



**REGULAR CITY COUNCIL MEETING MINUTES**  
**WEDNESDAY, JANUARY 6, 2021**  
**5:30 PM (ONLINE VIA ZOOM)**

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

1. **CALL TO ORDER** – Mayor Ashworth called the meeting to order at 5:33 PM having previously been posted in accordance with Colorado Open Records Law.
2. **PLEDGE OF ALLEGIANCE** – Mayor Ashworth led the Pledge of Allegiance.
3. **ROLL CALL** – City Clerk Sciacca called the roll. Present in Chambers were Mayor Milford Ashworth and Mayor Pro Tem Tom Litherland and present remotely online were Councilmembers Meghan Rozell, Charles Solomone and Melissa Trenary. Staff present in Chambers was City Clerk Janell Sciacca and Staff present remotely online were Interim City Administrator Ray White, City Attorney Erin Smith, Finance Director Paul Harris, Public Works Director Steve DiCamillo, HR & Risk Management Director Carol Stotts, City Planner Alyssa Rivas, City Planner Ben Thurston, Transit Director Ted Schweitzer and Chief of Police Bud Bright.
4. **PUBLIC COMMENT** – None.
5. **APPROVAL OF MEETING MINUTES**
  - A. December 2, 2020 Regular Meeting. **MOTION** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve the minutes of the December 2, 2020 Regular Meeting as presented. Motion carried unanimously.
6. **REPORTS**
  - A. City Administrator – White reported the City was implementing a slow return of operations that were shut down when the County moved to COVID Level Dial Orange in November; Transit would resume operation with social distancing and passenger and driver protections on Monday, January 11 and Parks & Recreation on January 19; the City Fire Department was determined an outbreak site; and the last conference call with the County indicated COVID numbers were moving in the right direction.
  - B. Finance Director – Harris reported the 1<sup>st</sup> Quarter Device count came in at 2,794, an increase of 60 devices from the 4<sup>th</sup> Quarter of 2020 and a decrease in devices of 791 or 22% from 1<sup>st</sup> Quarter 2020; the latest COVID data has looked better with numbers decreasing in most categories; the most recent County count is 1,020 with 57 cases in Cripple Creek and 10 deaths, 3 of which occurred in the last 8 days; 158 people in Teller County have received the vaccine which are primarily 1<sup>st</sup> Responders and Nursing Home residents; Walgreen's will work with the Cripple Creek Care Center next week on administration of shots.
7. **PROCLAMATIONS, PRESENTATIONS, UPDATES & OTHER REPORTS**
  - A. Update on 2021 Events; Jeff Mosher, Marketing & Events Director. Mosher reported that the City would not be printing an Event Calendar on 2021 due to the uncertainty of COVID and instead use posters and other forms of marketing as possible. In September the City began accepting applications for events. 12 total were received with 11 requesting City funding. Following budget approval, the 11 applicants were advised funding was eliminated from the budget and if they chose to go forward it would be without City sponsorship. The only two events that were potentially moving forward were the City 4<sup>th</sup> of July Celebration and Pearl de Vere Days. Some organizers indicated they may try to move their events to later in the year and the City requested organizers notify the City no less than 60 days prior to cancellation, rescheduling or moving forward. Ice Fest was cancelled by the Festival Committee due to the potential risk of COVID cases that could result due to the number of people who usually attend. Mosher stated he recently created an introduction to the Special Event application and a guide to help applicants and organizers properly fill out the form. He also revised forms to make them easier to fill out online or by hand. Mosher ended by stating he was also reviewing ordinances and policies and procedures related to events that would be brought to Council for review, input and



approval as necessary. He hoped the City would be able to continue hosting events and would move forward as COVID allowed.

## 8. PUBLIC HEARINGS

- A. **PLANNING COMMISSION AND CITY COUNCIL HEARING** to Consider Approval of Application from Robert Regester for Rezoning of a 1.7 Acre Parcel of Land described at Lots 11-15, Block 14, CR CK of the Freeman Placer Subdivision (the Northeast Corner of West May Avenue and South A Street); Alyssa Rivas, City Planner. Rivas presented reviewing the Staff Report and finding that the proposed area is more suited for residential uses and the rezoning request was justified by at least one of the review criteria. Following her presentation, Rivas recommended approval of the rezoning as requested and announced applicant Robert Regester was online and available for questions. Mayor Ashworth invited the applicant to present. Regester stated he spoke with Realtor Donna Brazil about the property and she mention residential housing was lacking so rezoning the property to build houses on it would benefit him and potential homebuyers. Mayor Ashworth opened the floor to public comment. Councilwoman Rozell inquired what types of residences were to be built. Regester replied he would be working with Brazil to find someone to build the homes. City Attorney Smith reminded members of the public to state their names and addresses for the record when speaking on a public hearing matter. Bruce Brown, 325 South A Street, was an adjacent homeowner and felt this was good idea and would help with the housing issue. He also knew the applicant and hoped the project would come to fruition. **MOTION** by Mayor Ashworth and seconded by Councilwoman Rozell to close floor to public comment. Motion carried unanimously. There was general consensus by Council that the application met rezoning criteria and the project was much needed to allow for additional homes in town. **MOTION** by Mayor Councilwoman Rozell and seconded by Councilman Solomone to Application from Robert Regester for Rezoning of a 1.7 Acre Parcel of Land described at Lots 11-15, Block 14, CR CK of the Freeman Placer Subdivision (the Northeast Corner of West May Avenue and South A Street). Motion carried unanimously.
- B. Consider Approval of Ordinance 2020-07 Amending Chapter 1 of the Cripple Creek Municipal Code by Adding a New Article 8 Regarding Limited Gaming to Implement the Statewide and Local Voter Approval of Amendment 77; Ray White, Interim City Administrator. White presented requesting approval in order to enable the City to adopt the approvals of Amendment #77 in the November, 2020 state and local elections to expand allowed games and betting limits. There were no questions by Council and there was no public comment. **MOTION** by Mayor Pro Tem Litherland and seconded by Councilwoman Rozell to approve Ordinance 2020-07 Amending Chapter 1 of the Cripple Creek Municipal Code by Adding a New Article 8 Regarding Limited Gaming to Implement the Statewide and Local Voter Approval of Amendment 77 as presented. Motion carried unanimously.

## 9. NEW BUSINESS

- A. **INITIAL READING** of Ordinance 2021-01 Amending Ordinance 2018-04 Vacating a Portion of Second Street Within the City of Cripple Creek, Described In This Ordinance; Ben Thurston, City Planner. Thurston presented jointly on items 9A and 9B stating the purpose of the amendments was to adjust the date of completion for the project to December 31, 2022 to account for delays caused by the pandemic. He clarified the completion date was the only change to the Ordinances. Councilwoman Rozell inquired why these were coming forward as Ordinances and not as part of the quasi-judicial matter and entire project as previously approved. City Attorney Smith replied that these were considered as ordinances previously and really were separate under the Development Code and tie in as a result of the approvals given to the prior land use application the Council did agree to adopt ordinances to vacate the right-of-way and alleyway but made them conditioned upon the project being completed by December 31, 2021. There are presented tonight as a procedural step in order for Council to be able to consider them legislatively when they come back on second reading. Public Works Director DiCamillo requested Thurston make sure there was wording included for utility easements and the return of Second Street should the project not come to fruition. City Attorney Smith stated that if this matter was not addressed in the original Development Agreement she would make sure it was in any Amended Development agreement. Also, the Ordinances, because they are conditional would become null and void and the property would revert to the City. Councilwoman Rozell added the Council made this a condition of the Bond. Smith agreed. Councilwoman Trenary



inquired about the amount of the Performance Bond being returned to the original amount. Applicant representative Dan Lee stated that as of yesterday, January 5, 2021 the bond is back in place for the entire \$3.5 million and he would forward the paperwork to the City as soon as received. There was no public comment. **MOTION** by Councilwoman Trenary and seconded by Mayor Ashworth to approve Ordinance 2021-01 Amending Ordinance 2018-04 Vacating a Portion of Second Street Within the City of Cripple Creek, Described In This Ordinance as presented on initial reading. Motion carried with Rozell abstaining.

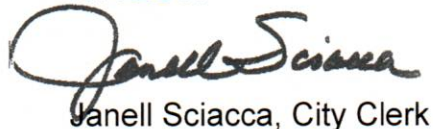
- B. INITIAL READING of Ordinance 2021-02 Amending Ordinance 2018-05 Vacating a Portion of An Alley Within the City of Cripple Creek, Described In This Ordinance; Ben Thurston, City Planner. **MOTION** by Mayor Pro Tem Litherland and seconded by Mayor Ashworth to approve Ordinance 2021-02 Amending Ordinance 2018-05 Vacating a Portion of An Alley Within the City of Cripple Creek, Described In This Ordinance as presented on initial reading. Motion carried with Rozell abstaining.
- C. Consider Approval of Resolution 2021-01 Establishing the Designated Public Places for the Post of City Meeting Notices as Required by the Colorado Open Meetings Law; Janell Sciacca, City Clerk. Sciacca presented the resolution stating this is the City's annual designation of public posting places for the Council and the City's Boards, Committees and Commissions and announced the sites as the shadow boxes at City Hall, the Cripple Creek Post Office and the City website. Sciacca recommended approval of Resolution 2021-01 as presented. There were no questions by Council and there was no public comment. **MOTION** by Councilwoman Rozell and seconded by Councilwoman Trenary to approve Resolution 2021-01 Establishing the Designated Public Places for the Post of City Meeting Notices as Required by the Colorado Open Meetings Law as presented. Motion carried unanimously.
- D. Consider Approval of Resolution 2021-02 Authorizing Additional Approved Games in the City of Cripple Creek Pursuant to Section 1-8-20 of the City of Cripple Creek Municipal Code; Ray White, City Administrator. White presented stating this would authorize an extensive list of additional games. It was put together in conjunction with Central City, Blackhawk, the Casinos, Casino Owners Association and local Gaming Office. It does include authorization for any and all games approved by the Commission so the City does not have to go back and take additional action to approve future games that are approved by the Commission. Councilwoman Rozell inquired about feedback from the Casinos and White replied positive feedback was received from all of them. There was no public comment. **MOTION** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve Resolution 2021-02 Authorizing Additional Approved Games in the City of Cripple Creek Pursuant to Section 1-8-20 of the City of Cripple Creek Municipal Code. Motion carried unanimously.

**10. ADJOURNMENT** – There being no further business before the Cripple Creek City Council, Mayor Ashworth adjourned the meeting at 6:24 PM.

**APPROVED:**

  
Milford Ashworth, Mayor

**ATTEST:**

  
Janell Sciacca, City Clerk





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**REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, JANUARY 20, 2021  
5:30 pm – ONLINE VIA ZOOM**

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

1. **CALL TO ORDER** – Mayor Ashworth called the meeting to order at 5:33 PM having previously been posted in accordance with Colorado Open Records Law.
2. **PLEDGE OF ALLEGIANCE** – Mayor Ashworth led the Pledge of Allegiance.
3. **ROLL CALL** – City Clerk Sciacca called the roll. Present in Chambers were Mayor Milford Ashworth and Mayor Pro Tem Tom Litherland and present remotely online were Councilmembers Meghan Rozell, Charles Solomone and Melissa Trenary. Staff present in Chambers was City Clerk Janell Sciacca and Staff present remotely online via Zoom were Interim City Administrator Ray White, City Attorney Erin Smith, Finance Director Paul Harris, Public Works Director Steve DiCamillo, HR & Risk Management Director Carol Stotts, Dispatch Supervisor Diann Pritchard, Chief of Police Bud Bright, City Planner Alyssa Rivas and City Planner Ben Thurston.
4. **CONSENT CALENDAR – APPROVAL OF MINUTES**
  - A. December 16, 2020 Regular Meeting
  - B. January 6, 2021 Regular Meeting

**MOTION** by Mayor Pro Tem Litherland and seconded by Councilman Solomone to approve the minutes of December 16, 2020 and January 6, 2021 as written. Motion carried unanimously.
5. **PUBLIC COMMENT** – Annie Durham, 309 Aspen St, Cripple Creek, provided an update on behalf of the Veterans Rally Citizens Alliance. She read a prepared statement regarding petition signatures obtained in support of the Salute to American Veterans Rally. 923 total signatures were gathered (620 from Teller County resident, 163 from Cripple Creek residents and 121 from Victor residents). Durham voiced her opinion that continuous vitriol, lack of communication and an inability to find common ground could result in loss of the Rally all together. A copy of Durham's statement was collected by the City Clerk and placed in the packet file for reference and retention.
6. **REPORTS**
  - A. City Administrator – White provided a COVID City operations update stating Transit resumed operations January 11, Parks & Recreation would start back up January 25, Heritage & Tourism soon thereafter and City Hall and Clerk's Office on February 1. All openings would be dependent upon COVID numbers which were trending in the right direction. White also applauded the City Transit Department for obtaining 2 new 30-foot shuttle buses that were completely grant funded. Both would be received in the spring and 2 older buses would be retired.
  - B. Finance Director – Harris reported the City successfully completed its first phase of the 2021 Audit and the second phase would take place in April. He then provided a COVID-19 report: Another Teller County resident passed away taking the total deaths in Teller County to 12; Numbers were trending downward, but Teller County's total number of cases were in the Red category, 2 week positivity rate was Orange and hospitalizations were also in Red; Cripple Creek added 8 new cases increasing its total to 61, countywide there were 136 new cases taking the total up to 1,126; 920 vaccines had been administered, mostly to emergency, law enforcement, and medical personnel and nursing home residents; 41 doses were given to Cripple Creek residents; There were 9 current outbreaks including one at the City's Fire Department.
7. **NEW BUSINESS**
  - A. Consider Professional Services Agreement with Baseline Engineering Corporation for Planning and Development Related Services (extending services for an additional period in 2021); Ray White, City Administrator. White requested consideration to extend the Baseline contract for 6 months following the initial 3 month term due to satisfaction of services provided. There were no changes to the base amount of \$5,400/month flat fee and services outside the scope of the contract for special projects were in line with services received and he recommended approval of the 6-month extension extending services for an additional period in 2021. There were no questions by the City Council and there was no public comment. **MOTION** by Mayor Pro Tem Litherland and seconded by Councilwoman Rozell to approve the Professional Services Agreement with Baseline Engineering Corporation for Planning and Development Related Services as presented. Motion carried unanimously.
  - B. Consider Water Supply Agreement with Deer Mountain Ranch Conservation Association, Inc.; Chris Cummins, City Water Attorney. Cummins reported DMRCA approached the City regarding a water trade in order to improve the efficiency of their augmentation plan which is older and requires construction of a pipeline from Gillette to Oil Creek. It was never constructed and they



haul water so their wells have been depleted and they approached the City about taking possession of option water with Mtn Mutual up to 14 AF annually in exchange for providing them 2 AF of water through the City's augmentation supply on Fourmile Creek. The agreement was fairly complex and Cummins was not absolutely certain the City could get the water so he negotiated several back up plans which he reviewed for the Council and did include in the proposed agreement. Cummins felt it was a good opportunity to help an adjacent community. There were no question by the City Council and there was no public comment. **MOTION** by Mayor Pro Tem Litherland and seconded by Councilwoman Rozell to approve the Water Supply Agreement with Deer Mountain Ranch Conservation Association, Inc. as recommended. Motion carried unanimously.

- C. **INITIAL READING** of Ordinance 2021-03 rezoning property located at Lots 11-15, Block 14, Cripple Creek Freeman Placer, from Industrial District (C-1) to Limited Residential (R-2); Alyssa Rivas, City Planner. Rivas reminded this Ordinance was the result of the Planning Commission and City Council public hearing held on January 6, 2021 and she recommended approval. There were no questions from the City Council and there was no public comment. **MOTION** by Councilwoman Rozell and seconded by Councilman Solomone to approve initial reading of Ordinance 2021-03 rezoning property located at Lots 11-15, Block 14, Cripple Creek Freeman Placer, from Industrial District (C-1) to Limited Residential (R-2) as presented. Motion carried unanimously.

## 8. PUBLIC HEARINGS

- A. **PLANNING COMMISSION AND CITY COUNCIL PUBLIC HEARING** to consider and potentially approve or deny the Development Application referred to as "Bronco Billy's Hotel and Casino Amended Redevelopment Project" that includes the following:

- i. Project of Special Merit for the Bronco Billy's Hotel and Casino Amended Redevelopment Project;
- ii. Building Height Variance for a 6-Story Building;

Alyssa Rivas City Planner and Ben Thurston, City Planner.


Rivas presented an overview of the application reviewing a PowerPoint Presentation detailing the specifics of the proposed project. She outlined findings of Staff that the proposed amendment to the Bronco Billy's Redevelopment Project met the standards for designation as a Project of Special Merit and the proposed Redevelopment Project met the standards for a Height Variance. Rivas recommended the Planning Commission and City Council approve both as presented. Mayor Ashworth opened the floor to the applicant for presenting its case. Caitlin Quander, Attorney for the applicant, introduced Dan Lee, Full House Resorts and Michael Kmak of Cannon Design as co-presenters. Lee provided an introduction and overview of the rationale for Full House's decision to move forward under the favorable bond market conditions, expanded authorized games/bet limits and market demand with modifications to adding additional hotel rooms. He reviewed a summary of the 2018 approvals and necessary modification to the Development Agreement for project completion in 2022. Quander then reviewed a list of all the requested 2021 approvals and a project timeline whereby construction would begin in February 2021 and be completed all at once instead of in phases by the fourth quarter of 2022. Quander advised the justification letter sent to Staff for the record detailed how the project meets the City Development Code criteria. Kmak reviewed slides detailing the applicant's survey of City properties which the character of the project was based on. He also reviewed multiple slides demonstrating the proposed look and feel of the building from various different angles and streets within the City. The team reviewed additional slides relative to elevation and topography, the related right-of-way vacation ordinances, amended and restated Development Agreement, and economics including customer base information, non-gaming amenities and Casino renovations. Quander concluded summarizing their requests and thanked the Council for its time. Mayor Pro Tem Litherland inquired if the presentation slides, especially architectural renderings, were submitted to the Planning Department. Lee replied they were. Litherland advised Staff he would like these placed in the City Council's mail slots at City Hall by noon tomorrow. Thurston advised this was an oversight on his firm's part and he would make sure it was done. City Attorney Smith advised that both items, if approved tonight, would come back to the City Council in the form of a Resolution on February 3 alongside the right-of-way vacation ordinances and related Development Agreement. Mayor Ashworth opened the floor to public comment. There was no comment either in support of or in opposition to the project and Ashworth closed the floor to public comment. Councilwoman Rozell inquired where the Historic Preservation recommendation could be found. Smith advised there was an added condition and Rivas indicated the Commission's recommendations were incorporated in the conditions, specifically #9. There were no further questions by City Council. Councilwoman Rozell stated her frustrations that there was a lot of information to take in since there had been no progress on the project in 23 months and deliberations were being done remotely. She recalled in 2018 the Chambers were full and the online platform didn't make it easy to gauge public input. City Attorney Smith clarified that all proper and required notifications were made. Litherland stated he would like to see the project move forward.



