

Mayor Libby called the regular meeting of the City Council to order. Present were Council Peck, Woods, DiCamillo, Administrator McPherson, Deputy City Clerk Beaty, and Attorney Phillips. Council Petty was absent.

Minutes of the August 1, 2007 meeting were approved as written.

CITY ADMINISTRATOR REPORT:

Administrator McPherson introduced Diann Pritchard, Emergency Communications Director. Pritchard presented Crystal Broady as the new Communications Specialist stating Broady holds all current certifications and is a national certified trainer. McPherson informed Council the Colorado State Patrol is relocating to Cripple Creek. He introduced the commander for the unit, Sergeant Kenneth Crider of the Colorado State Patrol. Sgt. Crider announced the State Patrol office is relocating to Cripple Creek on October 1st with nine troopers to perform increased patrols on Highway 67. As an update regarding the inoperable television camera, McPherson informed the Council that a TV camera has never existed on City Hall. The KOAA 5/30 weather bug on the County Court House is inoperable due the asbestos contamination. McPherson requested those interested in public comment at the end of the meeting please use the sign up sheet. Further, McPherson announced petitions are available in the Clerk's office for the upcoming election. The petitions are due by August 27, 2007 by 4:00 PM with required signatures.

FINANCE DIRECTOR REPORT:

Finance Director Harris stated the budget meeting has been reschedule for a future date in the fall. Harris announced gaming numbers for June with Cripple Creek holding 19% of the market share. There were no budget transfers.

PLANNING & HISTORIC PRESERVATION DIRECTORS REPORT:

Planning Director Manning thanked Eldon Likkel for his service due to his resignation from the HP Commission. Seeking direction from Council, Manning addressed the relationship between seated HP commissioners and funded projects in which commissioners' bid on projects they had previously reviewed. Mayor Libby directed Manning to bring concern before the Council as a regular agenda item.

1st READING OF ORDINANCE #2007-13 ESTABLISHING A CONSTRUCTION BOND FEE FOR OUTSIDE THE HISTORIC DISTRICT:

Planning Director Manning presented Council with Ordinance 2007-13 to amended Ordinance 1992-18 to establish a construction bond fee involving structural changes to existing buildings or the construction of any new structures within the City of Cripple Creek's BB-H (Business Buffer Historic), B (Business), C-1 (Commercial), and C-2 (Industrial) Zone Districts by requiring an irrevocable letter of credit or other surety acceptable to the City, to be held in trust by the city in the amount of \$2,000.00 for each foot length of the longest façade of the building. C-1 and C-2 Zones incorporates property located in the gaming district; all property outside of gaming is exempt. Public comment in opposition from Ray Drake, Reed Grainger, Gary Ledford, Beth Duncan that the measure is anti-growth and an additional financial burden. Though in favor of the construction bond fee, Ike Hern expressed that the verbiage of the proposed ordinance was heavy handed. Mayor Libby directed City Attorney Phillips to redraft the ordinance to include objective criteria that incorporates, but not limited to, exempt small projects, include all zones and performance bonds.

1ST READING OF ORDINANCE #2007-15 SUBMITTING A BALLOT QUESTION TO THE CITY'S ELECTORS AT THE NOVEMBER 6, 2007 REGULAR ELECTION

City Attorney Phillips stated the ballot question extends the already established .3% sales tax to benefit the Community of Caring for an additional ten years. In addition, the cap of \$50,000.00 has been removed. No public comment. Motion by Peck to approve Ordinance 2007-15 Second by DiCamillo and motion carried.

REQUEST FOR WAIVER OF WATER AND SEWER TAP FEES AT 344 W. EATON

Item pulled by the applicant.

RESOLUTION #2007-08 ADOPTING AN AMENDMENT TO THE LEASE BETWEEN THE CITY OF CRIPPLE CREEK AND TIMBERLINE FISH AND WILDLIFE CONSERVATION ASSOCIATION, INC, DATED MAY 3, 2006

Item tabled

RESOLUTION #2007-07 FEE SCHEDULE FOR THE SEARCH, RETRIEVAL AND COPYING OF CRIMINAL JUSTICE RECORDS

Gary Hamilton, Police Chief, requested approval of Resolution 2007-07 amending Resolution 2000-04 and 2004-05 of a new fee schedule for the search, retrieval and copying of criminal justice records. Hamilton stated that the fee schedule had been compared with other municipalities and counties. No public comment. Motion by Woods to approve Resolution 2007-07 Second by DiCamillo and motion carried.

AUGMENTATION WATER LEASE, B LAZY M RANCH HOA

Gary Ledford, President of HOA, requested approval for augmentation water lease to B Lazy M Ranch. At public comment, Kathy Hern asked for clarification. Mayor Libby stated the purchase is of excess water for augmentation and is subject to the needs of the city. Motion by Peck to pursue the augmentation lease Second by Woods and motion carried.

CURB, GUTTER AND SIDEWALK FROM B STREET EAST TO MCKINNEY ON GALENA

Chip Huffman, Public Works Director, requested a change order to existing contract with AA Construction to allow curb, gutter and sidewalk from B Street east to McKinney on Galena for \$197,688.00. Huffman advised Council it was too late in the year to complete the bid process and complete work before winter. City Attorney Phillips advised a change order was permissible with an existing contract under the competitive bid process and does not require congruity of projects. In combined public comment for items 7 and 8, those expressing concern for the lack of a bid process were Todd Bowman, Ike Hern, Dan Baader, Kathy Hern, and Beth Duncan. Council DiCamillo expressed concern for pedestrians during construction. Huffman stated that C Street had been paved while school was in session and protections will be in place for pedestrians. Motion by Peck to extend a change order to AA Construction for work on Galena Second by Woods and motion carried with DiCamillo voting no.

ENTRANCE TO HERITAGE CENTER ON HWY 67

Chip Huffman, Public Works Director, requested a change order to existing contract with AA Construction to allow 608 ft new highway, 1000 ft guard rail, paving at the entrance to the Heritage Center on Highway 67 for \$258,130.00. Motion by Woods to extend a change order to AA Construction Second by Peck and motion carried with DiCamillo voting no.

BUSINESS LICENSE – EARTH’S CREATION LANDSCAPING, O’BANYON CUSTER

Deputy City Clerk Beaty informed Council all paperwork was in order and fees had been paid. Motion by Woods to approve the business license for Earth’s Creation Landscaping Second by Peck and motion carried.

PUBLIC COMMENT

Jackie Harris requested a meeting with the Mayor and any interested council members regarding pending water shed issue. Mayor Libby and Ms. Harris set a meeting time of Tuesday, August 21st at 5:00 PM in the Council Chambers. **John Tulley** stated that the cost of 3.7 million for the Heritage Center did not include indirect cost. Regarding advertising, Tulley stated the City rewards loyalist and punishes local and regional publications with unflattering news by not advertising in their papers. Tulley suggested an annual marketing quota system with all publishers. He would facilitate a first publishers meeting to bring about equal distribution of advertising dollars. **Ike Hern** stated the cost break down of the Heritage Center had not been made available at which Paul Harris, Finance Director, provided him a copy. **Judith McPherson**, publisher of The Gold Camp Journal, thanked John Tulley for providing an opportunity to address misconceptions. She has provided donated space and column inches to advertising City events. Further, her desire is to focus on the positive in the community and school, not false speculations. In rebuttal, Tulley stated the potential for conflict is overwhelming.

Peck motioned for the meeting to adjourn at 7:16 PM Second by Woods and motion carried.

APPROVED:

ATTEST:

Ed Libby, Mayor

Melissa Beaty, Deputy City Clerk