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REGULAR CITY COUNCIL MEETING AGENDA WEDNESDAY, MAY 6, 2020 5:30 PM – ONLINE VIA WEBEX

Webex Meeting Information: [May 6, 2020 Cripple Creek City Council Mtg](#)

Meeting Number: [297 319 899](#)

Meeting Password: [KZeIP4879kh](#) (59347487 from phones and video systems)

Join By Phone: 1-408-418-9388

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. APPROVAL OF MINUTES**
 - A. April 15, 2020 Regular Meeting.
- 5. PUBLIC COMMENT**
- 6. PROCLAMATIONS**
 - A. Municipal Clerks Week May 3-9, 2020
 - B. National Peace Officers Week May 10-16, 2020
- 7. REPORTS**
 - A. Interim City Administrator / Finance Director
 - B. Public Works Director – Bennett Avenue Project Update
- 8. NEW BUSINESS**
 - A. Consider approval of Resolution 2020-09 waiving Gaming Device Fees for the month of May, 2020; Paul Harris, Interim City Administrator / Finance Director.
- 9. ADJOURNMENT.**

MEETING PARTICIPANTS NEED TO MAKE EVERY ATTEMPT TO ATTEND ONLINE. IN PERSON PARTICIPANTS WILL BE STRICTLY LIMITED TO 10, INCLUDING COUNCILMEMBERS AND CITY STAFF. TO ATTEND IN PERSON, YOU MUST CONTACT THE CITY CLERK PRIOR TO NOON ON THE DAY OF THE MEETING TO VERIFY IN PERSON SPACE IS AVAILABLE.



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CITY COUNCIL MINUTES

**WEDNESDAY, APRIL 15, 2020
5:30 PM – REGULAR MEETING**

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

Work Sessions were conducted online via Zoom prior to the Regular Meeting. These Work Session were regarding proposed November Ballot Measure #257 for a statewide and local vote regarding changing the gaming limits and adding additional games and the City of Cripple Creek 2020 Marketing Plan Presentation. No action was taken nor formal business conducted during the Zoom Work Sessions.

1. **CALL TO ORDER** – Mayor Ashworth called the Regular Meeting to order approximately 5:40 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, Mayor Pro Tem Tom Litherland and Councilmembers Meghan Rozell (online), Charles Solomone and Melissa Trenary. Staff present were City Clerk Janell Sciacca (online), City Attorney Erin Smith, Finance Director Paul Harris (online), Police Chief Charles Bright (online), Dispatch Supervisor Diann Pritchard (online), Transportation Director Ted Schweitzer (online), Marketing & Events Director Jeff Mosher and Planning & Community Development Director Bill Gray.
4. **APPROVAL OF MINUTES**
 - A. March 18, 2020 Regular Meeting
 - B. March 24, 2020 Special Meeting
 - C. April 1, 2020 Regular Meeting

