

LEADVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
Wednesday March 2, 2016

CITY COUNCIL PRESENT:

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

STAFF, DEPT HEADS, & COMMISSIONERS PRESENT:

Sarah Dallas, Administrative Services Manager, HR and Planning Official  
Absent: Roy McGinnis, Finance Director  
Dan Dailey, Fire Chief  
Saige Bertolas, Acting Police Chief  
Pam Andrews, City Clerk  
Jim Schneiter, Supervisor Street Dept.  
Alyssa Hack, Police Dept Admin  
Others Present:  
Ryan Fitzmaurice, reporter for Herald Democrat  
Roy Seme, Nathan Fisher, Dawn Todd of Pastime Bar & Cafe  
Linda Michow, City Attorney  
Beverly Leuchner

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

**6:30pm Council Discussion Previous to Agenda, Including Public:**

Mayor Labbe explained that Council had decided to try this discussion time before the meeting to talk about items on the agenda, before officially getting started. He said it will be implemented tonight, they will try it for a while and for right now give it a shot. He announced that the meeting is open at 6:30pm to the public and asked if there was anything on the agenda that Council would like to discuss before we get started? (Labbe)

Councilmember Shepherd wanted to ask Councilmember Mohrmann about the street flag information and did he want an ordinance or was he just trying to tell Council what is going on? Mohrmann answered that he was asking Council for input on the appropriateness of having crosswalk flags and then if so, to direct the Street Dept. to look into that implementation. Mayor Labbe brought up the signs that used to be in the center of Harrison Ave to warn of pedestrians and asked Jim Schneiter if he had been instructed to remove them. Jim said yes, they are not out since we have the painted white cross walk lines and those signs cannot be out there in the winter. Councilmember Douglas suggested lowering the speed limit to 20 miles per hour. Councilmember Mohrmann asked Sarah Dallas if he needed to talk with CDOT about the flag pedestrian system. Sarah (ASM Dallas) thought we would need to talk with our CDOT representative, Alan Clubb about either the flag system or the idea of lowering the speed limit. Mayor Labbe appreciated that CDOT has in the past considered Harrison Ave our main street, even though it is a state highway and their willingness to do what we needed. Mayor Labbe pointed out that Councilmember Beck's idea to have the bills grouped by department was a great idea and easy to read, and thanked Roy McGinnis for implementing it right away.

**Mayor Labbe called the meeting to order at 6:38 PM with the Pledge of Allegiance. Roll Call was taken.**

**Public comments about items not on agenda:** None

**Agenda revisions:** None

**First Before Anything Else:** Dominique Naccarato presentation on T4U Transit Collective for the Upper Arkansas. See Power Point handouts, & project description handouts.

**Approval of minutes of the regular meeting:** City Council 2/2/2016 minutes. Councilmember Canty moved to approve, Councilmember Douglas seconded, **Roll Call: unanimous approval**

City Council 2/16/2016 minutes. Councilmember Canty moved to approve, Mayor Labbe seconded, **Roll Call: Councilmember Mohrmann abstained, Councilmembers Shepherd, Canty, Douglas, Beck and Mayor Labbe voted yes.**

**Unfinished Business:** None

**New Business:** Linda Michow, City Attorney gave presentation about her law firm reconfiguration, Michow Cox & McAskin LLP. She has been our City Attorney since 1999 and through 4 mayors. She started as a litigation associate, turned out not to be what she wanted to do so she changed to municipal law. She has 10 municipalities she works with. She wanted her own space to see clients and have training

sessions. She's available by email & phone even though 2 hrs away. She does the ethics training free of charge. This time Municipal Ethics Training will be at 5pm, April 4th, with our insurance representative. Councilmember Canty asked about fees, Michow answered that the fee schedule will stay the same as what it has been for her firm. Councilmember Mohrmann asked if the first 15 minutes for phone call questions are still free, Michow said yes. Linda Michow's new firm started March 1st. Mayor Labbe pointed out that municipal law has become much more complicated over the years and there is no way we could do this without guidance. Linda Michow said her firm has a breadth of experience with all the members of their firm who each has a special experience that can benefit the City of Leadville. Linda Michow said they can do anything with development and zoning as well, just not water law. She has submitted the contract for Council to consider.

