



*Real Fun. Real Colorado.*

337 E. BENNETT AVENUE, CRIPPLE CREEK, CO 80813

## REGULAR CITY COUNCIL MEETING AGENDA WEDNESDAY, AUGUST 19, 2020

---

### **4:30 PM – WORK SESSION** **PRESENTATION OF 2019 AUDITED FINANCIAL STATEMENTS;** **Russell White and Max Haberkorn, RubinBrown, LLP.**

**Webex Work Session Link:** [August 19, 2020 City Council Work Session](#)  
**Meeting Number:** 126 047 2508  
**Meeting Password:** kMTBhhZN826 (56824496 from phones/video systems)  
**Join By Phone:** 1-415-655-0001

---

### **5:30 PM – REGULAR MEETING**

**Webex Meeting Link:** [August 19, 2020 City Council Meeting](#)  
**Meeting Number:** 126 630 5266  
**Meeting Password:** pBPmMEQP852 (72766377 from phones and video systems)  
**Join By Phone:** 1-415-655-0001 US Toll

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES**
  - A. July 21, 2020 Special Meeting
  - B. July 23, 2020 Special Meeting
5. **PUBLIC COMMENT**
6. **REPORTS**
  - A. City Administrator
  - B. Finance Director
7. **PRESENTATIONS, UPDATES & OTHER REPORTS**
8. **NEW BUSINESS**
  - A. Consider Approval of Resolution 2020-16 Amending Emergency Meeting Procedures to Permit Holding Quasi-Judicial Hearings; Erin Smith, City Attorney.
  - B. Consider Approval of Resolution 2020-17 Calling for a November 3, 2020 Special Municipal Election to be Conducted as a Coordinated Election and Submitting a Ballot Question to the City's Electors; Janell Sciacca, City Clerk.
9. **PUBLIC HEARING:**
  - A. Consider Approval of Ordinance 2020-03 Determining to Follow the Provisions of the Uniform Election Code for the November, 2020 Coordinated Election; Janell Sciacca, City Clerk.
10. **ADJOURNMENT.**

**DUE TO ONGOING COVID-19 SOCIAL DISTANCING REGULATIONS AND IN THE INTERESTS OF OVERALL PUBLIC HEALTH, SAFETY AND WELFARE, CITIZENS AND OTHER INTERESTED PARTIES ARE ENCOURAGED TO VIEW/PARTICIPATE ONLINE VIA WEBEX INSTEAD OF APPEARING IN PERSON.**

Posted Thursday, August 13, 2020 at Cripple Creek City Hall, the Cripple Creek Post Office  
and on the City of Cripple Creek Website [www.cityofcripplecreek.com](http://www.cityofcripplecreek.com)



**CRIPPLE CITY COUNCIL SPECIAL MEETING MINUTES  
TUESDAY, JULY 21, 2020  
4:00 PM  
(Via Webex)**

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

1. **CALL TO ORDER** – Mayor Pro Tem Litherland called the Special Meeting to order at 4:01 PM having previously been noticed in accordance with Colorado Open Records Law.
2. **ROLL CALL** – City Clerk Sciacca called the roll. Present were Mayor Pro Tem Tom Litherland and Councilmembers Meghan Rozell, Charles Solomone and Melissa Trenary (online). Mayor Milford Ashworth was absent. Staff present were City Clerk Janell Sciacca, Finance Director Paul Harris, Chief of Police Charles Bright, and HR & Risk Management Director Carol Stotts
3. **NEW BUSINESS**

A. Consider approval of Temporary Employment Agreement with Ray White as Interim City Administrator; Carol Stotts, HR & Risk Management Director.

Mayor Pro Tem Litherland introduced and turned the floor over to Stotts who reported that following direction from the Council she and Interim Administrator / Finance Director Harris reached out to former Administrator Ray White regarding interest in serving as the Interim Administrator. White did agree to do so and the Employment Agreement presented was similar to past agreements. White would start Tuesday, July 28, working 3-8 hour days Tuesday thru Thursday and he would also attend Council Meetings and other events as required. The agreement provides for up to 29 hours/week with a term ending March 31, 2021. Councilwoman Trenary pointed out a typo in 3. Term., the third line down should read “provided in Section 6.” Stotts advised she would make that correction. **MOTION** by Councilwoman Rozell and seconded by Councilman Solomone to approve the Temporary Employment Agreement with Ray White as Interim City Administrator with the one correction as noted. Motion carried unanimously.

