

**Minutes
City of Leadville
Regular Council Meeting
June 20, 2017
Leadville City Hall, 800 Harrison Avenue**

COUNCIL MEMBERS

PRESENT: Dave Chimovitz, Greg Labbe, Jake Mohrmann
Jane Gowing, Gwen Shepherd, Shoshanah Beck

**COUNCIL
MEMBERS**

Max Duarte

ABSENT:

STAFF PRESENT: Bethany Maher, (Deputy City Clerk), Sarah Dallas, (Administrative Services Manager) Roy McGinnis, (Finance Director), Dan Dailey (Fire Chief), Jim Schneiter (Street Dept. Supervisor) Robert Glenny (Police Chief)

PUBLIC PRESENT: Ryan Fitzmaurice, Julie Lundgren, Marsha Carter, Kenneth Olsen, Bud Elliott, Mike Bordogna, Analisa Shoukas, Susan Fishman, Dan Pedron, Rob Holmes, Scot Hunn, Josh Myers, Chris Floyd.

CALL TO ORDER, ROLL CALL & PLEDGE OF ALLEGIANCE

Approval of Agenda.

Agenda Revisions, if any.

Public Comments about items not on the agenda.

None.

New Business

COA for Nan Anderson 910 Hemlock Street

Mayor Labbe read the COA Public Hearing Script into the record.

Elsa Tharp & Dave Anderson have a firm in Golden focused on Historic Architecture. Purchased the Smith Lumber Company a few weeks ago. The overall site consist of several structures, most which we built in 1960's & 1970's. They are focusing on the Freight depot which has the most historical integrity and the building has not been altered significantly. It is also a contributing structure to the National Landmark District. Plans to restore and fix many of the trusses and joints. Bringing back the loading dock would be real beneficial. Their request is to get permission to remove the rest of the non-contributing structures around the depot due to lack of historical integrity, changes to structures, structural stability/condition and safety issues. Plans to rehabilitate the Freight depot for events, movies, dances, et. They explained the creation of parking. Plans to recreate 10-12 small cabins for long term rentals for teachers and workers and short term event lodging along the BLM land border. They plan to deconstruct the buildings and reconstitute the materials into the new buildings and keep those stories but in a more accessible fashion.

CM Chimovitz clarified which buildings are proposed to be demolished.

Public comments in favor

Ken Olsen – Support of the Anderson's and what they are doing here. Smith Lumber Company has always meant a great deal to him, but economic changes are necessary. The conversion of this into something real for the community means a great deal.

Bud Elliott – The building being retained is really special. Happy to support this project and that there is some housing to be built.

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Mike Bordogna – LLEDC – This project honors the past and creates a new chapter for this property and this neighborhood and Leadville. This will be temporary and long-term jobs. The proponents, investigation of community, historic architecture and long-term investment in this community and it is supporting a local family trying to do something in the community they love. It is highly complimentary to other tourist attractions in the area. They know how to integrate new and old concepts and they know what they are doing.

Analise Shoukas – Restoration architects and don't think we could get a better match. The history builds Leadville and what they can do for the community with the space. Creating something different to attract people to Leadville would be a great asset. The other buildings are later structures and demo'ing them would take away from the ability to restore the historic structure.

Jim Schneider – Questioned the run off – Dave responded that they would keep the ditch running through and maintain it.

Comments against – Letter from Curt Fladager regarding Shed C.

Dave Anderson – Explained that Shed C. showed up for the first time in the 1937 Sandborn maps, but perhaps on a different part of the property. If it does have historic significance it does not retain that due to location. The inside is in marginal condition. The materials will be repurposed. ASM Dallas explained that this hearing is specifically for the demolition of the structures, not the land use. Explained historic integrity and that none of the structures are on the current inventory list, but hopefully the depot will get on there. HPC did not apply any conditions and recommended council approve this request.

CM Chimovitz – is there a definition for historic integrity and ASM Dallas directed him to that info in the staff report, page 10.

CM Mohrmann – COA first, then a CUP? ASM Dallas explained that a CUP may not be required.

CM Chimovitz moved, CM Gowing seconded to close. Hearing closed.

CM Shepherd – seems like we are destroying a lot of buildings here in Leadville. Thinks a lot of it should stay there and are important to Leadville.

CM Gowing – one comment that came up at HPC – A family close by said they had smelled natural gas and the gas meter had broke, during the 5 years or so that the building has not been maintained, it has been deteriorating and is a safety hazard. The people who live near there support the project. If everything is historic, so few things will get renovated or repaired and fall down in the process. We need to be pragmatic.

