

July 18, 2007

5:30 PM

The regular meeting for July 4, 2007 was not held due to it being a holiday.

Mayor Libby called the regular meeting of the City Council to order. This meeting was held at the new Pikes Peak Heritage Center. Present were Council DiCamillo, Peck, Petty, Woods, Administrator McPherson, City Clerk Blevins, and Attorney Phillips.

Minutes of the June 20, 2007 meeting were approved as written.

CITY ADMINISTRATOR REPORT:

Administrator McPherson stated the new water system at the Heritage Center has failed and there are port-a-pots just outside the front doors. Kat Petersen with the Cripple Creek Emergency Services instructed those in the audience the proper procedures incase we should have a fire. McPherson introduced Jim Vance of the Cripple Creek Wellness Center who presented Officer Martin Toetz with a plaque of appreciation for Toetz going the extra step and putting out an alert when a person of risk wandered away from the Wellness Center.

FINANCE DIRECTORS REPORT:

Finance Director Harris stated there were no expenditure or transfer requests at this time. Harris stated on August 1st at 4:30 PM there will be a budget work session. On August 22nd at 5:00 PM will be a work session for the budget baseline. On July 13th the City of Cripple Creek had it's first IRS compensation audit and passed with flying colors. Device counts were down for this quarter due to the Virgin Mule closing. Device counts are down 107 from the 1st quarter.

PLANNING & HISTORIC PRESERVATION REPORT:

Development Director Manning stated the Victorian Lady has a carriage house behind it and there are plans to restore it by the Historic Preservation Commission. The Commission may be coming before the Council at a later date to discuss a feasible use for the carriage house. The Commission will be having a meeting tomorrow. Still working on many unfinished projects.

DEPARTMENT HEAD REPORTS:

Department Head reports were placed in Council packets for their review.

PUBLIC HEARING MEDICAL CENTER:

Public Hearing was held for the Medical Center Annexation. Attorney Phillips explained that the public hearing was necessary to see if this property had eligibility for annexation and compliance issues were met for the Municipal Act for Annexation of 1963.

RESOLUTION #2007-06 A RESOLUTION CONCERNING THE ANNEXATION TO THE CITY OF CRIPPLE CREEK COLORADO OF A CERTAIN AREA MORE PARTICULARLY DESCRIBED HEREIN AND SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS BASED THEREON AS REQUIRED BY C.R.S. § 31-12-110 (MEDICAL CENTER ANNEXATION):

Attorney Phillips read Resolution #2007-06 concerning the annexation to the City of Cripple Creek, CO of a certain area, and setting forth finding of fact and conclusions based thereon as required by C.R.S. § 31-12-110 (Medical Center Annexation). There was no public comment. Motion by Petty to approve Resolution #2007-06 Second by Peck and motion carried.

1ST AND FINAL READING OF ORDINANCE #2007-10 AN EMERGENCY ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN THE COUNTY OF TELLER AND MORE PARICULARLY DESCRIBED IN ATTACHED EXHIBIT A (MEDICAL CENTER ANNEXATION):

Mayor Libby read title only of Ordinance #2007-10. Attorney Phillips stated this is an emergency Ordinance due to construction limits. There was no public comment. Motion by Petty to approve 1st and final reading of Ordinance #2007-10 Second by Peck and motion carried.

PUBLIC HEARING RETAIL TAVERN LIQUOR LICENSE THIN AIR THEATRE COMPANY:

A Public Hearing was held for a Tavern Liquor License for the Thin Air Theatre Company. Clerk Blevins stated all paperwork is in order and fees have been paid. There was public comment from Chris Hazlett and Mickey Burdick. Motion by Petty to approve the Retail Tavern Liquor License for the Thin Air Theatre Second by Woods and motion carried.

