

September 17, 2008

5:30 PM

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

Minutes of the September 3, 2008 meeting were approved as written.

CITY ADMINISTRATOR REPORT:

City Administrator McPherson reminded audience the council meeting is recorded. After each item the Mayor will ask for public comment. If anyone comments they need to state their name and address for the record. If you want to make a public comment at the end of the meeting you need to sign in on the public comment sheet and will have 5 minutes to state your comment. There will be an executive session after the regular meeting tonight. CCV Net has sold to Skybeam and the city is now using them. Skybeam has consolidated many other internet services. On September 3rd all of the City's phone service was out. It seems all phone services, including cellular, are tied into Qwest's lines. We are currently looking for alternative methods for communication should this happen again possibly a satellite phone. There is a cow issue in the city. The owners of the cattle have been contacted and they will be removing them soon. Open range rules do not apply within City limits and it's forbidden by Cripple Creek Municipal Code. Someone has been cutting fence allowing the cows into the City. There is a \$250.00 reward for information that leads to those responsible. The City received a letter from Cruisers Car Club concerning the Cruise Above the Clouds event. They thanked the City for having the event and for closing Bennett Avenue, it made a big difference. The event drew 115 show cars on Saturday 50-60 of which chose to stay in Cripple Creek overnight. Local non-profit entities that benefit from this event are Aspen Mine, Prospect Hospice and more. This event has received donations in the amount of \$13,000 accumulating over the years.

FINANCE DIRECTOR REPORT:

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

PLANNING & HISTORIC PRESERVATION DIRECTOR REPORT:

2nd Community Meeting for Master Plan happened on September 9th. Estimating close to 100 in attendance. It was very productive and is in the consultants hands now and they're analyzing the information. Jodi West is back from Louisiana and is working hard catching up. Victorian Lady's roof is complete. Focusing on possible painting the railing next. Trying to pick colors. Residential grants are winding down.

COUNCIL BUSINESS – FOR A VARIANCE IN THE R-4 ZONE AT THE SOUTHEAST CORNER OF ELIZABETH STREET AND 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, JR., APPLICANT.

Development Director Manning stated conditions were made by council at last meeting. Planning Commission staff took note of those conditions the ordinance requires to be demonstrated by the request noted no negative aspects. Staff recommended approval. The Council shall make the following findings: 1) The representations in the Application are valid. 2) The reasons set forth in the Application justify the granting of the Variance that will make possible the reasonable use of the land or structure. 3) The granting of the Variance will be in harmony with the general purpose and intent of any Master Plan or this Zoning Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. 4) The circumstances found to be a

hardship were not created by the owner or were in existence at the time of the passage of this Zoning Ordinance and were not due to or the result of general conditions in the zone, and cannot be reasonably corrected. 5) The Variance would not be out of harmony with the intent and purposes of the established zone. There was Public Comment from Ann Gagliardi, 420 W Golden, stated the construction fence is right up against her property line, doesn't it need to be 10 foot setback? Mayor Baader responded it's just an outside perimeter boundary. Motion by Ledford to approve the request Second by Brown and motion carried.

COUNCIL BUSINESS – A CONDITONAL 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'X30' GARAGE AND A 6' WOODEN PERIMETER FENCE FOR TEMPORARY STORAGE OF CONSTRUCTION MATERIALS & EQUIPMENT, THOMAS C. GALVIN, JR., APPLICANT

Development Director Manning stated the applicant's letter is included in Council's packets. At the Planning Commission meeting, staff explained that the long term plan is to build a house for the requested garage making the site into a single family residence. Short term it is to be used as a materials/equipment storage building for a townhome project across the street by the same owner. The placement of the 6' wood fence is a mitigating factor for the outside storage. Staff presented the issues to be examined for a Conditional Use and had some concerns. Staff recommended approval of the request with the following conditions: 1) A design for access be 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 be designated. 5) Variances be approved for the yard setbacks proposed. The Planning Commission recommends approval of the request with staff conditions and an additional condition the outside storage use be limited to 2 years. Ledford added another condition that the time table of 2 years to begin at the time of approval by Council of this item. Motion by Ledford to approve Conditional Use Permit with the addition condition added Second by Woods and motion carried

PLANNING COMMISSION BUSINESS – REQUEST FOR A VARIANCE IN THE R-1 ZONE AT 425 IRENE AVENUE (L 26 & 27, B2, ACADIA HEIGHT ADDITION) TO ALLOW A THREE (3) FOOT FRONT YARD SETBACK WHERE A TWENTY-FIVE (25) FOOT SETBACK IS REQUIRED, KARL J. NOVAK, APPLICANT