MOTION by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve the minutes of the March 18, March 24 and April 1 meetings as presented. Motion carried unanimously.
5. **PUBLIC COMMENT** – Mayor Ashworth recognized and thanked first responders and everyone involved on the front lines of the COVID-19 response.
6. **REPORTS**
 - A. City Administrator / Finance Director – Harris provided an update on the CENSUS stating there was a 50% statewide average response but Cripple Creek was only at 5%. He encouraged everyone to fill it out stressing the response affects funding for the City. He also reported the Community Trash days for May was being cancelled and the City hoped to do one in the fall. Harris noted the City's online Water & Sewer bill pay was back up with no transaction fees and he encouraged citizens to use the system for convenience and safety. He thanked Melissa Beaty, Janell Sciacca and Heather Hildebrand of the City's Staff and AccuFund contractor Becky Wittmer for working on the project. Finally, Harris thanked Newmont Mining Company whose global parent company was making \$20 million of COVID-19 related funding available in communities where they operate.
7. **PRESENTATIONS, UPDATES AND OTHER REPORTS** – None.
8. **PUBLIC HEARING(S)**
 - A. Consider approval of 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. Mayor Ashworth opened the Public Hearing and City Attorney Smith reviewed the procedural steps that would be followed noting they were distributed to the Council and the applicant. There were no questions regarding the procedure of the process. Planning & Community Development Director Gray then distributed to Council a packet of several pages that the applicant had provided to Staff which is incorporated as part of the minutes. Gray proceeded to provide an overview of the subject request. At approximately 6:04 PM, Marketing and Events Director Mosher, who was monitoring the meeting remotely, interrupted the presentation and reported the A/V equipment was not picking up Director Gray's voice and that his presentation was only partially audible to those attending the meeting remotely. Accordingly, Director Gray made some adjustments in order to be heard by those attending the meeting remotely online via Webex and continued his presentation. At approximately 6:10 PM, Mosher again interrupted the presentation to report that he and presumably others from the public had been kicked out of the remote meeting due to broadband issues. Councilwoman Rozell asked for a point of clarification on public process at this time and City Attorney Smith advised Council that she was concerned State law requirement was not being satisfied. She recommended the hearing be suspended and continued to a date and time certain. She also advised that due to technological concerns the assumption had to be made that the public was unable to hear the discussion of the new hearing time and therefore notice by publication and notice by mail would have to be redone. Following discussion regarding required and proper public notification, Gray stated May 13 would be the soonest the hearing could be held. The applicant agreed to a continuation of the hearing and thanked Staff and the Council for their effort in trying to hold the hearing. Upon a finding by Council that the hearing could not proceed due to technological problems making the meeting inaudible to the public present online the Council agreed to continue the hearing to their Regular Meeting on May 20, 2020. **MOTION** by Mayor Ashworth and seconded by Mayor Pro Tem Litherland to continue the Public Hearing on the 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) to May 20, 2020 at 5:30 PM. Motion carried unanimously.

9. NEW BUSINESS

- A. Consider approval of Resolution 2020-08 approving a Subaward Grant Agreement with the Colorado Department of Transportation for Project 2020-5304 Cripple Creek Vintage Trolley Project; Ted Schweitzer, Transportation Director. Schweitzer presented an overview of the grant and project. He directed Council to page 20 of the contract (Statement of Work) and to the Project End Date line and pointed out the date is September 30, 2022. He called this out in light of current funding stating he was wanting to get the project in the pipeline to move it along. Schweitzer requested approval of the 5304 Cripple Creek Vintage Trolley Project grant which encompasses a feasibility study for a fixed track trolley system to include analysis and identification of capital operating costs, listing of suggested vehicles, track design, layout, traffic and parking considerations, and recommendations for related infrastructure and facilities. The total project cost is \$50,000 with the Federal FTA CDOT portion being \$40,000 and local match of \$10,000. There was no public comment. Litherland inquired if the City had the \$10,000. Finance Director Harris replied this was a budgeted item but was part of reductions made due to revenue losses and Schweitzer shifted the project to 2021. If the City is not able to complete in 2021 there is potential it could be shifted further out. Harris felt there was sufficient flexibility and the City should approve the grant. **MOTION** by Councilwoman Rozell and seconded by Councilman Solomone to approve Resolution 2020-08 approving a Subaward Grant Agreement with the Colorado Department of Transportation for Project 2020-5304 Cripple Creek Vintage Trolley Project as presented. Motion carried unanimously.

- 10. ADJOURNMENT** – There being no further business before the Cripple Creek City Council, Mayor Ashworth adjourned the online Webex meeting at 6:20 PM.

APPROVED:

Milford Ashworth, Mayor

ATTEST:

Janell Sciacca, City Clerk



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Proclamation

51st ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK

May 3 - May 9, 2020

Whereas, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Professional Municipal Clerk is the oldest among public servants, and

Whereas, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, The Professional Municipal Clerk serves as the information center on functions of local government and community.

Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

Now, Therefore, I, Milford Ashworth, Mayor of the City of Cripple Creek, CO do hereby recognize the week of May 3 through May 9, 2020, as Professional Municipal Clerks Week, and further extend appreciation to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 6th day of May, 2020

Mayor



National Law Enforcement Officers
MEMORIAL FUND
RESPECT. HONOR. REMEMBER.



Proclamation

May 10-16, 2020

National Police Week 2020

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Cripple Creek Police Department; and

WHEREAS, there is an average of 49,500 assaults against law enforcement officers each year, resulting in approximately 13,659 injuries annually; and

WHEREAS, since the first recorded death in 1786, more than 22,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty including 135 officers killed in 2019; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC; and

WHEREAS, 307 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 32nd Annual Candlelight Vigil which will be conducted online and can be watched from anywhere in the world this year on May 13, 2020 at 8:00 PM EST due to the COVID-19 crisis; and

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half staff;

NOW, THEREFORE, BE IT RESOLVED that the Cripple Creek City Council formally designates May 10-16, 2020, as Police Week in the City of Cripple Creek, Colorado and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

Dated this 6th day of May, 2020

Milford Ashworth, Mayor

**CITY OF CRIPPLE CREEK, COLORADO
RESOLUTION NO. 2020-09**

AN RESOLUTION WAIVING GAMING DEVICE FEES FOR THE MONTH OF MAY, 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, on April 1, 2020 the City Council of the City of Cripple Creek adopted as an emergency ordinance, Ordinance No. 2020-02, which was effective upon adoption and authorized the waiver of device fees for the month of April 2020, which Council determined to be warranted due to the coronavirus (COVID-19) related emergency and the closure of casinos pursuant to the Order; and

WHEREAS, Ordinance No. 2020-02 provides that 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; and

WHEREAS, the City Council finds that the coronavirus (COVID-19) related emergency and the closure of casinos due to the Order warrants a temporary waiver of the device fees through May 31, 2020; and

WHEREAS, given the current circumstances, it is hereby declared that the local emergency declared by the City Council on March 17, 2020 in response to the coronavirus (COVID-19)

continues and is on-going and that this resolution is necessary for the immediate preservation of the public health, safety, and welfare of the citizens of the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF CRIPPLE CREEK, COLORADO:

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

(a) Waiver-Existing Gaming Establishments.

(1) The portion of the second quarter device fees pro-rated for the period of May 1st through May 31st are hereby waived.

(2) Notwithstanding Section 4-5-20(b) of the Cripple Creek Municipal Code (the "Code"), the gaming device fee owed by each gaming licensee for the remainder of calendar year 2020 may be paid monthly, however, payment is due and shall be paid by June 1st and by the first of the month for each subsequent month of 2020.

(b) New Gaming Establishments.

(1) The gaming licensee of any new gaming establishment that opens on or after May 31, 2020, shall pay device fees in accordance with Code Section 4-5-20, except that to the extent Code Section 4-5-20(a)(2) provides for a credit, the gaming device fee due for such new gaming devices shall be given the benefit of a credit in the next succeeding quarter based on a daily prorated amount for the days in May between May 1 and May 31 that the new gaming devices were not in service.

(2) Notwithstanding Code 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 May 31, 2020, the gaming device fee for such new gaming devices shall be paid no less than fourteen (14) days after said gaming devices having been placed in service.

Section 2. Repeal of Order Prior to May 31. Notwithstanding any provision herein, in the event the Governor revokes or repeals the Order prior to May 31, 2020, and thereby shortens the duration of the mandated casinos' closure, the prorated periods provided for herein shall reflect such shortened duration.

Section 3. All terms and provisions of the Municipal Code of the City of Cripple Creek not contrary to the provisions of this Resolution, either expressly or by necessary implication, shall remain in full force and effect.

RESOLVED, APPROVED AND ADOPTED this 6th day of May, 2020.

CITY OF CRIPPLE CREEK

Milford Ashworth, Mayor

ATTEST:

Janell Sciacca, City Clerk

Erin M. Smith, City Attorney