Mayor Labbe moved to adopt the new contract with Michow Cox & McAskin LLP legal services.

Councilmember Canty seconded. **Roll Call: unanimous yes**

Next City Council meeting we will have a resolution re-establishing Linda Michow and her new firm as the Leadville City Attorney (Labbe).

**Council Discussion on Pedestrian Safety Initiative:** Beverly Leuchner spoke from the public, she said she walks a lot with her toddler. She is afraid for their lives especially when crossing Harrison Ave and Poplar Street. The crosswalks are worn thin, some completely gone. There are routes to the library and kiddie corral where the crosswalks are worn off. There are alternative routes although they are even less safe since there are no sidewalks and you are forced to walk in the street (Leuchner). Also, cars can park way too close to the crosswalks. There's nothing in place to slow down the cars, no flashing lights, little enforcement from stop light by Safeway all the way to 2nd street. She understands that there is a traffic study under way but she doesn't think pedestrians can wait. Ms. Leuchner thinks a pedestrian flag system would be great in the city center. She thinks this would not have to cost the City of Leadville a lot of money, build a generation mini grants could be applied for, we could get the welding classes at the high school to weld the flag stand and maybe the sewing class could sew the actual flags. Mayor Labbe asked where the flags would be placed and what would assure their effectiveness. Mayor Labbe said he was thinking two flag systems north of the light and two south of the light (6<sup>th</sup> & Harrison). Councilmember Mohrmann had put together a map with seven crossings on Harrison Avenue and four on Poplar Street from the Kiddie Corral north to the mineral belt crossing. Each side of the crosswalk would have 4 or 5 flags (Mohrmann). Flags are carried by the pedestrian and waived as they cross the street at the crosswalk. Mohrmann said there can be slots on the post for each individual flag or just a bucket attached to the post, holding all of the flags. Generally the bucket is strapped to the post with a metal strap. Councilmember Beck said the flags serve the purpose of catching eye of driver so that crosswalks are noticed. They are reflective. It is a simple system, not expensive, in case someone walked off with the flags (Beck). Mayor Labbe asked Jim Schneider (Street Dept) what he thought. Jim said nothing can be attached to the light poles on Harrison as we are doing good to have them stay standing up. Councilmember Mohrmann thought most of the corners mentioned had a post near enough to be used. He said the flags need to be close enough to the crosswalk that people could see what to do with them. He said might need to erect a few more posts where there are none. Mohrmann estimated about \$500.00 to get the system implemented. Communities could do an "adopt a crosswalk" program or homeowners can go together to put individual poles up and neighbors would maintain that pole. Can Jim Schneider check with CDOT Councilmember Canty asked before we get too far? Both Councilmember Canty and Mayor Labbe said they liked the idea. ASM Dallas said Sarah Mudge has received a grant March 18<sup>th</sup> of this year for Safe Routes to School. An assessment group will look at infrastructure needs. Council will be invited to those planning meetings (Dallas). If we get CDOT approval, Mayor Labbe asked what the time frame was. Councilmember Mohrmann said by Memorial Day, before we have a lot of tourists walking around. Jim Schneider said we could try a few. Mayor Labbe liked the individual holders since they are more obvious. Councilmember Douglas thinks it is a fantastic idea although he doubts people will know what to do with the flags. You could tape an instruction sheet onto it, Councilmember Beck said.

