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**REGULAR CITY COUNCIL MEETING AMENDED AGENDA
WEDNESDAY, APRIL 1, 2020
5:30 PM – **ONLINE VIA WEBEX****

1. CALL TO ORDER
2. INVOCATION AND PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES
 - A. March 4, 2020 Regular Meeting.
5. PUBLIC COMMENT
6. REPORTS
 - A. City Administrator & Finance Director
7. PUBLIC HEARINGS
 - A. Ordinance 2020-01 approving the rezoning of property located at 405 E. Pikes Peak Avenue from R-2 Limited Residential District (R-2) to BB Neighborhood Mixed Use District (BB); Bill Gray, Planning & Community Development Director.
 - B. Emergency Ordinance 2020-02 amending Article 5 of the Cripple Creek Municipal Code regarding device fees to allow for the waiver of device fees for the month of April, 2020; Paul Harris, Finance Director/Interim City Administrator.
 - C. TO BE CONTINUED TO APRIL 15, 2020 – Consider application from John & Karen Freeman for Conditional Use Permit for Self-Storage to be located at the Southeast corner of 4th Street and Myers Avenue (Lots 1-4, Block 1, Arcadia Heights); Bill Gray, Planning & Community Development Director.
8. ADJOURNMENT

Webex Meeting Information:

Meeting link: [April 1, 2020 Regular City Council Meeting](#)

Meeting number: 298 609 412

Password: JTtW9AABX23

PARTICIPANTS NEED TO MAKE EVERY ATTEMPT TO ATTEND ONLINE. IN PERSON ATTENDEES WILL BE STRICTLY LIMITED TO 10, INCLUDING COUNCILMEMBERS AND STAFF. IF YOU CANNOT ATTEND ONLINE, YOU MUST CONTACT THE CITY CLERK AT 689-2502 PRIOR TO THE MEETING TO CONFIRM A SPOT IS AVAILABLE.



**CITY COUNCIL REGULAR MEETING MINUTES
WEDNESDAY, MARCH 4, 2020**

**Location: Council Chambers, City Hall
337 E. Bennett Avenue, Cripple Creek, Colorado 80813**

4:00 PM – WORK SESSION

**DISCUSSION REGARDING APPOINTMENT OF INTERIM CITY ADMINISTRATOR AND
RECRUITMENT PROCESS FOR SELECTION OF REGULAR CITY ADMINISTRATOR**

The Mayor and members of City Council held a work session with City Department Heads and discussed options for temporarily filling the Administrator position during the search for a regular Administrator. Finance Director Paul Harris will initially be appointed Interim. Options for selection of a regular Administrator were also discussed with Human Resources being given general direction to contact KRW regarding a nationwide search.

5:30 PM – REGULAR MEETING

1. **CALL TO ORDER** – Mayor Ashworth called the meeting to order at 5:30 PM having previously been posted in accordance with Colorado Open Records Law.
2. **INVOCATION AND PLEDGE OF ALLEGIANCE**– Mayor Ashworth ledge the Pledge of Allegiance.
3. **ROLL CALL** – City Clerk Sciacca called the roll. Present were Mayor Milford Ashworth, Mayo Pro Tem Tom Litherland, and Councilmembers Meghan Rozell and Charles Solomone. Councilwoman Melissa Trenary was absent. Staff present were City Clerk Janell Sciacca, City Attorney Erin Smith, Finance Director Paul Harris, HR / Risk Management Director Carol Stotts, HR / Risk Management Technician Heather Hildebrand, Planning & Community Development Director Bill Gray, Police Chief Mike Rulo, Sgt. Charles Bright, and Sgt. Rob Kible.
4. **APPROVAL OF MINUTES**
February 19, 2020 Regular Meeting – **MOTION** by Councilwoman Rozell and seconded by Mayor Pro Tem Litherland to approve the minutes of the February 19, 2020 Regular Meeting as written. Motion carried unanimously.
5. **PUBLIC COMMENT**
Mayor Ashworth commended First Responders for their professionalism and handling of his recent accident at the Post Office. Colt Simmons, Teller County Assessor, distributed a 2019 Abstract of Assessment pamphlet.
6. **REPORTS**
 - A. City Administrator – Acting Administrator Harris noted the written report in the packet and advised the Council there would be a work session with EIS Solutions at 4:30 PM on March 18 regarding a proposed ballot initiative that would allow local control of setting betting limits and new games.
 - B. Finance Director – Harris advised financial matters were on the agenda as business items.
7. **PRESENTATIONS, UPDATES AND OTHER REPORTS** – None.
8. **NEW BUSINESS**
 - A. Consider appointment of Paul Harris as Interim City Administrator; Carol Stotts, HR / Risk Management Director. Stotts presented and recommended appointment of Finance Director Paul Harris as Interim City Administrator. **MOTION** by Councilwoman Rozell and seconded by Mayor Pro Tem Litherland to appoint Paul Harris Interim City Administrator. Motion carried unanimously.

