



**CITY OF LEADVILLE**  
**Tuesday, July 20th, 2021 – 6:00 P.M.**  
**REGULAR COUNCIL MEETING MINUTES**  
**800 HARRISON AVE, LEADVILLE, CO.**

**Call to order of regular meeting:** 6:05 p.m. in Council Chambers.

**Roll call:** Mayor Labbe, Council members Forgensi, Hill, Tharp, Lauritzen, Gowing, MPT Greene.

**Approval of agenda:** CM Hill moved to approve the agenda with the removal of 8B. CM Gowing seconded. Passed unanimously by all present.

**Housekeeping matters:** Mayor Labbe reported that there were 8 applicants for police chief, they have interviewed 3, and have invited the final two candidates to Community Meet & Greet at 5:30 p.m. in Council Chambers before the City Council meeting. (6:07 p.m.)

**Public comments:** Daniel Conley commented on the big trucks using their jake brakes on Harrison Avenue and the noise. (6:08 p.m.)

**Tabor Opera House Preservation Foundation** presented by Jenny Buddenburg for grant writer funding request for the 2021 DOLA EIAF Tier 2 grant.

CM Gowing moved to approve the funding of a grant writer for the purposes of the submission of a DOLA grant for the Tabor Opera House due September 3, 2021 to Jane Daniels in the amount not to exceed \$2,600 fee (calculated at \$65/hour x 40 hours, including indirect costs). MPT Greene seconded. Passed unanimously. (6:10 p.m. – 6:17 p.m.)

**Public Hearing with the Local Liquor Licensing Authority** for a new license hearing for La Victoria AA LLC dba La Victoria. CM Hill moved to continue the hearing until August 10<sup>th</sup>. CM Tharp seconded. Passed unanimously.

**Conditional Use Permit Public Hearing** (6:19 p.m. – 8:26 p.m.)

**1 Harrison Ave for Unscreened Outdoor Storage for Colorado Adventure Company** presented by Daniel Conley and Cuiting Zhu. CM Forgensi moved to close the public input portion. There were no public comments for or against the application. CM Gowing seconded. Passed unanimously.

MPT Greene moved to approve the Conditional Use Permit for Colorado Adventure Company (DBA: Mountain Peaks Motel) to have outdoor unscreened storage for their OHV rental business, an expansion of its existing lodging establishment at 1 Harrison Ave Leadville, CO 80461 based on the criteria set forth in the staff report dated July 8th 2021, the City of Leadville's municipal code, Sections 17.52.040, and the 2015 Leadville Comprehensive Plan. With the following conditions:

1. Not driving on streets to the west of the motel as a matter of course.
2. A maximum of 17 total OHVs.



3. All machines to be free of mud and debris upon parking in one of the 17 spaces.
4. All parking of OHVs in front of motel only.
5. Strive to have customers avoid parking in the neighborhood when on a guided tour.
6. The CUP shall sunset with the owner and not with the land.

All representations made by the applicant and relied upon by the Planning and Zoning Commission and/or the City Council in evaluating the Conditional Use Permit shall be deemed a part of the application and binding upon the applicant. CM Hill seconded. Passed unanimously.

**Conditional Use Permit Hearing for Short Term Rental 625 East 11<sup>th</sup> Street class 2 for 3 or more licenses presented by Debra Bellas-Dow.** This application was continued by Planning Commission on 6/23/2021 to 7/7/2021 and 7/20/2021 before City Council. There was no ex parte communication with anyone in City Council. There was no public comment against the application. Brett Antczak, the CEO of St. Vincent Hospital, and Daniel Conley, the owner of Colorado Adventure Company both spoke in favor of the application. CM Lauritzen moved to close the public input portion of this public hearing. CM Forgensi seconded. Passed unanimously.

CM Lauritzen moved to approve the Conditional Use Permit Debra Bellas Dow for use of licensing three short term rental license units at 625 East 11th Street Leadville CO 80461 based on the criteria set forth in the staff report dated June 3rd 2021, the City of Leadville's municipal code, Sections 17.52.040, 5.12.090, and the 2015 Leadville Comprehensive Plan and the specifications as discussed and determined by the short-term rental conditional use short term rental checklist. The conditions are that the CUP sunsets with the owner and not the property. 2. If a future parking plan be enacted this property would be subject to those parking regulations. All representations made by the applicant and relied upon by the Planning and Zoning Commission and/or the City Council in evaluating the Conditional Use Permit shall be deemed a part of the application and binding upon the applicant. CM Hill seconded. Passed unanimously.

**Conditional Use Permit Hearing for Short Term Rental 129 West 8th Street 3 or more licenses for the Governor's Mansion presented by Nadim Tannous.** This application was continued by Planning Commission on 6/23/2021 to 7/7/2021 and 7/20/2021 before City Council. No one on City Council had ex parte communication with Alex Haler or Nadim Tannous. Cuiting Zhu spoke in favor of the application. Shannon Grant, Charles and Kathleen Perry wrote letters in opposition. CM Hill moved to close the public input portion of the public hearing. CM Forgensi seconded. Passed unanimously.