2ND READING OF ORDINANCE #2007-04 OF THE CITY OF CRIPPLE CREEK COLORADO ADOPTING BY REFERENCE AND ENACTING A NEW MUNICIPAL CODE FOR THE CITY OF CRIPPLE CREEK; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN PROVIDING A PENALTY FOR VIOLATION THEREOF; PROVIDING FOR THE MANNER AMENDING SUCH

CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE:

Mayor Libby read title only of Ordinance #2007-04. There was no public comment. Motion by DiCamillo to approve 2nd reading of Ordinance #2007-04 Second by Petty and motion carried.

2ND READING OF ORDINANCE #2007-08 AMENDING THE HISTORIC PRESERVATION ORDINANCE #1991-02 EXTENDING THE EXPIRATION OF A CERTIFICATE OF APPROPRIATENESS:

Mayor Libby read title only of Ordinance #2007-08. There was no public comment. Motion by Petty to approve 2nd reading of Ordinance #2007-08 Second by Woods and motion carried.

2ND READING OF ORDINANCE #2007-12 RELATING TO THE SALE AND EXCHANGE OF CITY-OWNED PROPERTY:

Mayor Libby read title only of Ordinance #2007-12. There was no public comment. Motion by Woods to approve 2nd reading of Ordinance #2007-12 Second by DiCamillo and motion carried.

PLANNING COMMISSION BUSINESS REQUEST FOR CONDITIONAL USE PERMIT IN THE R-2 ZONE TO ALLOW A ROOMING HOUSE, FOUR (4) ROOMS MAXIMUM, AT 323 THURLOW AVENUE (L26, B18, CC FREEMAN PLACER) WILLIAM

AGNEW:

Development Director Manning stated the applicant requests approval of a Conditional Use to allow 2 attached rooming houses. The structure was originally built as 2 single family dwellings with a common wall. Modifications to the interior have created space for 4 rooms in each dwelling, which can be occupied by unrelated parties as a Conditional Use in the R-2 Zone. Staff recommend approval of the request with the following conditions: 1) no more than 4 persons are to occupy each rooming house. 2) the parking area be shifted to the west to allow 2 spaces on each lot, as the lots could be sold separately. Alternatively, an easement could be placed on the lot used by the other for parking or the lot line could be vacated. 3) the parking configuration be redesigned and approved by the City if it is required at the time curb, gutter and sidewalks are constructed. There was public comment by William Agnew, and Mona & Chip Huffman. Clerk Blevins was presented with a petition signed by 14 residents in the area opposed to the Conditional Use Permit along with several letters in opposition. Motion by Peck to deny the Conditional Use Permit for 323 Thurlow Avenue A) because the value and quality of the neighborhood surrounding the Conditional Use would be substantially injured B) the applicant did not establish needs and desires Second by Petty and motion carried.

PLANNING COMMISSION BUSINESS REQUEST FOR CONDITIONAL USE PERMIT IN THE R-2 ZONE TO ALLOW A ROOMING HOUSE, FOUR (4) ROOMS MAXIMUM, AT 325 THURLOW AVENUE (L25, B18, CC FREEMAN PLACER) WILLIAM

AGNEW:

Development Director Manning stated the applicant requests approval of a Conditional Use to allow 2 attached rooming houses. The structure was originally built as 2 single family dwellings with a common wall. Modifications to the interior have created space for 4 rooms in each dwelling, which can be occupied by unrelated parties as a Conditional Use in the R-2 Zone. Staff recommend approval of the request with the following conditions: 1) no more than 4 persons are to occupy each rooming house. 2) the parking area be shifted to the west to allow 2 spaces on each lot, as the lots could be sold separately. Alternatively, an easement could be placed on the lot used by the other for parking or the lot line could be vacated. 3) the parking configuration be redesigned and approved by the City if it is required at the time curb, gutter and sidewalks are constructed. There was public comment by William Agnew, Mona & Chip Huffman. Clerk Blevins was presented with a petition signed by 14 residents in the area opposed to the Conditional Use Permit along with several letters in opposition. Motion by Peck to deny the Conditional Use Permit for 325 Thurlow Avenue A) because the value and quality of the neighborhood surrounding the Conditional Use would be substantially injured B) the applicant did not establish needs and desires Second by Petty and motion carried.