- B. Consider appointment of Charles “Bud” Bright to serve as succeeding Chief of Police; Carol Stotts, HR / Risk Management Director. Stotts presented and recommended appointment of Charles “Bud” Bright to serve as succeeding Chief of Police upon the retirement on April 3, 2020 of current Chief Mike Rulo. **MOTION** by Mayor Ashworth and seconded by Councilman Solomone to appoint Charles “Bud” Bright as succeeding Chief of Police. Motion carried unanimously.
- C. First Reading of Ordinance 2020-01 approving the rezoning of property located at 405 E. Pikes Peak Avenue from R-2 Limited Residential District (R-2) to BB Neighborhood Mixed Use District (BB) and setting of Public Hearing for April 1, 2020; Bill Gray, Planning & Community Development Director. Gray presented reminding the associated application was approved on December 18, 2019 and this was the associated Ordinance. He recommended approval of Ordinance 2020-01 on initial posting and setting of the Public Hearing for April 1, 2020. **MOTION** by Councilwoman Rozell and seconded by Mayor Pro Tem Litherland to approve of Ordinance 2020-01 on initial posting and setting of the Public Hearing for April 1, 2020. Motion carried unanimously.
- D. Discussion regarding amendment of Development Code to revise the definition for “projection”; Bill Gray, Planning & Community Development Director. Gray presented reviewing the Staff Report. The general consensus of Council was to move forward with an ordinance to amend the Development Code as presented.
- E. Consider approval of Resolution 2020-04 approving a Notice of Award to GMCO for the PW2020-2 Chip Seal Project; Steve DiCamillo, Public Works Director. Harris presented for DiCamillo. He reviewed the quotes and reported Staff was comfortable with moving forward to award the PW2020-2 Chip Seal Project bid to GMCO as recommended by the Public Works Department. Councilwoman Rozell inquired if GMCO had done work for the City or in the area before. City Clerk Sciacca advised she was aware Teller County had used them for projects as far back as the early 90’s. **MOTION** by Mayor Pro Tem Litherland and seconded by Mayor Ashworth to approve Resolution 2020-04 as presented. Motion carried unanimously.
- F. Consider approval of Resolution 2020-05 authorizing a Professional Services Agreement with Municipal Code Corporation “Municode” for recodification of the Cripple Creek Municipal Code; Janell Sciacca, City Clerk. Sciacca presented reviewing the proposal. She stated the quote cost was \$13,450, but only a portion of that would be paid in 2020. She added that \$12,000 was budget in the Clerk’s line item, but not all of that would spent in 2020. The outstanding amount would be budgeted for in 2021 and she would also be covering an additional one-time \$250 for a custom banner and future budgets would include an annual \$350 for MuniDocs. Sciacca recommended approval as presented. **MOTION** by Councilwoman Rozell and seconded by Mayor Pro Tem Litherland to approve Resolution 2020-05 as presented. Motion carried unanimously
- G. Consider approval of Resolution 2020-06 authorizing a Professional Services Agreement with Phoenix Technology Group for Managed Information Technology Services; Paul Harris, Finance Director. Harris presented an overview. City Attorney Smith stated she requested a change to the compensation paragraph which adds Phoenix will be paid on a per device basis for \$95/device and that number would go up or down depending on actual machines. Smith recommended approving the agreement. Harris added the current vendor will be finishing up by March 31, 2020. **MOTION** by Councilwoman Rozell and seconded by Councilman Solomone to approve Resolution 2020-06 as presented. Motion carried unanimously.
9. **ADJOURNMENT** There being no further business before the Cripple Creek City Council, Mayor Ashworth adjourned the meeting at 6:12 PM.