Litherland thanked Staff for their efforts over the past months during the COVID pandemic. White addressed the Council thanking them for the opportunity, even though it is a challenging time. He felt it would be an easy transition and appreciated the Council’s confidence in him.

4. **ADJOURNMENT** – There being no further business before the Cripple Creek City Council, Mayor Pro Tem Litherland adjourned the meeting at 4:08 PM.

**APPROVED:**

**ATTEST:**

Tom Litherland, Mayor Pro Tem

Janell Sciacca, City Clerk



**CRIPPLE CITY COUNCIL SPECIAL MEETING MINUTES**  
**THURSDAY, JULY 23, 2020**  
**4:00 PM**  
**(Via Webex)**

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

1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE** – Mayor Ashworth called the Special Meeting to order at 3:59 PM having previously been noticed in accordance with Colorado Open Records Law and then led the Pledge of Allegiance.
2. **ROLL CALL** – City Clerk Sciacca called the roll. Present were Mayor Milford Ashworth, Mayor Pro Tem Tom Litherland and Councilmembers Meghan Rozell, Charles Solomone and Melissa Trenary (online). Staff present were City Clerk Janell Sciacca, Interim City Administrator Ray White, City Attorney Erin Smith (online), Marketing & Events Director Jeff Mosher, Finance Director Paul Harris, Chief of Police Charles Bright, Interim Fire Chief Ryan Lohmeier (online), Parks & Recreation Director Connie Dodrill (online), Heritage Tourism Manager Michelle Rozell and Heritage Tourism Assistant Ellen Moore.
3. **NEW BUSINESS**

A. Consideration of the Salute to American Veterans Rally scheduled for August 21-23, 2020; Milford Ashworth, Mayor.

Mayor Ashworth introduced the discussion and format for public input and then opened the floor to public comment.

The following persons spoke in opposition to cancellation of the Veterans Rally:

Ray McPeck, Peyton, CO  
Stu Sacks, Peyton, CO  
Rich Ingold, Cripple Creek, CO  
Jim Wear, Monument, CO  
Miki Freeman, Cripple Creek, CO  
Dean Noechel, Colorado Springs, CO

The following persons spoke in favor of cancellation of the Veterans Rally:

Ellen Moore, Cripple Creek, CO  
Michelle Rozell, Woodland Park, CO

The following person was neutral on cancellation of the Veterans Rally:

Curt Sorenson, Cripple Creek, CO

Mayor Ashworth closed to the floor to public comment and stated the City would not be addressing reimbursement of expenses regarding the Rally. This was about public health and the financial welfare of the City of Cripple Creek. Casinos are 70% of the budget and if

they were to be shut down again every employee for the City would have to be laid off except for essential services such as Police and Fire. This is about survival of Cripple Creek. Mayor Pro Tem Litherland asked citizens to put themselves in the Mayor and Councils' spots. Each was elected to represent the community and protect the health and welfare of Cripple Creek. If the City was to be closed down again, the community would be doomed. Councilwoman Trenary stated the community managed July 4 as well as opening week of the Casinos with no issues and that if everyone was concerned about COVID coming in from a visitor then the City needed to tell them to stay home as well. She was comfortable with the scaled-down rally and felt the situation was controllable and not a serious health threat to the community. Councilman Solomone stated the Country, County, City and State needed to recognize how real the situation is and react accordingly. Councilwoman Rozell stated she didn't want to have to have this discussion and she had stayed neutral on the matter, but since the earlier meeting the case numbers have increased in the County. What she could not stand to see would be the City funding and event and it impacting the Casinos with another closure. She also spoke to Casinos who have veterans that are employees and another closure would hugely impact both them and the City. It is not a matter of veteran vs. non-veteran, she supported the event as a granddaughter of a veteran and would like to see it continue long term, but just not this year. Rozell encouraged them to come back next year with the best celebration possible. She had to stand by her oath to the community. **MOTION** by Councilwoman Rozell and seconded by Mayor Pro Tem Litherland to cancel the 2020 Salute to American Veterans Rally. Motion carried 4 to 1 with Councilwoman Trenary voting No.