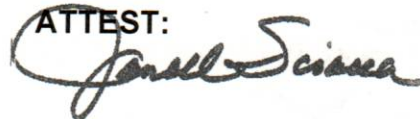
Councilwoman Trenary echoed Rozell's comments relative to lack of progress and motivation by the applicants to push forward. Smith then formulated motions for Council. **MOTION** by Mayor Pro Tem Litherland and seconded by Mayor Ashworth to approve a Certificate of Appropriateness as a Project of Special Merit at certain real property described as 201 East Bennett Avenue with the 9 conditions as listed in the Staff Report with the change to condition #4 to read "All glazing shall have a minimum of 40% light transmittance factor (LTR). Pedestrian active uses (for example, the storefront windows of the retail building) must have greater than 60% LTR. The maximum reflective factor is .20. No first surface reflective coating shall be permitted" and to direct the City Attorney to prepare a resolution to bring back to the City Council at the next meeting on February 3, 2021. Motion carried unanimously. Councilwoman Rozell then recalled in 2018 the barometer for evaluating the height for this project was the Courthouse and this project would not exceed that height line. She questioned if Staff looked at that. Thurston replied Staff did not as they were not aware of that benchmark. **MOTION** by Mayor Ashworth moved and Mayor Pro Tem seconded to approve the application for a building height variance as presented and to direct the City Attorney to prepare a resolution to bring back to the City Council at the next meeting on February 3, 2021. Motion carried with Rozell and Trenary voting No.

**ADJOURNMENT** – There being no further business before the Cripple Creek City Council, Mayor Ashworth adjourned the meeting at 7:06 PM

**APPROVED:**

  
Milford Ashworth, Mayor

**ATTEST:**

  
Janell Sciacca, City Clerk





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**REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, FEBRUARY 3, 2021  
5:30 PM – ONLINE VIA ZOOM**

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

1. **CALL TO ORDER** – Mayor Ashworth called the meeting to order at approximately 5:43 PM having previously been posted in accordance with Colorado Open Records Law. The meeting was called to order late due to technical difficulties with Zoom.
2. **PLEDGE OF ALLEGIANCE** – Mayor Ashworth led the Pledge of Allegiance.
3. **ROLL CALL** – City Clerk Sciacca called the roll. Present in Chambers were Mayor Milford Ashworth, Mayor Pro Tem Tom Litherland and Councilwoman Melissa Trenary. Present remotely online were Councilmembers Meghan Rozell and Charles Solomone. Staff present in Chambers were City Clerk Janell Sciacca and Interim City Administrator Ray White while Staff present remotely online via Zoom were Interim City Attorney Erin Smith, Finance Director Paul Harris, HR & Risk Management Director Carol Stotts, and City Planners Alyssa Rivas and Ben Thurston.
4. **PUBLIC COMMENT** – None.
5. **APPROVAL OF PRIOR MEETING MINUTES**
  - A. February 3, 2021 Regular Meeting **MOTION** by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to approve the minutes of February 3, 2021 as written. Motion carried unanimously.
6. **REPORTS**
  - A. City Administrator – White reported on COVID related impact numbers obtained from the Colorado Municipal League indicating 41% of municipalities cut their General Funds 71%, 31% postponed filling vacant positions, 23% froze salaries, and 6% laid off employees. White stated if current COVID numbers continued to trend in the right direction the City could resume in-person City Council meetings with Zoom still being used to allow participation online. White also read a prepared statement regarding the impacts of COVID on the Salute to American Veterans Rally, the City of Cripple Creek's support for Veterans and hope the event would return in 2022. He submitted a copy of the statement for the official record.
  - B. Finance Director – Harris provided a COVID update announcing another death had occurred and he extended condolences to the family. He stated January's case count was down to 191, and there were 5 total deaths in January and a total count of 14. Cripple Creek's numbers increased by 10 to 63 and Teller County remained at Level Orange. He reported the color dial was being updated by the State and it appeared the County would move to Yellow under the new dial. Harris advised that Teller County was recommending citizens sign up on as many lists as possible to obtain the vaccine and that 2,235 vaccines had been administered - 1,823 first doses and 412 second doses.
7. **PROCLAMATIONS, PRESENTATIONS, UPDATES AND OTHER REPORTS**
  - A. Legislative Update; Sol Malick, Peak Govt, Ltd./City Legislative Liaison. Malick reviewed an interim update and 2021 Session / Pre-Session Report which had been emailed to the City Council earlier in the day. There is a dynamic process occurring with the Legislator trying to get back to normal. Everything is up in the air and tentative and it is difficult to get a handle on what is happening. Malick reviewed the basic 2020 Election changes, House and Senate control and leadership movements. Currently, no one has filed bills. He also reviewed prospective legislation potentially affecting the City related to allowing lottery games in bars and restaurants, taxation, sports book regulation, plumbing regulations and Historic Preservation Funding Audit process.
8. **NEW BUSINESS**
  - A. Consider Engagement Agreement with Peak Government, LTD. for services to promote the City of Cripple Creek's Mission; Ray White, City Administrator. White presented providing an overview of the agreement to retain Malick as the City's lobbyist and there were no changes from previous years. White recommended approval. There were no questions by the City Council and there was no public comment. **MOTION** by Councilwoman Rozell and seconded by Councilwoman Trenary to approve Engagement Agreement with Peak Government, LTD. for services to promote the City of Cripple Creek's Mission. Motion carried unanimously.



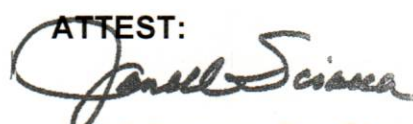
- B. Consider Employment Agreement with Ray White for Temporary City Administrator; Carol Stotts, HR & Risk Management Director. Stotts presented providing an overview of the agreement which extended the current agreement from April 1, 2021 to September 30, 2021. There were no questions by the City Council and there was no public comment. **MOTION** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve Employment Agreement with Ray White for Temporary City Administrator. Motion carried unanimously.
- C. Consider Resolution 2021-03 approving a Certificate of Appropriateness as a Project of Special Merit at certain real property described at 201 East Bennett Avenue, Cripple Creek, Colorado; Alyssa Rivas, City Planner. Rivas presented stating this was the follow up from the City Council and Planning Commission January 20, 2021 public hearing and unanimous approval. There were no questions by the City Council and there was no public comment. **MOTION** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve Resolution 2021-03 approving a Certificate of Appropriateness as a Project of Special Merit at certain real property described at 201 East Bennett Avenue, Cripple Creek, Colorado as presented. Motion carried unanimously.
- D. Consider Resolution 2021-04 approving the application for a Building Height Variance to allow a Six (6) Story Building relative to Carr Street and a Seven (7) Story Building relative to Bennett Avenue at certain real property described at 201 East Bennett Avenue, Cripple Creek, Colorado; Alyssa Rivas, City Planner. Rivas presented stating this was the follow up from the City Council and Planning Commission January 20, 2021 public hearing and unanimous approval. City Attorney Smith reviewed additional information included in the resolution on page 3 related to communication paths for the Police Department. There were no questions by the City Council and there was no public comment. **MOTION** by Mayor Pro Tem Litherland and seconded by Mayor Ashworth to approve Resolution 2021-04 approving the application for a Building Height Variance to allow a Six (6) Story Building relative to Carr Street and a Seven (7) Story Building relative to Bennett Avenue at certain real property described at 201 East Bennett Avenue, Cripple Creek, Colorado
- E. **SECOND READING** to Consider Ordinance 2021-01 Amending Ordinance 2018-04 Vacating a Portion of Second Street Within the City of Cripple Creek, Described in This Ordinance; Ben Thurston, City Planner. Thurston presented providing and overview of the purpose of the ordinance extending the completion date to December 31, 2022, or 1 year. There were no questions by the City Council and there was no public comment. **MOTION** by Councilwoman Rozell and seconded by Councilman Solomone to approve Ordinance 2021-01 Amending Ordinance 2018-04 Vacating a Portion of Second Street Within the City of Cripple Creek, Described in This Ordinance as presented. Motion carried unanimously.
- F. **SECOND READING** to Consider Ordinance 2021-02 Amending Ordinance 2018-05 Vacating a Portion of An Alley Within the City of Cripple Creek, Described in This Ordinance; Ben Thurston, City Planner. Thurston presented providing and overview of the purpose of the ordinance extending the completion date to December 31, 2022, or 1 year. There were no questions by the City Council and there was no public comment. **MOTION** by Councilwoman Rozell and seconded by Councilwoman Trenary to approve Ordinance 2021-02 Amending Ordinance 2018-05 Vacating a Portion of An Alley Within the City of Cripple Creek, Described in This Ordinance as presented. Motion carried unanimously.
- G. Consider Amended and Restated Development Agreement between the City of Cripple Creek and FHR-Colorado, LLC for Bronco Billy's Hotel and Casino Project; Erin Smith, City Attorney. Smith presented providing an overview of the changes from the 2018 approve agreement – a new deadline extending the deadline for construction of the improvements to December 31, 2022 and removal of all referenced of phasing with all portions being constructed concurrently. There were no questions by the City Council and there was no public comment. **MOTION** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve Amended and Restated Development Agreement between the City of Cripple Creek and FHR-Colorado, LLC for Bronco Billy's Hotel and Casino Project as presented. Motion carried unanimously.
9. **ADJOURNMENT** – There being no further business before the Cripple Creek City Council, Mayor Ashworth adjourned the meeting at 6:25 PM

APPROVED:



Milford Ashworth, Mayor

ATTEST:



Janell Sciacca, City Clerk





**REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, FEBRUARY 17, 2021  
5:30 PM (ONLINE VIA ZOOM)**

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

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. **PLEDGE OF ALLEGIANCE** – Mayor Ashworth led the Pledge of Allegiance.
3. **ROLL CALL** – City Clerk Sciacca called the roll. Present in Chambers were Mayor Milford Ashworth, Mayor Pro Tem Tom Litherland and Councilmembers Charles Solomone and Melissa Trenary. Present online via Zoom was Councilwoman Meghan Rozell. Staff present in Chambers were City Clerk Janell Sciacca and Interim City Administrator Ray White while Staff present online via Zoom were City Attorney Erin Smith, Finance Director Paul Harris, HR and Risk Management Technician Hildebrand and City Planner Alyssa Rivas.
4. **PUBLIC COMMENT** – Mayor Ashworth heavily heartedly announced that Woodland Park Mayor Val Carr passed away Tuesday, February 16, from COVID-19 and he extended deepest sympathies to Carr's family and friends. There was no public comment.
5. **APPROVAL OF PRIOR MEETING MINUTES**
  - A. February 3, 2021 Regular Meeting – **MOTION** by Councilwoman Trenary and seconded by Councilman Solomone to approve the minutes of February 3, 2021 as written. Motion carried unanimously.
6. **REPORTS**
  - A. City Administrator – White reported that Teller County would be moving to BLUE on the COVID-19 dial and the City was working on modifications to its travel policy reviewing CDC guidelines; Recognized Dispatch Supervisor Diann Pritchard for 25 years of service and commended her emergency communication related efforts and long-term service; Reported Transit services would be temporarily suspended due to adverse weather conditions and that there was an incident earlier in the evening with a City shuttle sliding off on Third Street with no injuries to Staff or residents.
  - B. Finance Director – Harris reported that previous City Clerk Assistant Connie Briggs passed away the previous Friday from a stroke and extended condolences on behalf of the City; Echoed sentiments on the loss of Woodland Park Mayor Val Carr; Reported Teller County is BLUE in 2 of 3 COVID-19 indicator categories with a current case count of 1,230 of which 72 were in Cripple Creek; Reported 4,552 vaccinations had been given with 3,481 first doses and 1,071 second doses.
7. **NEW BUSINESS**
  - A. **SECOND READING** of Ordinance 2021-03 rezoning property located at Lots 11-15, Block 14, Cripple Creek Freeman Placer, from Industrial District (C-1) to Limited Residential (R-2); Alyssa Rivas, City Planner. Rivas introduced and reminded Council the initial reading and public hearing was conducted January 20, 2021. Councilman Solomone requested confirmation this was the Regester property and Rivas replied it was. There was no public comment. **MOTION** by Councilwoman Rozell and seconded by Mayor Pro Tem Litherland to approve Ordinance 2021-03 rezoning property located at Lots 11-15, Block 14, Cripple Creek Freeman Placer, from Industrial District (C-1) to Limited Residential (R-2) as presented. Motion carried unanimously.
  - B. Consider Agreement with KIVU Consulting for Managed Endpoint Detection and Response; Heather Hildebrand, HR & Risk Management Technician. Hildebrand presented reporting the agreement would renew protection of the City's computer systems. She reminded Council that following an October 4, 2019 data security incident the City met with KIVU, which conducted the forensic investigation for the breach, and approved a 1-year \$25,000 service agreement. The renewal is for 2 years at \$15,000 per year and funds are to be allocated from contingency. There were no questions from City Council and there was no public comment. **MOTION** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve the Agreement with KIVU Consulting for Managed Endpoint Detection and Response as presented. Motion carried unanimously.
8. **ADJOURNMENT** – There being no further business before the Cripple Creek City Council, Mayor Ashworth adjourned the meeting at 5:42 PM.

**APPROVED:**

Milford Ashworth, Mayor

**ATTEST:**

Janell Sciacca, City Clerk





**REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, MARCH 3, 2021  
5:30 PM (ONLINE VIA ZOOM)**

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

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. **PLEDGE OF ALLEGIANCE** - Mayor Ashworth led the Pledge of Allegiance.
3. **ROLL CALL** - City Clerk Sciacca called the roll. Present in Chambers were Mayor Milford Ashworth, Mayor Pro Tern Tom Litherland and Councilmembers Charles Salomone, Melissa Trenary and Meghan Rozell. Staff present in Chambers were City Clerk Janell Sciacca, Interim City Administrator Ray White and Finance Director Paul Harris while Staff present online via Zoom were City Attorney Erin Smith, Chief of Police Charles Bright and City Planner Alyssa Rivas.
4. **PUBLIC COMMENT**
  - A. Teller County Board of Commissioners; Chairperson Bob Campbell, Vice-Chairperson Dan Williams and Commissioner Eric Stone. Campbell introduced himself along with Williams and Stone. He stated they were happy to appear and wanted to thank the City for being part of the team in Teller County. Campbell encouraged the Council to reach out if there was anything they could do or work together on. He thanked the City for being part of the COVID-19 process over the last year. Williams stated that he wanted to assure everyone Teller County was going to be ok. He reviewed some pertinent historical events along with COVID-19 and stated everyone was walking together and the future of Cripple Creek was the future of Teller County and vice-versa. As a veteran he apologized for those calling in to question the City's patriotism over the last year and reported he was scheduled to sit down the following Friday with interested parties to see if there would be any type of a hybrid event to replace the rally. He echoed Campbell's sentiments about the City's participation in the COVID process. Stone echoed comments that Williams made stating everyone in Teller County was in this together and they were available to help in the best way they could. He announced the County would be working to relax restrictions and work on the State of Colorado to ease some health restrictions at Casino entries which were costing businesses a lot of money. He thanked the Council for inviting them to be present. Councilwoman Rozell thanked the County team for its efforts to keep Casino doors open and the economic engines of the City alive. Ashworth stated he felt the County were very good team members and there were a lot of things that both entities would be working on together in the future. Campbell then introduced County Administrator Sheryl Decker who also thanked the City for its efforts over the last year and felt the entire County showed the State what type of team it has. The Council thanked Decker and the Commissioners for attending.
5. **APPROVAL OF PRIOR MEETING MINUTES**
  - A. February 17, 2021 Regular Meeting - **MOTION** by Mayor Pro Tern Litherland and seconded by Councilwoman Trenary to approve the minutes of February 17, 2021 as written. Motion carried unanimously.
6. **REPORTS**
  - A. City Administrator - White added his thanks to the Commissioners and Decker and stated it was tremendous seeing the combined effort over the last year. He then reported that there would be a dedication on March 8 at 4 PM for the new fire vehicle and Newmont would be recognized for its donations which would enhance public safety for the community. White also announced the



Citywide cleanup was scheduled for the 3<sup>rd</sup> week in May and further details would be forthcoming as the time drew nearer. He then wished Marketing and Events Manager Jeff Mosher a speedy recovery stating he had surgery earlier in the day and was reported to be doing well.

- B. Finance Director- Harris provided a COVID update stating the County's status is currently BLUE and both the cumulative and one week positivity rates were blue while the hospitalization rate was yellow. The good news for February was that only 88 cases were added compared to 191 in January and Cripple Creek added only 1 new case since February 3 bringing its total number of cases to 73.

**7. NEW BUSINESS**

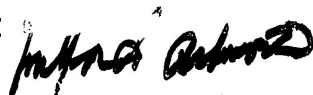
- A. **FIRST READING** of Ordinance 2021-04 a bill for an ordinance for the regulation of traffic by the City of Cripple Creek, Colorado; Adopting by reference the 2020 Edition of the "Model Traffic Code" repealing all ordinances in conflict therewith; and providing penalties for violations thereof; Bud Bright, Chief of Police. Bright presented reviewing the pertinent information from the Staff Report. He noted the surcharges in Section 8-1-60(c) and stated none of those fees were collected as of this time and City Attorney Smith was researching whether or not those could actually be imposed. He added that both Judge Colt and Prosecutor Price had voiced they had no problem with the recommendation to adopt the 2020 Code and were in support of it. City Attorney Smith provided direction on the motion. **MOTION** by Councilwoman Rozell and seconded by Mayor Pro Tern Litherland to approve Ordinance 2021-04 a bill for an ordinance for the regulation of traffic by the City of Cripple Creek, Colorado; Adopting by reference the 2020 Edition of the "Model Traffic Code" repealing all ordinances in conflict therewith; and providing penalties for violations thereof as presented with public hearing set for April 7, 2021. Motion carried unanimously.

**8. PUBLIC HEARING(S)**

- A. Consider withdrawal of application from Neal Harms to vacate 15 feet of the City owned portion of right-of-way on the east side of Main Street, directly in front of 412 Main Street, for a porch that was constructed in the right-of-way and instead approve a Revocable License Agreement to allow applicant limited use of the right-of-way; Alyssa Rivas, City Planner. Rivas presented providing an overview of the Staff Report while reviewing an associated slide presentation. She introduced the applicant who was in attendance. Mayor Ashworth opened the floor to public comment. Applicant Neal Harms, 412 Main Street, stated that he purchased the home in 2016 as a mountain get away but he could no longer afford two homes. Last fall he started cosmetic improvements and when he discovered the porch was unsafe he was advised no permits was needed if the porch was less than 120 square feet. After construction the City told him he did need a permit and he immediately completed all steps and the porch passed inspection. Harms advised the property was currently under contract and a young family was temporarily displaced waiting for resolution of this matter so he was requesting a decision on the application. There were no public comments in support of or in opposition to the request and there were no questions of the applicant so the public hearing was closed. Councilwoman Rozell stated that hearing there was a family wanting to move to Cripple Creek was the primary reason she was in support of the application. **MOTION** by Councilwoman Rozell and seconded by Councilwoman Trenary to approve the Revocable License Agreement between the City of Cripple Creek and Neal Harms to allow the applicant limited use of the right-of-way and to direct the City Attorney to prepare a letter of assignment to Mr. Harm's purchaser. Motion carried unanimously.


- 9. ADJOURNMENT** - There being no further business before the Cripple Creek City Council, Mayor Ashworth adjourned the meeting at 5:58 PM.