APPROVED:

ATTEST:

Milford Ashworth, Mayor

Janell Sciacca, City Clerk



Community Update #1 March 26, 2020

COVID-19

Teller County is acting as the central agency for disseminating information and directions regarding COVID-19. Teller County established a county-wide Incident Command System (ICS) Team. The City of Cripple Creek developed a working COVID-19 Action Plan for our operations. The Action Plan was distributed to the City Council and Department Managers on March 12th. Events transpired rapidly and by March 18th, the city had implemented all three stages outlined in the plan.

Resources:

Teller County Public Health COVID-19 website: <http://www.co.teller.co.us/PublicHealth/covid-19-info.aspx>

State of Colorado Department of Public Health and Environment:
<https://covid19.colorado.gov/>

Other COVID-19 Updates:

- Fire Chief Dean O’Nale is working full-time on Teller County’s Incident Command System (ICS) Team. Chief O’Nale is in charge of one of the nine operational branches. Captain Ryan Lohmeier has been promoted to Acting Fire Chief for the city at this time.
- The Interim City Administrator is a member of Teller County’s Incident Command System (ICS) Policy Group Team, which makes decisions relating to issues the ICS operation teams are facing. Councilperson Rozell is also representing the city on the Policy Group Team. Call-in meetings for team members are held every Tuesday and Thursday at 3 PM.
- The Interim City Administrator is taking part in call-in meetings with the Governor’s Office staff and heads of each of the State of Colorado’s Departments: CDOT, Dept. of Revenue, etc. on Wednesday and Fridays at 11 AM.
- The City Council held a Special Meeting on Wednesday, March 18th at 2 PM and voted to in act an emergency ordinance, which was a DECLARATION of EMERGENCY for the City of Cripple Creek. It also allows for the City Council to hold remote video/phone Council meetings. The first of which is planned for Wednesday April 1st. The City Clerk will send out emails with a link that allows the public to join the meeting. The city is currently using CISCO’s WebEx product. Per State Statute, one Council person must be present in the Council Chambers and the public can attended the meeting, if they cannot use the computer/phone in system. However, we are limited to the ten people in a meeting space and six feet of separation.

- The City Council held a Special Meeting On Tuesday, March 24th at 2 PM and voted to waive the device fees for the month of April to offer some relief to the casino industry, which was closed by an Order of the Governor on March 17th, and will be closed until April 30th.
- The city is working with Community of Caring to facilitate the delivery of food and medicine to our older residents, and those with underlying health conditions, through the city's Transit Department. The city is also working with Community of Caring to assist in making sure our school age children receive their Cripple Creek and Victor School District food distributions. A big "thank you" to Community of Caring for all they are doing.
- Essential personnel: Police, Fire, Dispatch, Water and Wastewater Treatment continue to operate on-site. However, all City Buildings are closed, with a few special exceptions. Public Works will continue to plow the streets of snow, read meters, and fix water/sewer pipe leaks. Other city departments are working from home. The following city departments are completely closed to normal operations: Parks and Recreation, Transit, the Heritage Center, the Jail Museum, the Information Center at the Rail Car, and the Butte Theater.
- Doctor Reid, the UC Health M.D. is seeing patients at city's medical building located on Teller 1. Please call head for an appointment. Forest Edge Dental is operating for emergency dental needs.
- Regarding water/sewer utility billing: The city will not be implementing the 5% cost increase that was scheduled to go into effect April 1st. The city will not be charging late fees on unpaid balances for March/April. No water/sewer connections will be turned off (shut off notices) for nonpayment. Utility payments can be dropped off at City Hall using the mail drop box in the Clerk's Office door. Credit card payments will be taken over the phone by the City Clerk on a limited basis, please call City Hall at 719 689-2502. If the phone is not answered, please leave a message regarding payments, or to make a payment, and your call will be returned.
- A number of restaurants are offering take out/pick up food and alcohol (in closed containers). Please continue to support local businesses that are working hard to stay open. We will provide the names of those business in a coming post.
- Jeff Mosher, Marketing and Events Director, is acting as the city's Public Information Officer (PIO) and is available via email for inquiries at jmosher@cripple-creek.co.us.
- The City of Cripple Creek will provide Community Updates on the city's website front page: www.cityofcripplecreek.com and the city's Facebook page. There are also links to the latest information from Teller County and their Public Health Department. Teller County Public Health Department is the information source for the number of COVID-19 cases and deaths in the county. We have been told that no city by city or area data will be released.