**(7:33pm) Mayor Labbe Adjourned the City Council meeting & began meeting of the Local Liquor Licensing Authority**

Council considered the liquor license transfer from Roy Seme at Pastime Bar & Café to Three Spirits One Bar LLC dba Pastime Bar & Cafe. Councilmember Canty moved to approve the transfer of ownership of the Tavern Liquor License to serve malt, vinous, and spirituous Liquors of Roy Seme, dba Pastime Bar & Café to Three Spirits One Bar LLC, dba Pastime Bar & Café. Mayor Labbe seconded. **Roll Call: unanimous yes**

Council considered Casa Blanca Restaurant annual liquor license renewal. Councilmember Mohrmann moved to approve the renewal of the Tavern license of the Casa Blanca Restaurant to sell malt, vinous and spirituous liquor. Councilmember Douglas seconded. **Roll Call: unanimous yes**

**(7:38) Mayor Labbe Adjourned the Local Liquor Licensing Authority meeting and reconvened the regular City Council meeting.**

**Temporary Use Permit for the Nordic Event, during Ski Joring:** Karl Remsen represented the Nordic Event for Council questions. The Nordic Event is open to the public although not advertised. It is an informal sprint race. Councilmember Shepherd asked if there were snow mobiles included, he said no. The Nordic Event is only Friday night, Mineral Belt Mayhem is on Saturday. Councilmember Beck asked if we should have multiyear 3 year permit contingent on Ski Joring still being held each year on the Avenue. Mr. Remsen is the head coach of the high school ski team and volunteers for the Nordic event. Leadville Nordic is a youth club ski program since there is not a program through the schools (Remsen). Councilmember Beck moved to approve the temporary use permit for Leadville Nordic Sprints to hold their annual Leadville Nordic Sprints event on Friday March 4th 2016, during the annual Ski Joring event and that the permit go through 2018. Councilmember Canty seconded. **Roll Call: unanimous yes.**

**Council considered Approval of Fire Truck Gap Funding:** Chief Dan Dailey presented the information (see hand outs). He gave an update of what has happened with the new fire engine design since the original approval by Council. There were many changes, adding and subtracting from the new fire engine project with an end gap of \$18,000.00. Some of the changes included: changing to 360 degree movable spotlights to help in looking for addresses, addition of electric hose reels, closed panels on the truck so that compartments and their contents are heated and sheltered from dirt and elements, Hard suction is used on all county fires that don't have hydrant access (Dailey). They can use standing water or river access to suck up the water. Instead of having those hard pump hoses on top of the truck; they moved them inside the body panel so that the average fire fighter could reach instead of having to reach over head to get the suction hoses down. They wanted to keep the truck as short as possible so they can get around corners in town (Dailey). They went with a heavy duty bumper due to wild life that may be encountered. \$550,000 was in budget. They need an additional \$18,000 (Dailey). Chief Dailey said he was hesitant to do independent suspension because of moving parts that could have problems. He changed his mind though after visiting with engineers and other fire departments. They recommended going with the independent suspension since it will withstand pot holes better as only one front tire will be effected by hitting a hole rather than dipping the entire front end of the truck. Hoses are stored inside on the new truck to protect from weather and UV rays. Mayor Labbe asked if this was an all wheel drive vehicle. Chief Dailey answered no, they have drop chains. He also said the truck must be moving to use the drop chains. Labbe added the capital fund sheet (hand out) to the presentation. Mayor Labbe said in this case not holding to cost will not affect the budget. The additional cost is not coming out of city funding Councilmember Douglas asked, Mayor Labbe said no. Mayor Labbe said Chief Dailey had good reasoning and the rig is being built for our community's specific needs. Councilmember Shepherd asked if there were things he found that he did not need. Chief Dailey said yes, they are on the adjustment pages (in red) where change order negatives & positives are listed. Eagle County said their new rig was \$750,000 so we got a deal (Dailey). Councilmember Beck said she's glad there will be a survey of areas that don't have hydrant access. Either a county or city water truck responds if they need where there are no hydrants (Chief Dailey). The new truck will have 1000 gallons on it. For the community we (Fire Dept) will be more efficient (Dailey). Mayor Labbe asked that this is the last change for this piece of equipment and Chief Dailey said yes and that the truck should be done in July. Councilmember Douglas wanted to know where