4. **ADJOURNMENT** – There being no further business before the Cripple Creek City Council, Mayor Pro Tem Litherland adjourned the meeting at 4:38 PM.

**APPROVED:**

Milford Ashworth, Mayor

**ATTEST:**

Janell Sciacca, City Clerk

**CITY OF CRIPPLE CREEK, CO  
RESOLUTION NO. 2020-16**

**A RESOLUTION AMENDING EMERGENCY MEETING PROCEDURES  
TO PERMIT HOLDING QUASI-JUDICIAL HEARINGS.**

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

WHEREAS, on March 18, 2020, by Resolution No. 2020-07 the City of Cripple Creek City Council (“City Council”) declared a local disaster and adopted emergency meeting procedures to allow for virtual meetings pursuant to C.R.S. §31-15-401(1)(b); and

WHEREAS, Resolution No. 2020-07 provides that virtual meetings can only be conducted for meetings during which no quasi-judicial matters will be heard; and

WHEREAS, the locally declared disaster based on the state of emergency due to the spread of coronavirus (COVID-19) within the State of Colorado is on-going; and

WHEREAS, the Ninth Updated Colorado Department of Public Health and Environment Order 20-28 issued July 30, 2020 implementing and extending the Governor’s Executive Orders expressly exempts Critical Government Functions, as defined therein, including any government functionality “vital to restoring normal service”; and

WHEREAS, the City Council is empowered by C.R.S. § 31-15-401(1)(b), “to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease”; and

WHEREAS, the City Council further finds and determines that it is necessary to adopt emergency meeting procedures that permit the holding of quasi-judicial hearings as doing so promotes and is vital to restoring normal service.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CRIPPLE CREEK, COLORADO, AS FOLLOWS:**

Section 1. Resolution No. 2020-07 is hereby amended as follows:

A. Meetings of the City Council by telephone, electronically, or other means may be held subject to the following conditions:

1. The Mayor or the City Administrator determines that meeting in person would not be prudent because of a public health emergency or other unforeseen circumstances affecting the City;
2. All members of the City Council can hear one another or otherwise communicate with one another and can hear or read all discussion,

comment, and testimony in a manner designed to provide maximum notice and participation;

3. Members of the public can hear or read all discussion, testimony and votes, in a manner designed to provide maximum notice and participation;
4. At least one member of the City Council is present at the regular meeting location, unless not feasible due to the public health emergency or other unforeseen circumstances; and
5. Minutes of the meeting are taken and promptly recorded, and such records are open to public inspection.

B. In the event the City Council will conduct a virtual meeting pursuant to law, the City Clerk shall provide public notice of the following:

1. The declaration of emergency, unless such has already been declared;
2. That a meeting of the City Council will be conducted by telephone, electronically, or other means;
3. The right of the public to monitor the meeting by telephone, electronically, or other means; and
4. The means by which the public can monitor the meeting by telephone, electronically, or other means.

C. Quasi-Judicial Matters. In the event that a quasi-judicial matter is scheduled for a public hearing at a meeting during the time a local or state-wide emergency is in effect, the City shall advise the applicant of such circumstances and present the applicant with two options for proceeding with the application. The applicant shall authorize the City, in writing, to proceed with one of the following options:

1. Conduct the public hearing under this Resolution, acknowledging all of the conditions and rules of procedure contained herein, with accommodations made for electronic public participation and waive any legal challenge to the hearing conducted electronically; or
2. Suspend scheduling of public hearings until such time as the local or state-wide emergency is lifted and the City Council schedules, subject to the City Council's sole discretion, a regular meeting at which a quorum will be physically present.

D. In the event it is necessary to conduct a meeting electronically, the meeting shall be conducted using a platform like Webex which shall be made available to the general public subject to the constraints of subsection A. above. Notifications shall be posted on the City website.