APPROVE:



Milford Ashworth, Mayor

ATTEST:



Janell Sciacca, City Clerk





**REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, MARCH 17, 2021  
5:30 PM (ONLINE VIA ZOOM)**

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

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. **PLEDGE OF ALLEGIANCE** - Mayor Ashworth led the Pledge of Allegiance.
3. **ROLL CALL** - City Clerk Sciacca called the roll. Present in Chambers were Mayor Milford Ashworth, Mayor Pro Tern Tom Litherland and Councilmembers Charles Salomone and Meghan Rozell while Melissa Trenary was present online via Zoom. Staff present in Chambers were City Clerk Janell Sciacca, City Administrator Ray White and Finance Director Paul Harris while Staff present online via Zoom were City Attorney Erin Smith, Chief of Police Charles Bright, Public Works Director Steve Dicamillo and City Planner Alyssa Rivas.
4. **PUBLIC COMMENT**
  - A. Victor Veterans Memorial Wall; Steve Robb/Sue Kochevar. Steve Robb, 130 W. Galena, Cripple Creek, reminded that he appeared before the Council several months ago requesting a donation for the Teller County WWII Veterans Wall. Victor pledged \$1,000, provided land in Wallace Park and would also be providing labor and in-kind services. He and Kochevar also approached the City of Woodland Park and Newmont. Newmont provided a very generous donation. Robb requested Cripple Creek consider a donation amount. He stated the names would be sandblasted in black granite and other war vets might be added to a wall of their own in the future. The total goal is \$35,000. Councilman Salomone asked how much they were lacking and Robb replied \$6,000. Sue Kochevar, 201 Spicer, Victor, provided some additional details advising that WW1 vets were already on a plaque in Goldfield and the dedication was planned for Memorial Day, May 31. She distributed a handout which included a picture of what the memorial was planned to look like. Mayor Ashworth stated the Council would discuss this the request with the Finance Department and get back to them.
5. **REPORTS**
  - A. City Administrator - White reported a productive meeting was held with Ron Fitch, Administrator for UC Health, regarding input on enhancing the Cripple Creek Medical Center clinic services. UC Health was very interested in providing additional services in Cripple Creek and since taking over the Pikes Peak Regional Health they were also expanding services there which also benefitted the Cripple Creek area. White then reported that Teller County established a COVID vaccination website TELLERCOVID.COM for signing up to receive notifications for clinic and last week the dedication of the Wildland Fire Truck took place and was very well attended with Newmont taking the opportunity to recognize National Women's Day. Finally, White recognized Randy Munch for 10 years of service and Transit Driver Dave Cook for being designated Transit Employee of the month. He stated that Cook has been with the City for 9 months. Mayor Pro Tern Litherland expressed appreciation for the great job Public Works did keeping the roads plowed during the last storm.
  - B. Finance Director - Harris provided a COVID update stating numbers did increase but the overall status for Teller County was still Blue even though the 3 primary indicators were Yellow. In March there were 55 total new cases with 9,504 vaccinations administered (5,626 first dose, 3,607 second dose and 271 1-dose). Cripple Creek's numbers jumped from 73 to 84.
6. **PROCLAMATIONS, PRESENTATIONS, UPDATES & OTHER REPORTS**
  - A. FORETHOUGHT.net Broadband Project Update; Kidd Filby, Director of Engineering. Filby advised that 80% of the outside major fiber aerial runs were done but material backlogs were holding up the rest. Fiber strands were scheduled to arrive mid-April, they closed on property behind the Railroad to house electronics equipment and would be placing a splicing cabinet behind City Hall. Filby reported that the fiber hanging on the pole outside the CenturyLink office would be extended to City Hall before being extended over to the new building site on East Carr. There were no questions of Filby and the Council thanked him for appearing.
7. **PUBLIC HEARING(S)**
  - A. **PLANNING COMMISSION AND CITY COUNCIL HEARING** to consider application from Marvin Kobza to vacate the interior lot line between Lots 1 and 2 along with the City owned portion of right-of-way penetrating Lots 2-4 of Lots 1-10, Block A, Gold Flats Addition (228 West Golden Avenue); Alyssa Rivas, City Planner. Mayor Ashworth opened the Planning Commission hearing and Rivas presented the Staff Report, reviewed a slide presentation outlining the specifics of the subject request and stated that Staffs findings were that the request for the right-at-way vacation was justified by the public objectives stated in Section 11-4-10 of the Municipal Code and the interior lot line vacation request did also meet conditions in the Code. Rivas advised that the right-



of-way vacation would have to come back to the Council in the form of an ordinance if approved this evening. Mayor Ashworth invited the applicant to provide an opening statement. Marvin Kobza was present online via Zoom and advised his rationale for the request was for more full use of the property and building flexibility but he did not intend to construct a home anywhere below to the west of Lots 1 & 2. There was no public comment for or against the application. Mayor Ashworth opened the floor to questions by Council. Mayor Pro Tern Litherland inquired where the City would be placing excess snow in the future that would typically be placed on this property. Public Works Director DiCamillo replied the City would find another location and he had no issue with this request. There being no further questions, Mayor Ashworth closed the Planning Commission hearing and opened the City Council hearing. There were no questions or comments by the City Council and there was no public comment. **MOTION** by Councilwoman Rozell and seconded by Councilman Salomone to direct Staff to prepare an ordinance to be brought back to City Council on April 7, 2021 to approve the application from Marvin Kobza to vacate the City owned portion of Lots 1-10, Block A, Gold Flats Addition (228 West Golden Avenue) and to approve vacating the interior lot line as presented. Motion carried unanimously.

- B. Consider application from The Creek, Inc for a new Hotel and Restaurant Liquor License for The Creek located at 317 E. Bennett Avenue; Janell Sciacca, City Clerk. Sciacca presented reviewing the Staff Report. She stated that following public hearing, Staff recommended approval of the Retail License application from The Creek, Inc. for a new Hotel and Restaurant Liquor License and issuance of the official Notice of Decision to such. Mayor Ashworth opened the public hearing citing the City Council's jurisdiction to conduct the hearing, that appropriate and required public notice was given and the overall purpose of the hearing. Applicant John Freeman, 410 S. Fourth Street, advised that they had everything in order and Mr. Thurlow would be printed upon arrival in Colorado as he was not able to obtain that service in Virginia. He asked if the Council had any questions. Councilman Salomone inquired when they would go operational. Freeman replied closing was set April 14 and they hoped to go live by May 14 with a Grand Opening Memorial Day Weekend. Salomone inquired about ADA compliance. Freeman replied they would be ADA compliant installing a foldable ramp for the stair area and by hopefully working with David Minter to put in a complete alley sidewalk for access to the upper level from the rear of the building. Salomone inquired about the cuisine. Freeman replied they planned on an American, authentic, old-timey, home feel with appetizers, salads, burgers, sandwiches and elk, buffalo and beef steaks. There was no public comment for or against the application. Mayor Ashworth closed the public hearing. **MOTION** by Councilwoman Trenary and seconded by Mayor Pro Tern Litherland to approve the application from The Creek, Inc for a new Hotel and Restaurant Liquor License for The Creek located at 317 E. Bennett Avenue as presented. Motion carried unanimously.

**8. NEW BUSINESS**

- A. Consider approval of Site Lease Agreement with FORETHOUGHT.net for installation and housing of fiber optic equipment behind City Hall at 337 E Bennett Avenue; Ray White, City Administrator. White requested approval for the site least behind City Hall of a protective enclosure for Fiber Optic equipment. The metal cabinet is to be approximately 2 ft. x 3 ft. and the term of the agreement is 5 years for \$600 per year. Councilwoman Rozell inquired if all due diligence was done and liabilities covered. White replied the lease was reviewed for content and form by City Attorney Smith. **MOTION** by Mayor Pro Tern Litherland and seconded by Councilman Salomone to approve the Site Lease Agreement with FORETHOUGHT.net for installation and housing of fiber optic equipment behind City Hall at 337 E Bennett Avenue as presented. Motion carried with Rozell abstaining.
- B. **FIRST READING** of Emergency Ordinance 2021-05 amending Chapter 16, Article 3 of the Cripple Creek Municipal Code by adding a new Section 16-3-30 concerning the collection of expenses related to Land Use Applications and providing for Developer Cost Reimbursement Agreements; Erin Smith, City Attorney. City Attorney Smith presented advising that when adopted this would add provisions to the Municipal Code to allow the City to be reimbursed for expenses related to land use development review such as legal fees, baseline review, consultants, etc. It would also add provisions for a 15% increase to charges to cover Staff time and supplies and allow the City to enter into an agreement with developers for reimbursement. Smith advised this was standard practice with municipalities across the state and collections of these costs would always be a benefit to the City. She recommended approval as presented stating as an Emergency Ordinance, the provisions would become effective immediately following second reading on April 21. There were no questions from City Council. **MOTION** by Councilwoman Rozell and seconded by Mayor Pro Tern Litherland to approve first reading of Emergency Ordinance 2021-05 amending Chapter 16, Article 3 of the Cripple Creek Municipal Code by adding a new Section 16-3-30 concerning the collection of expenses related to Land Use Applications and providing for Developer Cost Reimbursement Agreements as presented. Motion carried unanimously.
9. **ADJOURNMENT** - There being no further business before the Cripple Creek City Council, Mayor Ashworth adjourned the meeting at 6:28 PM.

APPROVED



Milford Ashworth, Mayor

ATTEST:



Janell Sciacca, City Clerk





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**REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, APRIL 7, 2021  
5:30 PM (ONLINE VIA ZOOM)**

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

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. **PLEDGE OF ALLEGIANCE** – Mayor Ashworth led the Pledge of Allegiance.
3. **ROLL CALL** – City Clerk Sciacca called the roll. Present in Chambers were Mayor Milford Ashworth, Mayor Pro Tem Tom Litherland and Councilmembers Charles Solomone, Meghan Rozell and Melissa Trenary. Staff present in Chambers were City Clerk Janell Sciacca, City Administrator Ray White and Police Chief Bright while Staff present online via Zoom were City Attorney Erin Smith, Finance Director Paul Harris, Transportation Director Ted Schweitzer, Butte Theater Director Mel Moser and City Planner Alyssa Rivas.
4. **PUBLIC COMMENT**
5. **APPROVAL OF PRIOR MEETING MINUTES**
  - A. March 3, 2021 Regular Meeting – **MOTION** by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to approved the March 3, 2021 Regular Meeting minutes as presented. Motion carried unanimously.
6. **REPORTS**
  - A. City Administrator – White reported that on April 13 Teller County would be hosting a COVID-19 Moderna vaccination clinic at the Double Eagle for the Cripple Creek Casino, Restaurant and Grocery industries. He indicated that infection rates were going back up and Teller County moved back to COVID Dial level Yellow and everyone should do due diligence to prevent further spread.
  - B. Finance Director – Harris reported that he presented to the House side of the legislature in Denver regarding the Historic Preservation Audit Bill and the presentation was well received getting a unanimous 12 votes to move forward for second reading. The bill would next move to the House floor for vote and then on to the Senate; the 2<sup>nd</sup> phase of the City's 2020 Audit was taking place next week; and COVID numbers were going in the wrong direction with Cripple Creek seeing 29 cases in March, or a total of 101 cases, while Teller County was at 1,419 cases, up 112 for March; and the COVID dial indicator for the County was Yellow with the 1-week positivity rate at Red.
7. **PROCLAMATIONS, PRESENTATIONS, UPDATES & OTHER REPORTS**
  - A. Administration of Oath of Office to Associate Cripple Creek Municipal Court Judges Joseph Dirscherl and Jason Berns; Janell Sciacca, City Clerk. Sciacca reminded that the City Council did appoint Dirscherl and Berns as associate/backup Judges in December, 2020. She introduced Presiding Judge Ed Colt and both Dirscherl and Berns and proceeded to conduct the oaths. Dirscherl stated it was nice to work with Colt as he had a reputation for being a nice, sharp person and a great lawyer and Judge, It was his privilege to be asked to serve. Berns thanked the Council and also Colt for suggesting he apply for this. He stated he has been coming to Cripple Creek since 1998 as a young Public Defender and he loved it up here. The Council thanked and welcomed them. Colt thanked the Council and stated his appreciation for having both men on board.
  - B. Recognition of Steve & Karen Zoellner for donation to Cripple Creek Police Department; Charles Bright, Chief of Police. Chief Bright presented the Zoellners with a Certificate of Appreciate for their generous \$10,000 donation to the Cripple Creek Police Department. Members of the Police Department appeared online via Zoom and extended their appreciation while Mayor Ashworth commended them for stepping up many times over the past years. Steve Zoellner stated the donation was a token of appreciation for all the Police Department does to keep everyone safe and it was their honor. The City Council



thanked the Zoellners and Councilwoman Trenary stated that they were a godsend to the community.

- C. Presentation of donation to Victor Veterans Memorial Wall; Milford Ashworth, Mayor. Ashworth presented Steve Robb and Sue Kochever with a \$2,500 check from the City for the Memorial Wall. Kochevar clarified stated that while the wall would be located in Victor, it was the Teller County Memorial Wall and she thanked the City on behalf of all the families whose names are on it. Ashworth expressed appreciation for them stepping up to do this and Robb stated they hoped to break ground mid-May with a dedication ceremony on Memorial Day at 11AM. Robb and Kochevar thanked the City for its generous donation.

#### 8. **PUBLIC HEARING(S)**

- A. **INITIAL READING** of Ordinance 2021-06 vacating approximately 1,240 square feet of West Golden Avenue right-of-way which encroaches into Lots 2-4 of Lots 1-10, Block A, Gold Flats Addition in the City of Cripple Creek, Colorado; Alyssa Rivas, City Planner. Rivas presented reminding this was the ordinance vacation right-of-way along Golden which was heard on March 17, 2021. City Attorney Smith advised the ordinance presented was required under state law to vacate right-of-way and detailed the findings of the March 17, 2021 Public Hearing that the application did meet requirements for such vacation. She instructed that Staff was recommending approval on initial reading and requested reading of the ordinance title in full for the motion. **MOTION** by Councilwoman Rozell and seconded by Councilwoman Trenary to approve initial reading of Ordinance 2021-06 vacating approximately 1,240 square feet of West Golden Avenue right-of-way which encroaches into Lots 2-4 of Lots 1-10, Block A, Gold Flats Addition in the City of Cripple Creek, Colorado as presented. Motion carried unanimously.
- B. **SECOND READING** of Ordinance 2021-04 a bill for and ordinance for the regulation of traffic by the City of Cripple Creek, Colorado; Adopting by reference the 2020 Edition of the "Model Traffic Code" repealing all ordinances in conflict therewith; and providing penalties for violations thereof; Bud Bright, Chief of Police. Chief Bright presented reminding the ordinance was submitted for initial reading on March 3 and was being brought back on second reading with two minor edits in Sec. 8-1-60 (c) (1) and (2) adding the wording "To the extent permitted by law" due to the fact there was nothing in the statutes that currently allowed for collection of those surcharges. There were no questions or comments by the City Council and there was no public comment. **MOTION** by Councilwoman Rozell and seconded by Councilman Solomone to approve Ordinance 2021-04 a bill for and ordinance for the regulation of traffic by the City of Cripple Creek, Colorado; Adopting by reference the 2020 Edition of the "Model Traffic Code" repealing all ordinances in conflict therewith; and providing penalties for violations thereof as presented. Motion carried unanimously.

#### 9. **NEW BUSINESS**

- A. Consider Resolution 2021-05 adopting the Teller County Hazard Mitigation Plan as the City of Cripple Creek's Multi-Hazard Mitigation Plan; Paul Harris, Finance Director. Harris presented stating the resolution adopts an update to the Hazard Mitigation Plan which incorporates specific Cripple Creek information. There were no questions or comments by the City Council. **MOTION** by Councilwoman Rozell and seconded by Mayor Pro Tem Litherland to approve Resolution 2021-05 adopting the Teller County Hazard Mitigation Plan as the City of Cripple Creek's Multi-Hazard Mitigation Plan as presented. Motion carried unanimously.
- B. Consider approval of contract between City of Cripple Creek and Thin Air Theater Company for the 2021 Butte Theater Professional Season; Mel Moser, Butte Theater Director. Moser presented advising the community show was already in rehearsal and he thanked the City Council for providing the opportunity. He also announced the Cripple Creek-Victor Gold Mine stepped up and was covering all the costs of the community show so there would be no cost to the City. Moser advised he had also been in contact with Thin Air Theatre manager Chris Armbrister and actors would be in the end of May with an opening day of June 18<sup>th</sup> with Moon Over Colorado. The following shows would be Gentlemen Prefer Blondes, I Oughta Be In Pictures, Haunting of the Old Homestead and a Cripple Creek Christmas Carol. There would only be 1 show each day to allow for extra sanitization of the auditorium. He thanked the City Council for being behind this and taking the first step to reopen this type of activity. Mayor Pro Tem Litherland inquired about



changes in the contract from the previous year. Finance Director Harris advised the estimated costs were broken out on page 5 and totaled \$260,000 which was \$20,000 under what was budgeted; on page 7 the payment schedule was changed to a draw type schedule instead of up-front cash flow; and there were a few small date changes. Litherland also inquired about advertising. Moser replied he had not been focusing on marketing yet and was working on getting the new ticketing system up and running.

**MOTION** by Councilwoman Trenary and seconded by Mayor ProTem Litherland to approve the contract between the City of Cripple Creek and Thin Air Theater Company for the 2021 Butte Theater Professional Season as presented. Motion carried unanimously.

- C. Consider Resolution 2021-06 approving an agreement between AECOM and the City of Cripple Creek for consulting services related to a Cripple Creek Streetcar Planning Study; Ted Schweitzer, Transportation Director. Schweitzer presented stating he was requesting approval of the contract following and RFP process approved by CDOT. This was budget and CDOT picked up the match. There were no questions or comments by the City Council. **MOTION** by Mayor Ashworth and seconded by Councilwoman Rozell to approve Resolution 2021-06 approving an agreement between AECOM and the City of Cripple Creek for consulting services related to a Cripple Creek Streetcar Planning Study as presented. Motion carried unanimously.
- D. Consider Resolution 2021-07 approving Agreement Number 21-HTR-ZL-00260 between the City of Cripple Creek and the Colorado Department of Transportation for 2021 5311 Admin & Operating Assistance Funding; Ted Schweitzer, Transportation Director. Schweitzer presented advising this resolution would approve 2021 5311 Admin & Operating transportation related funding. He referred them to page 20 for the breakdown of local funds totaling \$21,935.00 and \$129,720.00 which were approved in the budget. He advised this grant was presented later than normal this year because of the CARES funding awarded and sent out first. Schweitzer recommend approval. There were no questions or comments by the City Council. **MOTION** by Councilwoman Rozell and seconded by Councilman Solomone to approve 2021-07 approving Agreement Number 21-HTR-ZL-00260 between the City of Cripple Creek and the Colorado Department of Transportation for 2021 5311 Admin & Operating Assistance Funding as presented. Motion carried unanimously.
- E. Consider Approval of Sale of City Property Legally Described as West 22½ Feet of Lots 1-4, Block 6 together with ½ of adjoining vacated alley appurtenant thereto, 1st Addition to Fremont; Ray White, Interim City Administrator White advised this was proposed to sell the property to Hayden Radar of Riverside Cottages, LLC. The Quit Claim Deed and Purchase and Sale Contract were reviewed and approved by the City Attorney and a \$5,000 Cashier's Check was on deposit in the City Clerk's Office safe. Councilwoman Rozell questioned that this sale was already completed late in 2020. White clarified this particular transaction was for a contiguous outparcel. There were no further questions or comments from City Council. **MOTION** by Councilwoman Trenary and seconded by Councilwoman Rozell to approve the Sale of City Property Legally Described as West 22½ Feet of Lots 1-4, Block 6 together with ½ of adjoining vacated alley appurtenant thereto, 1st Addition to Fremont as presented. Motion carried unanimously.

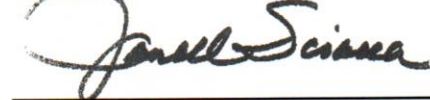
**10. ADJOURNMENT** – There being no further business before the Cripple Creek City Council, Mayor Ashworth adjourned the meeting at 6:09 PM.

