



CITY OF LEADVILLE
Tuesday, June 4th, 2019 – 6:00 P.M.
REGULAR COUNCIL MEETING MINUTES
800 HARRISON AVE, LEADVILLE, CO.

- 6:00 PM
1. Call to Order of regular meeting
 2. Pledge of Allegiance.
 3. Roll Call: All of Council in Attendance
- 6:05 PM
4. Approval of Agenda: CM Gowing moved to approve the agenda, MPT Beck Seconded no revisions. All in favor. None opposed.
 5. Housekeeping Matters: Mayor Labbe explained Council's intent to continue the public hearing on the street vacation request to July 16, 2019 and the URA plan adoption to June 18, 2019 given the complexity of the Railyard hearing tonight. At the appropriate time on the agenda, Council will open the public hearings and continue them to a time and date certain but wanted the public present to be aware of this intent for the purposes of their time and expectations of the evening.
- 6:15 PM
6. Public Comments about items not on the agenda.
Steve Prestash-addressed the Council regarding various topics. He lives in property willed to him in 1980. He has conducted a scrap metal business at this building and would like to improve his structure. He currently works at the Book Mine for the past 5 years and has been a business transitioning to him. He had his sign, "Realtors are the child molesters" and spoke to the real estate industry and agents of the community. He is concerned with the prices and handed out literature regarding gentrification and real estate speculation. As well as a law suit he filed against the City of Leadville and the EDC regarding the 2015 Comprehensive Plan Adoption. He spoke to the adoption of the Comprehensive Plan. He requested the following items be part of the office al record regarding the adoption of the Central Leadville Urban Renewal Plan.
 1. Book: Bastiat's "The Law"
 2. Remax flyer titled "Thinking of selling you home?"
 3. Copy of Complaint/lawsuit on 2015 Comprehensive plan against the City of Leadville and EDC.

Carl Schaffer- speaking on behalf of community theater for the Lake County Civic Association and the summer production of the Fantastick's. Carl would like to request a donation from the City to put on the production for \$2000 and would like to be on the next City Council agenda for this request. The dates of the play will be July 12-13, and 19-20. Mayor Labbe advised Carl to reach out to the Deputy City Clerk or ASM Dallas to be placed on the agenda.



7. a. Fire Department Awards and Swearing in Ceremony- Council, staff, and public present went accompanied by the Fire Chief to the Fire Station to attend an award and swearing-in ceremony. Then Council returned to resume the remaining business on the agenda.
- b. Resolution 7, Series 2019- Appointment of Finance Director/Deputy Treasurer. Mayor Labbe read the resolution and spoke to the vacancy created by the vacancy of Ric Eisenring on 1-31-19 to the official position as Finance Director and Deputy Treasurer and spoke regarding Dawna Schneider having been working diligently to clean-up the department and get everything on track. She has been the interim and this is her official appointment to the position. CM Gowing moved to adopt Resolution 7, Series 2019, MPT Beck Seconded. All in Favor. None opposed.
- c. Bills- MPT Beck moved to pay the bills. CM Launcher seconded. All in favor. None opposed.

Commented [MM1]: Resignation? Other? Pls clarify.

Adjourn Meeting of City Council – Convene Local Marijuana Licensing Authority.

d. Annual 2019 Renewal(s) for Roots Rx 145 Front Street Cultivation, Retail Store, and Infused Product Manufacture licenses- Mayor Labbe opened and read the script for the public hearing of the annual renewal of Roots Rx at 145 Front Street retail store, retail cultivation, and retail infused product manufacturer licenses.

The Mayor invited the representative of Roots RX to speak to the licensing authority. Joe Rothberger is the new cultivation manager for Roots Rx and has recently moved to Leadville. He is excited with the company and progress of the facility and had no other comments.

ASM Dallas overviewed the staff report and that Roots RX has been a concerned community neighbor working on resolving the odor issues that had plagued them in years passed. This past year there were no calls or complaints received by her office regarding odor. ASM Dallas sent the renewals applications to the Fire Marshal and Police Chief. There were no comments or concerns raised but either. Chief Bertolas stated that the applicant is a good partner and allow the PD to come onto the premises for any reason needed. Occasionally have smelled or received a call but have been unable to prove it was Roots Rx odor issue and ultimately has not been an issue. City staff recommended renewals of all three licenses.

