

**Minutes
City of Leadville
Regular Council Meeting
January 3, 2017
Leadville City Hall, 800 Harrison Avenue**

COUNCIL MEMBERS

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

COUNCIL MEMBERS

ABSENT: None

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

PUBLIC

PRESENT: Ryan Fitzmaurice, Sarah Mudge, Elsa Tharpe, Mike Bordogna, Steve Boyle, Dave McCann, David Truesdell, Lawrence Lovelace, Doug Smith

6:34 PM CALL TO ORDER, ROLL CALL & PLEDGE OF ALLEGIANCE

Approval of Agenda.

Public Comments about items not on the agenda.

None

Consent Agenda

Approval of the Minutes from December 06, 2016

CM Chimovitz – page 3 at bottom add word requirement to off street parking

CM Beck moved, Mayor Labbe seconded

First Before Anything Else

Swearing in of City Clerk – Mike Bordogna sworn in by Mayor Labbe.

Swearing in of Treasurer – Elsa Tharpe sworn in by Mayor Labbe.

Vote & Secret Ballot Vote on Ward 1 City Council Vacancy Appointment & Swearing in

ASM Dallas informed Council that the vote would not be secret and would be public. ASM Dallas and Clerk Maher counted the votes and informed Mayor Labbe that Jane Gowing had 4 votes and Joseph Swyers had two. Swearing in of Jane Gowing, Ward 1 Councilmember by Mayor Labbe.

Swearing in of Firemen – will be delayed due to calls so will do city clerk first. Judge Reynolds arrived and will swear in firemen.

Fire Marshall Steve Boyle

Engineer Dave McCann

Firefighter David Truesdell

Firefighter Lawrence Lovelace

Chief Dailey invited family, friends to pin. Chief Dailey addressed the attendees about how proud he is of this crew. Chief Dailey presented Firefighter of the year award. Engineer Adam Olsen is the firefighter of the year. Would like to mention and invite up others - Captain Pigati couldn't make it. Engineer Schmitt, Captain Simon, Engineer McCann and Megan. Chief Dailey explained why he is the firefighter of the year and accomplishments.

5 minute break at 7:00 PM.

New Business

Request for City Council Endorsement of Leadville Film Commission

* These items may not have briefs or may have additional briefs Tuesday before the Council meeting.

Doug Smith – asking for official endorsement of city to joining Film Commissions International. Explained status of Film Commission and success of Starfish. Doug Smith responded that they would be a platform and possibility for grants. Doug responded to question from CM Chimovitz question about location services costs. Explained more of a liason service.

Mayor Labbe asked about relationship with the state.

CM Chimovitz moved, CM Beck seconded. All in favor.

1st Reading Ordinance 01, Series 2017 – Annexation

Mayor Labbe explained that this only says that the city will follow the state laws and starts the clock. This is not making any annexation decision tonight. That will be on the 24th. ASM Dallas explained process and suggested councilmembers make appointments to review before the 24th. She also explained the zoning process. Mayor Labbe heard that the developer will have plans and drawings on those dates. Today is 1st reading and the 24th is second reading and it could go to 3rd reading.

CM Beck moved, Mayor Labbe seconded.

Resolution 01- Supplemental Budget 2016

Roy McGinnis explained that council was expecting this due to capital expenditures and Tabor Opera House. Fire side due to wild land fire. It's not something you can budget for. This comes out of the reserve. Fire comes out of the fire reserve.

Mayor Labbe moved, CM Chimovitz seconded

1st Reading Ordinance 02, Series 2017 – Land Swap Chestnut Street & East 6th Street

CM Gowing recused herself. Mayor Labbe explained that this has been in the works for a long time and the city property that the was dedeed to the city from Mike Bradley due to clean up efforts. The opportunity came up to swap for property across from the street department. Jim Schneiter spoke to the value of the property use for them and the police department. It makes it much easier being right next door. Swapping 3 city lots of East 6th street for 2 lots of Chesnut with sewer. The City will write to the Gowings a check for \$2000 but very close in value. The city is acquiring land which is why this is going through Ordinance. ASM Dallas mentioned that there will be a technical change to language in the ordinance for 2nd reading. CM Mohrmann confirmed that the city will be getting three lots and giving up two. There are additional lots nearby and possible in the future.

CM Mohrmann moved, CM Shepherd seconded. Mayor Labbe said the second reading will be the public hearing on this.

Discussion and volunteer of 2 councilmembers to participate in sub-committee to draft odor regulations and nuisance odor chapter in municipal code

ASM Dallas refreshed council regarding 145 Front Street odor issue back in August. Council discussed odor regulations based on the 6 months coming up for the business. The City Attorney has provided some advice which is attached.