The City Council requests that all residents follow the Governor's Order to "Stay at Home". We will all get through this together!

Thank you,

Paul Harris
Interim City Administrator/Finance Director

**ORDINANCE NO. 2020-01
CITY OF CRIPPLE CREEK**

**AN ORDINANCE OF THE CITY OF CRIPPLE CREEK, COLORADO APPROVING
THE REZONING OF PROPERTY LOCATED AT 405 E PIKES PEAK AVENUE
FROM R-2 LIMITED RESIDENTIAL DISTRICT (R-2) TO BB NEIGHBORHOOD
MIXED USE DISTRICT (BB)**

WHEREAS, Article 4, Section 4.6.1 of the City of Cripple Creek Development Code establishes the administration, authority and procedures for the City's review and approval of requests for rezoning applications; and

WHEREAS, Merit WPU, LLC has submitted a rezoning application for approval of a zone change to BB Neighborhood Mixed Use District (BB) for the property located at 405 E Pikes Peak Avenue;

WHEREAS, the City of Cripple Creek has adopted a comprehensive plan titled City of Cripple Creek Master Plan, which calls for the greatest variety of mixed uses to be located within the Transition Sector; and

WHEREAS, the Transition Sector is primarily located on major roads leading into and out of the City (i.e., Hwy 67, 5th Street, Teller County Road 1) and adjacent to the City's Historic Downtown Core; and

WHEREAS, 405 E Pikes Peak Avenue's location is in the Transition Sector and is more suited to the uses of Neighborhood Mixed Use (BB) because of its proximity to the downtown core, 5th Street and pedestrian connections; and

WHEREAS, a zone change will enable future use of the property that is more compatible with the City of Cripple Creek Master Plan and Development Code; and

WHEREAS, the City of Cripple Creek Planning Commission and City Council held a public hearing on December 18, 2019 and voted to recommend approval of rezoning the property to BB Neighborhood Mixed Use District (BB).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRIPPLE CREEK, COLORADO, THAT:

Section 1. Upon application by Merit WPU, LLC for approval of a zone change from R-2 Limited Residential District (R-2) to BB Neighborhood Mixed Use District (BB) for property located at 405 E Pikes Peak Avenue, and pursuant to the findings made based on testimony and evidence presented at a public hearing before the Cripple Creek City Council, a zone change is approved for the following described land:

Lots 1 through 12, Block 19, Hayden Placer, City of Cripple Creek, County of Teller, State of Colorado.

Also known as 405 E Pikes Peak Avenue

PASSED ON THE FIRST READING AND ORDERED PUBLISHED THIS 4th DAY OF MARCH, 2020.

Janell Sciacca, City Clerk

PASSED ON SECOND READING AND ADOPTED BY THE CITY COUNCIL THIS _
____ DAY OF _____, 2020.