MPT Beck moved to approve “the annual renewal(s) on 06/04/2019 for RFSCLV, RFSCLLVM, and RFSCLVG DBA Roots Rx retail marijuana store, retail infused product manufacturer, and retail cultivation located at 145 Front Street.” CM Gowing Seconded. All in favor. None opposed.

Adjourn Local Marijuana Licensing Authority meeting – Re-convene Meeting of City Council.



e. 1st reading Ordinance No. 2, Series 2019, Vacating a Portion of ROW Adjacent to West 6th Street (Paolo Narduzzi petition) - Mayor Labbe explained the intention to continue the hearing for the ROW street vacation to July 16th, 2019 based upon the complexity of other issues on the agenda tonight and that the public hearing on this item had been noticed for June 4, 2019. MPT Beck moved to adopt on 1st reading Ordinance 2, Series 2019 and to continue the public hearing considering the vacation of a portion of a ROW adjacent to West 6th Street to July 16, 2019 at 6:00 PM, with the continued public hearing to be held at Leadville City Hall. CM Greene seconded. All in favor. None opposed.

f. Public Hearing – Leadville Railyard, Filing 1 – Major Subdivision Request- Mayor Labbe opened the two part public hearing for the Railyard Phase 1 Major Subdivision by reading into the record the script and process of the evening. Mayor Labbe invited Deputy City Attorney Christiana McCormick an opportunity to speak to the overview of the organization of the evenings hearing. Ms. McCormick explained the 11 variance requests that will need to each individually be voted upon followed by the consideration of the combined preliminary plan/final plat major subdivision for phase 1 of the Leadville Railyard project.

Mayor Labbe requested disclosure for any ex parte communications. No ex parte communications were disclosed. Mayor Labbe then invited Deputy City Attorney Christiana McCormick to explain the importance and reason for disclosure of ex parte communications.

- (1) Variance Requests for Combined Preliminary Plan/Final Plat (Applicant: High Country Developers, LLC)

7:04 PM Mayor Labbe then officially opened the combined public hearing and invited RG and Associates contract engineer Gary Welp to provide an overview of Variance #1.

Gary explained the request and recommendation on the variance request #1 Sec. 16.32.020.A.6 LMC: which is in regards to the street jogs designed with centerline offsets of less than one hundred fifty (150) feet shall be avoided in accordance with the city's adopted codes.

Railyard team Ronnie Pelusio of PEL-ONA ARCHITECTS & URBANISTS gave their presentation on the request including why they have designed the proposed Railyard Development as a new urban community development. He spoke to the intention of a return to historic communities much like the existing City of Leadville design and avoids more traffic centric designs seen in suburban developments and instead focus on the pedestrian experience which requires small roads, streets, jogs, traffic considerations, etc. that are the substance of most of the variance requests because the context of the designed community will indicate to the user how to engage with the development and not engineered standards that don't consider the entire design. Mr. Pulusio showed a visual slide that showed the city's consultant's recommendation and then the City P&Z recommendations, and then the



Railyard teams request and recommendation on the request. They will use a system of colored boxes with each variance request to show the process, request, and recommendations for each variance.

CM Greene asked about what all in entailed with the traffic study and how it has been considered. Applicant and staff pointed to the black 3-ring binder. Chris Koehler of Koehler Engineering and the Railyards engineer explained that it was based upon the complete and total development fully built and this is a portion of just a part of that traffic study for phase 1.

Mayor Labbe opened the public portion of the hearing for Variance 1 and invited those in favor of the development to come up to speak to the application.

Bill Simmons has a construction company and is in favor of the investment, design, and placement of the project and recommend approval. He thinks it is good for Leadville.

Ken Olson is the adjacent property owner/neighbor and spoke to John Lichtenegger being a good neighbor who has worked well with him and is in favor of this project.

Mike Bordogna the EDC director is in favor of the development and appreciates the design and attention to detail. He is supportive and believes it is good for Leadville for a variety of reasons.

No other commends in favor. Mayor Labbe asked for any public comment opposed. There were none opposed.

CM Lauchner moved to close the public input portion for variance 1. CM Linebarger seconded. All in favor. None opposed.

Council then debated with the applicant, staff, consultants, and conversations with the City P&Z Chair Gabby Voeller on the recommendations from the planning commission on this variance issue.

P&Z Chair Voeller explained that because it is not known how the alley will perform in Blk 1 lot 1 that the P&Z was comfortable with variances request and that the plat will indicate that at site plan review the issue will be resolved.