E. Any official act or meeting required to be performed at any regular location of the City Council, City Board, commission, or committee or any City department is valid when performed at any temporary location under this section.

F. The provisions of this section shall apply to all executive, legislative, and judicial branches, powers and functions conferred upon the City and its officers, employees, and authorized agents by the Colorado Constitution, Colorado Statutes, the City Municipal Code, except that the Municipal Court may adopt its own procedures.

Section 2. Conflict with Laws. If any provision of this resolution conflicts with any other resolution, this resolution shall control.

Section 3. Effective Date. This resolution shall become effective immediately upon adoption.

ADOPTED at Cripple Creek, Colorado, this \_\_\_\_\_ day of August, 2020.

CITY OF CRIPPLE CREEK, COLORADO

\_\_\_\_\_  
Milford Ashworth, Mayor

ATTEST:

\_\_\_\_\_  
Janell Sciacca, CMC  
City Clerk

APPROVED AT TO FORM:

\_\_\_\_\_  
Erin Smith  
City Attorney

**WAIVER**

On March 10, 2020, Jared Polis, the Governor of the State of Colorado, declared a state-wide state of emergency in response to the spread of coronavirus (COVID-19) within the State of Colorado; and

WHEREAS, on March 18, 2020, by Resolution No. 2020-07, the City Council of the City of Cripple Creek (“City Council”) declared a local disaster and adopted emergency meeting procedures allowing for virtual meetings pursuant to C.R.S. §31-15-401(1)(b).

Pursuant to CRS 24-33.5-709(1), the City Council has confirmed the its declaration of a local disaster and that protecting the public health of the City of Cripple Creek is the City Council’s top priority.

On August 19, 2020, the City Council amended its emergency meeting procedures to allow for holding quasi-judicial hearings.

The undersigned has a matter scheduled for a public hearing during this time of a state-wide emergency and authorizes the City to proceed with one of the two following options:

- 1) Conduct the public hearing under this policy with accommodations made for electronic public participation; or
- 2) Suspend scheduling of public hearings until such time as the local or state-wide emergency is lifted and the City Council schedules a regular meeting at which a quorum will be physically present.

*{Check the appropriate box below.}*

In regard to (insert project name), I authorize the City to proceed with Option 1 on this \_\_\_\_ day of \_\_\_\_\_ 2020 and on behalf of the (name of Entity) hereby waive any legal challenge to the hearing conducted electronically.

(name of Entity) \_\_\_\_\_

By \_\_\_\_\_  
\_\_\_\_\_, its \_\_\_\_\_

In regard to (insert project name), I authorize the City to proceed with Option 2 on this \_\_\_\_ day of \_\_\_\_\_ 2020.

(name of Entity) \_\_\_\_\_

By \_\_\_\_\_  
\_\_\_\_\_, its \_\_\_\_\_



**CITY OF CRIPPLE CREEK, COLORADO  
RESOLUTION NO. 2020-17**

**A RESOLUTION CALLING FOR A NOVEMBER 3, 2020 SPECIAL MUNICIPAL ELECTION TO BE CONDUCTED AS A COORDINATED ELECTION AND SUBMITTING A BALLOT QUESTION TO THE CITY'S ELECTORS.**

WHEREAS, the City of Cripple Creek, Colorado ("City"), is a statutory city and is authorized to hold a special election pursuant to § 31-10-108, C.R.S. and fix the ballot title of, and submit, questions to the registered electors pursuant to 31-11-111(2); and

WHEREAS, the City Clerk has given written notice to the Teller County Clerk and Recorder of the City's intention to participate in the Coordinated Election on November 3, 2020; and

WHEREAS, under state law, the maximum single bet is currently \$100, unless an increase to maximum single bets is authorized by the local voters of the City of Cripple Creek at a municipal or coordinated election held in November 2020, concurrently with the statewide election; and

WHEREAS, under state law, gaming is currently limited to physical and electronic versions of slot machines, craps, roulette, and the card games of poker and blackjack unless new games are authorized by the local voters of the City of Cripple Creek at a municipal or coordinated election held in November 2020, concurrently with the statewide election;

WHEREAS, the City Council is of the opinion that it is in the best interest of its citizens to refer a ballot question authorizing the voters to increase maximum single bets and to authorize the addition of new games that are approved by the Colorado Limited Gaming Control Commission.

