



**CITY OF LEADVILLE**  
**Tuesday, August 17, 2021 – 6:00 P.M.**  
**REGULAR COUNCIL MEETING MINUTES**  
**800 HARRISON AVE, LEADVILLE, CO.**

Call to order of regular meeting at 6:02 p.m. in Council Chambers.

**Roll call:** CM Lauritzen, CM Hill, Mayor Labbe, CM Gowing, MPT Greene, CM Forgens, CM Tharp were present.

**Approval of the agenda:** CM Gowing moved to approve the agenda. CM Hill seconded. Passed unanimously.

**Housekeeping matters:** CM Gowing asked for an update on the audio installation. There is a tentative date of Saturday, August 21<sup>st</sup> for installation.

**Public comments** for items not on the agenda. Jeff Owsley with CFHA, Colorado Finance and Housing Authoring, based out of Alamosa, the Community Relationship Manager for the south-central area of Colorado that includes Lake County is in town to meet with people on housing and economic development.

**Approval of the Minutes:**

MPT Greene moved to approve the minutes from 7/27/21. CM Hill seconded. Passed unanimously. CM Lauritzen moved to approve the minutes from 8/3/21 minutes. CM Forgens seconded. Passed unanimously.

**Department Reports/Bills:** CM Hill moved to pay the bills. CM Tharp seconded. Passed unanimously. (6:08 p.m. – 6:51 p.m.)

**Proclamation Regarding Twinning Allihies, County Cork, Ireland.** Mayor Labbe read the proclamation which was created by the teamwork of Judy Green, Kathleen Fitzsimmons, Luke Finken and Mayor Labbe. It was subsequently reviewed by James Walsh, CU historian, and Maria Ryan, the Irish lead on our Twinning effort and a curator at the Allihies Museum.

**Schedule Budget Work Sessions.** City Council approved to schedule the following dates for the budget work sessions: 9/28/21, 10/12/21, 10/26/21 and 11/9/21 from 6:00 p.m. – 9:00 p.m.

**Conditional Use Permit and Certificate of Appropriateness Public Hearings:** (7:06 p.m. – 8:52 p.m.) There were no conflicts of interest or ex parte communication.

**Conditional Use Permit Hearing for Tye Die Cowboys Catering, LLC dba Moes BBQ at 138 East 6<sup>th</sup> Street.** Presented by Phil Matsen, an owner, for a CUP to in order to serve alcohol with food. There were six letters in support and six letters in opposition that were presented at the Planning & Zoning meeting from August 11, 2021. There were two public comments in favor by Megan Lovelace and Matthew Delany. There were no public comments in opposition.



CM Gowing moved to close the public input portion of the public hearing. CM Hill and CM Lauritzen seconded. Passed unanimously.

CM Tharp moved to conditionally approve the Conditional Use Permit for Ty Die Cowboys Catering, LLC Philip Matsen (DBA: Moe's Original BBQ) to create a restaurant bar/lounge establishment at 138-144 East 6<sup>th</sup> Street Leadville, CO 80461 based on criteria set forth in the staff report dated July 29<sup>th</sup> 2021, the City of Leadville's municipal code, Sections 17.52.040, and the 2015 Leadville Comprehensive Plan. With the following condition, that last call for alcohol be at 8:55 p.m. CM Hill seconded. Passed unanimously.

**Break:** 7:50 p.m. – 8:00 p.m.

**Certificate of Appropriateness for 311/313 Harrison Avenue.** This was continued from 7/20/21 for representation. Presented by Morgan Law of Shape Architecture, and Matt Delaney, owner. There were no public comments in favor or opposition.

CM Forgensi moved to close the public input portion of the public hearing. CM Tharp seconded. Passed unanimously.

CM Hill moved to approve the Certificate of Appropriateness for the Front Façade Renovation and Demolition of southern cinderblock structure behind building, with the following stipulations:

- 1) That the front façade bricks NOT be painted,
- 2) That the front façade, from sidewalk to window, be modified to be a bit more in line with the historic appearance of the structure.

All at 311/313 Harrison Avenue Leadville CO 80461 based on the criteria set forth in the related COA application materials and staff report dated July 13<sup>th</sup>, 2021, the City of Leadville's municipal code, Sections 17.44, and the 2015 Leadville Comprehensive Plan. CM Forgensi seconded. Passed unanimously.

**Certificate of Appropriateness for 821 Harrison Avenue.** Presented by Justin Lopez, owner. There were no public comments in favor or opposition.

CM Hill moved to close the public input portion of the public hearing. CM Tharp seconded. Passed unanimously.

CM Forgensi moved to approve the Certificate of Appropriateness for the Rear Building Demolition at 821 Harrison Avenue Leadville CO 80461 based on the criteria set forth in the related COA application materials and staff report dated August 10<sup>th</sup>, 2021, the City of Leadville's municipal code, Sections 17.44, and the 2015 Leadville Comprehensive Plan. With the stipulation to the maximum extent possible, historical materials as part of the existing structure be incorporated into the construction of new one. CM Lauritzen seconded. Mayor Labbe, CM Gowing, MPT Greene voted against. CM Lauritzen, CM Hill, CM Forgensi and CM Tharp voted in favor. Passed by a 4 to 3 vote.