it will be parked since the fire station is full. Chief Dailey said they are shuffling equipment around and looking at the future of the Fire Dept. on what equipment to keep and where to store equipment for outlying areas. Councilmember Douglas wanted to know if one truck will be sold off. It had been discussed, but still being considered (Dailey). Commissioner Hix has said he wants better service for south end of Lake County. They are considering a reserve program of fighters who have passed the certification, including providing housing for them as a force for the south end of the county. The Fire Dept applied for a DOLA (Colorado Dept of Local Affairs) grant to build a southern fire station which was not successful (Dailey). The Fire Dept. plans to build the program first then go back to DOLA to see if they would give the grant then to support an already functioning program. Mayor Labbe moved that City Council approve the Fire Dept. gap funding of \$18,000 to be taken from the Fire Capital Fund balance. Councilmember Beck seconded. **Roll Call: unanimous yes**

**First Reading Ordinance 1, Series 2016 regarding medical marijuana code changes:** The number of optional cultivation licenses went from one up to two at the last meeting Councilmember Mohrmann pointed out. He wanted to change that back to one. Councilmember Shepherd wanted to keep it at 2 cultivation licenses so there will be less argument and less complication. ASM Dallas explained that there are two different medical marijuana entities, one is a medical marijuana center and the other is an infused product manufacturer. They could each then have an optional cultivation license under the two types of medical marijuana entities. 70% of sales for each must be from their own product (Labbe). They can vertically integrate, ASM Dallas said, having both a retail store front and a medical marijuana license. Councilmember Mohrmann said they could go grow in other communities and sell here. Shepherd said if it is for medical marijuana that it has to be its own thing. She said they cannot have a retail grow operation and use that for medical marijuana, ASM Dallas confirmed that. Councilmember Mohrmann said he is against having more and more (marijuana industry) green houses, businesses and buildings in the town. He still thinks one (optional cultivation operation) is being generous. Councilmember Canty agrees on taking the number of optional cultivation operations back from two to one. Councilmember Beck said if there is a marijuana medical center and an infused product store and only one optional cultivation then whoever shows up first gets it and once it's gone, it is gone. The County is not allowing any more grow operations, they are capped at 2 per ASM Dallas. Councilmember Shepherd would like to have one of each so we don't have problems. Councilmember Mohrmann asked for a straw poll to see who would support limiting grow operations to one. Councilmember Canty does. Mayor Labbe said he could go either way. Councilmember Douglas abstained. Councilmember Mohrmann moved to adopt on 1<sup>st</sup> reading Ordinance 1, Series 2016 Medical Marijuana License code with the revision of section 5.44.100, item 2. number of medical marijuana optional cultivation establishments limited to one. Councilmember Canty seconded. **Roll Call: Shepherd no, Mayor Labbe yes, Canty yes, Mohrmann yes, Douglas abstained, Beck yes.** Motion carried and Mayor Labbe thanked all for the conversation. ASM Dallas said they will have the second reading April 19<sup>th</sup> If they need more changes then , they can revisit the ordinance at a special meeting. They can go into an emergency ordinance where it will go into effect immediately if needed. Mayor Labbe wants the resolution ready for the April 19<sup>th</sup> meeting.

**Upcoming Meetings:** Mayor Labbe encouraged anyone with an interest to participate in the Fire Planning board meetings by submitting a letter of intent to the Mayor and he will submit it. That group works on the capital fire expenditure budget and the fire district. The Ethics training on April 4<sup>th</sup> is open to the public (Labbe).

**Department Reports:** Fire Dept. questions from last meeting. Councilmember Douglas had asked at the last meeting what exactly was stored in the south fire storage building that the City is renting and how our fire station is staffed if our fire department goes to another county to help another fire department. Chief Dailey answered that the decon unit utility vehicle is stored in the south building along with millions of dollars' worth of equipment. There's a 1928 truck, the hazmat unit, and due to the purchase of the new fire truck, there will be another truck moved to that storage building as well. If they're successful in building a south fire station then will no longer need to rent the storage building for \$1600.00 per month (Dailey). Mutual aid can be large scale fire or accident scenes where we or other counties ask for help. Other

counties have more equipment so we usually ask for help more than they do. We do help other counties with mutual aid. If we go to another area then we ask for the Copper Mountain fire dept. to come here to staff our physical station. We lost another 3 fire fighters to other organizations recently (Dailey). **Fire report approved unanimously by show of hands.**

