

**Minutes  
City of Leadville  
Regular Council Meeting  
June 06, 2017  
Leadville City Hall, 800 Harrison Avenue**

**COUNCIL MEMBERS**

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

**COUNCIL  
MEMBERS**

**ABSENT:** Jake Mohrmann

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

**PUBLIC PRESENT:** Ryan Fitzmaurice, Dominic Roti, Michelle White, Robert Turner, Gina Carey, Kevin Shaffer, Jason Nepp

**CALL TO ORDER, ROLL CALL & PLEDGE OF ALLEGIANCE**

6:31 PM

**Approval of Agenda**

Mayor Labbe suggested removing Ordinance regarding TOH due to not having the Lease. CM Chimovitz moved to remove 6H, CM Beck seconded.

Public Comments about items not on the agenda.

Dominic Roti – Publicly oppose marijuana cultivation permit and limit of 6 plants and police search. Odor ordinance is also discriminatory to marijuana business. Limit of 6 plants is not a large amount. Denver restricts homes to 12 plants. They can give away any abundance. If not doing anything illegal, his property should not be searched as nothing else done legally, is not searched. Never had complaints. Runs vacation rental out of his home and has never had a complaint. Encouraged to send letter to the city.

Michelle – Dog ordinance. Concerned about dangerous dogs ordinance article in paper. The article suggested there is a desire to have a war on dogs, concerns over leash law and many dogs are trained under verbal control. Concerned over a dog that is provoked and their response as well as their ability to protect your family. Read a lot about pit bulls which is unfortunately due to the abuse they receive. Concern in lack of knowledge of what constitutes a dangerous dog.

Robert – Marijuana issue. Retired military veteran. Believes in the right of the people. Believes in being a good neighbor and working with each other. There are other ways to look at this. Doesn't mind a fee, but does mind that the city is trying to go into people's residences. CM Chimovitz agrees and will vote against this ordinance if he has the opportunity. Mayor Labbe said this is an open conversation. Mayor Labbe said the 1<sup>st</sup> reading of the odor ordinance will be on June 20<sup>th</sup>, for residential and commercial. ASM Dallas – people are able to contact Clerk Maher to get on the agenda. Clarification for process for ordinances. Recommended people who are concerned about any ordinances get on email list.

Carey – Issues with dog ordinance. The statement about a reasonable person being too vague.

Another concerned citizen – concerns over marijuana. This is a growing pain for marijuana legalization and it's not going away and would like council to consider that. This should be for all odor, not just cannabis.

CM Beck – was this prompted because of one of the cultivation facilities having odor issues? ASM Dallas – clarified that this was the result of one conversation and subsequently the police chief has brought up the residential grows.

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CM Beck – it seems like people thought that marijuana cultivation facility was not going to smell. Why would anyone have ever thought that. Clarification that our law states that there is zero tolerance. If it's a blanket nuisance odor ordinance, that is a blanket, not just marijuana. It's really subjective due to what is a nuisance. Mayor Labbe said it will not be subjective. A device, called a nasal ranger, will be used. ASM Dallas – suggested having a draft ordinance in front of you prior to discussing and perhaps discussing it at a work session regarding it.

### **New Business**

#### **LAC mural update to the Kiddie Corral**

Amanda Good – Here on behalf of Leadville Arts Coalition. They last about 7 or so years. She had the design for the wall. Public install will be June 25<sup>th</sup> & 26<sup>th</sup> from 10-5 pm. She will be there the next 3 Thursdays to prime the wall and get the letters laid out. Also explained an install at Ice Palace park.

#### **Minor Subdivision for High Country Developers, LLC & Kum & Go & Resolution 10**

Mayor Labbe read the public hearing script.

TJ Luback – From RG & Associates. The applicant has requested to subdivide the land. He explained the use of the property. Explained the amended resolution and what changes were made. Explained the SIA, Subdivision Improvement Agreement. The recommended motion on page 9 is correct. The updated language was in the resolution, not the staff report. ASM Dallas – approve with condition before you and on June 20<sup>th</sup> there will be a separate resolution for the SIA.

Presentation from Kum & Go – Phil Harris – Explained the Kum & Go subdivision and the Kum & Go Fresh food concept – bakery, dining and wraps and pizzas and sandwiches. Construction of a deceleration lane, with a taper and stacking lane that will lead on to new Mountain View Drive. The traffic light system will be revamped. The store will have 28 parking spaces around it, 12 fueling stations ( 6 dispenses). Watt coverage is a concern and Kum & Go will need to seek a variance for. Mountain View Drive has been modeled, at 40 feet wide, to get truck traffic into Kum & Go and a potential grocery store.

ASM Dallas – explained the variance request and that P&Z would recommend approving that at a future date.

Phil explained that Kum & Go had been working with the county prior when 7 Saints owner the property and it had been submitted.

Mayor Labbe questioned the additional 32 feet on the side of the highway. Phil explained the issue of CDOT not allowing that at that corner. There are topographic constraints to putting in a sidewalk with O' Reilly's. They are putting sidewalk in on the side on Mountain View Drive. There is existing sidewalks on the West side of Highway 24.

CM Shepherd – Question for TJ regarding SIA.

TJ – It is three separate improvement projects. Both parties would be signatures of the SIA. The intersection improvement is an \$800,000 improvement.