RESOLUTION #2007-05 AUTHORIZING THE MAYOR TO COMMIT MATCHING FUNDS FOR A CDOT GRANT:

Economic Development Director Fenner read Resolution #2007-05. There was no public comment. Motion by Peck to approve Resolution #2007-05 Second by Woods and motion carried.

DISCUSSION BUILDING PERMIT FINANCIAL REQUIREMENTS:

Development Director Manning was asking Council for direction on creating a new Ordinance in regards to building permit financial requirements. After much discussion Manning was directed to draft a new ordinance and return to the Council with the draft.

DISCUSSION REVISING PROCEDURES AND REGULATIONS FOR VENDORS ON PRIVATE AND PUBLIC PROPERTIES:

Development Director Manning stated staff is looking to get some direction from the Council regarding permitting of vendors. An ordinance will then be prepared that addresses vending on public and private property and includes processes, fees, and requirements to insure safety at the vending site and manage the number and location of the vending sites. Manning was instructed to draft the ordinance.

REQUEST FOR WAIVER OF WATER AND SEWER TAP FEES AT 221 W MASONIC AVENUE, AVALON HUGHES:

Applicant request waiver of water and sewer tap fees for a single- family residence to be built at 221 W Masonic. There was no public comment. Motion by DiCamillo to approve the tap fee waiver for water and sewer Second by Peck and motion carried.

AWARD BID FOR CURB, GUTTER & SIDEWALK FOR MEDICAL CENTER:

Economic Development Director Fenner stated only one bid had been received for the curb, gutter and sidewalk for the Medical Center. The bid is from Goforth the same company that is doing the construction of the building. There was no public comment. Motion by Petty to deny the bid and to renegotiate the bid with Goforth Second by DiCamillo and motion carried.

PUBLIC HEARING REQUEST FOR SPECIAL EVENT LIQUOR PERMIT AT TELLER COUNTY FAIRGROUNDS, TELLER COUNTY GOVERNMENT:

A Public Hearing for a Special Event Liquor Permit request by Teller County Fairgrounds for the Teller County Fair August 1-5. Clerk Blevins stated all items were in order and fees have been paid. There was no public comment. Motion by Woods to approve the Special Event Liquor Permit for Teller County Fair Second by DiCamillo and motion carried.

BUSINESS LICENSE:

The following business license was presented to Council for their review, Last Dollar Inn, Charley & Kathleen Gregg. Clerk Blevins stated all items were in order and fees have been paid. There was no public comment. Motion by Woods to approve the business license Second by DiCamillo and motion carried.

PUBLIC COMMENT:

Mary Bielz asked the Council for their support in placing a question on the ballot in November requesting to keep the .03% sales tax and allowing the Aspen Mine Center to keep the entire amount of funds generated from the tax. Motion by Peck instructing the Clerk Blevins to notify the County Clerk we will be having a question on the ballot Second by Petty and motion carried.

Jim Vance from the Cripple Creek Wellness and Rehab Center stated he would like to thank the City Council for all the past support of the Center. The Center is now out of the red and in the black. **Mayor Libby** thanked everyone for attending the meeting at the new Heritage Center.

There is still a lot of work to be done. There will be a sneak peek and BBQ on Saturday and everyone is invited please come on up. **Bob Jeffries** stated 12 rumors are going around the City about the Heritage Center. Jeffries read each rumor and Mayor Libby responded to each. When asked how much the Heritage Center has cost Finance Director Harris answer was \$3.7 Million.

Meeting adjourned at 7:35 PM

APPROVED:

ATTEST:

Ed Libby, Mayor

Debra Blevins, City Clerk