John Lichtenegger owner of the Railyard property and developer of the property explained it could be a lot for hotel or for a major hardware store and needs the flexibility to what is actually to be built at that lot. After debate

CM Green moved "THE CITY COUNCIL FINDS THAT, BY COMPLYING WITH THE CONDITION SET BY CITY COUNCIL, THE APPLICANT HAS MET THE CRITERIA SET FORTH IN SECTION 16.28.020.A OF THE LEADVILLE MUNICIPAL CODE BASED ON THE INFORMATION PRESENTED BY THE APPLICANT AND STAFF AT THE PUBLIC HEARING HELD ON JUNE 4, 2019 FOR VARIANCE REQUEST NO. 1.

She further moved, "THAT THE CITY COUNCIL APPROVE APPLICANT'S VARIANCE REQUEST NO. 1 WITH THE FOLLOWING CONDITION: THE APPLICANT WILL PROVIDE VEHICULAR ACCESS TO 13TH STREET WITH FINAL ALIGNMENT TO BE DETERMINED AT THE TIME OF SITE PLAN



REVIEW WITH UPDATED TRIP GENERATION INFORMATION OR CONFORMANCE LETTER FOR LOT 1, BLOCK 1.
CM Gowing seconded. All in favor. None opposed.

Mayor Labbe then opened into the public hearing for variance request 2. A request is to allow for reduced centerline radii for local streets as proposed in the Combined Preliminary Plan and Final Plat and designed in the Construction Documents. The centerline radii, which drop below the 100' standard, vary from 40' to 50' resulting in design speeds of 12 MPH to 14 MPH. There are approximately 13 locations which this request would cover.

Mayor invited Gary Welp to speak to the request, standard and recommendation.

Railyard team gave their presentation with the visuals and request that they have as well as the recommendation from the P&Z meeting on the 22nd and 29th of May. City P&Z had recommend approval of variance 2 with no conditions.

Mayor Labbe opened public input portion of the hearing. No one in favor or opposition of variance request 2.

MPT Back moved to close the public input portion of the hearing. And CM Gowing seconded. All in favor. None opposed.

After debate and discussion about the request between council, staff, consultants, and Railyard team, CM Hagen moved "THAT CITY COUNCIL APPROVE APPLICANT'S VARIANCE REQUEST NO. 2 WITH NO CONDITIONS OF APPROVAL."

CM Lauchner seconded. All in favor. None opposed.

Mayor Labbe then opened the public hearing for variance request 3. The request is to omit vertical curves at locations where minor alleys and streets intersect principal streets as well as at the intersection of Silver Vault and Grand Review. There are approximately six (6) locations which this request would cover.

Mayor invited Gary Welp to speak to the request, standard and recommendation.

Railyard team gave their presentation with the visuals and request that they have as well as the recommendation from the P&Z meeting on the 22nd and 29th of May. City P&Z had recommend approval of variance 3 with the conditions recommend by staff consultants.

Mayor Labbe opened public input portion of the hearing. No one in favor or opposition of variance request 3.

Cm Gowing moved to close the public input portion of the hearing. And MPT Beck seconded. All in favor. None opposed.

After debate and discussion about the request between council, staff, consultants, and Railyard team CM Linebarger moved "THE CITY COUNCIL FINDS THAT, BY COMPLYING WITH THE CONDITIONS SET BY CITY COUNCIL, THE APPLICANT HAS MET THE CRITERIA SET FORTH IN SECTION 16.28.020.A OF THE LEADVILLE MUNICIPAL CODE BASED ON THE



INFORMATION PRESENTED BY THE APPLICANT AND STAFF AT THE PUBLIC HEARING HELD ON JUNE 4, 2019 for VARIANCE REQUEST NO. 3. "I MOVE THAT THE CITY COUNCIL APPROVE APPLICANT'S VARIANCE REQUEST NO. 3 WITH THE FOLLOWING CONDITIONS:

1. A VERTICAL CURVE WILL BE ADDED AT HEMLOCK STREET NEAR 12TH STREET;
2. A VERTICAL CURVE WILL BE ADDED AT THE ALLEY NEAR 12TH STREET;
3. A VERTICAL CURVE WILL BE ADDED AT THE ENTRANCE TO LOT 1, BLOCK 1; AND
4. CONCRETE CROSSPANS WILL BE ADDED ALONG GRAND REVIEW DRIVE ON EACH SIDE AT THE INTERSECTION OF SILVER VAULT STREET AND PROSPECT STREET."

