interceptor SUVs have been ordered they should arrive mid- March. After that, they will go out for graphics and lights. That in the past has taken less than a month (Bertolas). Sgt Dawe will no longer be SFST (sobriety test or roadsides) instructor, his certification lapsed and he's working to renew it. In the mean- time, they are working with the Sheriff Dept to keep officers certified. Chief Bertolas pointed out that she is no longer the intoxylizer instructor and has not been since a while back. She also said we are losing a police officer to the Sheriffs Dept over \$7000.00. The job will be posted immediately. Councilmember Shepherd asked what will happen to the old vehicles when the new ones arrive. Chief Bertolas explained that one does not run and may be taken to be crushed. In the past we have traded one for one when getting new vehicles but were short a vehicle so this time, one will be kept. The one that is still running will have graphics stripped and be auctioned. One of the new SUVs will be shared with the Animal Shelter. When the Animal Shelter uses the SUV, it will display Animal Shelter graphics. Councilmember Shepherd asked if the Street Dept was setting up a schedule to take care of the new cars. Jim Schneider, Street Department Supervisor affirmed. All Councilmembers indicated being in favor of accepting the report by a raise of hands.

**Animal Shelter Report:** Looks amazingly similar to 2014 (Labbe) Colorado Municipal League came up in October to do a story on really good IGAs. They knew that our agreement with the County for the Animal Shelter was one of the best. They filmed Sarah Dallas, Jamie Stuever and Debbie Ruma. They will send the completed video to Sarah. There are several IGAs from around the state. All Councilmembers indicated being in favor of accepting the report by a raise of hands.

**Street Dept Report:** Councilmember Shepherd asked if the overtime for December was from cleaning snow from Harrison Ave. Jim Schneider responded yes, they are trying to keep Harrison Ave clean. Harrison Avenue has become a friendlier place for tourists or any consumers to come and shop in our retail district since they are clearing parking spaces (Labbe). The Street Dept should be commended (Labbe). Councilmember Shepherd wondered if the extra work on Harrison Ave is the reason for the overtime. Jim Schneider said they don't have enough crew to do the work without going into overtime. They did lose one employee but that one has since been replaced. Schneider said they did get a lot of applicants but it is all about the money. He was unable to persuade the best applicant because the money was not there. There seem to be a limited number of CDL's in the community and they are going through the agencies (Dallas). Jim Schneider said we are now a training ground for employees. Councilmember Shepherd said that is one of the things Council intends to discuss. Mayor Labbe suggested hiring two part time people instead of on full time. Councilmember Mohrmann asked if CDOT was going to give us more money for the boulevard. ASM Dallas said they have not responded to us yet. She said it appears that CDOT may be testing us on the new methodology for Temporary Use Permits. We have been sticking to the new schedule as close as possible with the exception of Ski Joring. Alan Club (CDOT representative) said we had a little bit of grace period this first year to get them accustomed to that. Mayor Labbe wanted to know if we had received the application from Ski Joring. ASM Dallas affirmed and said that it will be on the agenda for February 2nd. It has been distributed to both the City and County to bring in comments as required by CDOT although she is not getting the required responses. She's not sure what Alan Club will say when she presents him with this but we have to be able to move on and conduct business. Hopefully we can meet with the County after some of the TUP permitting for 2016 and see how it worked. Jim Schneider said they had done a lot of maintenance during 2015 and worked with Sarah on bringing things up to safety codes. They do preventive maintenance including oil sampling (Schneider). They have taken a lot of top gravel out of the alleys to prevent drainage to the businesses to the sides. The alleys are a hump right now, if they can get them dished, then the water would run to the streets. They are trying to correct that. He wants to get started on the street lights (Jim Schneider) two at a time. It is in the budget to replace four but he thinks he can replace two and repair two. Next year by this time he hopes to have lights on one side of the Avenue done. Jim Schneider is working a lot of hours as noted on the Street Dept. report. Councilmember Douglas questioned the hours worked for the assistant supervisor. Jim Schneider said he's doing both the supervisor and assistant supervisor positions. Councilmember Douglas questioned the 790 hours worked in one month. Mayor Labbe suggested it was a miss print. All Councilmembers indicated being in favor of accepting the report by a raise of hands.

**Fire Dept Report:** Chief Dailey said business as usual even with three fires this last month. Chief Dailey is working with engineers to customize the new firetruck for use in Leadville. Considerations were taken for altitude, elements and independent suspension, lights were changed from halogen to LED which saved \$7000. He will need an additional \$14,000. He does have donations to work with. He thinks the independent suspension is important for our rough roads. Deadline for initial plans is January 27th, then it goes to the engineers for two months, then a 60 day build. All Councilmembers indicated being in favor of accepting the report by a raise of hands.

**Admin Manager Report:** ASM Dallas highlighted that building permits were up. Two were brand new in-fill housing in the City limits of Leadville. Commercial permits are also substantially higher than last year. The Hospital is getting ready to begin the first phase of build out which will mean \$50,000 in permit fees to the City and could go as high as \$100,000 total. All Councilmembers indicated being in favor of accepting the report by a raise of hands.

**Treasurer Report:** Bills Councilmember Mohrmann moves that we approve paying the bills. Labbe seconded. Councilmember Shepherd asked how much it cost when the phones were down. ASM Dallas responded that there were two invoices, \$190.00 and the other just over \$200.00. Roll call: unanimous yes

**Mayors Report:** Mayor Labbe listed January birthdays for city employees

**Councilmember Reports:** None

**Public comments:** None.

(8:18pm) Mayor Labbe adjourned the council meeting.