**Temporary Use Permit for Lake County School Student Senate to host the Annual Lake County SF-1 Homecoming Parade.** Presented by Luke Finken. (8:52 p.m.)

CM Hill moved to approve Temporary Use Permit for Lake County High School Student Senate to host the Annual Lake County SD-1 Homecoming Parade on Thursday September 30<sup>th</sup>, 2021 from 4:00 pm until 4:30 pm along Harrison Avenue from 9<sup>th</sup> Street to 3<sup>rd</sup> Street. Said approval being valid for three years, through 2023. MPT Greene seconded. Passed unanimously.



**RFSCLV, LLC DBA Roots Rx Retail Marijuana License & RFSCLVG Cultivation License 2021-2022** presented by Leaven Freidrichs for LVG and Julian Gerbitz for LV.

CM Hill moved to approve the annual renewal for the retail marijuana license for RFSCLV, LLC and the retail marijuana cultivation license for RFSCLVG DBA Roots Rx located at 145 Front Street. CM Tharp seconded. CM Hill withdrew this motion.

CM Hill moved to approve the annual renewal on 8/17/2021 for the retail marijuana store license for RFSCLV, LLC DBA Roots Rx located at 145 Front Street Leadville, Colorado and RFSCLVG LLC cultivation facility. CM Tharp seconded. Passed unanimously.

**PbVille, LLC DBA Floyds Retail Marijuana License 2021-2022** presented by Scott Thompson.

CM Tharp moved that the City Council, acting as Leadville's local licensing authority, find that there is no evidence to support a refusal to renew the marijuana license of, pursuant to the Leadville Municipal Code and the Colorado Retail Marijuana Code. I further move to approve the application to PBville LLC d/b/a Floyd's Fine Cannabis to renew its local retail marijuana store license based on those findings. CM Gowing seconded. Passed unanimously.

**Resolution 16, Series 2021: A Resolution Approving the Submission to the Registered Electors of the City of Leadville at the November 2, 2021 Regular Election, a Ballot Issue Concerning an Accommodations Tax Commencing on January 1, 2021** presented by Christiana McCormick, Assistant City Attorney.

Mayor Labbe moved to approve Resolution 16, Series 2021, with the following ballot language change: "Shall City of Leadville taxes be increased by \$300,000 annually (first full fiscal year increase) and by whatever amounts are raised annually thereafter, by the adoption of an accommodations tax in the amount of 4.92% on the amount paid by or charged to the users of short-term rental units and the users of commercial public accommodations, such as hotels, motels, and bed-and-breakfast establishments, for public accommodations services of less than thirty (30) days in the City of Leadville, and shall all revenues derived from such accommodations tax be collected and spent for the purpose of funding affordable and community housing, affordable and community housing programs, and any related lawful municipal expenses, as well as financially supporting the Lake County Tourism Panel so it maintains its existing tax revenues with such revenues to be collected and spent as voter-approved revenue change notwithstanding any revenue or expenditure limitations contained in Article X, Section 20 of the Colorado Constitution?" CM Greene seconded. Passed unanimously. (9:00 p.m. - 9:41 p.m.)

**Resolution 20, Series 2021: A Resolution Supporting the Grant Application for a Main Street: Open for Business Grant from the Department of Local Affairs** presented by Nancy Bailey.

CM Gowing moved to approve Resolution 20, Series 2021: A Resolution Supporting the Grant Application for a Main Street: Open for Business Grant from the Department of Local Affairs. MPT Greene seconded. Passed unanimously. (9:42 p.m. - 9:51 p.m.)

**There were no additional adjustments to the Public Meetings Planner.**



**Mayor's Report:** The STR next steps include the enforcement of noncompliant STRs. The City is looking into hiring an additional code enforcement officer to work specifically on weekends. A letter will need to be mailed out to the noncompliant individuals.

**Council reports:** CM Lauritzen will be gone on vacation for the next 3 weeks and will not be available for the Sept. 7<sup>th</sup> meeting. CM Lauritzen suggested that the first budget meeting be an Open House. The first session on 9/28/21 will be a Public Open House to discuss 2022 Budget Priorities.

CM Gowing gave an update on the Tabor Opera House which had an inspection that approved them to use the stage again and give tours to the dressing rooms below.

CM Forgensi wanted the sign checked at the Mountain Peaks Motel. Mayor Labbe reported that the owners have been contacted.

CM Hill asked if CDOT could change the intersection of 9<sup>th</sup> and Harrison because of the confusion it causes for people going down Harrison. There is a left turn lane but not a lane to go straight. People put on their left-hand signal to go straight.

Mayor Labbe gave an update on the Street Department: Jim is going to retire at the end of August. The Street Department is transiting to a new manager, Tommy Lobato.

**There were no additional public comments about items not on the agenda.**

**Adjournment:** 10:19 p.m.

**APPROVED this 14th day of September, 2021 by a vote of 6 in favor, 0 against, 0 abstaining, and 1 absent.**

CITY OF LEADVILLE, COLORADO

ATTEST:

By

  
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Diane Kiss, Deputy City Clerk