CM Greene seconded. All in favor. None opposed. Mayor Labbe called a 10 minute recess.

Mayor Labbe called the City Council meeting back to order.

8:05pm
8:16pm

Mayor Labbe then opened the public hearing for variance request 4. The request is to allow design features which create difficult maneuvering because the lower design speeds of the alleys won't have as large of an impact on the users. There are approximately ten (10) alley locations which this request would cover. Mayor invited Gary Welp to speak to the request, standard and recommendation.

Railyard team gave their presentation with the visuals and request that they have as well as the recommendation from the P&Z meeting on the 22nd and 29th of May. City P&Z had recommend approval of variance 4 with an alternative conditions.

Mayor Labbe opened public input portion of the hearing. No one in favor or opposition of variance request 4.

MPT Beck moved to close the public input portion. CM Lauchner seconded. All in favor. None opposed. After debate and discussion about the request between council, staff, consultants, and Railyard team Mayor Labbe moved "THE CITY COUNCIL FINDS THAT, BY COMPLYING WITH THE CONDITIONS SET BY CITY COUNCIL, THE APPLICANT HAS MET THE CRITERIA SET FORTH IN SECTION 16.28.020.A OF THE LEADVILLE MUNICIPAL CODE BASED ON THE INFORMATION PRESENTED BY THE APPLICANT AND STAFF AT THE PUBLIC HEARING HELD ON JUNE 4, 2019 FOR VARIANCE REQUEST NO. 4." Mayor Labbe further moved that "CITY COUNCIL APPROVE APPLICANT'S VARIANCE REQUEST NO. 4 WITH THE FOLLOWING CONDITIONS: THE APPLICANT SHALL INSTALL STOP SIGNS AT THE FOLLOWING TWO INTERSECTIONS: (1) 15TH STREET AND JACKSON WAY, AND (2) 13TH STREET AND JACKSON WAY." CM Linebarger seconded. All in favor. None opposed.

Mayor Labbe then opened the public hearing for variance request 11 since it ties into variance 4 and was recommended to go into this order by staff.

This request is to not require cul-de-sac turnarounds at end of alleys accessible off of Vault Street (to the west), off of 15th Street (to the north), off of Grand Review Drive between Lots 5 & 7, Block 6 (to the east), off of



Grand Review Drive between Lots 13 and 14, Block 6 (to the east). Mayor invited Gary Welp to speak to the request, standard and recommendation. Railyard team gave their presentation with the visuals and request that they have as well as the recommendation from the P&Z meeting on the 22nd and 29th of May.

Mayor Labbe then opened the public input portion of variance 11. Steve Prestash was in favor of variance 11 and talked about his own issues at his property located in Leadville and also spoke to Ex Parte communication. No public comments opposed. CM Lauchner moved to close the public input portion. MPT Beck seconded. All in favor. None opposed. After debate and discussion about the request between council, staff, consultants, and Railyard team CM Linebarger moved THE CITY COUNCIL FINDS THAT, BY COMPLYING WITH THE CONDITIONS SET BY CITY COUNCIL, THE APPLICANT HAS MET THE CRITERIA SET FORTH IN SECTION 16.28.020.A OF THE LEADVILLE MUNICIPAL CODE BASED ON THE INFORMATION PRESENTED BY THE APPLICANT AND STAFF AT THE PUBLIC HEARING HELD ON JUNE 4, 2019 FOR VARIANCE REQUEST NO. 11. I MOVE THAT THE CITY COUNCIL APPROVE APPLICANT'S VARIANCE REQUEST NO. 11 WITH THE FOLLOWING CONDITIONS: AT THE THREE LOCATIONS IDENTIFIED ON THE RG & ASSOCIATES EXHIBIT FOR VARIANCE REQUEST NO. 11, THE APPLICANT SHALL INSTALL A HAMMERHEAD TURNAROUND OR OTHER SUFFICIENT TURNAROUND OR TEMPORARY CONNECTING LOOP SUCH THAT VEHICLES DO NOT HAVE TO BACK OUT OF THOSE ALLEY LOCATIONS." CM Greene seconded. All in favor. None opposed.