CM Tharp moved to approve the Conditional Use Permit for the Governor's Mansion owned by Rocky Mountain Homes at 129 West 8th Street for the use of licensing three short term rental license units based on the criteria set forth in the staff report dated June 23rd 2021, the City of Leadville's municipal code, Sections 17.52.040, 5.12.090, and the 2015 Leadville Comprehensive Plan and the specifications as discussed and determined by the short-term rental conditional use short term rental checklist.

1. Sunsets with the owner and not the property
2. Should a future parking plan be enacted this property would be subject to those parking regulations.

All representations made by the applicant and relied upon by the Planning and Zoning Commission and/or the City Council in evaluating the Conditional Use Permit shall be deemed a part of the application and binding upon the applicant. CM Lauritzen seconded. Passed unanimously.



**Council recess from 8:00 p.m. – 8:06 p.m.**

**Conditional Use Permit personal services spa at 223 East 7<sup>th</sup> Street.** This was continued by Planning Commission on 6/23/2021 to 7/7/2021 and 7/20/2021 before City Council. There was no one to present this application. There was no ex parte communication. There were no public comments submitted for this application. There were no public comments in favor or against this application. CM Gowing moved to close the public input portion of the public hearing. CM Hill seconded. Passed unanimously.

CM Lauritzen moved to approve the Conditional Use Permit for Petr Van Valkenburg to open a personal services spa located at 223 East 7th Street Leadville, CO 80461 based on the criteria set forth in the staff report dated June 20th 2021, the City of Leadville's municipal code, Sections 17.52.040, and the 2015 Leadville Comprehensive Plan. Subject to the following conditions: That the residence remains owner occupied, the conditional use permit sunsets with the owner, not the property, and that no more than 2 clients would be booked per day. All representations made by the applicant and relied upon by the Planning and Zoning Commission and/or the City Council in evaluating the Conditional Use Permit shall be deemed a part of the application and binding upon the applicant. CM Tharp seconded. Passed unanimously.

**Certificate of Appropriateness Public Hearing (8:26 p.m. – 8:48 p.m.)**

**Certificate of Appropriateness for 311/313 Harrison Ave from Matthew Delaney.** There was no one to present this application to City Council. City Council had questions that couldn't be answered without the applicant present. CM Gowing moved to continue the Certificate of Appropriateness to for 311/313 Harrison Avenue until August 17, 2021, including a more complete package with more clarification of the assessment. And request for the applicant to be present. CM Forgensi seconded. Passed unanimously.

**Certificate of Appropriateness for 114 W 6<sup>th</sup> St.** presented by James Frazier. There was no ex parte communication. There were no public comments for or against the application. CM Tharp moved to close the public input portion of the hearing. CM Hill seconded. Passed unanimously.

CM Hill move to approve the Certificate of Appropriateness for the Demolition the rear board & batten structure at 114 West 6th Street, Leadville, CO 80461 based on the criteria set forth in the related COA application materials and staff report dated July13th, 2021, the City of Leadville's municipal code, Sections 17.4 41 and the 2015 Leadville Comprehensive Plan. CM Gowing seconded. Passed unanimously.

**Public meetings planner:** August 10<sup>th</sup> will be a joint hearing for the Railyard Phase II and Miners subdivision project with Planning & Zoning; expect presentation from RGA. July 29<sup>th</sup> at 5:30 is a joint work session with the BOCC and Housing Coalition. LURA still hasn't set a meeting. (8:48 p.m.)

**Mayor's report:** He is meeting with the Irish Network in the morning to get an update on their project. Next week the sidewalks should be started in coordination with the Street Department. (8:51 p.m.)



**Council reports:** CM Hill attended the EDC Board meeting. There is a coordinated effort between the EDC, Tourism Panel and the Visitor's Center to preserve the Chamber. The Chamber of Commerce has been in Leadville for 108 years.

CM Tharp reported that, Get Outdoors Leadville, the only school aged childcare in the county has applied to expand their capacity for more children, especially for 5–6-year-old children.

MPT Greene inquired about the construction on West 4th Street by the ditch. Mayor Labbe clarified that they cannot fill in the ditch, but they can put in a culvert.

CM Forgensi thanked City staff for cleaning up the City Hall area managed by Ms. Dallas.

**Public comments about items not on the agenda.** Brett Antczak, the CEO of St. Vincent Hospital, extended an invitation to City Council to have a tour of their new facility and offered some office furniture to the City. Debra Bellas-Dow is concerned that the builder in her area is running his business out of 629 on her street and affects parking/safety, etc. Council discussed the process with the building department for the City. (9:07 p.m. – 9:18 p.m.)

**Adjournment:** 9:18 p.m.

**APPROVED this 3rd day of August, 2021 by a vote of 7 in favor, 0 against, 0 abstaining, and 0 absent.**

CITY OF LEADVILLE, COLORADO

ATTEST:

By

Diane Kiss, Deputy City Clerk