APPROVED:



Milford Ashworth, Mayor

ATTEST:



Janell Sciacca, City Clerk





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**REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, APRIL 21, 2021  
5:30 PM**

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

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. **PLEDGE OF ALLEGIANCE** – Mayor Ashworth led the Pledge of Allegiance.
3. **ROLL CALL** – City Clerk Sciacca called the roll. Present in Chambers were Mayor Milford Ashworth, Mayor Pro Tem Tom Litherland and Councilmembers Charles Solomone, Meghan Rozell and Melissa Trenary. Staff present in Chambers were City Clerk Janell Sciacca, City Administrator Ray White, City Attorney Erin Smith, Finance Director Paul Harris, and Police Chief Charles Bright, and Planning & Community Development Coordinator Renee Mueller while Staff present online via Zoom was City Planner Alyssa Rivas.
4. **PUBLIC COMMENT** – Annie Durham, 309 Aspen Street, read a prepared statement on behalf of the Veterans Rally Citizen Alliance thanking the City for allowing the American Flag to be flown over Bennett Avenue on August 21 during the POW/MIA Recognition Ride that would be taking place that day.
5. **APPROVAL OF PRIOR MEETING MINUTES**
  - A. March 17, 2021 Regular Meeting – **MOTION** by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to approve the March 17, 2021 Regular Meeting minutes as presented. Motion carried unanimously.
6. **REPORTS**
  - A. City Administrator – White reported on the passing of City Employee Richard “Rich” Gish and advised a Celebration of Life Potluck would be taking place at the Gish home in Woodland Park on Sunday, April 25 from 12 noon to 4PM.
  - B. Finance Director – Harris provided an update on COVID vaccination rates and case numbers.
7. **PROCLAMATIONS, PRESENTATIONS, UPDATES & OTHER REPORTS**
  - A. Cripple Creek – Victor High School RISE Grant Update; Daniel Cummings, Secondary Principal. Cummings was not in attendance, so Councilwoman Rozell reminded the School did receive a significant RISE grant and they were moving forward to create the Pathways Trades program. The instructional structure was on-site, but the School was still researching how to put it up and hoped to have it built and running as soon as possible. The second and third Pathways programs were related to Firefighting and General education. Annie Durham, CC-V Teacher, advised that in addition to training, students would also be interning for experience and helping to financially support their families with the added possibility to move directly into jobs after school without pursuing additional education.
  - B. Legislative Update; Sol Malick, Peak Government Affairs. Malick reviewed a Mid-Session report that was emailed to the City earlier in the day. He reported that no one really knew when the 2021 session would actually adjourn and there might even be a pause to discuss budgeting and timing issues. Malick then provided updates on HB-1249 Repeal Gaming City Audit; HB-1144 Bingo-Raffle License and New Equipment; and defeat of an effort by the Colorado Lottery to allow on premise food retailers to conduct Keno. Mayor Pro Tem Litherland inquired about fuel tax increases. Malick replied a bill was going to be introduced regarding transportation funding for infrastructure and reminded any tax increase would have to be approved by the voters. Litherland also inquired about a Police Officer liability bill and Malick did not have any information but stated he would follow up and email the Council an update.
8. **PUBLIC HEARING(S)**
  - A. **PLANNING COMMISSION AND CITY COUNCIL HEARING** to consider application from Merit WPU, LLC for a Special Exception for the Gold King Mountain Inn Workforce Housing Units located in the C-1 Industrial Zone District at property legally described as Lot 2R, Hayden Placer, and more commonly known as 601 E. Galena; Alyssa Rivas, City Planner. **MOTION** by Councilwoman Rozell and seconded by Mayor Pro Tem Litherland to adjourn from City Council Regular Session to the Planning Commission. Motion carried unanimously. Mayor Ashworth introduce the business item. Rivas presented reminding that this item was approved back in September 2020 and was only back before tonight due to public notice errors. There were no changes from the 2020 request and Staff was still recommending approval with the conditions in the Staff Report. Applicant representative Matt Andrighetti, Wildwood Casino, thanked Staff for reintroducing the application and advised that employee housing was an issue. He stated they were very anxious and in a position to offer nice housing in the Gold King Mountain Inn and added bungalow type housing. He felt the urgency had changed and they were losing applicants who were not able to find a place to live in the community. Mayor Ashworth opened the floor to public



comment. Carrie Miller, representative for John Schaffer and owner of the 6 acres adjoining the Gold King Mountain Inn, stated they did not have any objection to the application and Schaffer wanted to sell his property but would need to work with Canfora for a utility easement. Therefore, they were interested in any utility upgrades that were being made for this project. The 6 acres is C-1 and was annexed into the City with good potential for housing or a subdivision development. Andrighetti stated he was not able to answer Miller's questions as he did not have that information and would have to defer to Canfora. John Schaffer, advised he did not have issue with the application but needed to be able to connect to the City's water and sewer and his understanding was the original developer for the hotel was required to extend the lines to the north side of the property and that did not occur. He felt the City was required to allow a pathway to connect and asked it utilize a Necessity or Permissive Easement. Councilwoman Rozell inquired if he had spoken to Staff. Schaffer replied he had been speaking with Staff for years and had been told it was his problem and the City would not get involved. City Attorney Smith stated she was not aware of any City Code or State Constitution that would allow the City to condition the approval on one private property owner to convey easement to another property owner and the request had nothing to do with the application being considered. Councilwoman Rozell volunteered to speak with Schaffer and Staff in a different venue and Schaffer agreed advising that Carrie Miller would represent him since he could not participate in person. There being one else wanting to speak on the application, Ashworth closed the floor public comment. There were no questions by the City Council/Planning Commission. **MOTION** by Mayor Ashworth and seconded by Councilwoman Rozell to go back into Regular City Council Session. Motion carried unanimously. **MOTION** by Councilwoman Rozell and seconded by Mayor Pro Tem Litherland to approve the application from Merit WPU, LLC for a Special Exception for the Gold King Mountain Inn Workforce Housing Units located in the C-1 Industrial Zone District at property legally described as Lot 2R, Hayden Placer, and more commonly known as 601 E. Galena subject to the conditions listed in the Staff Report and direct the City Attorney to prepare a resolution for consideration at a subsequent meeting. Motion carried unanimously.

- B. **PLANNING COMMISSION AND CITY COUNCIL HEARING** to consider application from Full House Resorts, LLC for Special Exception to use existing vacant lots as temporary parking lots with lighting during construction of Bronco Billy's Casino redevelopment project at property legal described as Lots 4-5, Block 43, Cripple Creek Hayden Placer Addition, Lots 6-11, Block 1, Cripple Creek Fremont Addition, Lots 6-10, Block 12, Cripple Creek Fremont Addition, and Lots 15-17, Block 12, Cripple Creek Fremont Addition; Alyssa Rivas, City Planner. **MOTION** by Councilwoman Trenary and seconded by Councilman Solomone to adjourn from City Council Regular Session into the Planning Commission. Motion carried unanimously. Rivas presented the Staff Report and reviewed a slide presentation providing an overview of the subject application. Caitlin Quander, Land Use Counsel for applicant, reviewed a slide presentation providing a background on the property and demonstrating the application satisfied each of the seven (7) criteria in the Development Code for approval of a Special Exception. Following her presentation, Quander thanked Staff for their assistance, advised that the applicant was in agreement with the one (1.) condition listed in the Staff Report and requested approval. Baxter Lee, Bronco Billy's General Manager, echoed Quander's appreciation to Alyssa Rivas and Renee Mueller stating they were easy to work with. He advised that while the current parking lot was under construction, Bronco Billy's had no place for customers to park and this was their temporary solution. Mayor Ashworth opened the floor to public comment. There was no one present online or in person wanting to speak for or against the project so the floor was closed to public comment. Councilwoman Rozell inquired if they would be providing rides to other Casinos. Lee replied they would not deny rides to anyone but would be dropping those riding the shuttle at Bronco Billy's. Councilwoman Trenary stated a concern about people crossing the Highway. Lee replied they would not be monitoring that and were strictly advertising it as surface parking with shuttle service. He advised that Valet parking was also available. Lee stated that he would have the 24-Hour Security rovers watch for pedestrians as possible. Trenary also inquired about trash removal. Lee replied multiple trash receptacles would be placed on the property and the porter team responsible for regular maintenance of their sites would be taking care of this property as well. Mayor Pro Tem Litherland echoed the concern about trash and this being an entrance into the Historic District. Lee assured the Council that Bronco Billy's focused on the cleanliness of its parking lots including the one it just closed and gave his word this one would be no exception. **MOTION** by Mayor Pro Litherland and seconded by Councilwoman Rozell to go back into Regular City Council Session. Motion carried unanimously. **MOTION** by Councilwoman Rozell and seconded by Councilman Solomone to approve the application from Full House Resorts, LLC for Special Exception to use existing vacant lots as temporary parking lots with lighting during construction of Bronco Billy's Casino redevelopment project at property legal described as Lots 4-5, Block 43, Cripple Creek Hayden Placer Addition, Lots 6-11, Block 1, Cripple Creek Fremont Addition, Lots 6-10, Block 12, Cripple Creek Fremont Addition, and Lots 15-17, Block 12, Cripple Creek Fremont Addition subject to the one condition listed in the Staff Report and direct the City Attorney to prepare a resolution for consideration at a subsequent meeting. Motion carried unanimously.
- C. **SECOND READING** of Emergency Ordinance 2021-05 amending Chapter 16, Article 3 of the Cripple Creek Municipal Code by adding a new Section 16-3-30 concerning the collection of expenses related to Land Use Applications and providing for Developer Cost Reimbursement



Agreements; Erin Smith, City Attorney. Smith presented stating this was before the Council for adoption following second reading and would be effective today if approved. It authorizes a change to the Municipal Code to give the City the ability to collect, by way of reimbursement, monies from Developers for the costs of land use review applications in the same fashion as many other Colorado municipalities. Mayor Ashworth opened the floor to public comment. Renee Mueller of the City Development Department questioned if the agreement was a requirement in order for the City to bill. Smith advised the agreement was just a mechanism and the amending of Code authorized billing. Smith also advised the ordinance would be effective upon adoption and as a pending ordinance provided the City ability to start collecting fees following the first reading. There were no further questions from the public and no questions from the City Council. **MOTION** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve Emergency Ordinance 2021-05 amending Chapter 16, Article 3 of the Cripple Creek Municipal Code by adding a new Section 16-3-30 concerning the collection of expenses related to Land Use Applications and providing for Developer Cost Reimbursement Agreements as presented. Motion carried unanimously.

#### 9. **NEW BUSINESS**

- A. Discussion regarding proposed change to Sec. 6-7-330. - Permit Fee; Bond of Article 7, Division 3 - Wrecking or Salvaging of Buildings of the Cripple Creek Municipal Code; Alyssa Rivas, City Planner. Rivas stated Staff simply wanted to bring this up for discussion as a future amendment to the Code. Mueller provided a history stating discussions originated with the Bronco Billy's project. When she reviewed the code regarding a building being requested to be torn down, she found that this part of the code was not being followed. In figuring the permit fee it seemed out of industry standard and she felt that someone might have asked it be put in the code at some point to discourage demolishing buildings and instead encourage restoration. Additionally, Colorado Code receives 85% of the fee for 5 inspections so the City does not benefit. Requirements related to asbestos and utility approvals were also added along with a higher bond for commercial buildings. Following discussion regarding City Council authority to approve all demolitions, Smith clarified the only ability of Council was to ensure demolition was safe. The Council was in general agreement that Staff draft an ordinance and bring it back for their consideration.
- B. Consider repeal or amendment of Resolution 2020-07 An Emergency Resolution Concerning the Corona Virus (COVID-19) Public Health Emergency, Declaring an Emergency, and setting forth procedures for holding Council Meetings as Virtual Meetings; Ray White, City Administrator. White advised that as was discussed in the Work Session earlier in the day, the latest Public Health Order transferred virtually all COVID related issues to local control and it was up to Council what to do as far as the emergency resolution. Staff considered it a policy issue and the intent would be to return to normalcy as quickly as possible but safely. Smith clarified that 90% of what would be accomplished by repealing the resolution would be to determine the City was no longer authorized to hold virtual meetings in place of regular meetings. Councilwoman Rozell inquired about the financial impacts. Harris stated there had been no indication there would be an impact as Teller County and Victor had already repealed their respective declarations. Councilwoman Trenary inquired about in person limits for meetings and White replied the City was still required to adhere to the 6- foot separation. Following additional discussion, White clarified that Council would like Staff to prepare and amended declaration for their consideration to include the continued ability to hold virtual/remote meetings.

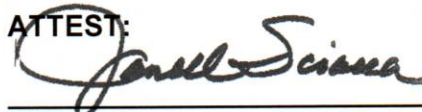
**10. ADJOURNMENT** – There being no further business before the Cripple Creek City Council, Mayor Ashworth adjourned the meeting at 7:16 PM.

APPROVED:



Milford Ashworth, Mayor

ATTEST:



Janell Sciacca, City Clerk





**REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, MAY 5, 2021  
5:30 PM**

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

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. **PLEDGE OF ALLEGIANCE** - Mayor Ashworth led the Pledge of Allegiance.
3. **ROLL CALL** - City Clerk Sciacca called the roll. Present in Chambers were Mayor Milford Ashworth, Mayor Pro Tern Tom Litherland and Councilmembers Charles Solomone, Meghan Rozell and Melissa Trenary. Staff present in Chambers were City Clerk Janell Sciacca, City Administrator Ray White, Finance Director Paul Harris, Chief of Police Charles Bright, HR & Risk Management Director Carol Stotts, and City Attorney Erin Smith while Staff present online via Zoom were Public Works Director Steve DiCamillo, City Planner Alyssa Rivas and Planning & Community Development Coordinator Renee Mueller.
4. **PUBLIC COMMENT** - None
5. **APPROVAL OF PRIOR MEETING MINUTES**
  - A. April 7, 2021 Regular Meeting - **MOTION** by Mayor Pro Tern Litherland and seconded by Councilwoman Trenary to approve the April 7, 2021 Regular Meeting minutes as presented. Motion carried unanimously.
6. **PROCLAMATIONS, PRESENTATIONS, UPDATES & OTHER REPORTS**
  - A. Presentation by Teller Rifles Group; Charles Salomone & Tom Litherland, Members. Mayor Pro Tern Litherland announced that he and Salomone were both members of the group and then invited member Michael Lindsey, 238 E. Eaton, to speak. Lindsey requested the use of 13 acres of City land on behalf of 128 members with military and law enforcement experience. The group banded together to create a training institute to increase the safety of citizens of Teller County and the State of Colorado and is dedicated to a respectful, safe culture for appropriate firearms use. Discussed followed relative to on-site supervision, membership, use of the range by law enforcement or other groups for trainings, rules and regulations, and return of the property to the City upon dissolution of misuse. City Attorney Smith advised the City would use a Deed Restriction with reversionary clause so title would automatically revert to the City under specific circumstances. Following additional discussion regarding membership, hours and days of operation, City Administrator White advised Staff's concern was liability to the City and he requested direction to be able to work with the City Attorney to craft a deed so there would be no liability for the City and meets constitutional requirements for transferring City land. Mayor Ashworth opened the floor to public comment. Steve Zoellner, 221 Galena Ave and Teller Rifles member, stated that in principal he was in favor of the request/project but did have some questions. He inquired about hours of operation, background investigations, contacting Timberline Fishing Club, dues and access by members, NRA affiliation, caliber and explosive limits and mitigation for return of the property. Councilman Salomone replied the hours had not been determined yet nor had the investigations policy, Timberline membership was aware of the opportunity, dues and fees would be used to fund improvements and upkeep, Teller Rifles was not affiliated with the NRA, there would be caliber limits and explosive devices would not be allowed. Zoellner complimented the group on its ideals and concept. He felt something like this was needed and he wished them the best of luck. Reed Grainger, 150 E. Bennett, encouraged



the Council to move ahead with the program. He felt hours of operation would be limited by Range Safety Officers (RSOs) availability and that RSOs should at least be NRA programs certified to allow for and increase shooting sports participation. Mark Green, 124 W. Bennett, stated Teller Rifles already had 6 NRA RSOs and the club would be implementing a pamphlet of Range Rules for safety and education and that document would answer many of the questions being asked. He added Teller Rifles was about practical application and supported the project. There being no further public comment, Councilwoman Rozell requested a resolution addressing constitutional rules for transfer of the property, a specific contract for rules, regulations, duties, responsibilities, etc. and that Staff look into a deed restriction. She also requested Teller Rifles provide the City Range Rules and that Staff work with Teller Rifles to shore everything up and bring this back to the Council in June. Councilwoman Trenary requested clarification of the membership backgrounds, fees and bylaws. Councilman Salomone felt many of the items brought up could be conditions of the agreement. The City Council generally agreed to allow the City Administrator and City Attorney to work with Teller Rifles on the request.

## **7. REPORTS**

- A. City Administrator - White announced a COVID vaccination clinic would be held May 12 at the Double Eagle; Kat Pedersen of the Fire Department submitted her resignation; Fire Chief finalists were determined and interviews scheduled for May 17; and Chief of Police Charles Bright and Transit Driver Kenny Glovan had achieved 5 years of service for the City and Public Works Director Steve DiCamillo 25 years of service.
- B. Finance Director - Harris provided a COVID-19 update stating there were 232 new cases April. Councilwoman Rozell inquired about mortality and recovery rates. Harris replied that CDPHE added another death to Teller Counties count but he did not have specific details as privacy rules made obtaining the information difficult.

## **8. PROCLAMATIONS, PRESENTATIONS, UPDATES & OTHER REPORTS**

- A. SECOND READING of Ordinance 2021-06 vacating approximately 1,240 square feet of West Golden Avenue right-of-way which encroaches into Lots 2-4 of Lots 1-10, Block A, Gold Flats Addition in the City of Cripple Creek, Colorado; Alyssa Rivas, City Planner. Rivas reminded this was second reading and the applicant was Marvin Kobza. There were no questions from the public or City Council. **MOTION** by Councilwoman Rozell and seconded by Councilwoman Trenary to approve Ordinance 2021-06 vacating approximately 1,240 square feet of West Golden Avenue right-of-way which encroaches into Lots 2-4 of Lots 1-10, Block A, Gold Flats Addition in the City of Cripple Creek, Colorado as presented. Motion carried unanimously.
- B. Consider Resolution 2021-08 approving the application for the GKMI Workforce Housing Units Special Exception located in the C-1 Industrial Zone District at certain real property described as Lot 2R, Hayden Placer, 601 E. Galena Ave, Cripple Creek, Colorado; Alyssa Rivas, City Planner. Rivas reminded the Public Hearing was conducted April 21, 2021. There were no questions from the public or City Council. **MOTION** by Councilwoman Rozell and seconded by Councilman Salomone to approve Resolution 2021-08 approving the application for the GKMI Workforce Housing Units Special Exception located in the C-1 Industrial Zone District at certain real property described as Lot 2R, Hayden Placer, 601 E. Galena Ave, Cripple Creek, Colorado as presented. Motion carried unanimously.
- C. Consider Resolution 2021-09 approving the application for the Bronco Billy's Special Exception for Temporary Parking Lots located in the BB - Neighborhood Mixed Use Zone District at certain real property described as Lots 4-5, Block 43, Cripple Creek Hayden Placer Addition; Lots 6-11, Block 1, Cripple Creek Fremont Addition, Lots 6-10, Block 12 Cripple Creek Fremont Addition; and Lots 15-17, Block 12, Cripple Creek Fremont Addition; Alyssa Rivas, City Planner. Rivas reminded the Public Hearing was conducted April 21, 2021. Councilwoman Trenary inquired about Casino shuttle traffic going up Fourth and across Golden and Prospect. Baxter Lee, Bronco Billy's General Manager, stated Bennett Avenue was mainly being used as the most direct route but occasionally shuttles did utilize Fourth when making trips to Carr Manor, which Bronco Billy's had recently purchased. Lee invited anyone with concerns to contact him in his office. **MOTION** by Mayor Pro Tern Litherland and seconded by Councilwoman Trenary to approve Resolution



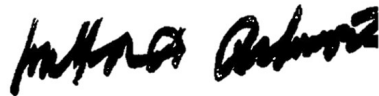
2021-09 approving the application for the Bronco Billy's Special Exception for Temporary Parking Lots located in the BB - Neighborhood Mixed Use Zone District at certain real property described as Lots 4-5, Block 43, Cripple Creek Hayden Placer Addition; Lots 6-11, Block 1, Cripple Creek Fremont Addition, Lots 6-10, Block 12 Cripple Creek Fremont Addition; and Lots 15-17, Block 12, Cripple Creek Fremont Addition as presented. Motion carried unanimously.