Mayor Labbe then opened variance request 5. This request is to allow for a reduced intersection angle for "Y" intersection throughout the project. There are three (3) locations which this request would cover. Mayor invited Gary Welp to speak to the request, standard and recommendation. Railyard team gave their presentation with the visuals and request that they have as well as the recommendation from the P&Z meeting on the 22nd and 29th of May.

Mayor Labbe then opened the public input portion of variance 5. No one in favor or opposition. CM Lauchner moved to close the public input portion. MPT Beck seconded. All in favor. None opposed. After debate and discussion about the request between council, staff, consultants, and Railyard team MPT beck moved "THE CITY COUNCIL FINDS THAT THE APPLICANT HAS MET THE CRITERIA SET FORTH IN SECTION 16.28.020.A OF THE LEADVILLE MUNICIPAL CODE BASED ON THE INFORMATION PRESENTED BY THE APPLICANT AND STAFF AT THE PUBLIC HEARING HELD ON JUNE 4, 2019 FOR VARIANCE REQUEST NO. 5. I MOVE THAT THE CITY COUNCIL APPROVE APPLICANT'S VARIANCE REQUEST NO. 5 WITH NO CONDITIONS." CM Gowing seconded. All in favor. None opposed.

Mayor Labbe then opened variance request 6. This request is to eliminate the requirement for curb radii when alleys intersect other roadways. There



are approximately 22 locations which this request would cover. Mayor invited Gary Welp to speak to the request, standard and recommendation. Railyard team gave their presentation with the visuals and request that they have as well as the recommendation from the P&Z meeting on the 22nd and 29th of May.

Mayor Labbe then opened the public input portion of variance 6. No public comments in favor or opposed. CM Lauchner moved to close the public input portion. MPT Beck seconded. After debate and discussion about the request between council, staff, consultants, and Railyard team, CM Hagen made the following motion: "I MOVE THAT THE CITY COUNCIL APPROVE APPLICANT'S VARIANCE REQUEST NO. 6 BASED ON THE INFORMATION PRESENTED BY THE APPLICANT AT THE PUBLIC HEARING HELD ON JUNE 4, 2019, THE CITY COUNCIL FINDS THAT THE APPLICANT HAS MET THE CRITERIA IN SECTION 16.28.020.A OF THE LEADVILLE MUNICIPAL CODE AND NO CONDITIONS OF APPROVAL ARE REQUIRED." CM Lauchner seconded. All in favor. None opposed.

Mayor Labbe then opened variance request 7 which is regarding drainage and is closely related to variance request 9. This request is to allow the applicant to meet the general intent of the standards while not providing specific items which could reduce maintenance costs and clogging of the outlet structure and pipe and consistent with best practices. There are a variety of impacts in a variety of locations throughout the project – both on-site and off – that would be impacted by this request.

Mayor invited Gary Welp to speak to the request, standard and recommendation. Railyard team with conversation on the design by Chris Koehler gave their presentation with the visuals and request that they have as well as the recommendation from the P&Z meeting on the 22nd and 29th of May.

Mayor Labbe then opened the public input portion of variance 7. No one in favor and no one opposed. CM Hagen moved to close the public input portion. MPT Beck seconded. All in favor. After debate and discussion about the request between council, staff, consultants, and Railyard team CM Lauchner "THE CITY COUNCIL FINDS THAT, BY COMPLYING WITH THE CONDITIONS SET BY CITY COUNCIL, THE APPLICANT HAS MET THE CRITERIA SET FORTH IN SECTION 16.28.020.A OF THE LEADVILLE MUNICIPAL CODE BASED ON THE INFORMATION PRESENTED BY THE APPLICANT AND STAFF AT THE PUBLIC HEARING HELD ON JUNE 4, 2019 FOR VARIANCE REQUEST NO. 7.

