

September 3, 2008

5:30 PM

Mayor Baader called the regular meeting of the City Council to order. Present were Council Brown, DiCamillo, Ledford, Woods, City Clerk Blevins, Administrator McPherson and Attorney Phillips.

Minutes of the August 20 & 26, 2008 meeting were approved as written.

CITY ADMINISTRATOR REPORT:

Administrator McPherson stated if you have a comment on an agenda item please come to the podium state your name and address. The same applies for the public comments at the end of the Council meeting. Comments are limited to five minutes per person. Visitor numbers for the month of August at the Heritage Center are 9,437, Visitor Center are 2,678, Outlaw and Jail Museum 1,312 and the trolley transported 1,789. We had a visitor at the train station that went into cardiac arrest and our Fire Department and EMTS worked for 25 minutes nonstop to revive him. They were successful the gentleman is now doing very well.

FINANCE DIRECTOR REPORT:

Finance Director Harris stated there are no expenditure or budget transfer requests at this time.

PLANNING & HISTORIC PRESERVATION DIRECTOR REPORT:

Development Director Manning stated on September 9 the City will hold the second Master Plan meeting. There will be a BBQ beginning at 5:30; the meeting will begin at 6:30. This meeting will be held at the Park & Recreation Center. Jodi West who is employed by the City has gone back to Baton Rouge to assist his family because of damage caused by the hurricane. Tomorrow we will make an offer to fill the office assistant position.

RECOMMENDATION – FROM THE HISTORIC PRESERVATION COMMISSION FOR FUNDING FROM THE COMMERCIAL GRANT PROGRAM FOR PAINTING AT 232, 256, & 264 E. BENNETT AVENUE, TRIPLE CROWN CASINO:

Development Director Manning stated the request is for \$21,230 (50% of total cost) from the Commercial Grant Program for exterior painting on historic structures at 232, 256 & 264 E Bennett Avenue owned by the Triple Crown Casino. Staff has preliminarily approved the paint colors. The Commission recommends approval of the request with the condition that 2 bids are submitted. There was no public comment. Motion by Ledford to approve the request Second by Brown and motion carried.

RECOMMENDATION – FROM THE HISTORIC PRESERVATION COMMISSION FOR FUNDING FROM THE COMMERCIAL GRANT PROGRAM FOR RESTORATION AT 325, 329 & 333 E BENNETT AVENUE, LOU & PAT GOLDMAN:

Development Director Manning stated the request includes exterior painting, new roofs, foundation, new rear wall, and reworking 10 historic brick flues. Staff recommended that the City participate in the brick work on the rear of the structures and the roofing at 50% funding not to exceed \$10,000 and require 2 bids for all work. Applicants offered to fund any necessary drainage issues that may arise from these improvements. The Commission recommends approval of the request noting that staff will provide oversight in the defining of the scope of work and the appropriate use of the funds. There was no public comment. Motion by DiCamillo to approve the request Second by Woods and motion carried with Ledford abstaining.

PLANNING COMMISSION BUSINESS – REQUEST FOR A CONDITIONAL USE PERMIT IN THE R-4 ZONE AT THE SOUTHEAST CORNER OF ELIZABETH STREET & W EATON AVENUE (L 17 & 18, B5, M. NEUMANN’S ADDITION) FOR CONSTRUCTION OF A 24’ X 30’ GARAGE AND A 6’ WOODEN PERIMETER FENCE FOR TEMPORARY STORAGE OF CONSTRUCTION MATERIALS & EQUIPMENT, THOMAS C. GALVIN JR.:

Development Director Manning stated the applicant request approval of a storage building in the R-4 Zone which is allowed upon approval of a Conditional Use. The long term plan is to build a house for the requested garage making the site a single family residence. In the interim it is to be used as a materials/equipment storage building for a townhome project across the street by the same owner. The applicant also states there will be outside storage as a part of the Conditional Use. Outside storage is not allowed in the R-4 as a Conditional Use. However, the temporary use of construction staging areas is not regulated unless determined a permanent use and a violation. The garage is allowable, but the outside storage would have to be determined to be temporary construction storage as it is not a Conditional Use in the zone. Staff recommends approval of the request with the following conditions: 1) a design for access is approved by Public Works. 2) The Council determines that the use meets the intent of the definition of the R-4 Zone. 3) Any lighting be approved by staff or become an amendment to the Conditional Use Permit. 4) A space for 1 off street parking space is designated. 5) Variances are approved for the yard setbacks proposed. There was public comment from Ann Gagliardi, 420 W Golden Avenue; Marilyn Domingo, 417 W Eaton and Jerry Englehart , 237 W Masonic regarding concerns of this project. Motion by Ledford to approve the CUP with the addition of 6) the outside storage be limited to 2 years Second by Woods and motion carried.

PLANNING COMMISSION BUSINESS – REQUEST FOR A VARIANCE IN THE R-4 ZONE AT THE SOUTHEAST CORNER OF ELIZABETH STREET & W. EATON AVENUE (L 17 & 18, B5, M. NEUMANN’S ADDITION) TO ALLOW A TEN (10) FOOT SIDE STREET & REAR YARD SETBACK WHERE A TWENTY (20) FOOT SETBACK IS REQUIRED, THOMAS C. GALVIN:

This item was included in the discussion of the previous item. Motion by Ledford to approve the request Second by Woods and motion carried.