- D. FIRST READING of Ordinance 2021-07 amending Subsection 6-7-330 of the Cripple Creek Municipal Code relating to Demolition Permit Fees and Bonds; Alyssa Rivas, City Planner. Rivas reminded this was discussed at the previous meeting. City Clerk Sciacca advised that she had seen this and felt that Rivas, Mueller and Smith had done a good job on revising the outdated code. City Attorney Smith reminded the City Council saw a redlined version at the last meeting and this was substantially the same document with the exception of a clarification in paragraph A that there is no approval by City Council except for a Certificate of Demolition. Sciacca advised that Inspector Dan Weed had also seen the proposed changes and had input. She reminded that the ordinance would be published and then come back to Council for second reading and final adoption. **MOTION** by Councilwoman Rozell and seconded by Mayor Ashworth to approve Ordinance 2021-07 amending Subsection 6-7-330 of the Cripple Creek Municipal Code relating to Demolition Permit Fees and Bonds as presented. Motion carried unanimously.

- E. Consider Resolution 2021-10 amending Emergency Resolution 2020-07 concerning the Coronavirus; Erin Smith, City Attorney. Smith advised the document presented was a result of direction from City Council at the April 21, 2021 meeting in order to address the State loosening restrictions and allowing local control of COVID related restrictions. It reflects that the City Council does not want to implement any COVID restrictions. Councilwoman Rozell clarified that the resolution does allow for online presentations and Smith replied it does allow for that. **MOTION** by Mayor Pro Tern Litherland and seconded by Councilwoman Trenary to approve Resolution 2021-10 amending Emergency Resolution 2020-07 concerning the Coronavirus as presented. Motion carried unanimously.

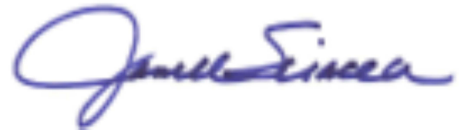
9. **ADJOURNMENT** - There being no further business before the Cripple Creek City Council, Mayor Ashworth adjourned the meeting at 6:25 PM.

APPROVED



Milford Ashworth, Mayor

ATTEST:



Janell Sciacca, City Clerk






**REGULAR CITY COUNCIL MEETING MINUTES**  
**WEDNESDAY, MAY 19, 2021**  
**5:30 PM**

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


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. **PLEDGE OF ALLEGIANCE** – Mayor Ashworth led the Pledge of Allegiance.
3. **ROLL CALL** – City Clerk Sciacca called the roll. Present in Chambers were Mayor Milford Ashworth, Mayor Pro Tem Tom Litherland and Councilmembers Charles Solomone and Melissa Trenary. Staff present in Chambers were City Clerk Janell Sciacca, City Administrator Ray White, City Attorney Erin Smith, Finance Director Paul Harris, and Police Chief Charles Bright.
4. **PUBLIC COMMENT** – Victor City Administrator Richard Mann, 500 Victor Avenue, introduced himself and acknowledged and thanked the Council for having an outstanding City Staff that he had opportunity to work with on several occasions and throughout the COVID pandemic. He thanked the City Council of Cripple Creek on behalf of the Victor City Council for being able to rely on one another and invited them to reach out if he could be of any assistance.
5. **APPROVAL OF PRIOR MEETING MINUTES**
  - A. April 21, 2021 Regular Meeting
  - B. May 5, 2021 Regular Meeting

**MOTION** by Mayor Pro Tem Litherland and seconded by Councilman Solomone to approve the April 21, 2021 and May 5, 2021 Regular Meeting minutes as presented. Motion carried unanimously.
6. **REPORTS**
  - A. City Administrator – White reported the City cleanup was scheduled for May 20 and that Deb Hack had worked with the school to have students help out as usual; Newmont Mining joined the Adopt-A-Block program taking on the area on Teller 1 between the Post Office and Medical Plaza; Newmont would be blasting May 20 between 7-9AM and noise could seem louder due to the type of event; and the first post-COVID in-person Department Manager meeting would be held next week.
  - B. Finance Director – Harris reported he would be giving the City's annual presentation to the Division of Gaming Commission on May 20; and that COVID numbers for May were trending better than April except for hospitalizations and 40.7% of eligible Teller County residents were vaccinated. Mayor Ashworth reported that he attended a showcase of the Pathways Program at the school earlier in the day for Auto Mechanics, Agriculture and Theater and the school had already hired both teachers who appeared to be very impressive. The school had also started a Future Farmers of America Club to prepare youth to enter agriculture related businesses. Ashworth also reported that he would be presenting the City scholarships to 2 seniors tomorrow – Ms. Whitmore and Ms. Warrino would each receive a \$2,500 check.
7. **PUBLIC HEARING(S)**
  - A. Consider application from American Gaming Hospitality II, LLC for new Lodging & Entertainment Liquor License for Wildwood Hotel located at 421 E. Pikes Peak Avenue, Cripple Creek; Janell Sciacca, City Clerk. Mayor Ashworth introduced. He opened the public hearing and announced the jurisdiction, purpose and procedure for the hearing. There were no objections to the jurisdiction of form or substance of the proceedings. Sciacca presented reviewing the Staff Report. She requested the Council conduct the Public Hearing and stated that Staff's recommendation was for the Council to approve or deny the license and issue an official Notice of Decision to such effect. She advised that if approved the licenses would be held per State law (CRS 44-3-312(4)) until the time a Certificate of Occupancy was issued. Ashworth invited the applicant to present. Matt Andrighetti, Wildwood General Manager, stated the Hotel was scheduled to open June 15. The purpose of the license was mainly for alcohol service for banquets and events for the meetings spaces on the lower level. Sciacca inquired if this license would be added to the common consumption area for the Casino and Andrighetti replied it would not. There were no further questions of the applicant and there was no public comment for or against the application. **MOTION** by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to close the public hearing. Motion carried unanimously. There were no questions or comments by the City Council. **MOTION** by Mayor Pro Tem Litherland and seconded by Councilman Solomone to approve the Retail License Application from American Gaming Hospitality II, LLC for a new Lodging & Entertainment Liquor License for the Wildwood Hotel located at 421 E. Pikes Peak Avenue. Motion carried unanimously.
8. **ADJOURNMENT** – There being no further business before the Cripple Creek City Council, Mayor Ashworth adjourned the meeting at 6:01 PM.

**APPROVED:**

  
 Milford Ashworth, Mayor

**ATTEST:**

  
 Janell Sciacca, City Clerk





*Real Fun. Real Colorado.*

**REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, JUNE 2, 2021  
5:30 PM**

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

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. **PLEDGE OF ALLEGIANCE** – Mayor Ashworth led the Pledge of Allegiance.
3. **ROLL CALL** – City Clerk Sciacca called the roll. Present in Chambers were Mayor Milford Ashworth, Mayor Pro Tem Tom Litherland and Councilmembers Meghan Rozell, Charles Solomone and Melissa Trenary. Staff present in Chambers were City Clerk Janell Sciacca, City Administrator Ray White, City Attorney Erin Smith, Finance Director Paul Harris, Marketing & Events Director Jeff Mosher and Public Works Director Steve DiCamillo while City Planner Alyssa Rivas was present online via Zoo.
4. **PUBLIC COMMENT** – Teller County Assessor Colt Simmons provided the City Council with Reassessment 2021 and 2020 Abstract of Assessment handouts and reviewed each briefly.
5. **APPROVAL OF MEETING MINUTES**
  - A. May 19, 2021 Regular Meeting - **MOTION** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve the May 19, 2021 minutes as presented. Motion carried unanimously.
6. **PROCLAMATIONS, PRESENTATIONS, UPDATES & OTHER REPORTS**
  - A. Newmont Cripple Creek & Victor Gold Mining Company Quarterly Update; General Manager Melissa Harmon, S&ER Manager Justin Raglin & External Relations & Environmental Specialist Katie Blake. Harmon thanked the Council for the opportunity to present and then she, Raglin and Blake reviewed a slide presentation regarding inclusion and diversity at Newmont, business, COVID-19 and Amendment 13 updates, reclamation and transition to public self-guided tours. The Council thanked the Newmont team for its presentation.
7. **REPORTS**
  - A. City Administrator – White provided a brief report and activities and City position vacancies.
  - B. Finance Director – Harris provided a report on COVID statistics.
8. **PUBLIC HEARINGS**
  - A. **SECOND READING** to consider adoption of Ordinance 2021-07 amending Subsection 6-7-330 of the Cripple Creek Municipal Code relating to Demolition Permit Fees and Bonds; Alyssa Rivas, City Planner. Rivas reminded Council the ordinance was introduced previously on May 5, 2021 and she recommended approval as presented. There were no questions by Council and there was no public comment. **MOTION** by Councilwoman Rozell and seconded by Mayor Pro Tem Litherland to adopt Ordinance 2021-07 an ordinance amending Subsection 6-7-330 of the Cripple Creek Municipal Code relating to Demolition Permit Fees and Bonds as presented. Motion carried unanimously.
  - B. **PLANNING COMMISSION AND CITY COUNCIL** hearing to consider application for Conditional Use Permit from James Kroll for a new Single-Family Residence in the BB Zone District at 217 W. Bennett Avenue; Alyssa Rivas, City Planner. Rivas reviewed a slide presentation detailing the specifics of the subject request and recommended approval following public hearing. Mayor Ashworth opened the floor to public comment. Ed Englehart, 237 W. Masonic, spoke briefly in opposition. Applicant Kroll spoke regarding his plan for the property and there being no one else present to address the application, Mayor Ashworth closed the public hearing. **MOTION** by Councilwoman Rozell and seconded by Mayor Ashworth to approve the application for Conditional Use Permit from James Kroll for a new Single-Family Residence in the BB Zone District at 217 W. Bennett Avenue subject to the three conditions as listed in the Staff Report. Motion carried unanimously.
  - C. **PLANNING COMMISSION AND CITY COUNCIL** hearing to consider application from Merit WPU Cripple Creek, LLC for vacation of Pikes Peak Avenue and intersecting alleyways for the Wildwood Hotel and Casino; Alyssa Rivas, City Planner. Rivas reviewed a slide presentation detailing the specifics of the subject request and history. Rivas



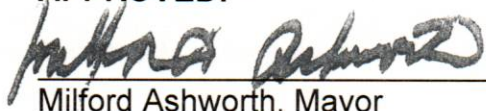
recommended approval following public hearing. Mayor Ashworth opened the public hearing. There were no public comments for or against the application. Wildwood General Manager Matt Andrighetti was present on behalf of the applicant and made brief comments. Wildwood owner Joe Canfora was also present and both he and Andrighetti requested approval and thanked Staff for their assistance. Mayor Ashworth closed the public hearing. **MOTION** by Councilwoman Rozell and seconded by Councilwoman Trenary to approve the application from Merit WPU Cripple Creek, LLC for vacation of Pikes Peak Avenue and intersecting alleyways for the Wildwood Hotel and Casino and to direct Staff to bring back an ordinance to Council for consideration. Motion carried unanimously.

#### 9. NEW BUSINESS

- A. Consider Resolution 2021-11 recognizing and declaring the public purpose and importance of and establishing a Residential Development Incentives Program for encouraging residential development; Erin Smith, City Attorney. Smith introduced advising the document resulted following the May 19, 2021 Work Session Council held to discuss incentives. She provided an overview and following discussion, Council generally agreed to amended Section 2. regarding expiration to add "June 2, 2024 unless earlier rescinded or extended" and Section 2. 1. to "Waive, defer or reimburse water and sanitary sewer tap fees for not less than ten percent (10%)." Smith recommended approval as amended. **MOTION** by Councilwoman Rozell and seconded by Mayor Pro Tem Litherland to approve Resolution 2021-11 recognizing and declaring the public purpose and importance of and establishing a Residential Development Incentives Program for encouraging residential development as amended. Motion carried unanimously.

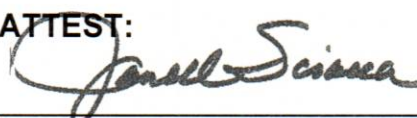
10. **ADJOURNMENT** – There being no further business before the Cripple Creek City Council, Mayor Ashworth adjourned the meeting.

APPROVED:



Milford Ashworth, Mayor

ATTEST:



Janell Sciacca, City Clerk





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**REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, JUNE 16, 2021  
5:30 PM**

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

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. **PLEDGE OF ALLEGIANCE** – Mayor Ashworth led the Pledge of Allegiance.
3. **ROLL CALL** – City Clerk Sciacca called the roll. Present in Chambers were Mayor Milford Ashworth, Mayor Pro Tem Tom Litherland and Councilmembers Charles Solomone and Melissa Trenary. Staff present in Chambers were City Clerk Janell Sciacca, City Administrator Ray White, City Attorney Erin Smith, Finance Director Paul Harris, Police Chief Charles Bright, Marketing & Events Director Jeff Mosher, Transportation Director Ted Schweitzer, and Public Works Director Steve DiCamillo and City Planner Alyssa Rivas was present online via Zoom.
4. **PUBLIC COMMENT** – None.
5. **REPORTS**
  - A. City Administrator – White reported Staff was working on streamlining of processes in the Planning & Community Development Department; announced the Administrator posting had closed and advised interviews would be schedule for July 7; the Fire Chief position was reposted; and Butte Opera House performances were starting again.
  - B. Finance Director – Harris reported on COVID statistics stating numbers continued to improve.
6. **NEW BUSINESS**
  - A. **FIRST READING** to consider adoption of Ordinance 2021-08 an ordinance vacating approximately 28,464 square feet of the Pikes Peak Avenue right of way and adjacent alleyways; including that portion of 60-foot Pikes Peak Avenue lying Between the east line of Prospect Street and the west line of Fifth Street (formerly Colorado Hwy 67); together with the 16 foot alleys in Blocks 19 and 30 between the north line of Golden Avenue and the south line of Galena Avenue, Lots 2-4 of Lots 1-10, Block A, Gold Flats Addition, in the City of Cripple Creek; Alyssa Rivas, City Planner. Mayor Ashworth introduced. Rivas reminded Council that the Planning Commission/City Council Public Hearing on this item was conducted June 2 and this was the ordinance Staff was directed to bring back to Council. There was discussion regarding the right turn only out of Gas-N-Roll and DiCamillo advised it was his opinion this would most likely change when a new traffic study was done. There was no public comment. **MOTION** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve first reading of Ordinance 2021-08 an ordinance vacating approximately 28,464 square feet of the Pikes Peak Avenue right of way and adjacent alleyways; including that portion of 60-foot Pikes Peak Avenue lying Between the east line of Prospect Street and the west line of Fifth Street (formerly Colorado Hwy 67); together with the 16 foot alleys in Blocks 19 and 30 between the north line of Golden Avenue and the south line of Galena Avenue, Lots 2-4 of Lots 1-10, Block A, Gold Flats Addition, in the City of Cripple Creek as presented. Motion carried unanimously.
  - B. **FIRST READING** to consider adoption of Ordinance 2021-09 an ordinance waiving Water and Sewer Tap Fees and infrastructure costs for residential development in order to promote residential development and economic development in the City of Cripple Creek for a specified time to and through June 2, 2024 unless earlier rescinded or extended by the City Council for the City of Cripple Creek; Erin Smith, City Attorney. Smith presented an overview of the ordinance reminding the waives only applied to residential projects that met the requirements in Section 2. She recommended approval of the ordinance on first reading. Litherland inquired if an incentive would carry over to a new owner and Smith replied and agreement in place will be binding upon successors and heirs. **MOTION** by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to approve first reading of Ordinance 2021-09 an ordinance waiving Water and Sewer Tap Fees and infrastructure costs for residential development in order to promote residential development and economic development in the City of Cripple Creek for a specified time to and through June 2, 2024 unless earlier rescinded or extended by the City Council for the City of Cripple Creek. Motion carried unanimously.
  - C. Consider approval of Resolution 2021-12 a resolution of the City Council of the City of Cripple Creek, Colorado, amending Resolution 2021-11 concerning a Residential Development Incentives Program for encouraging residential development; Erin Smith, City Attorney. Smith presented advising the purpose was to correct provisions in Resolution 2021-11, specifically Section 2 1. which was previously approved as up to ten percent (10%) and added 6. Regarding reimbursement. Smith recommended approval of the minor edits. **MOTION** by Mayor Pro Tem



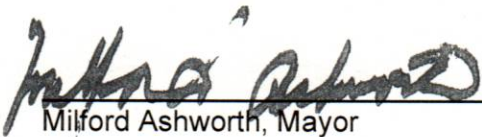
Litherland and seconded by Councilwoman Trenary to approve Resolution 2021-12 a resolution of the City Council of the City of Cripple Creek, Colorado, amending Resolution 2021-11 concerning a Residential Development Incentives Program for encouraging residential development as presented. Motion carried unanimously.

D. Consider approval of Resolution 2021-13 approving Consulting Service Agreement with AECOM Technical Services, Inc. for design of a Streetcar Operations Maintenance Transit Facility; Ted Schweitzer, Transportation Director. Schweitzer provided a brief overview advising this has been in the works for a while. He reminded AECOM is also providing services related to the associated Streetcar project but was not included in the 2021 approved budget. Harris advised that Schweitzer assured him additional funding for Transit related services was coming from CDOT and that a supplemental budget appropriation would be required. **MOTION** by Mayor Ashworth and seconded by Mayor Pro Tem Litherland to approve Resolution 2021-13 approving Consulting Service Agreement with AECOM Technical Services, Inc. for design of a Streetcar Operations Maintenance Transit Facility as presented. Motion carried unanimously.

E. Consider approval of matching funds for Galena Ave. CDOT TAP Grant; Paul Harris, Finance Director and Steve DiCamillo, Public Works Director. Harris and DiCamillo presented jointly advising this project had been on the horizon for some time and CDOT thought originally is could be funded at 100% but now the City will need to pledge \$158,000 in American Rescue Plan Act monies as matching funds. DiCamillo advised it was questionable if the project could be done in 2021 and in a discussion he had earlier in the day with CDOT, bidding was being pushed back to winter. He added that he was looking at cutting costs by doing some of the work in-house, but he felt the bids could come in higher than expected because contractors were not hungry. Harris added that the letter is required to assure CDOT that the City will hold up its end of the agreement even if the project and funding is pushed back to 2022. **MOTION** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve matching funds of \$158,000 for the Galena Avenue CDOT TAP Grant. Motion carried unanimously.