I MOVE THAT THE CITY COUNCIL APPROVE APPLICANT'S VARIANCE REQUEST NO. 7 WITH THE FOLLOWING CONDITIONS:

1. A CONCRETE FOREBAY SHALL BE ADDED AT THE STORM SEWER PIPE OUTFALL INTO DETENTION POND 2, LOCATED IN OUTLOT A;



2. A CONCRETE MICROPOOL SHALL BE ADDED AS PART OF THE OUTLET STRUCTURE FOR DETENTION POND 1, LOCATED IN LOT 1, BLOCK 1, AND DETENTION POND 2;
3. AN EMERGENCY SPILLWAY WITH RIPRAP OVERFLOW SHALL BE ADDED TO DETENTION POND 1 AND DETENTION POND 2;
4. CDOT TYPE C GRATES SHALL BE ADDED TO THE OUTLET STRUCTURE FOR DETENTION POND 1 AND DETENTION POND 2;
5. CONCRETE TRICKLE CHANNELS WILL NOT BE REQUIRED DUE TO THE INTERIM NATURE OF THE SURFACE DETENTION PONDS;
6. THE OUTLET STRUCTURE DESIGN SHALL BE MODIFIED SO THE DISCHARGE FROM THE 2-YEAR AND 5-YEAR (AS WELL AS ALL OTHER EVENTS) DO NOT EXCEED THE HISTORIC RATE OF RELEASE;
7. THE FUTURE UNDERGROUND DETENTION STORAGE SHALL PROVIDE WATER QUALITY IN ISOLATOR ROWS AND THE FURTHER DESIGN AND INSTALLATION OF THE FUTURE UNDERGROUND DETENTION WILL BE WITH THE SITE PLANS FOR THE DEVELOPMENT OF EACH OF THOSE RESPECTIVE LOTS; AND
8. CONCERNING DETENTION BASIN POND 1 ("POND 1") LOCATED WITHIN LOT 1, BLOCK 1 AND DETENTION BASIN POND 2 ("POND 2") LOCATED WITHIN OUTLOT A, THE APPLICANT OR APPLICANT'S SUCCESSORS OR ASSIGNS SHALL:
 - (A) UPDATE POND 1 FIVE (5) YEARS AFTER THE RECORDATION OF THE RAILYARD AT LEADVILLE FINAL PLAT TO MEET THE THEN-CURRENT URBAN STORM DRAINAGE CRITERIA MANUAL STANDARDS IF AT THAT TIME SUCH POND 1 REMAINS IN USE AND UNDERGROUND DRAINAGE FACILITIES, AS CONTEMPLATED BY THE RAILYARD AT LEADVILLE COMBINED PRELIMINARY PLAN AND FINAL PLAT APPLICATION, HAVE NOT YET BEEN CONSTRUCTED; AND
 - (B) UPDATE POND 2 TEN (10) YEARS AFTER THE RECORDATION OF THE RAILYARD AT LEADVILLE FINAL PLAT TO MEET THE THEN-CURRENT URBAN STORM DRAINAGE CRITERIA MANUAL STANDARDS IF AT THAT TIME SUCH POND 2 REMAINS IN USE AND UNDERGROUND DRAINAGE FACILITIES, AS CONTEMPLATED BY THE RAILYARD AT LEADVILLE COMBINED PRELIMINARY PLAN AND FINAL PLAT APPLICATION, HAVE NOT YET BEEN CONSTRUCTED."

CM Hagen seconded. All in favor. None opposed.



Mayor Labbe then opened variance request 9. This request is associated with off-site drainage facility capacities and the difference between historic release and proposed development stormwater release. There were disagreements about the impacts of this increased flow and Lake County issued a letter citing concerns about flooding. With the conditions listed for Variance Request No. 7, the concerns will be sufficiently addressed. This request would impact two (2) locations upon the project site at the two outflow locations from the proposed detention ponds. The first is located south of Mountain View Drive and the second is located east of Highway 24, between 12th and 13th Streets.

Mayor invited Gary Welp to speak to the request, standard and recommendation. Railyard team with conversation on the design by Chris Koehler gave their presentation with the visuals and request that they have as well as the recommendation from the P&Z meeting on the 22nd and 29th of May.

Mayor Labbe then opened the public input portion of variance 9. No one in favor and no one opposed. MPT Beck moved to close the public input portion. CM Greene seconded. All in favor. None opposed.

After debate and discussion about the request between council, staff, consultants, and Railyard team with clarification that reference to the criteria/condtions made as part of the approval for variance 7 would also be the criteria for variance 9 CM Lauchner moved "THE CITY COUNCIL FINDS THAT, BY COMPLYING WITH THE CONDITIONS SET BY CITY COUNCIL, THE APPLICANT HAS MET THE CRITERIA SET FORTH IN SECTION 16.28.020.A OF THE LEADVILLE MUNICIPAL CODE BASED ON THE INFORMATION PRESENTED BY THE APPLICANT AND STAFF AT THE PUBLIC HEARING HELD ON JUNE 4, 2019 FOR VARIANCE REQUEST NO. 9. I FURTHER MOVE THAT THE CITY COUNCIL APPROVE APPLICANT'S VARIANCE REQUEST NO. 9 SUBJECT TO THE SAME CONDITIONS SET FORTH IN CITY COUNCIL'S CONDITIONAL APPROVAL OF VARIANCE REQUEST NO. 7." CM Gowing seconded. All in favor. None opposed.