CM Gowing – width of street concerns with snow removal. Asked for street department input.

Jim Schneider – concerns with what happens past that point. This is just for the 2 acres, not the entire lot.

Jim did receive a packet with all of this but did not indicate any concerns with the 40 feet.

ASM Dallas explained the process for this process as well as what to expect next.

Comments in favor – Michelle White? – In favor of developing in town and keeping the historic downtown and there is a divide between the historic area and this area is a great spot for developing. Question regarding storm water basin. She is assuming it will be on Parkville Water & Leadville Sanitation. How will we guarantee there is no contamination that surface water that will be released to the environment and how will it affect wastewater plant. Phil explained where it will be released to – a detention pond and explained that process.

There were conceptual drawing when the property was annexed in January. He sees there is not a lot of soft scape of buffering in this drawing.

No comments in opposition.

Rebuttal:

Phil explained there is a landscape plan and showed the 28 foot buffer in front and on side as well. There are no landscape provisions that need to be submitted but there are trees and vegetation proposed.

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ASM Dallas explained process. TJ explained that this is just the minor subdivision plat. He explained that there has already been an entire site plan and it was reviewed against code requirements and explained the variance again. He suggested that at that time it would be appropriate to look at design and aesthetics when looking at lot coverage.

Close the public hearing. CM Chimovitz, CM Gowing seconded.

CM Shepherd – Explained how Edwards is so different from what it used to be and wanted to action against that here. Discussion regarding the effort to preserve the downtown here but conservatively grow, as well.

Mayor Labbe moved to approve Subdivision on the condition that the updated conditions on exhibit B, be met by the applicant, CM Gowing seconded.

### **Trans Rockies Run TUP August 17<sup>th</sup>, 2017**

Curtis Cooke – 11<sup>th</sup> year coming to town, explained there are about 350 racers. Mayor Labbe thinks all of the no parking signs are unnecessary. He would like to ask to not put no parking signs.

ASM Dallas – This is embedded during the weekend of the LT 100 Bike event and explained the concerns of the emergency manager. The TransRockies Run will need to be self-sufficient as there will not be extra radios.

Jim Schneiter – only complaint is not having a taper but it looks like that is resolved. No problem as they set up and go.

Alissa Hack – explained the need to contract with the PD at \$55/hour per officer.

Jason Nepp – in favor of the race. The basketball team got involved last year as a fundraiser and they did a great job. Interesting that we could block off Harrison Ave and other streets but can't block off two blocks for this for a safety concern.

CM Beck moved with exception for parking allowed between 6<sup>th</sup> and 8<sup>th</sup> on Harrison Avenue, that they will contract with Leadville PD at \$55/hour and will not request radios from our emergency manager, CM Chimovitz seconded.

### **321 Fridays TUP Harperrose Studios June 16<sup>th</sup>, 2017**

Ann Stanek – explained her “Meet the Artist” events and a glass blower live in front of her store. He will take up 1.5 parking spots. 10 am -2 pm on Saturday too possibly. Chief Dailey explained concerns that Mayor Labbe moved with additional of July 15<sup>th</sup>, CM Beck seconded.

### **Adjourn Meeting of City Council Convene Board of Adjustments**

#### **BOA Justin Forgenski 316 W 9<sup>th</sup> Street**

Mayor Labbe read the script into the record.

Justin Forgenski explained that he is asking for the 1 foot setback to keep with the historic charm of the existing house.

No public comments in favor or opposition.

CM Gowing moved, CM Beck seconded.

### **Adjourn Meeting of Board of Adjustments Convene City Council**

#### **Official Invitation to Savor the Tabor Thursday June 8<sup>th</sup>, 2017 1-7pm**

ASM Dallas explained that this is the last event from PUMA.

### **June Bike Month and Bike to Work Day Proclamation 2017**

Mayor Labbe read the proclamation into the record.

### **Adjourn Meeting of City Council Convene Local Liquor Licensing Authority**

#### **Lions Club Boom Days Special Event Permit**

Mayor Labbe explained that it is the same as prior years.

CM Beck moved, CM Chimovitz seconded.

### **Shopko Liquor License Renewal**

CM Gowing moved, CM Chimovitz seconded.

### **Adjourn Local Liquor Licensing Authority Convene Meeting of City Council**

#### **Department Reports**

#### **Public Meetings Planner**

COA on HPC on June 13<sup>th</sup> & CUP on P & Z on June 14<sup>th</sup> which will both be on June 20<sup>th</sup> CC Agenda.

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Community clean up event on June 10<sup>th</sup> and the city needs help on Saturday and half will plant planters – meet at 3<sup>rd</sup> street parking lot.

**Treasurer's Report & Sales Tax Summary**

Mayor Labbe moved, CM Beck seconded.

**Bills to be approved**

Mayor Labbe moved, CM Gowing seconded. All in favor.

Mayor's Report.\*

Approved purchase of 2 speed limit signs on both ends of town, \$1700 each.

Mayor Labbe informed council of the police department hiring process. He also explained that the new carpet will be installed on June 12<sup>th</sup>. June 19<sup>th</sup> will be the CDOT Right size re striping.

Hose RG & Associates as the city's Planning firm.

**Council Reports**

CM Chimovitz submitted his resignation letter and his last day will be the end of June.

Adjournment 9:46 PM

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