7. **ADJOURNMENT** – There being no further business before the Cripple Creek City Council, Mayor Ashworth adjourned the meeting at 6:03 PM.

APPROVED:

  
Milford Ashworth, Mayor

ATTEST:

  
Janel Sciacca, City Clerk





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**CITY COUNCIL MEETING MINUTES  
WEDNESDAY, JULY 7, 2021  
5:30 PM**

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

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. **PLEDGE OF ALLEGIANCE & INVOCATION** – Mayor Ashworth led the pledge of allegiance.
3. **ROLL CALL** - Present were Mayor Milford Ashworth, Mayor Pro Tem Tom Litherland, and Councilmembers Meghan Rozell, Charles Solomone and Melissa Trenary. Staff present in chambers were Interim City Administrator Ray White, City Attorney Erin Smith, HR & Risk Management Director Carol Stotts, City Finance Director Paul Harris, Transportation Director Ted Schweitzer, City Clerk Janell Sciacca, Chief of Police Charles Bright and present online were City Planner Alyssa Rivas and Marketing & Events Director Jeff Mosher.
4. **PUBLIC COMMENT** – Scott Marshall, 329 Whalen, spoke regarding insufficient and unsuitable handicapped parking and sidewalks throughout the City. Marshall advised that he had brought the matter to the attention of City Staff 2 years ago and nothing had been done. Marshall was advised the City would look at the matter.
5. **REPORTS**
  - A. City Administrator – White acknowledged Jeff Mosher in Marketing & Events for his efforts relative to the City's 4<sup>th</sup> of July celebration; advised he was in the process of completing Department Head performance evaluations after having been suspended in 2020 due to COVID; and introduced City Administrator finalists Doug Hinkley and Fred Kaplan who were in attendance.
  - B. Finance Director – Harris reviewed a set of PowerPoint slides regarding the City's 2021 Economic Recovery which he and Mayor Pro Tem Litherland presented to the Teller County Commissioner the prior.
6. **PROCLAMATIONS, PRESENTATIONS, UPDATES & OTHER REPORTS**
  - A. Legislative Update; Sol Malick, Peak Government Affairs. Malick appeared with colleague Stephanie Hicks and they reviewed a handout providing a wrap up of the 2021 legislative session.
7. **MINUTES**
  - A. June 2, 2021 Regular Meeting
  - B. June 16, 2021 Regular Meeting

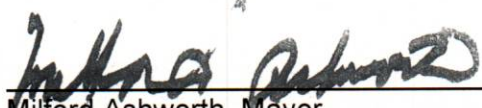
**MOTION** by Mayor Pro Tem Litherland and seconded by Councilman Solomone to approve the regular meeting minutes for June 2, 2021 and June 16, 2021 as presented. Motion carried unanimously.
8. **PUBLIC HEARING(S)**
  - A. **PLANNING COMMISSION & CITY COUNCIL HEARING** to consider request from James Kroll for Conditional Use Permit to remodel the existing house at 305 S. 2nd Street, and to construct five new single-family houses adjacent to said property, all located in the C-1 Zone District; submitted by James Kroll, and more particularly described to wit as Lots 1-11, Block 5, First Addition, Cripple Creek, CO.; Alyssa Rivas, City Planner. Mayor Ashworth provided an opening statement and advisement relative to the public hearing and the City's jurisdiction to conduct such. He advised notice of the hearing was given as required by the City Development Code and then reviewed the format and procedures for the hearing. There were no objections to the jurisdiction or form or substance of the proceedings. City Planner Rivas reviewed a PowerPoint presentation providing and overview and analysis of the request along with staff findings and recommendation for approval subject to the conditions listed in the Staff Report. Applicant James Kroll advised of intentions to build 5 new houses and remodel one as well as install the water main between Warren and May. Councilwoman Rozell inquired if the applicant was ok with the Staff's condition to add a front porch for each house and Kroll replied he was, 100%. Councilwoman Trenary inquired how the applicant planned access to the homes from the steep grade of 2nd Street. Kroll advised he would be providing stairs similar to those on the existing home at 305 S. 2nd as necessary. Trenary also inquired about the requirement of sidewalks, curb and gutter. Rivas replied coordination with Public Works would be necessary and Staff would work with the applicant. There were no public



comments for and no public comments against the project. **MOTION** by Councilwoman Rozell and seconded by Councilwoman Trenary to close public comment. Motion carried unanimously. Councilwoman Trenary stated she would like to see the sidewalk issue addressed. City Attorney Smith provided Council guidance and following additional discussion Kroll stated the ditch is on City property but the parking for the homes would be in the back with walkways on the sides of the houses and residents should not be parking in the ditch. **MOTION** by Mayor Pro Tem Litherland and seconded by Councilwoman Rozell to approve the request from James Kroll for a Conditional Use Permit to remodel the existing house at 305 S. 2nd Street, and to construct five new single-family houses adjacent to said property, all located in the C-1 Zone District; submitted by James Kroll, and more particularly described to wit as Lots 1-11, Block 5, First Addition, Cripple Creek, CO as presented and to direct Staff to prepare a resolution to bring back to Council at a subsequent meeting. Motion carried unanimously.

- B. Consider approval of Resolution No. 2021-14 approving a Subaward Grant Agreement with the Colorado Department of Transportation for 2021 5311 Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) Admin & Operating Funding; Ted Schweitzer, Transportation Director. Schweitzer presented providing a brief overview of the Staff Report and requested approval as presented. He added that upon approval he would work with the Administrator, Finance Director and HR Director on how the monies would be rolled out. White advised that if approved, after the mechanics were determined, the specific allocation(s) would be brought back to Council. Harris advised the grant monies would also cross over years. There was no public comment. **MOTION** by Councilwoman Rozell and seconded by Mayor Pro Tem Litherland to approve Resolution No. 2021-14 approving a Subaward Grant Agreement with the Colorado Department of Transportation for 2021 5311 Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) Admin & Operating Funding as presented. Motion carried unanimously.
- C. Consider approval of Official Notice Letter to Teller County Clerk & Recorder of City of Cripple Creek Intent to Participate in the November 2, 2021 Coordinated Election; Janell Sciacca, City Clerk. Sciacca presented advising the City would be conducting its Regular Municipal Election in 2021 as part of the November 2, 2021 Coordinated Election. She advised that the letter in the packet was the same letter used in past years and she requested approval and authorization for the Mayor to sign the official notice letter. There were no questions or comments from Council or the public. **MOTION** by Councilwoman Trenary and seconded by Councilwoman Rozell to approve the Official Notice Letter to the Teller County Clerk & Recorder of City of Cripple Creek Intent to Participate in the November 2, 2021 Coordinated Election as presented and authorize the Mayor to sign the letter. Motion carried unanimously.
- D. **FIRST READING** to consider approval of Ordinance 2021-10 an ordinance determining to follow the provisions of the Uniform Election Code for the November 2021 Coordinated Election; Janell Sciacca, City Clerk. Sciacca presented advising the ordinance presented was required by the City's code and it was the same ordinance presented in past years. She requested approval on first reading advising that the document would come back to Council on August 4, 2021 for second reading and adoption following the required notice being published in the legal newspaper. There were no questions or comments from Council or the public. **MOTION** by Councilwoman Rozell and seconded by Mayor Pro Tem Litherland to approve first reading of Ordinance 2021-10 an ordinance determining to follow the provisions of the Uniform Election Code for the November 2021 Coordinated Election as presented. Motion carried unanimously.
9. **ADJOURNMENT** – There being no further business before the Cripple Creek City Council, Mayor Ashworth adjourned the meeting at 6:40 PM

**APPROVED:**

  
Milford Ashworth, Mayor

**ATTEST:**

  
Janell Sciacca, City Clerk





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**REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, JULY 21, 2021  
5:30 PM**

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

1. **CALL TO ORDER** – Mayor Pro Tem Litherland called the meeting to order at 5:29 PM having previously been posted in accordance with Colorado Open Records Law.
2. **PLEDGE OF ALLEGIANCE** – Mayor Pro Tem Litherland led the Pledge of Allegiance.
3. **ROLL CALL** – City Clerk Sciacca called the roll. Present in Chambers were, Mayor Pro Tem Tom Litherland and Councilmembers Charles Solomone, Meghan Rozell and Melissa Trenary. Staff present in Chambers were City Clerk Janell Sciacca, City Administrator Ray White, City Attorney Erin Smith, Finance Director Paul Harris, Police Chief Charles Bright, Marketing & Events Director Jeff Mosher, Deputy City Clerk Malissa Gish, and Public Works Director Steve DiCamillo; City Planner Alyssa Rivas was present online via Zoom.
4. **PUBLIC COMMENT** – None.
5. **REPORTS**
  - A. City Administrator – White reported Triple Crown was proposing a new hotel project for next year and Staff provided them a checklist to get started; the City Administrator selection process was contracted to KRW; and several developers expressed interest in a residential housing projects and Staff would be presenting the Council additional information soon.
  - B. Finance Director – Harris reported on COVID statistics stating there had been an increase of 1 new case in Cripple Creek and 24 in Teller County.
6. **NEW BUSINESS**
  - A. **SECOND READING** to consider adoption of Ordinance 2021-08 an ordinance vacating approximately 28,464 square feet of the Pikes Peak Avenue right of way and adjacent alleyways; including that portion of 60-foot Pikes Peak Avenue lying Between the east line of Prospect Street and the west line of Fifth Street (formerly Colorado Hwy 67); together with the 16 foot alleys in Blocks 19 and 30 between the north line of Golden Avenue and the south line of Galena Avenue, Lots 2-4 of Lots 1-10, Block A, Gold Flats Addition, in the City of Cripple Creek; Alyssa Rivas, City Planner. There were no questions from Council and there was no public comment. **MOTION** by Councilwoman Trenary and seconded by Councilwoman Rozell to approve second reading of Ordinance 2021-08 an ordinance vacating approximately 28,464 square feet of the Pikes Peak Avenue right of way and adjacent alleyways; including that portion of 60-foot Pikes Peak Avenue lying Between the east line of Prospect Street and the west line of Fifth Street (formerly Colorado Hwy 67); together with the 16 foot alleys in Blocks 19 and 30 between the north line of Golden Avenue and the south line of Galena Avenue, Lots 2-4 of Lots 1-10, Block A, Gold Flats Addition, in the City of Cripple Creek as presented. Motion carried unanimously.
  - B. **SECOND READING** to consider adoption Ordinance 2021-09 an ordinance waiving Water and Sewer Tap Fees and infrastructure costs for residential development in order to promote residential development and economic development in the City of Cripple Creek for a specified time to and through June 2, 2024 unless earlier rescinded or extended by the City Council for the City of Cripple Creek; Erin Smith, City Attorney. **MOTION** by Councilwoman Rozell and seconded by Councilman Solomone to approve Ordinance 2021-09 an ordinance waiving Water and Sewer Tap Fees and infrastructure costs for residential development in order to promote residential development and economic development in the City of Cripple Creek for a specified time to and through June 2, 2024 unless earlier rescinded or extended by the City Council for the City of Cripple Creek. Motion carried unanimously.
  - C. Consider approval of Resolution No. 2021-15 approving the application for a Conditional Use Permit for five new Single-Family homes located in the C-1 Industrial Zone District; at certain real property described as Lots 1-11, Block 5, First Addition, 305 S. Second Street, Cripple Creek, Colorado; Alyssa Rivas, City Planner. Maurice Woods, property owner, addressed the Council requesting ability to recover fees to future users who would tie into the line. Following a brief discussion, City Attorney Smith advised this was possible via a Cost Recovery Agreement (CRA). Smith provided direction for the changing the agreement condition. **MOTION** by Councilwoman Rozell and seconded by Councilman Solomone to approve Resolution 2021-15 a resolution approving the application for a Conditional Use

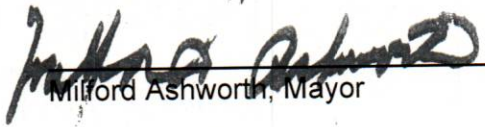


Permit for five new Single-Family homes located in the C-1 Industrial Zone District; at certain real property described as Lots 1-11, Block 5, First Addition, 305 S. Second Street, Cripple Creek, Colorado with condition 3 amended to read "A new water main will be installed from Warren Ave south toward May Ave with City specifications and Staff will amend the resolution to include a Cost Recovery Agreement for the future users who would tie into those installs, add a clause that sunsets at 10 years with a calculation that is amenable to the applicant." Motion carried unanimously.

- D. Consider approval of Notice of Award for contractor selection for the Community Development Block Grant, Community of Caring Remodel Project at 100 W. Bennett Avenue, Cripple Creek, CO: Jeff Mosher, Marketing & Events Director. Mosher provided an overview of the recent bid application process and requested Council approve notice of award. He stated the construction contract would be presented to Council and the August 4 meeting. **MOTION** by Councilwoman Rozell and seconded by Mayor Pro Tem Litherland to approve Notice of Award for contractor selection for the Community Development Block Grant, Community of Caring Remodel Project at 100 W Bennett Ave, Cripple Creek, CO as presented. Motion carried unanimously.

7. **ADJOURNMENT** – There being no further business before the Cripple Creek City Council, Mayor Pro Tem Litherland adjourned the meeting at 5:58 PM.

**APPROVED:**

  
Milford Ashworth, Mayor

**ATTEST:**

  
Janell Sciacca, City Clerk





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**REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, AUGUST 4, 2021  
5:30 PM**

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

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. **PLEDGE OF ALLEGIANCE** – Mayor Ashworth led the Pledge of Allegiance.
3. **ROLL CALL** – City Clerk Sciacca called the roll. Present in Chambers were, Mayor Milford Ashworth, Mayor Pro Tem Tom Litherland and Councilmembers Charles Solomone, Meghan Rozell and Melissa Trenary. Staff present in Chambers were City Clerk Janell Sciacca, City Administrator Ray White, City Attorney Erin Smith, Finance Director Paul Harris, Police Chief Charles Bright, Marketing & Events Director Jeff Mosher, Deputy City Clerk Malissa Gish, Historic Preservation and Planning Coordinator Renee Mueller.
4. **PUBLIC COMMENT** –
  - A. Request for Housing Development Incentives presentation(s). The following presented their respective request contained in the Council packet – John Vasilacus, REI/Century; Moshen Bagherian & Tom Longbothan; and James Krull, Maurice & Lois Woods. Administrator White advised that Staff was still determining how best to present these for formal action and would try to bring them back for the August 18 meeting.
5. **REPORTS**
  - A. City Administrator – White reported on the City Administrator selection process that was contracted to KRW; and gave an update on Fire Chief interview process stating two finalist interviews were scheduled for August 26, 2021.
  - B. Finance Director – Harris reported on COVID statistics stating there were 2 new cases in Cripple Creek and 7 in Teller County in August. There was a total of 73 new cases in July throughout Teller County; and reported Gaming was strong and bouncing back, however, the city's finances were still down.
6. **NEW BUSINESS**
  - A. Consider request from Two Mile High Club for \$3,000 donation for GIVE Campaign of the Pikes Peak Region Matching Grant Campaign to complete the Cripple Creek Donkey Barn; Curt Sorenson, Two Mile High Club President. Sorenson presented providing an overview of the request. He stated that The City would ultimately own the barn. Finance Director Harris advised Council there was no money in the community allocation fund to help with this project this budget season. **MOTION** by Councilwoman Rozell and seconded by Councilwoman Trenary to table the request at this time. Motion carried 4-0 with Mayor Pro Tem Litherland recusing himself due to conflict.
  - B. Consider approval of renewal of a Professional Services Agreement with Baseline Engineering Corporation for Planning & Development Related Services; Ray White, Interim City Administrator. White presented stating his evaluation of Baseline's services was "very favorable" and the only changes were related to hourly rates which were adjusted to a minimal level. **MOTION** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve the Professional Service Agreement with Baseline Engineering Corporation as presented. Motion carried unanimously.
  - C. Consider approval of Construction Agreement with Hartland Reliant-JV for CDBG Contract #20-511 City of Cripple Creek Community of Caring Building Rehab Project at 100 W. Bennett Avenue; Jeff Mosher, Marketing & Events Director and Ted Borden, Community of Caring Executive Director. Mosher presented requesting approval to award the construction agreement and authorization for the City Administrator to sign the associated Notice to Proceed. **MOTION** by Councilwoman Rozell and seconded by Mayor Pro Tem Litherland to approve the Construction Agreement with Hartland Reliant-JV for CDBG Contract #20-511 City of Cripple Creek Community of Caring Building Rehab Project at 100 W. Bennett Avenue and approve the City Administrator to post any required notices regarding said project. Motion carried unanimously.
  - D. **FIRST READING** to consider approval of Ordinance 2021-11 an ordinance of the City Council of the City of Cripple Creek, Colorado amending Chapter 18, Article 19 of the Municipal Code of the City of Cripple Creek and related portions of the Cripple Creek Development Code Related to Manufactured Homes; Erin Smith, City Attorney. Smith presented providing an overview and stated the proposed changes were mostly housekeeping but also aligned with new state law passed in 2021. She stated the major



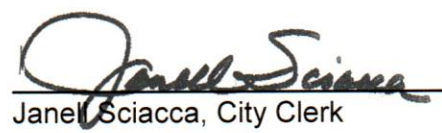
change would allow manufactured and modular homes as a permitted use in all residential districts. **MOTION** by Councilwoman Rozell and seconded by Mayor Pro Tem Litherland to approve Ordinance 2021-11 an ordinance of the City Council of the City of Cripple Creek, Colorado amending Chapter 18, Article 19 of the Municipal Code of the City of Cripple Creek and related portions of the Cripple Creek Development Code Related to Manufactured Homes as presented. Motion carried unanimously.

- E. **SECOND READING** to consider adoption of Ordinance 2021-10 an ordinance determining to follow the provisions of the Uniform Election Code for the November 2021 Coordinated Election; Janell Sciacca, City Clerk. Sciacca presented providing an overview of the purpose of the ordinance and advising this was a house-keeping item required by the City Code and Statute. She recommended approval. **MOTION** by Mayor Pro Tem Litherland and seconded by Councilwoman Rozell to approve adoption of Ordinance 2021-10 an ordinance determining to follow the provisions of the Uniform Election Code for the November 2021 Coordinated Election as presented. Motion carried unanimously.
- F. Consider approval of Resolution 2021-16 authorizing an Intergovernmental Agreement by and between Teller County, by the Teller County Clerk and Recorder, and the City of Cripple Creek, Colorado regarding the administration of respective duties concerning conduct of the November 2, 2021
- G. Coordinated Election; Janell Sciacca, City Clerk. Sciacca presented providing an overview of the purpose of the Resolution and agreement and recommended approval. **MOTION** by Mayor Pro Tem Litherland and seconded by Mayor Ashworth to approve Resolution 2021-16 authorizing an Intergovernmental Agreement by and between Teller County, by the Teller County Clerk and Recorder, and the City of Cripple Creek, Colorado regarding the administration of respective duties concerning conduct of the November 2, 2021 Coordinated Election as presented. Motion carried unanimously.
7. **ADJOURNMENT** – There being no further business before the Cripple Creek City Council, Mayor Ashworth adjourned the meeting at 6:15 PM.