Mayor Labbe then opened variance request 8. This request is to allow roadways to exceed 4% grade within one hundred (100) feet of an intersection. There are approximately three (3) locations which this request would cover.

Mayor invited Gary Welp to speak to the request, standard and recommendation. Railyard team with conversation on the design by Chris Koehler gave their presentation with the visuals and request that they have as well as the recommendation from the P&Z meeting on the 22nd and 29th of May.

Mayor Labbe then opened the public input portion of variance 8. Steve Prestash in favor of the grade for the views of the development. Mike Bordogna of the EDC agrees with Steve Prestash that it should be allowed for the views and consideration of the engineer's explanation of the grading. No comments in opposition. MPT Beck moved to close the public input portion. CM Lauchner seconded. All in favor. None opposed.



After debate and discussion about the request between council, staff, consultants, and Railyard team CM Hagen moved, "THAT THE CITY COUNCIL APPROVE APPLICANT'S VARIANCE REQUEST NO. 8. BASED ON THE INFORMATION PRESENTED BY THE APPLICANT AT THE PUBLIC HEARING HELD ON JUNE 4, 2019, THE CITY COUNCIL FINDS THAT THE APPLICANT HAS MET THE CRITERIA IN SECTION 16.28.020.A OF THE LEADVILLE MUNICIPAL CODE AND NO CONDITIONS OF APPROVAL ARE REQUIRED." CM Greene seconded. All in favor. None Opposed.

Mayor Labbe then opened final variance request for the evening number 10. This request seeks to waive any and all erosion control measures beyond those required by the CDPHE who has approved a CDPS Permit and has been providing regular inspections of the site.

Quick discussion and agreement and recommendation to allow this variance request with no opposition from any staff, Railyard team, or P&Z recommendation.

Mayor Labbe then opened the public input portion of variance 10. Steve Prestash in favor. None opposed. MPT Beck moved to close the public input portion. CM Launcher seconded. All in favor. None opposed.

MPT Beck moved "THE CITY COUNCIL FINDS THAT THE APPLICANT HAS MET THE CRITERIA SET FORTH IN SECTION 16.28.020.A OF THE LEADVILLE MUNICIPAL CODE BASED ON THE INFORMATION PRESENTED BY THE APPLICANT AND STAFF AT THE PUBLIC HEARING HELD ON JUNE 4, 2019 FOR VARIANCE REQUEST NO. 10. I MOVE THAT THE CITY COUNCIL APPROVE APPLICANT'S VARIANCE REQUEST NO. 10 WITH NO CONDITIONS." CM Gowing Seconded. All in favor. None opposed.

Before moving into the second portion of this public hearing legal staff explained they would recommend not adopting the resolution associated with variance requests or the preliminary/final combined plat as it needs to reflect the variances approved with set conditions in that document.

Attorney Marcus McAskin said there would be a clean resolution as part of the consent agenda on 6-18-19 for adoption that reflected all the criteria and conditions made for the variances tonight.

Mayor Labbe opened the second portion of the Railyard s public hearing regarding the combined preliminary plan and final plat approval for Leadville Railyard Filing 1.

(2) Consideration of Preliminary Plan/Final Plat
(Applicant: High Country Developers, LLC)

TJ Dlubac a sub-contractor to RG and Associates went over the staff highlights for the combined Preliminary Plan and Final Plat request and major considerations.

Mr. Pelusio was given an opportunity to give an overview and ask for clarifications and issues they had with some of the recommendations.



Debate went back and forth between the Railyard team, Council, city staff, and consultants.

After lengthy consideration and discussion it was determined that many of the issues raised needed to be clearly defined in the SIA agreement including the sidewalk pathway, drainage sections for public maintenance and private maintenance with additions of visuals for consideration by Council. Council discussed setting a special meeting to finalize the deal points and negotiations with the SIA agreement. John Lichtenegger will be meeting with the attorney Marcus McAskin next Tuesday the 11th and then Council could meet following those internal negotiations. After review of calendar availability Council decided to meet at 5:00pm on 6-18-19 to discuss the project SIA.