Approved: _____
Milford Ashworth, Mayor

Attest: _____
Janell Sciacca, City Clerk

Approved as to form: _____
Erin M. Smith, City Attorney

**CITY OF CRIPPLE CREEK, COLORADO
EMERGENCY ORDINANCE NO. 2020-02**

**AN EMERGENCY ORDINANCE AMENDING CHAPTER 4, ARTICLE 5 OF THE
CRIPPLE CREEK MUNICIPAL CODE RELATING TO GAMING DEVICE FEES TO
ALLOW FOR THE WAIVER OF DEVICE FEES FOR APRIL, 2020**

WHEREAS, the City of Cripple Creek (“City”) is a municipal corporation possessing all powers granted to statutory cities by Title 31 of the Colorado Revised Statutes, including the power to regulate businesses conducted within the City’s boundaries and impose fees pursuant to its Municipal Code; and

WHEREAS, Sec. 4-5-20 of the Cripple Creek Municipal Code provides that for each and every gaming device located within the City, the gaming licensee of the establishment in which the gaming device is located shall pay a gaming device fee (“device fees”); and

WHEREAS, on March 10, 2020 Jared Polis, the Governor of the State of Colorado (“Governor”), declared a statewide state of emergency in response to coronavirus (COVID-19); and

WHEREAS, on March 16, 2020, the Colorado Department of Public Health and Environment (CDPHE) issued a public health order to close bars, restaurants, gyms, theaters, and casinos to slow the spread of the COVID-19 virus, effective March 17, 2020 through April 16, 2020; and

WHEREAS, on March 19th, 2020, the Governor issued an executive order extending the closure of all bars, restaurants, theaters, gymnasiums and casinos in Colorado until April 30th, 2020 (the “Order”); and

WHEREAS, on March 17, 2020 the City of Cripple Creek declared a local emergency in response to the coronavirus (COVID-19); and

WHEREAS, in the present emergency situation and in future emergency situations, the Council may determine that the preservation of property and the public health and welfare of the citizens of Cripple Creek may warrant waiving device fees and desires to have procedures for doing so; and

WHEREAS, the City Council finds that the coronavirus (COVID-19) related emergency and the closure of casinos due to the Governor’s order warrants a temporary waiver of the device fees for April 2020; and

WHEREAS, given the current circumstances, it is hereby declared that an emergency exists and that this ordinance is necessary for the immediate preservation of the public health, safety, and welfare; and

WHEREAS, this Ordinance is necessary for the preservation of property and the public health and welfare of the citizens of the City.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRIPPLE CREEK,
COLORADO, THAT:

Section 1. Waiver of a portion of second quarter 2020 device fees.

(a) Waiver-Existing Gaming Establishments.

(1) Notwithstanding any contrary provision of Chapter 4, Article 5 of the Cripple Creek Municipal Code, that portion of the second quarter device fees pro-rated for the period of April 1st through April 30th are hereby waived.

(2) Notwithstanding Section 4-5-20(b), the gaming device fee owed by each gaming licensee for the second quarter of 2020 shall be paid no later than May 15, 2020.

(b) New Gaming Establishments.

(1) The gaming licensee of any new gaming establishment that opens on or after April 30, 2020, shall pay device fees in accordance with Section 4-5-20, except that to the extent 4-5-20(a)(2) provides for a credit, the gaming device fee due for such new gaming devices shall get the benefit of a credit in the next succeeding quarter based on a daily prorated amount for the days in April that the new gaming devices were not in service.

(2) Notwithstanding Section 4-5-20(d), in the case of new gaming establishments whose new gaming devices are placed in service during the second quarter of 2020 on or after April 30, 2020, the gaming device fee for such new gaming devices shall be paid no less than fourteen (14) days after said gaming devices being place in service.

(b) Repeal of Order Prior to April 30. Notwithstanding any provision herein, in the event the Governor revokes or repeals the Order prior to April 30, 2020, and thereby shortens the duration of the mandated casinos' closure, the prorated periods provided for herein shall reflect such shortened duration.