Mayor Labbe – people cannot just tear down a structure without coming to City Council & Historic Preservation Commission. We can let city fall down around us if we can't give people the ability to have some return on investment, nothing will happen ever. At some point we want to protect the feeling of Leadville, but we can leave every structure up.

CM Chimovitz – Many have gone in there to buy lumber and has some significance. Would like to see Leadville progress while honoring it's historical significance and this project does just that.

CM Gowing moved, CM Mohrmann seconded.

CUP for Cloud City Towing 148 Brooklyn Circle

Mayor Labbe read the script into the record.

Josh Waterman – applying to run a towing company out of his private residence. They have a light duty towing and roadside assistance towing company. They do not impound cars, store cars or work on cars. They are asking to have their tow trucks and home office on their home property. Low impact and help the community. CM Mohrmann questioned where they've been parked for the prior year and he responded that they were told they only needed a business license. Once viable, probably about 2 years, they could get a commercial property. 2 Tow trucks. CM Gowing asked about winter parking – they especially park them off to the side in the winter.

Gabby Voeller – Chair of P&Z, explained that they had recommended approval with conditions. She explained that many people have mobile vehicles like window cleaning, etc. If they want to

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grow they should get a commercial space. They want people to be able to have small businesses out of their home. If you want to address, you should address this is the Table of Uses, not in this case. No comments in favor or against.

Kurt Heath – Business partner discussed plans to cover the muddy area to better support the weight of the trucks.

CM Beck moved to close, CM Chimovitz seconded,

Mayor Labbe explained that there are a lot of people who have their business out of their home, some have many vehicles – some on the street and some on their property.

Mayor Labbe moved with conditions set forth in the staff report with 3 inches of gravel at a minimum, CM Chimovitz seconded.

1st Reading Ordinance 9, Odor Nuisance Ordinance

CM Gowing not pleased with the ordinance as it is proposed. Community members not happy with the idea itself. CM Chimovitz agreed.

CM Shepherd agreed as well and doesn't think the nasal ranger will be effective.

CM Mohrmann – one community in CO, that uses a nasal ranger, which is Denver. The rest have a zero odor policy.

CM Beck – same issues and doesn't think it's fair for either side and has potential for targeting of local businesses for marijuana, restaurants, beer, etc. It's fair to the community to keep working on it.

CM Chimovitz – ideological opposition.

Mayor Labbe – Ordinance put in front of us is not what was worked on. It does not have anything in it regarding repercussions, odor control plan issues and also discussed where it would be measured. It would have to be measured from complainants site. Talked about doing away the part of marijuana code that related to odor which doesn't apply to any other industry. If it is decided not to go with an odor ordinance in general, we have to figure out the issue with marijuana code. Discussion regarding how other communities handle this. They must have control plan prior to getting permit. The one standard that would be consistent is the CO Air Quality Standard. CM Mohrmann biggest issue is the nasal ranger.

ASM Dallas reminded council the history of this issue and how council arrived to this point.

Bud Elliott – opposed to odor ordinance. Explained the many other things you might smell.

Explained how cigarettes and exhaust fumes that are offensive, but they move. This would not be enforced equally.

Susan Fishman – lives directly across from the new grow facility. Thinks we have some regrets already about allowing the CUP's in city limits. Opposed to going forward with odor ordinance. States employ a scale of duration and frequency. Does not believe it is illegal to have different codes for different industries. Concerned about the norming of substance abuse. Would like to get this right the first time.

Dan Pedron – There are a lot of odors people would like and enjoy. Believes there are state laws that require them to be odor free and you should look at.

Rob Holmes – This is a city that voted in marijuana industry and they responded that it would be a great community. They have made several adjustments to mitigate odors and grow healthy plants. Explains the issue of knowing where the odor is coming from, what the odor is and how other communities are dealing with this. He's found that most of them are all having issues with their ordinances. His business, Roots Rx, employs 20 people. Explained the tax benefits.

Scott Hunn – Eagle County – Explained his experience with control plans, et. and how.

Collaborative project between everyone who needed to be involved. It is very technical and has to do with temperature, air flow, etc. It's not as simple as a nasal ranger. It's more often a more involved process and starting that relationship with the community.

Mayor Labbe – asked if they set a set of rules that worked. Odor mitigation plans – speaks to report, floor plan and licensed professional engineer. Code Enforcement as first step, approaching business owner, and it's ambiguous.

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CM Mohrmann – questioned how different industry is treated.