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

**Section 1.** The City hereby calls a special election, which shall be conducted as a Coordinated Election, to take place on Tuesday, November 3, 2020.

**Section 2.** The mountain towns of Cripple Creek, Central City, and Black Hawk are facing financial crisis due to the current pandemic; if Colorado voters approve increased betting limits and new games, the mountain towns need to approve these changes in the same election in order to quickly put these changes in place to create jobs and increase tax revenue for the local community.

**Section 3.** At the November 3, 2020 Coordinated Election, the following Ballot Question shall be submitted to the registered electors of the City of Cripple Creek:

PROVIDED THAT THE STATEWIDE INITIATIVE TO ALLOW THE VOTERS OF THE CITY OF CRIPPLE CREEK TO INCREASE MAXIMUM SINGLE BETS AND TO AUTHORIZE ADDITIONAL GAMES IS APPROVED AT THE NOVEMBER 3, 2020 STATEWIDE ELECTION, SHALL THE CITY OF CRIPPLE CREEK ALLOW REVISIONS TO LIMITED GAMING WITHIN THE CITY'S GAMING DISTRICTS TO AUTHORIZE THE FOLLOWING:

REPLACE THE SINGLE BET LIMIT OF UP TO \$100, WITH UNLIMITED SINGLE BETS; AND

AUTHORIZE THE ADDITION OF NEW GAMES THAT ARE APPROVED BY THE COLORADO LIMITED GAMING CONTROL COMMISSION.

YES \_\_\_\_\_

NO \_\_\_\_\_

**Section 4.** This Resolution shall serve to set the ballot title for the Ballot Question set forth above, and the ballot title for the Ballot Question shall be the text of such Ballot Question.

**Section 5.** The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

**Section 6.** Any person, who is a registered elector of the City of Cripple Creek, may protest the ballot title fixed by this Resolution by filing a protest in writing, under oath, setting forth with particularity the grounds of such protest. Such written protest must be filed with the City Clerk no later than the close of business on August 26, 2020. In such event, the City Clerk shall as soon as practicable notify the protestant of the time and place for hearing the protest. Such protest shall be heard as soon as practicable, but no later than September 3, 2020. Such protest shall be heard by the City Clerk. The decision rendered by the City Clerk shall be a final decision.

**Section 7.** Upon approval of the above Ballot Question by the majority of the registered electors voting thereon, the City Council shall enact implementing ordinances to carry out all legal and regulatory requirements associated with the above Ballot Question.

ADOPTED at Cripple Creek, Colorado, this 19<sup>th</sup> day of August, 2020.

CITY OF CRIPPLE CREEK, COLORADO

\_\_\_\_\_  
Milford Ashworth, Mayor

ATTEST:

---

Janell Sciacca, CMC  
City Clerk

APPROVED AT TO FORM:

---

Erin Smith  
City Attorney

**CITY OF CRIPPLE CREEK, COLORADO  
ORDINANCE NO. 2020-03**

**AN ORDINANCE DETERMINING TO FOLLOW THE PROVISIONS OF THE  
UNIFORM ELECTION CODE FOR THE NOVEMBER 2020  
COORDINATED ELECTION**

WHEREAS, the City will be holding a Special Municipal Election on Tuesday, November 3, 2020 as a coordinated election; and

WHEREAS, State law provides that the Uniform Election Code, C.R.S. Sections 1-1-101, *et seq.*, applies to any municipal election conducted as part of a coordinated election; and

WHEREAS, the Cripple Creek Municipal Code at Section 2-1-10 provides that the City must adopt an ordinance in order to follow all or part of the Uniform Election Code for any election.

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

**Section 1.** The City Council hereby determines that the City shall follow the Uniform Election Code, C.R.S. Sections 1-1-101, *et seq.*, for the November 3, 2020 election.

PASSED ON THE FIRST READING AND ORDERED PUBLISHED THIS \_\_\_\_ DAY OF \_\_\_\_ JULY \_\_\_\_, 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