Section 2. Chapter 4, Article 5 of the Cripple Creek Municipal Code is hereby amended by adding a new section 4-5-80

4-5-80. - Waiver of fees during emergencies.

Notwithstanding any contrary provision of this Article 5, in the event of an emergency declared by the City Council, the City Council may, by 3/4th vote, approve by resolution the waiver of device fees under the conditions and for the duration specified in such resolution.

Section 3.

Emergency Declaration. The Council of the City of Cripple Creek hereby finds, determines and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public property, health, welfare, peace or safety for the reasons enumerated in the introductory paragraphs of this ordinance, which are incorporated into this Section 3 by reference. The Council further determines that the adoption of this ordinance as an emergency ordinance is in the best interest of the citizens of the City of Cripple Creek.

Section 4. All terms and provisions of the Municipal Code of the City of Cripple Creek not amended hereby, either expressly or by necessary implication, shall remain in full force and effect.

INTRODUCED, AND READ at a meeting of the City Council of the City of Cripple Creek, Colorado this 24th day of March, 2020.

READ, ADOPTED AS AN EMERGENCY ORDINANCE, AND ORDERED PUBLISHED at a meeting of the City Council, Colorado, this ___ day of April, 2020.

CITY OF CRIPPLE CREEK

Milford Ashworth, Mayor

ATTEST:

Janell Sciacca, Town Clerk

Erin M. Smith, City Attorney

Memorandum

To: City Council and Planning Commission
From: William Gray, Planning and Community Development Director
RE: Continue Public Hearing, Freeman Self-Storage Conditional Use Permit

400 S. 4th St. LLC, John and Karen Freeman, submitted a conditional use permit application for Freeman Self-Storage on March 9, 2020. The proposed conditional use permit is located at the Southeast corner of 4th Street and Meyers Ave (Lot 1-4, Block 1, Arcadia Heights).

A conditional use permit requires a public hearing by both City Council and Planning Commission and is considered a quasi-judicial hearing. The current owner of the property is Mequon II, LLC and the manager of this LLC is Michael Smith, President and CEO of Double Eagle Resorts, Inc. The LLC as the owner authorized the Freeman's to apply for the CUP prior to them becoming the owner. Mequon, LLC and 400 S. 4th St. LLC are in a contract for the sale of the property. A condition of the contract is that a conditional use permit is issued by the City.

The application has been noticed for its public hearing as is required by the Development Code. It is scheduled for hearing on April 1, 2020 at 5:30 pm. The COVID-19 Emergency Resolution adopted on March 18 by the City did not permit quasi-judicial hearings with virtual meetings. At this time, all City Council meetings are being done as virtual meetings to meet COVID-19 guidelines for gatherings and social distancing. Upon the adoption of the resolution City Staff notified the Applicant that we would have to postpone the public hearing. All required notifications for the hearing was done pre-virtual meeting. If the city does not move ahead and hold the public hearing it could jeopardize the sale of the property as it does include a contingency for a CUP to be approved by a date certain. This information was brought to our attention on Thursday, March 26th by the owner of the property.

In addition, City Staff also did not move ahead to prepare a Staff Report for the April 1 hearing as we were working under the direction of the COVID-19 Emergency Resolution.

In an effort, to make sure that the City continues its work and to accommodate a real estate deal during the COVID-19 crisis we are requesting that City Council continue the scheduled public hearing from April 1, 2020 to April 15, 2020 at 5:30 pm. We are simply trying to do all we can for the owner in these unfortunate circumstances. The owner does not have a guarantee that the CUP will be approved by City Council and a contract contingency is not a review standard for approving or denying a conditional use permit. Our action is only an effort to make sure the application is processed in a timely manner during the COVID-19 pandemic.

City Attorney Smith has advised that Council has the power and is able to continue the self- storage conditional use permit hearing. Doing so constitutes a limited one-time suspension of the prohibition on holding quasi-judicial hearings.

City Attorney Smith has also advised that Council may hold the hearing without setting a precedent because the application that is the subject of the hearing was filed before the COVID-19 situation and before the Council adopted its emergency resolution.