Development Director Manning stated that there exist special conditions and circumstances which are peculiar to the land, 1) structure or building involved and which are not applicable to other lands or structures in the same zone. 2) Said special conditions and circumstances do not result from the actions of the applicant. 3) Literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations. 4) Granting the Variance requested will not confer on the Applicant any special privilege that is denied by the board to other lands or structures in the same zone. 5) The extraordinary or exceptional physical condition of the property will not allow a reasonable use of the property in its current zone in the absence of relief. 6) The granting of the Variance will not have an adverse impact upon surrounding properties. Staff recommends approval of this request. Motion by Woods to approve request Second by DiCamillo and motion passed

CERTIFICATION – OF PAST DUE WATER AND SEWER ACCOUNTS, STEPHANIE FISHER, DEPUTY CITY CLERK

Ms. Fisher informed Council they have a list of past due water accounts in their packets. The Cripple Creek Municipal Code Section 13-5-150 permits the past due amounts to be certified to property taxes. Motion by Ledford to approve request for approval to process certifications with Teller County Second by Woods and motion carried.

RATIFICATION – OF MOU WITH CRIPPLE CREEK & VICTOR MINING, BILL McPHERSON, CITY ADMINISTRATOR

Administrator McPherson stated that he and Councilman Ledford and have been corresponding with the Mine and a verbal understanding came to be. He requested the MOU be ratified. There was public comment by Carl Poch, 611 E. Golden, that on September 11, 2008 Teller County Commissioners held a hearing. He was surprised the MOU had already been approved prior to coming before Council. Mr. Poch also stated this MOU only binds the City and not its residents. He commented that the City agreed with the Mine on all issues with the exception of the view issue. Councilman Ledford asked the Clerk to be sure to attach the photo depiction of the proposed view that was acquired at the Teller County Commissioners meeting. It was stated that Teller County Commissioners voted that the Mine cannot touch the hillside without proposing it again. Commissioners are the Jurisdiction and we are the neighbors. Administrator McPherson announced copies of the MOU will be available in the Clerk's office tomorrow morning. Mayor Baader read the key points of the MOU. Councilwoman Woods praised Councilman Ledford and Mayor Baader for all their hard work and effort. Motion by DiCamillo to approve the ratification Second by Woods and motion carried.

1st READING ORDINANCE 2008-08 – AMENDING SECTIO 8-2-20 OF THE CRIPPLE CREEK MUNICIPAL CODE BY THE ADDITION OF A NEW SUBSECTION (J) THERETO RELATING TO PROMOTIONAL AND ANTIQUE AUTOMOBILES, LEE PHILLIPS

Mayor Baader read title only of ordinance 2008-08 only. There was no public comment. Motion by Brown to approve ordinance 2008-08 Second by Woods and motion carried

1st READING ORDINANCE 2008-09 AMENDING SUBSECTION 2-3-50(6) OF THE CRIPPLE CREEK MUNICIPAL CODE RELATING TO THE DUTIES OF THE CITY ADMINISTRATOR, LEE PHILLIPS

Mayor Baader read title only of ordinance 2008-09. There was no public comment. Motion by DiCamillo to approve ordinance 2008-09 Second by Brown and motion carried

BUSINESS LICENSE:

The following business license was presented to Council for their approval, Laser Perfection, Carolyn Harclerode and Cripple Creek Coffee, Wes Kime. Deputy Clerk Fisher 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 Brown and motion carried.

PUBLIC COMMENT:

Cathy Hern, 317 North 4th Street, when is AGG going to be completing their paving? We are having bump and dust problems. Mayor Baader says it's being addressed on a daily basis. **Dennis Peck**, 123 North 1st Street, thank you for addressing the cattle issue. What is Laser Perfection? Laser hair removal. What happened to the ownership of the Cripple Creek Coffee shop? Wes Kime, manager of Starbucks, purchased business. Does Council have influence over the speed limit at Gillette Flats? The speed limit was lowered to 40 mph during construction and was never raised. It's 50 mph going north and 40 miles going south. Mayor Baader will contact CDOT.

At 6:32 Motion by DiCamillo to hold an executive session 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 Brown and motion carried.

Meeting adjourned at 7:15 PM

APPROVED:

ATTESTED:

Dan Baader, Mayor

Stephanie L. Fisher, Deputy City Clerk