

October 17, 2012

5:30 PM

Mayor Bruce Brown called the regular meeting of the City Council to order. Present were Council Terry Wahrer, Milford Ashworth, Deputy Clerk Jessica Memmer, Attorney Lee Phillips, and Administrator Ray White. Council Chris Hazlett and Steve Zoellner were absent.

Minutes of the October 3, 2012 meeting were approved as written.

PUBLIC COMMENT:

There was no public comment.

CITY ADMINISTRATOR REPORT:

Administrator Ray White stated he has exciting news regarding the Gilpin County case. Gilpin County had filed with the District Court to reduce the revenue the City of Cripple Creek would receive from gaming. The Appellate Court has affirmed that the City of Cripple Creek has won this case. Attorney Lee Phillips stated that within 42 days a writ of certiorari could be filed with the Supreme Court, but that nothing about this case seemed like it would be of interest to the Supreme Court. Gilpin County may still try to file the writ.

Administrator Ray White stated that the City has been successful in obtaining a number of grants. We have received one from the Department of Justice for \$3,359.00, one from the Federal Transportation Department for \$134,000 for the purchase of two new shuttles, and another transportation grant in the amount of \$154,000. The Clean Up Days will be held on Saturday and Sunday from 8:00 AM to 5:00 PM. Tires, paint, chemicals, and batteries will not be accepted.

FINANCE DIRECTOR REPORT:

Finance Director Paul Harris stated he has good news about the gaming devices; there are 4,255 devices which are up by 360 devices. This is the first full quarter for The Rush Casino so that has helped the numbers. This is the first time since 2010 that we have been above 4,200. Harris stated that the revenue was \$554,460 which was down from August because of a distribution check we received from the State. The expenses were \$589,035, giving us a negative cash flow of almost \$35,000. The total of the fund balances are \$9.7 million.

PLANNING & HISTORIC PRESERVATION REPORT:

Administrator Ray White stated there was a Historic Preservation meeting last week and that Kathy Stockton is still the liaison between the City and the commission. The commission is waiting for recommendations from the Council on moving forward with Historic Preservation funds.

RESOLUTION 2012-06 A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF CRIPPLE CREEK AND THE COLORADO DEPARTMENT OF TRANSPORTATION:

Administrator White stated that the City has secured a grant from CDOT for \$510,000. Public Works Director Greg Severance stated this money will be used to make improvements to the curves on Teller One, install guardrails, chevron flashing signs, curb and gutter, and rumble strips. There will also be a trail installed on Teller One from C Street up to the grocery store. We only have a draft copy of the IGA at this point, but CDOT will be sending copies to be executed early next week. The street light project will be addressed soon. Administrator White stated this is a total of \$798,000 in grant funding obtained by the Public Works Director and his staff. Motion by Ashworth to approve Resolution 2012-06 in substantially the form submitted Second by Wahrer and motion carried.

REQUEST – APPROVAL OF A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF CRIPPLE CREEK AND PARTNERS L.L.C. (THE RUSH) FOR 7 UPRIGHT SPACE HEATERS TO BE PLACED ON THE SIDEWALK AT 209 E. BENNETT AVENUE:

Mark Owens from The Rush stated these will be the same type of heaters as the ones in front of Bronco Billy's, except they will be anchored to the concrete in four places instead of three. The Rush would like to place the heaters under the building canopies instead of the outer edge of the sidewalk. Owens stated the casino would eventually like to have hanging heater units instead of the upright heaters. Motion by Wahrer to approve the

revocable license agreement subject to approval from the Cripple Creek Fire Department Second by Ashworth and motion carried.

REQUEST – APPROVAL OF A MODIFICATION TO THE STAR BUILDING LEASE:

Administrator White stated this is an updated lease to the Star Building, which is used by the Butte Theater for rehearsal and storage, and a small parking lot used by the police department and the Butte Theater. Motion by Ashworth to approve the modification of the lease Second by Wahrer and motion carried.

At 5:53 PM Motion by Wahrer that the City Council hold an executive session to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e). To discuss negotiations regarding the BHE rebate program. Second by Ashworth and motion carried.

Regular session reconvened at 6:50 PM with no other business being conducted.

APPROVED:

ATTESTED:

Bruce Brown, Mayor

Jessica Memmer, Deputy City Clerk