**APPROVED:**

  
Milford Ashworth, Mayor

**ATTEST:**

  
Janell Sciacca, City Clerk





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**REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, August 18, 2021  
5:30 PM**

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

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. **PLEDGE OF ALLEGIANCE** – Mayor Ashworth led the Pledge of Allegiance.
3. **ROLL CALL** – City Clerk Sciacca called the roll. Present in Chambers were, Mayor Milford Ashworth, Mayor Pro Tem Tom Litherland and Councilmembers Charles Solomone, Meghan Rozell and Melissa Trenary. Staff present in Chambers were City Clerk Janell Sciacca, City Administrator Ray White, City Attorney Erin Smith, Finance Director Paul Harris, Marketing & Events Director Jeff Mosher, Deputy City Clerk Malissa Gish; Historic Preservation and Planning Coordinator Renee Mueller, Public Works Director Steve DiCamillo, and HR and Risk Management Director Carol Stotts.
4. **PUBLIC COMMENT** –
  - A. Local resident, Julia Reeser expressed her concerns regarding the lights from the Bronco Billy's construction project's crane being a nuisance and a health concern to residents. Mayor Ashworth advised that Staff address the concern.
  - B. Mark Green, Vice President of the Two mile High Club extended his sincere gratitude to Marketing & Events Director Jeff Mosher, and Public Works Director Steve DiCamillo and his crew for the efforts put forth during Donkey Derby Days event.
5. **REPORTS**
  - A. City Administrator – White announced Deb Hack's retirement and recognized her for her 29 years of service to the City. White announced the resignation of Janell Sciacca and thanked her for her service. White reported on the Annual Memorial Wall Dedication Luncheon followed by Wall dedication Sunday August 22. He invited Staff to attend. White notified Staff of the current TSA mask extension until January 18, 2022 for mass transit.
  - B. Finance Director – Harris reported on COVID statistics stating there were 0 new cases in the past week and Teller County has added 31 new cases in August thus far. 1 new death was reported.
6. **NEW BUSINESS**
  - A. Consider approval of Lease Agreement with Pikes Peak Television for housing of Radio and Television Transmitting Equipment; Paul Harris, Finance Director. **MOTION** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve Lease Agreement with Pikes Peak Television for housing of Radio and Television Transmitting Equipment for an additional three (3) years at a rate of \$175.00 per year. Motion carried unanimously.


**MAYOR ASHWORTH CHANGED THE ORDER OF THE FOLLOWING ITEMS: B TO C AND C TO B**

- B. Consider approval of City of Cripple Creek Improvements Payback Agreement Lots 1-11, Block 5, First Addition, 305 S Second Street, Cripple Creek, Colorado; submitted by James Kroll; Alyssa Rivas, City Planner & Jeff Mosher, Marketing & Events Director. Rivas reported on the request for and Improvement Payback Agreement between the City of Cripple Creek and James Kroll. Applicant responded affirmatively- Lois and Maurice Woods. **MOTION** by Councilwoman Rozell and seconded by Councilwoman Trenary to approve City of Cripple Creek Improvements Payback Agreement Lots 1-11, Block 5, First Addition, 305 S Second Street, Cripple Creek, Colorado as presented with remaining items to be negotiated between the developer and Staff and only inflation not to exceed three (3) percent. Motion carried unanimously.
- C. Consider approval of Development Incentive Program Update; Jeff Mosher, Marketing and Events Director Mosher presented an overview of the application process a developer would complete to go forward with development. Requesting approval of the presented application format for incentives. City Attorney Smith stated that the Mayor would sign the final Agreement unless the Council makes a formal delegation in Legislative fashion either by blanket Resolution or an Ordinance. Consensus of the Board was unanimous, and direction was given to move forward.

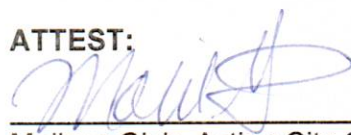


- D. Request for Appointment of Malissa Gish as Acting City Clerk until such time the City Council Appoints a City Clerk; Carol Stotts, HR & Risk Management Director. **MOTION** by Councilwoman Trenary and seconded by Councilwoman Rozell to appoint Malissa Gish acting City Clerk until such time City Council appoints one.
7. **ADJOURNMENT** – There being no further business before the Cripple Creek City Council, Mayor Ashworth adjourned the meeting at 6:37 PM.

APPROVED:

  
Milford Ashworth, Mayor

ATTEST:

  
Malissa Gish, Acting City Clerk





*Real Fun. Real Colorado.*

## September 1, 2021 Regular Meeting Minutes

5:30 PM

Mayor Ashworth called the regular meeting of the City Council to order. Present were Councilman Solomane, Councilwoman Rozell, Councilwoman Trenary, Mayor Pro Tem Litherland, Malissa Gish, Paul Harris, Heather Hildebrandt, Jeff Mosher, Ray White, Steve DiCamillo, City Attorney Erin Smith, Renee Mueller (phone), and Alyssa Rivas via Zoom.

### PUBLIC COMMENT:

Curt Sorenson with 2 Mile High Club commented on the recent Donkey Derby Days. It was successful but could have been more successful with extended help from the city.

Ellen Moore with 2 Mile High Club commented on the outcome during Donkey Derby Days. Requested the City consider funding the historic Donkey Derby Days in 2022.

Michael Lindsey with Gold Camp Association thanks the City and asks for partnership with the City.

Armando Ferrero, requested Staff keep in mind the impact Donkey Derby Days has on the community.

Kathi Pilcher with Gold Camp Victorian Society presenting her flyer for the upcoming Cemetery Tours September 18 & 19, 2021.

### ADMINISTRATOR REPORT:

Interviews for the Fire Chief were conducted, an offer was extended, the applicant did not accept the offer. White will reach out to another candidate to see if he is interested in the position. Chief Lohmeier will remain interim until someone is hired.

Some progress is being made to fill the administrative assistant position to help the City Clerk. Three qualified applicants will be receiving interview requests.

White has reached out to Saul regarding representing the City for COVID relief funds that may be available for rural communities.

White addressed Sorenson's comment regarding IT issues during Donkey Derby Days. IT department has been directed to establish a public access location to City's WIFI.

White announced the holding of a Special Meeting to be held September 10, 2021 at 3:00 pm for Incentive Issues and receiving a final report from Historic Preservation Committee on the Century project.

### FINANCE DIRECTOR REPORT:

Harris reports and increase in COVID numbers. In August there were 115 new cases which is up 40 or 58% from July. Cripple Creek reported 9 new cases in August. We are following an upward trend.

### PUBLIC HEARINGS

**PLANNING COMMISSION & CITY COUNCIL HEARING** to consider request from Boulder Run Investments LLC to rezone the existing vacant lots from R-2 (Limited Residential) to R-3/4 (Neighborhood Residential) to accommodate future housing; submitted by John Vasilakis, and more particularly described to wit as Lots 10-13, Block 22, Freeman Placer Addition Cripple Creek, CO; Alyssa Rivas, City Planner.



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Public Hearing was held for rezoning existing vacant Lots 10-13, Block 22, Freeman Placer Addition from R2 to R3/4. Applicant is John Vasilakis on behalf of Boulder Run Investments. Mayor Ashworth began with an Opening Statement provided by Attorney Smith. Alyssa Rivas, City Planner presented her case as outlined in the packet items. Rivas noted the lot size in question is around 3000 sf and more consistent with the R3/4 zone than the current R2 zone. Leaving the zoning as is will require additional land and increase the cost of the homes. This rezoning will be more appropriate for the lot sizes. Rivas added the following Staff requested conditions: 1. A front porch must be added to each house 2. Pavement, sidewalks, and any other portions of public right of way shall be repaired if damaged during construction. She noted the goal is for the housing to be completed by the end of the current year. Applicant did request Development Incentive Request for reimbursement of all tap fees. John Vasilakis reiterated his development plan and that this represents the first three of the twenty-five affordable homes planned. Vasilakis responded to a question from Mark Green regarding the fact these are not HUD homes, rather they are IRC approved and are permanent structures. Public comment was closed. Motion by Councilwoman Rozell to approve rezoning existing vacant Lots 10-13, Block 22, Freeman Placer Addition from R2 to R3/4 with the Staff qualifications and requirements for a front porch addition and that all pavement, sidewalks, and any other portions of the public right of way be repaired or replaced if damaged during construction, and for Staff to prepare an Ordinance for City Council to codify. Motion seconded by Councilman Litherland. Motion carried unanimously.

**PLANNING COMMISSION & CITY COUNCIL HEARING** to consider request from REI Services LLC to rezone the existing vacant lots from R-1 (Edge Residential) to R-3/4 (Neighborhood Residential) to accommodate future housing; submitted by John Vasilakis, and more particularly described to wit as Lots 25-26, Block 35, Hayden Placer Addition, Cripple Creek, CO; Alyssa Rivas, City Planner. Alyssa Rivas, City Planner presented her case as outlined in the packet items. Rivas added the following Staff requested conditions: 1. A front porch must be added to each house 2. Pavement, sidewalks, and any other portions of public right of way shall be repaired if damaged during construction. Applicant did request Development Incentive Request for reimbursement of all tap fees. Vasilakis noted the actual building will sit lower than the photo depicts. Applicant will be putting in culverts for street parking. Public comment was closed. Motion by Councilwoman Rozell to approve the request from REI Services LLC to rezone the existing vacant lots from R-1 (Edge Residential) to R-3/4 (Neighborhood Residential) to accommodate future housing; submitted by John Vasilakis, and more particularly described to wit as Lots 25-26, Block 35, Hayden Placer Addition, Cripple Creek, CO with the Staff qualifications and requirements for a front porch addition and that all pavement, sidewalks, and any other portions of the public right of way be repaired or replaced if damaged during construction, and for Staff to prepare an Ordinance for City Council to codify. Motion seconded by Councilwoman Trenary. Motion carried unanimously.

**PLANNING COMMISSION & CITY COUNCIL HEARING** to consider request from WMCK Venture Corp, dba Century Casino & Hotel, for a Certificate of Appropriateness and Special Exception to construct three 4-plex modular buildings (12 units of housing total) on Masonic Avenue; submitted by John Vasilakis, and more particularly described to wit as Lots 6 -10 Block 29, Freemont Addition & W 5FT 8IN OF Lot 5, Block 29 Fremont Addition, Cripple Creek, CO; Alyssa Rivas, City Planner. Alyssa Rivas, City Planner presented her case as outlined in the packet items. The proposed elevation does differ from the photos in the packet, applicant is pursuing a Certificate of Appropriateness due to the location in the Downtown District B Zone. Applicant John Vasilakis stated the parking situation is owned by Century. Eric Rose commented on the Council's question regarding the housing being considered only for employees of the Century Casino. His comment states it will be open to the general public as well as employees. These units will be rentals. The property will be replatted. Motion by Councilwoman Rozell, pending the Certificate of Appropriateness approval, to approve the request from WMCK Venture Corp, dba Century Casino & Hotel for a Certificate of Appropriateness and Special Exemption to construct three 4 plex modular buildings, 12 units total, on Masonic Ave, as submitted, described as Lots 6 -10 Block 29, Freemont Addition Lot 5, Block 29 Fremont Addition, Cripple Creek, CO, with the Staff recommendations that 1. The Applicant shall replat the existing




parking lot east of the subject property Lot 5 Block 29 Cripple Creek Freemont Addition including adjacent north to alley as described as 639470, so that is included with the proposed housing on Lots 6-10, Block 29, Freemont Addition & W 5ft or the entirety of Lot 5 Block 29 Fremont Addition. In addition, the Applicant shall vacate the interior lot lines in order to construct three new buildings across 5 lots. The vacation shall be included in the replat, and it shall be addressed administratively. The replat and lot line vacation shall be done in a time frame of 12 months of the date of the Councils approval Resolution. Motion seconded by Councilwoman Trenary. Motion carried unanimously.

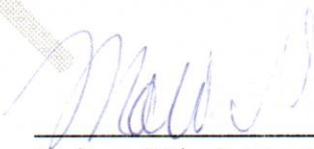
#### **NEW BUSINESS**

Items A,B, and C were tabled at this time and set on an agenda for A special Meeting scheduled for September 10, 2021 at 3:00 PM. Mayor Ashworth motioned to table items A,B, and C until September 10<sup>th</sup> Special Meeting. Councilwoman Trenary seconded, with Councilwoman Rozell abstaining, all others "yes".

**CONSIDER EMPLOYMENT AGREEMENT** with Ray White for Temporary City Administrator. Motion By Mayor Pro Tem Litherland to approve Employment Agreement with Ray White for Temporary City Administrator. Seconded by Councilwoman Trenary. Motion carried unanimously.

**ADJOURNMENT**- No further business was presented before the Council. Mayor Ashworth adjourned the meeting at 6:46 PM.

  
Milford Ashworth, Mayor

  
Malissa Gish, Acting City Clerk





## September 15, 2021 Regular Meeting Minutes

Mayor Ashworth called the regular meeting of the City Council to order at 5:30 PM. Present in Council Chambers were Councilman Solomane, Councilwoman Trenary, Mayor Pro Tem Litherland, Councilwoman Rozell, Melissa Beaty, Malissa Gish, Paul Harris, Ray White, Steve DiCamillo, City Attorney Erin Smith, Renee Mueller. Alyssa Rivas joined via Zoom.

### REPORTS

**City Administrator Ray White** reported on the progress on filling some staff positions: A Planning and Development Coordinator; A Temporary Part Time Administrative Assistant for Public Works; A Temporary Part Time Administrative Assistant for the City Clerk's Office. White recognizes Sonny Brown (Firefighter) for his 10 years of service.

Fire Chief interviews scheduled for Monday September 20, 2021.

Baseline has a 2<sup>nd</sup> Planner that will operate out of Colorado Springs with the intent to work in conjunction with Alyssa Rivas for an additional resource for the Planning Department. He will meet Staff September 21, 2021 in Cripple Creek.

**Finance Director Paul Harris** reported an increase in COVID cases. Cripple Creek reported 10 new cases in 14 days. Teller County reported 54.4% of the population has been vaccinated.

**Council Approved Meeting Minutes from September 1, 2021 Regular Meeting and September 10, 2021 Special Meeting as written.**

### NEW BUSINESS

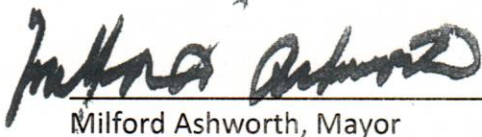
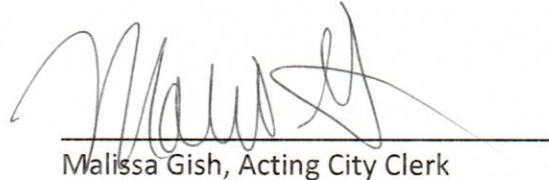
- A. Approval of Certification of Delinquent Water & Sewer Accounts to Teller County Treasurer; Melissa Beaty, Finance/Accounts Payable. Beaty reports there were only four more outstanding accounts than last year. The first five were certified last year, only two were renter at fault. Motion by Councilwoman Rozell and seconded by Councilwoman Trenary to approve Certification of Delinquent Water & Sewer Accounts to Teller County Treasurer; Melissa Beaty, Finance/Accounts Payable. Motion carried unanimously.
- B. **FIRST READING to consider adoption of Ordinance 2021-13**, an ordinance approving the request to rezone the existing vacant lots on Thurlow Avenue from R-2 (Limited Residential) to R-3/4 (Neighborhood Residential) to accommodate future housing; submitted by John Vasilakis on behalf of Boulder Run Investments LLC, and more particularly described to wit as Lots 10-13, Block 22, Freeman Placer Addition Cripple Creek, CO; Alyssa Rivas, City Planner. Motion by Councilwoman Rozell and seconded by Councilman Solomane to approve adoption of Ordinance 2021-13, an ordinance approving the request to rezone the existing vacant lots on Thurlow Avenue from R-2 (Limited Residential) to R-3/4 (Neighborhood Residential) to accommodate future housing. Motion carried unanimously.
- C. **FIRST READING to consider adoption of Ordinance 2021-14**, an ordinance approving the request to rezone the existing vacant lots on Crystal Street from R-1 (Edge Residential) to R-3/4 (Neighborhood Residential) to accommodate future housing; submitted by John Vasilakis on behalf of REI Services LLC, and more particularly described to wit as Lots 25-26, Block 35, Hayden Placer, Cripple Creek, CO; Alyssa Rivas, City Planner. Motion by Councilwoman Rozell and seconded by Councilman Solomane to approve the adoption of Ordinance 2021-14, an ordinance approving the request to rezone the existing vacant lots on Crystal Street from R-1 (Edge Residential) to R-3/4 (Neighborhood Residential) to accommodate future housing; submitted by John Vasilakis on behalf of REI Services LLC,



and more particularly described to wit as Lots 25-26, Block 35, Hayden Placer, Cripple Creek, CO. Motion carried unanimously.

- D. **Consider approval of Resolution No. 2021-17**, a resolution approving the request from WMCK Venture Corp, dba Century Casino & Hotel, for a Certificate of Appropriateness and Special Exception to construct three, four-plex modular buildings (12 units of housing total) on Masonic Avenue; submitted by John Vasilakis, and more particularly described to wit as Lots 6-10 Block 29, Freemont Addition & W 5FT 8IN OF Lot 5, Block 29 Fremont Addition, Cripple Creek, CO; Alyssa Rivas, City Planner. Motion by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve of Resolution No. 2021-17, a resolution approving the request from WMCK Venture Corp, dba Century Casino & Hotel, for a Certificate of Appropriateness and Special Exception to construct three, four-plex modular buildings (12 units of housing total) on Masonic Avenue; submitted by John Vasilakis, and more particularly described to wit as Lots 6-10 Block 29, Freemont Addition & W 5FT 8IN OF Lot 5, Block 29 Fremont Addition, Cripple Creek, CO. Councilwoman Rozell abstained out of formality. Motion carried otherwise.

**ADJOURNMENT-** No further business was presented before the Council. Mayor Ashworth adjourned the meeting at 5:43 PM.

  
Milford Ashworth, Mayor  
Malissa Gish, Acting City Clerk





## October 6, 2021 Regular Meeting Minutes

Mayor Ashworth called the regular meeting of the City Council to order at 5:30 PM. Present in Council Chambers were Councilman Solomane, Councilwoman Trenary, Mayor Pro Tem Litherland, Councilwoman Rozell, Ray White, Paul Harris, City Attorney Erin Smith, Malissa Gish, Carol Stotts, Lara Loewenheim, Alyssa Rivas and Ryan Helle joined via Zoom.

### REPORTS

**City Administrator Ray White** reported on the progress on filling some staff positions: Joseph O'Connor signed his conditional offer for the position of Fire Chief. He should begin employment the first week of January [2022]. Ryan Lohmeier has accepted his extension of Acting Fire Chief until then; Lara Loewenheim has accepted the position for Temporary Part Time Administrative Assistant for the City Clerk's Office; We are still waiting on the summary from KRW regarding the semi-finalists in the City Administrator Selection Process. White anticipates he will have that summary within the next few weeks; White has invited Sol Malick to present a Legislative update to Council November 17, 2021.

**Finance Director Paul Harris** reported September 2021, being the third worst month for COVID so far in terms of case counts. Teller County added 339 new cases, Cripple Creek reported 21 new cases in September. 14 new cases in October already. There have been five Teller County deaths in September and one already in October. Teller County reported 54.1% of the population has been vaccinated.

**Council Approved Meeting Minutes from September 15 2021 Regular Meeting as written.**

**Proclamations** A video from Andy Vick, Executive Director of the Cultural Office of the Pikes Peak Region, was presented. October is Arts Month Proclamation was read and signed by Mayor Ashworth.