Mayor Labbe added that current code is specific to marijuana. Difficult to enforce because it's in a commercial zone. Wants to include all manufacturing, not just marijuana like asphalt, dog food, etc. This is regarding odor, not toxins. Need for a process for complaints, review and compliance. This would be in nuisance chapter. This would be an odor ordinance. ASM Dallas mentioned complaints about food shops, etc. City is looking for city council participation in crafting an ordinance. ASM Dallas thinks we should be proactive and set timeline.

Chief Glenny is opposed to changing the zero odor, but his point too is that if there is an odor ordinance that will also affect the marijuana ordinance and will need to change the marijuana ordinance as well.

CM Chimovitz asked if Chief Glenny would like to see a no odor ordinance. Chief Glenny said no. He has a hard time with marijuana because he has spent last 30 years enforcing it where he comes from. It's offensive to him. He believes zero odor is enforceable. Mayor Labbe would like two councilmembers to volunteer to work with Mayor Labbe. It will need to be

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posted when they meet since it's 3 members. Jane Gowing interested in joining committee. CM Beck suggested using youth researchers.

Report of upcoming meetings

The P&Z Meeting/Hearing on the 11th is highly recommended. ASM Dallas will confirm time tomorrow am. Mayor Labbe said all we are doing is parallel processes. They are separate but work hand in hand. Zoning is a requirement of that process of annexation.

Fire Report

Chief Dailey left after swearing in's to have dinner with his crew to celebrate.

Administrative Services Report

Possibly entering into county regarding building department. Mayor Labbe thinks it's a good step and will be encouraging for those moving here. HPC has been working all of 2016 on design standards and will be bringing to city council for review.

Police Department Report

Chief Glennly - asked council how they liked the Bulletin report and council likes it and would like to continue to see it. Wants to redact names to not allow for victims, witnesses, etc. Explained that there were 205 people that Alissa fielded at the window or calls in, just to clarify. November was the month they started being down an officer. He believes they may be losing an officer soon and another going on medical leave soon. Gained back Detective Bertolas. The inventory went really well and got rid of a lot of items. Officer Thorne is new evidence technician. Officer Thorne and Officer Thorne will be going to training in Vail. E Force not working with bar code scanner. They are working kinks out. Commend his people for covering shifts for Detective Bertolas and for games.

Animal Shelter Report

Mayor Labbe explained that adoptions look strong but donations low. Chief Glennly said he believes she has begun documenting non-monetary donations and would like her to begin assigning costs to those donations. Officer Dawe is now a daylight officer and he can devote some time to the shelter.

Street Department Report

Had prisoners help clean up a property on Leiter and it's cleaned up a lot just before winter. There are cats in the house and next summer the city will need to deal with. Mayor Labbe explained that the city will need to find a way to deal with these with time, money and legal fees. CM Chimovitz asked if the city is exploring grant funding for this type of stuff. Mayor Labbe said they've had the discussion with city attorney. Step one - tell them they need to clean up. Second step - summons. Third step - need judge to declare it a nuisance. A few different types of steps. If decided to city - city cleans up, sells or land swap. The Bradley process cost \$30k not including attorney fees. Chief Glennly said Officer Holden has been trying to get in touch with the resident and has mailed summons. Then Judge Reynolds would potentially deem it a nuisance. CM Chimovitz thinks a fund should be set aside to deal with this. Mayor Labbe talked about another city that put together a task force and would like to learn more about that. Discussion about URA plan and may include other parts of the city that need clean up. Chief Glennly discussed issue of when a public nuisance turns into a public safety issue. Jim Schneiter explained the schedule of street plowing and car removal. Mayor Labbe talked to Jim about being more thoughtful in seasonal man power. Next year they will look at having two additional people and try to figure out how that will work. Need to do a better job with clearing snow. He thinks we do a good job with what we have but can do a better job. MPT Duarte asked about the snow elevator. Would need to close street starting 2 and be done by 8:30-9 and use the Athey.

Mayor's Report.*

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Reinstitute the monthly declaration of birthdays in the city. Been out of touch for a while so nothing.

Council Reports.*

CM Shepherd – been helping fundraise with the opera house and have raised over \$48k in three weeks from private donors. They are all locals and there will likely be some recognition for them in TOH.

Adjournment.

8:20 PM

Agenda Item	Agenda	Minutes	Film Commission	Ward 1 Appointment	Annexation Petition	Resolution 1 - Supplemental Budget	Ordinance 02- land Swap Chesnut street
CM Shepherd	YES	YES	YES	Joseph Swyers	ABSTAIN	YES	YES
CM Mohrmann	YES	YES	YES	Jane Gowing	YES	YES	YES
CM Chimovitz	YES	YES	YES	Jane Gowing	YES	YES	YES
Mayor Labbe	YES	YES	YES	Joseph Swyers	YES	YES	YES
MPT Duarte	YES	YES	YES	Jane Gowing	YES	YES	YES
CM Beck	YES	YES	YES	Jane Gowing	YES	YES	YES
CM Gowing	N/A	N/A	N/A	N/A	YES	YES	RECUSE

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