**Bills:** The bills are laid out in different format this time (Labbe). Council asked to have the bills divided up by departments so McGinnis accommodated. Councilmember Mohrmann asked if the legal fees paid were due to the purchase of the Opera House. Mayor Labbe said yes including the purchase agreement and the lease agreement. ASM Dallas added that there were also some high level human resource issues in 2015 that required legal advice. Mayor Labbe asked about the bill from the Lake County Sherriff's Office called the Repeater Pool Fund. Roy McGinnis explained that it is memorandum of understanding for the emergency communication network within the County shared by the City of Leadville, St Vincent Hospital, Emergency Management, Lake County and the Lake County Sherriff. That shared fund is for the radio system in case everything else goes down and Leadville City government is responsible for 25% and it is a 2 year bill (Labbe). Chief Bertolas verified. She said we usually get our bill in February of the following year. Councilmember Canty said he likes bills broken down this way. Councilmember Shepherd wondered how come the total for the bills went up. ASM Dallas explained that Roy McGinnis ended up processing more bills before going on vacation. Councilmember Canty moved to approve the bills, Mayor Labbe seconded. **Roll Call: unanimous yes**

**Mayor report:** Mayor Labbe said he has been in the basement and we are working on having more lights added, light switches, and a plumber has come out to address the odor of the restroom downstairs. That was problem was fixed in about 2 hours (Labbe). The plumber will also do repairs to make the basement bathroom functional (Labbe). The basement bathroom is beautiful marble and Mayor Labbe said he wants to make the room next to bathroom a locker room for the police department. Councilmember Douglas mentioned that he is a licensed master plumber and would check it out and see if costs are accurate. Labbe wanted to know if Councilmember Douglas would consult on the work to be done and the pricing that they have put in place.

Mayor Labbe said during his term he would like to keep Council as informed as he can about what's going on in city. Friday March 11<sup>th</sup> interviews will start for the police chief position (Labbe). The selection committee will pare down applicants for final consideration by the end of this month (Labbe). Chief Bertolas said there are three local officers and three from outside who have applied for the police chief position. There are no officers on the selection panel (Labbe). Mayor Labbe said the selection panel is made up of Sherriff Fenske, Mike McHargue, Betty Benson, Rohan Roy, Sarah Savage, Mayor Labbe and Sarah Dallas. Mayor Labbe said he thinks this is a broad spectrum of people with no undue influence. Councilmember Douglas suggested having a police officer on the panel but Mayor Labbe said all three sergeants have already applied and the other officers have only been with Leadville Police Dept. less than a year.

Mayor Labbe reported that Bill Bland will be doing a walk-through of the Tabor Opera house at noon for those who want to be involved in summer events, on Monday March 7th. Monday evening will be a meeting with Scott Carol from the high school who wants to put on an opera. Councilmember Beck asked if anyone could attend that first walk through. Mayor Labbe said they have planned it as specific to those who are interested in putting on events, including a sound man, although if Council would like to be included they could let him know. They will only tour the areas of the Opera House that will be involved in the events. Mayor Labbe thought it might be nice to schedule a City Council tour. Several Councilmembers agreed although it was mentioned to wait until it is warm. The sound person will be back in May.

**Council reports:** Councilmember Beck said she is involved in a lot of organizations but not sure what would have to do with City Council. Councilmember Mohrmann sent Mayor Labbe a list of organizations he's involved in and Mayor Labbe thought this was a good idea even if not connected to Council so he

made a list as well. Councilmember Canty said the Main Street Project will do some beautification projects. ASM Dallas affirmed that the Main Street Project is giving \$2500.00 all towards supplies to paint the light poles, chains and maybe crosswalks.  
Adjourned 8:51pm