COUNCIL BUSINESS – APPROVAL OF A PUD DEVELOPMENT PLAN AT 360 W GOLDEN AVENUE: APPROVAL OF A TOWNHOME PLAT AT 360 W GOLDEN AVENUE, THOMAS GALVIN, APPLICANT, - LARRY MANNING:

Clerk Blevins stated the address for this property has been wrong and needs to be corrected to be 424 W Golden and 425 W Eaton. Development Director Manning stated applicant requests approval of a Development Plan for townhome development with 11 two bedroom units and 10 three bedroom units. The units are grouped into four buildings separated by a north/south walkway and an east/west walkway. The plan incorporates land area from vacated Elizabeth Street and a portion of an east/west alley. As required by the vacation approval a north/south drive located along the east side of the development will provide access to keep the alley from being a dead end. Staff noted some minor issues with the plan and recommended the following conditions: 1) A 6’ opaque wood fence be placed along the east property line except for the north and south 10’ of the property line. 2) Signs at the exit of the drives stating “Caution, Exit Slowly”, and at the entrance stating “Private Road”. 3) Signs at the intersections of Golden and Eaton stating “Dead End, No Exit”. 5) A plat note that both drives are utility easements and the east drive and access easement for property owners along the remaining alley area is in place. There was public comment from

Ann Gagliardi, 420 W Golden; Marilyn Domingo, 417 W Eaton; and Leroy Godin 324 W Golden regarding concerns with the drainage. Public Works Director Huffman stated he has reviewed the drainage plans and feels there will be no issues with drainage. Motion by Ledford to approve the request Second by Brown and motion carried.

ASSIGNMENT OF LEASE BETWEEN THE CITY AND COMPUTER SERVICES PROVIDER:

Finance Director Harris stated the City now has a lease agreement to house equipment in the bell tower at City Hall. The only change to the original lease is item # 8 on the original lease document (Termination of Agreement) shall be changed to 30 days prior written notice. There was no public comment. Motion by DiCamillo to approve the lease with an amendment to read “Exhibit A (the original lease)” Second by Brown and motion carried.

RECOMMENDATION – FROM THE HISTORIC PRESERVATION COMMISSION FOR IMPLEMENTING THE PILOT PROJECTS FOR THE VACANT & UNDER-MAINTAINED PROPERTIES PROGRAM:

Development Director Manning stated the goal is to make the street front along Bennett Avenue have a good healthy appearance that compliments the historic district. The criteria are as follows: 1) the building must have been vacant for one year. 2) The building must be in sound structural condition. 3) The owner’s matching funds are to be determined on a case by case basis depending on the value of the project as established by the Historic Preservation Commission. No minimum match is required. 4) A maximum of \$15,000 per structure is allowed. 5) If the building is sold within 2 years, the City funds shall be repaid in full as a part of the transaction. The agreement will include language to this effect and be filed at the County as an encumbrance on the property. There was public comment from Dennis Peck, 123 N. 1st stating he would like to see the dollar amounts to be based on per lot not per building. Peck also asked about the buildings in the City that are not historic buildings. Finance Director Harris stated there are funds available in the Economic Development funds for these buildings. Staff was instructed to add to #5 a 3 year amortization of 33% to make it a full 5 years.

BUSINESS LICENSE:

The following business license was presented to Council for their approval, KRH Consulting, Kit Haskins. Clerk Blevins stated all fees have been paid and paperwork is in order. There was no public comment. Motion by Ledford to approve the business license Second by Woods and motion carried.

REVIEW AND UPDATE CITY ATTORNEY’S CONTRACT:

Attorney Phillips stated he has been with the City of Cripple Creek since July of 2000. His last pay increase was in July of 2003. He is requesting approval to increase his fee from \$5,500 to \$6,500. There was no public comment. Motion by Ledford to approve the pay increase Second by Brown and motion carried.

PUBLIC COMMENT:

Marvin Brooks, Eagles Landing #13 stated he had complained to the Council at the last meeting regarding the General Store. This passed weekend they had their food vending on the sidewalk again. Once again they tried to store the propane tanks on the sidewalk and once again the Fire Department came and removed them. Since that time the sidewalk has been cleared, the fence has been cleared and the car has been removed from the street, thank you to Code Enforcement. We do need to enforce parking on Bennett Avenue. **Lou Goldman**, 139 B Street stated he has noticed curbs being painted without authorization and people parking where curbs are painted red. Mayor Baader stated he is very aware of this issue and it is in the process of being corrected. **Maurice Woods**, 131 Silver Street stated he would like to know who called the Fire Department on Sunday and stated that the burners were left on the cooker. They were not left on. **Sandra DiCamillo**

wanted to thank the Police Department, Fire Department and the Ambulance for their presence in the City today with the communication problems and the 911 lines being down.

At 6:58 Motion by DiCamillo to hold a conference with the City's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) Second by Ledford and motion carried.

Meeting adjourned at 8:00 PM

APPROVED:

ATTESTED:

Dan Baader, Mayor

Debra Blevins, City Clerk