Mayor Labbe opened the public input portion of the hearing for the combined preliminary/final subdivision request. No public comments in favor and none opposed. CM Lauchner moved to close the public input portion. MPT Beck seconded. All in favor. None opposed.

CM Greene moved approval of the Railyard at Leadville Phase 1 Combined Preliminary Plan and Final Plat with the following conditions:

1. The updated Mineral Belt Trail Easement shall be executed and recorded with the Lake County Clerk and Recorder prior to recording of the Final Plat.
2. Variances for all design standards not met by the design shall be approved or approved with conditions by the City of Leadville City Council; for any variance request denied by City Council, the applicant must meet the City's design standards.
3. The Final Plat shall be revised as necessary to properly show a two-foot (2') buffer and eight-foot (8') sidewalk along the western property boundary adjacent to Highway 24 as discussed in the January 2, 2018 public meeting.
4. A note be added to sheet one of the Final Plat stating: Vehicular access to 13th Street shall be provided from the alley east of Lot 1, Block 1 with final alignment determined by a traffic study at the time of site plan review for Lot 1, Block 1.
5. A note be added to sheet one of the Final Plat stating: Concerning Detention Basin Pond 1 ("Pond 1") located within Lot 1, Block 1 and Detention Basin Pond 2 ("Pond 2") located within Outlot A, the Owner/Developer or Owner/Developer's successors or assigns shall:
 - a. Update Pond 1 five (5) years after the recordation of the Final Plat to meet the then-current Urban Storm Drainage Criteria Manual standards if at that time such Pond 1 remains in use and underground drainage facilities, as contemplated by the Final Plat application, have not yet been constructed; and
 - b. Update Pond 2 ten (10) years after the recordation of the Final Plat to meet the then-current Urban Storm Drainage Criteria Manual standards if at that time such Pond 2 remains in use and underground drainage facilities, as contemplated by the Final Plat application, have not yet been constructed.
6. A note shall be added to Sheet 1 of the Final Plat stating that all nonresidential uses shall be subject to site plan review and approval by the



City prior to issuance of building permits for the applicable non-residential lots. The note shall be in a form acceptable to the City.”
 Mayor Labbe seconded. CM Lauchner noted that there are changes included for #4 and 5 as discussed earlier regarding vehicular access. CM Greene modified her motion to include the conditions discussed for 4 and 5 regarding vehicular access. Mayor Labbe seconded. Legal counsel explained that Resolution No. 8, Series 2019 would be presented for consent agenda approval on City Council’s June 18th regular meeting and not adopted tonight.
 All in favor. None opposed.
 CM Gowing moved to close the public hearing on the Railyard. CM Lauchner seconded. All in favor. None opposed.

11:20 pm g. Public Hearing – Adoption of Central Leadville Urban Renewal Plan
 Mayor Labbe opened the public hearing and proceeded to make the following motion, “I MOVE TO OPEN AND CONTINUE THE PUBLIC HEARING FOR THE CONSIDERATION OF THE CENTRAL LEADVILLE URBAN RENEWAL PLAN TO TUESDAY, JUNE 18TH, 2019, WITH SAID PUBLIC HEARING TO BE HELD AT 6:00 P.M. AT LEADVILLE CITY HALL, 800 HARRISON AVENUE IN LEADVILLE, COLORADO.”
 CM Gowing seconded. All in favor. None opposed.

11:22 PM
 8. Public Meetings Planner
 9. Mayor’s Report.*- none.
 10. Council Reports.*- none
 11. Public Comments about items not on the agenda
 Steve Presetash spoke for three minutes regarding real estate agents in Leadville and his thought they are like child molesters.

11:24 PM 12. Adjournment.

<i>Councilmember</i>	<i>Roll Call</i>	<i>Agenda</i>	<i>Res 7, Series 2019</i>	<i>Bills</i>	<i>Roots Rx MJ Renewals</i>	<i>Ord 2, Series 2019</i>	<i>Variance Requests (see minutes for each of 11)</i>	<i>Railyard Prelim/Final</i>	<i>URA</i>
<i>CM Linebarger</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>CM Hagen</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>



<i>Mayor Labbe</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>CM Gowing</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>MPT Beck</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>CM Lauchner</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>CM Greene</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>