Dan Pedro – Almost never does a smell surpass a 7 to 1 ratio – from a Denver Post letter.

Josh Myers – Needs to amend the ordinance to make it fair to business owners and citizens of Leadville.

CM Chimovitz responded to Mrs. Fishman – Thinks it's important to take in to account in the future the health and safety of it's residents and not the smell of a flowering plant.

Mayor Labbe moved to reject Ordinance 9, cm Chimovitz seconded, CM Shepherd third.

Direct staff to bring to City Council the information from Eagle County as it refers to their Marijuana rule sand ordinances, and any other ordinances relating to odor nuisance. CM Shepherd asked for two weeks time. Will have a work session at such a time that information is available.

CM Beck – will need to address moratorium. It expires in August.

Discussion regarding Hiring Committee for 2 vacant City Council Seats

Thank CM Mohrmann and CM Chimovitz for their service. This is their last meeting. There are two vacancies – asking for people who are interested in serving ward 2 & ward 3. Explained the positions up in November, 5 vacancies.

Form hiring committee and bring forward those recommendations at July 18th meeting. CM Beck & Mayor Labbe.

Adjourn Meeting of City Council Convene Local Marijuana Licensing Authority

Earls' annual Retail Marijuana License renewal

No changes from past year or foreseeable year. No issues from PD.

CM Mohrmann moved, CM Gowing seconded.

Adjourn Meeting of Local Marijuana Licensing Authority and Convene City Council

Old Business

1st Reading Ordinance 8, Series 2017 TOH Long Term Lease agreement with Tabor Opera House Preservation Foundation

Lawyer had added several legal protections that we hadn't considered. This is required to be voted on by ordinance. After first reading this will be presented to the TOH Foundation.

CM Beck moved, CM Chimovitz seconded.

Canceled Chamber BBQ Discussion

Mayor Labbe explained that the Chamber has blamed city council for that cancellation and he is not buying it. It is inappropriate and feels the city council made the right decision. CM Chimovitz agrees with those comments. Chris Floyd – Regardless of reasons of cancellation for this year, it was a positive event for entire community, many parts of the state and a positive tax revenue generator. It will take a concerted effort to make this happen. There were a variety of reasons it did not go forward. It is a sanctioned event by the KCBS an certain criteria must be met to compete at a higher level for National recognition and one comments was due to layout. That was a contributing cause to the cancellation for this year. Encourage City Council to do a more formal/substantive review/communication with business owners. The vast majority of anecdotes she's spoken with that was not the case. Everyone loses with it being cancelled this year.

Update to 321 Fridays event throughout the summer

ASM Dallas doing a broader call to all artists to engage in activities around and partner with other businesses around town.

Discussion about the Harrison Ave/HWY 24 re-striping project with CDOT

CM Chimovitz likes this new re-striping. ASM Dallas – a lot of concern that the public wasn't engaged. Explained the many vehicles for getting the information out there.

CM Beck – thinks the bike lanes are great, bike lane infers sense of safety for bikers, wonders if there is an opportunity to work with mobility with LBAG and it's important to look before you open your car door, and 3 people saw people using the middle turn lane to drive entire length of Harrison.

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Chief Dailey – likes it from a safety aspect. Likes that the south end of town, but the north end of town is slowed so much that the line gets backed up to Subway.

Chief Glenn – explained that they will likely need to adjust the light timing with the new traffic pattern.

Julie Lundgren – Thinks it would be helpful for CDOT to come and review. Would like a vehicle for a way for the community to give comments.

Department Reports.

Street Department Report

Gave update on street work. CM Chimovitz suggested we consider a truck route.

Police Department Report

Explained that they have two new code enforcement/community service officers and two new officers coming on. One is starting July 1st and the second August 1st.

Fire Department Report

Have been busy as well. Spoke about the fire engine, training, staffing and joint training facility. Spoke to the Muni hero award for Phyllis on Thursday at CML.

Administrative Services Manager Report

Every department has been very busy with new employees, building department, CUP, COA, Grants through LCCF and collaborated OEDIT Grant for Wayfinding and submitted from REDI to complete that. Main Streets working with Americorps Vista worker on downtown improvements. Banners should be hung by end of next week as well.

Work Session with P&Z/Special Meeting – July 12.

Mayor's Report

CML Conference. Purchased speed limit signs that tell you what your speed is.

Council Reports

CM Mohrmann – how to collect the excise tax. ASM Dallas explained that Roy is working on it.

CM Chimovitz thanked everyone for this experience.

CM Mohrmann – echoed all same sentiments.

Adjournment. 9:41 PM