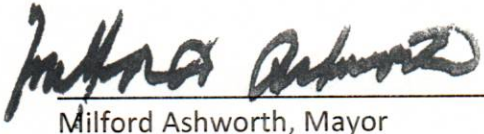
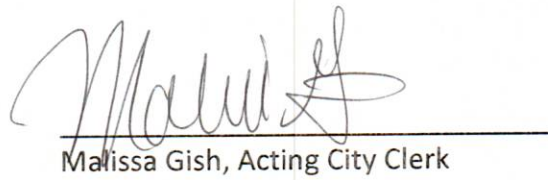
### NEW BUSINESS

- A. Approval of City Employee Healthcare and Ancillary Benefits Renewal; Carol Stotts, HR & Risk Management Director. Carol presented the new Benefits package citing there was a 3% increase for employees. The average trend is 5-12%. There are no other changes to our Health Care Plans. Motion to approve the City Employee Healthcare and Ancillary Benefits Renewal was Motioned by Mayor Pro Tem Litherland and seconded by Councilwoman Rozell. Motion carried unanimously.
- B. **SECOND READING to consider adoption of Ordinance 2021-13**, an Ordinance adopting the rezoning of the Property Consisting of Lots 10-13, Block 22, Freeman Placer, Cripple Creek, from R-2 (Limited Residential) to R-3/4 (Neighborhood Residential) to accommodate future housing; submitted by John Vasilakis on behalf of Boulder Run Investments LLC; Alyssa Rivas, City Planner. Rivas specified no changes since the presentation from September 1, 2021. Motion by Councilwoman Rozell and seconded by Councilman Solomane to approve adoption of Ordinance 2021-13, an Ordinance adopting the rezoning of the property consisting of Lots 10-13, Block 22, Freeman Placer, Cripple Creek, from R-2 (Limited Residential) to R-3/4 (Neighborhood Residential) to accommodate future housing; . Motion carried unanimously.
- C. **SECOND READING to consider adoption of Ordinance 2021-14**, an ordinance adopting the request to rezone the Property Consisting of Lots 25-26, Block 35, Hayden Placer, Cripple Creek, CO from R-1 (Edge Residential) to R-3/4 (Neighborhood Residential) to



accommodate future housing; submitted by John Vasilakis on behalf of REI Services LLC; Alyssa Rivas, City Planner. Rivas specified no changes since the 3 presentation from September 1, 2021. Motion by Councilwoman Rozell and seconded by Councilman Solomane to approve the adoption of Ordinance 2021-14, an ordinance adopting the request to rezone the Property Consisting of Lots 25-26, Block 35, Hayden Placer, Cripple Creek, CO from R-1 (Edge Residential) to R-3/4 (Neighborhood Residential) to accommodate future housing. Motion carried unanimously.

**ADJOURNMENT-** No further business was presented before the Council. Mayor Ashworth adjourned the meeting at 5:50 PM.

  
Milford Ashworth, Mayor  
Malissa Gish, Acting City Clerk





#### **October 20, 2021 Regular Meeting Minutes**

Mayor Ashworth called the regular meeting of the City Council to order at 5:30 PM. Present in Council Chambers were Councilman Solomone, Councilwoman Trenary, Mayor Pro Tem Litherland, Councilwoman Rozell, Ray White, Paul Harris, City Attorney Erin Smith, Malissa Gish, Carol Stotts, Lara Loewenheim, Charles "Bud" Bright, Steve DiCamillo, Jeff Mosher, and Renee Mueller.

**Council Approved Meeting Minutes from October 6, 2021, Regular Meeting as written. Motion carried unanimously.**

#### **REPORTS**

**City Administrator; Ray White** reported the reintroduction of Deb Hack back into the workforce as Custodial Coordinator. Custodial is down 3 personnel currently. White reports the Incentives continue to generate interest in development. There is another preliminary Development Meeting for another 30-home project on the horizon with more in the pipeline.

**Finance Director; Paul Harris** reported October 2021, being worse than September for COVID. Cripple Creek is adding many cases locally with 42 new cases, up 21 from September, in October. Teller County added 305 new cases totaling 2,753. Teller County is reporting that 54.6% of the eligible population is fully vaccinated.

**Renee Mueller Historic Preservation Coordinator** publicly recognized The Gold Camp Victorian Society for their efforts maintaining and beautifying the Children's Cemetery Grounds. Nine (9) volunteers worked diligently, going so far as using a required historical blend of whitewash for the fences. Mayor Ashworth also publicly recognized and thanked the Society as well.

#### **NEW BUSINESS**

**Carol Stotts** recommended approval of appointment of Joseph "Joe" O'Connor as Fire Chief for The City of Cripple Creek. Stotts reported he will begin employment the first week of January. Motion by Mayor Pro Tem Litherland and seconded by Councilman Solomone to approve the appointment of Joseph "Joe" O'Connor as Fire Chief for The City of Cripple Creek. Motion carried unanimously.

- A. Consider approval of The City of Cripple Creek Improvements Payback Agreement Lots 1-11, Block 5, First Addition, 305 S Second Street, Cripple Creek, Co. Attorney Erin Smith presented the final form of the Agreement, referring to Exhibit B regarding the payback

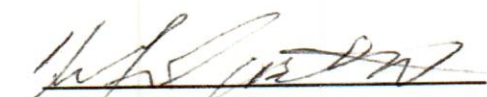


figures. Smith states that this Agreement does impose obligations that the developers complete the water line installation. Motion by Councilwoman Rozell and seconded by Councilman Solomone to approve The City of Cripple Creek Improvements Payback Agreement for Lots 1-11, Block 5, First Addition, 305 S Second Street, Cripple Creek, CO as to form. Motion carried unanimously.

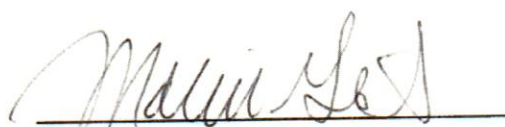
- B. Consider approval for an Agreement for Economic Inducements and Development Incentives, Attorney Erin Smith. Smith commends Staff and Council for their hard work on creating the plan with a rapid pace. The Agreement memorializes the tap fee waiver and the materials incentive for the developer. The Agreement does condition the granting of the incentives on the developer completing the development in compliance with the Ordinance previously passed. Motion by Councilwoman Rozell and seconded by Councilwoman Trenary to approve an Agreement for Economic Inducements and Development Incentives. Motion carried unanimously.
- C. Consider Renewal of lease between the City of Cripple Creek and Community of Caring for the basement area of the greenhouse at Lots 1-10 inclusive, Block 22 Freemont Addition; Paul Harris, Finance Director. Motion by Mayor Ashworth and seconded by Mayor Pro Tem Litherland to approve the Renewal of the lease between the City of Cripple Creek and the Community of Caring for the basement area of the greenhouse at Lots 1-10 inclusive, Block 22 Freemont Addition, Cripple Creek, CO. Motion carried unanimously.
- D. First Reading to consider approval of Ordinance 2021-12 Amending Chapter 4, Article 5 of the Cripple Creek Municipal Code relating to Gaming Device Fees to remove the exemption for the first fifty (50) devices and relating to the duties of the City Finance Director; Paul Harris, Finance Director. Councilwoman Trenary recused and removed herself from this item explaining her employment with one of the casinos being a conflict of interest. Harris summarized the preceding Work Session regarding device fees. The break on the first fifty (50) was put in place in 2004 with the device fees in the first quarter from \$300.00 to \$50.00, second quarter from \$300.00 to \$100.00, and the third and fourth quarters from \$300.00 to \$225.00. A discussion with the casinos regarding reasons why the device fees needed to change occurred. The cost to the industry would be \$360,000 annually; or \$30,000 per license. The secondary aspect of the Ordinance refers to changing the responsibility of the device counts and finances from the Clerk's office to the Finance Director. Jeff Weist, Cripple Creek Casino Association reiterated his concerns from the work session regarding the impact of the decision the change in device fees would impose on casinos. Weist suggested alternate options for the fees. Councilwoman Rozell and Mayor Pro Tem Litherland stated their concerns regarding the ideas the casino operators may have on the device fees. Mayor Ashworth suggested to terminate the device fee exemption and not put a "sunset" on it. Motion by Mayor Pro Tem Litherland and seconded by Councilman Solomone to approve Ordinance 2021-12 Amending Chapter 4, Article 5 of the Cripple Creek Municipal Code relating to Gaming Device Fees to remove the exemption for the first fifty (50) devices and relating to the duties of the City Finance Director. Councilwoman Rozell and Mayor Ashworth stated an affirmative vote, Councilwoman Trenary was recused as stated above.



- E. First reading to consider approval of Ordinance 2021-18 Amending Chapter 4, Article 5 of the Cripple Creek Municipal Code Increasing Gaming Device Fees: Paul Harris, Finance Director. Councilwoman Trenary recused and removed herself from this item explaining her employment with one of the casinos being a conflict of interest. Harris discussed how the fees would financially impact the City's revenue source. Larry Hill; General Manager of Triple Crown Casino proposed that the city look into other ways to generate funds for infrastructure other than relying solely casino fees. The idea of Enterprise Bonds was brought up as a possibility. Council deliberated and decided to table this item until the March 16, 2022, Council Meeting. Council would like to discuss this with the casino operators in further detail. Motion by Councilwoman Rozell and seconded by Mayor Pro Tem Litherland to table Ordinance 2021-18 Amending Chapter 4, Article 5 of the Cripple Creek Municipal Code Increasing Gaming Device Fees until the March 16, 2022, City Council Meeting, at which time Council will discuss whether to pass the Ordinance and at what set rate it will be passed as they so desire. Councilman Solomone and Mayor Ashworth stated an affirmative vote, Councilwoman Trenary recused as stated above.
- F. Approval of the City of Cripple Creek's Participation in the Colorado Opioid Settlement; Ray White, City Administrator. White asked for Council's approval to become a member in the class action lawsuit with Colorado for the Opioid Settlement. Nationally the settlement is for \$22.8 billion; the estimated portion for Colorado will be around \$300,000,000; 20% is allocated towards local governments; Teller County can receive 66.1557% depending on how many counties or municipalities join in the suit; Cripple Creek is looking to receive 17.2992% of the funds being allocated. The initial distribution should be July 2022, funds are computed according to the number of participants involved. Motion by Councilwoman Rozell and second by Mayor Pro Tem Litherland to approve the City of Cripple Creek's participation in the Colorado Opioid Settlement. Motion carried unanimously.
- ADJOURNMENT-** No further business was presented before the Council. Mayor Ashworth adjourned the meeting at 6:24 PM.



Milford Ashworth, Mayor



Malissa Gish, City Clerk









### **November 3, 2021 Regular Meeting Minutes**

Mayor Ashworth called the regular meeting of the City Council to order at 5:30 PM. Present in Council Chambers were Councilman Solomone, Councilwoman Trenary, Mayor Pro Tem Litherland, Councilwoman Rozell, Councilman Green, Ray White, Paul Harris, City Attorney Erin Smith, Malissa Gish, Carol Stotts, Lara Loewenheim, Charles "Bud" Bright, Steve DiCamillo, Camille Krochta, Renee Mueller, Michelle Rozell; Jeff Mosher, Ryan Helle and Alyssa Rivas joined via Zoom.

Councilwoman Rozell stated her last words as a Council Member recognizing Mayor Pro Tem Litherland as a mentor and presented him with a plaque. Mayor Ashworth recognizes Rozell's efforts as a Councilperson and thanks her for her time spent at her seat. City Clerk Gish formally swore in newly elected Councilman Mark Green, and he replaces Rozell on the dais before the meeting continues.

**PUBLIC COMMENT** Annie Durham from CCV School District RE-1 invites Staff and the public to a Veteran's Assembly being held at the High School on November 11, 2021, at 10:30 am. Durham also states the Gazette ran a survey and as a result, the CCV School District was recognized as the 2021 Best Workplace.

Council Approved Meeting Minutes from October 20, 2021, Regular Meeting as written. Motion carried unanimously.

### **REPORTS**

**City Administrator Ray White** reports that KRW has reported that one more City Administrator candidate has dropped out of the application process leaving one finalist to interview. The initial "Meet and Greet" scheduled for November 18, 2021, has been canceled and will be rescheduled when appropriate. The position will be re-announced for more applicants before the process moves forward. Council will be advised on the number of applicants received, after November 19, 2021. White hopes to conduct interviews beginning the first part of December depending on interest. White also reminds Council that Sol Malick, from Peak Government Affairs, will be visiting November 17 to provide a legislative update based on the election results from the state and how they will affect our city.

**Finance Director Paul Harris** recognized Melissa Beaty for her 25 years of service with the City of Cripple Creek. He presented her with a card, signed by Staff, and a gift card. Beaty thanked Staff and Paul Harris for the many years of support. Harris skips the COVID report this evening.

### **PLANNING COMMISSION & CITY COUNCIL HEARING**

Mayor Ashworth opened the Public Hearing for the Right of Way Vacation for a portion of Pikes Peak Avenue and adjacent alley. City Attorney Smith provided the procedural steps that would be followed. No objections were made, and the Hearing proceeded. City Planner Helle presented a PowerPoint of several slides outlining the Staff Report enclosed in Council packets. Helle noted an error on the Staff Report provided siting the Block should be 29 and not 20 as provided. Helle proceeded to provide an overview of the subject applicant request. The property in question is currently vacant and was previously the location of The Cripple Creek Motel that burned down several years earlier. The concept plan outlines the proposed construction of a multi-family housing unit, sports bar, park, and arcade/pavilion. Mayor Ashworth called for anyone supporting the application. No persons stepped forward. Mayor Ashworth called for anyone opposing the application. No opposition was had. Steve DiCamillo expresses that his only concern is with the relocation of some utilities. DiCamillo has contacted the engineers and stated the main is an 8" and can be relocated. Relocating Fiberoptics will be discussed with Forethought. Mayor Pro Tem Litherland asked where the exit for the complex



would be located. DiCamillo stated it would be on Bison St. DiCamillo expressed some future concerns regarding sidewalks but will address them later. Attorney Smith suggested conditions for a motion. Mayor Ashworth called for a motion to close Public Comment. Motion by Councilwoman Trenary and seconded by Councilman Green to close Planning Commission on the ROW Vacation of Pikes Peak Avenue and adjacent alley. Motion was carried unanimously. City Council reconvenes for a vote.

Motion by Mayor Ashworth and seconded by Mayor Pro Tem Litherland to Approve the request from Merit LLC and Jera LLC to vacate a portion of Pikes Peak Avenue and adjacent alley right-of-way between Fifth Street (formerly CO Hwy 67) and Bison Avenue with the following conditions: 1) Developer shall complete certain water main improvements, specifically, discontinuing the main at Bison & Pikes Peak and then reconnecting them at the main at Gas n Roll, tying back in at Pikes Peak and Hwy 67. 2) At Developer's cost 3) Subject to a Utility Relocation Agreement satisfactory to the City Attorney and the City Administrator with performance guarantees that 110% of the estimated cost and to continue that performance guarantee through a one (1) year warranty period. The Ordinance shall be recorded when the relocation is complete. Motion passed unanimously.

### **NEW BUSINESS**

Request for City Council approval of Malissa Gish as City Clerk; Ray White, City Administrator. Motion by Mayor Pro Tem Litherland and seconded by Councilman Solomone to approve the Appointment of Malissa Gish as City Clerk. Motion passed unanimously.

At this time Mayor Ashworth proceeded to formally swear in Malissa Gish as City Clerk.

**A. SECOND READING** to consider adoption of Ordinance 2021-11 an Ordinance of the City Council of the City of Cripple Creek, Colorado amending Chapter 18, Article 19 of the Municipal Code of the City of Cripple Creek, and related portions of the Cripple Creek Development Code Related to Manufactured Homes; Erin Smith, City Attorney. Smith states the code changes clarify that factory-built homes are houses according to the City of Cripple Creek zoning code and are allowed in all residential zones. Motion by Councilwoman Trenary and seconded by Councilman Green to adopt Ordinance 2021-11, an Ordinance of the City Council of the City of Cripple Creek Colorado Amending Chapter 18, Article 19 of the Municipal Code of the City of Cripple Creek and Related Portions of the Cripple Creek Development Code Related to Manufactured Homes. Motion carried unanimously.

**B. SECOND READING** to consider adoption of Ordinance 2021-12 Amending Chapter 4, Article 5 of the Cripple Creek Municipal Code relating to Gaming Device Fees to remove the exemption for the first fifty (50) devices and relating to the duties of the City Finance Director; Paul Harris, Finance Director. Councilwoman Trenary recused herself and removed herself from the dais. Harris summarized what was stated at the November 3, 2021, Council Meeting relating to this Ordinance. This Ordinance will generate \$360,000 in revenue per year based on the current number of devices in town. This equates to around \$30,000 per license. Motion by Mayor Pro Tem Litherland and seconded by Councilman Solomone to adopt Ordinance 2021-12 Amending Chapter 4, Article 5 of the Cripple Creek Municipal Code relating to Gaming Device Fees to remove the exemption for the first fifty (50) devices and relating to the duties of the City Finance Director. Councilwoman Trenary being recused, Motion passed unanimously.

Councilwoman Trenary returns to the dais.

**C. FIRST READING** to consider approval of Ordinance 2021-15 an Ordinance of the City Council of the City of Cripple Creek, Colorado Amending Chapter 13, Article 5 of Municipal Code of the City of Cripple Creek Related to Effective Dates of Water and Sewer Rate Adjustments. Paul Harris; Finance Director. Harris indicates the only change is to change the effective date from April 1, 2022, to January 1, 2022 for rate changes. This will align with the fiscal year and budgetary year. Motion by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to approve Ordinance 2021-15 of the City Council of the City of Cripple Creek, Colorado Amending Chapter 13, Article 5 of Municipal Code of the City of Cripple Creek Related to Effective Dates of Water and Sewer Rate Adjustments. Motion carried unanimously.



- D. FIRST READING** to consider approval of Ordinance 2021-16 an Ordinance of the City Council for the City of Cripple Creek, Colorado imposing a temporary Moratorium on opening and operating a short-term rental and declaring an emergency. Ryan Helle, City Planner. Helle explained the purpose of the Moratorium is to temporarily reduce STRs to increase availability of long term rentals to accommodate more workforce housing. The goal is not to eliminate STR but to balance out the availability of housing for long term residents. The Ordinance imposes a nine (9) month temporary term. Councilwoman Trenary explains how the housing shortage is affected by STR to Councilman Green. Motion by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve Ordinance 2021-16 an Ordinance of the City Council for the City of Cripple Creek, Colorado imposing a temporary Moratorium on opening and operating a short-term rental and declaring an emergency. Councilman Green voted NO, otherwise Ordinance 2021-16 passed.
- E. CONSIDER APPROVAL** of the Agreement between the City of Cripple Creek and the Cripple Creek & Victor Gold Mining Company for Lease of Water. Paul Harris, Finance Director. Harris provided a summary of the key provisions in this lengthy document. This three-year contract calls for 275-acre feet of water. This is a steady number instead of the declining imbalance currently in place. The other component is the negotiation of a base rate of \$1,137.80 per acre-foot. The base rate will adjust upward 4% each year during the length of the Agreement. Motion by Mayor Pro Tem Litherland and seconded by Councilman Green to approve the Agreement between the City of Cripple Creek and the Cripple Creek & Victor Gold Mining Company for Lease of Water. Motion carried unanimously.

**ADJOURNMENT-** No further business was presented before the Council. Mayor Ashworth adjourned the meeting at 6:19 PM.



Milford Ashworth, Mayor



Malissa Gish, City Clerk





### **November 17, 2021, Regular Meeting Minutes**

Mayor Ashworth called the regular meeting of the City Council to order at 5:30 PM. Present in Council Chambers were Councilman Solomone, Councilwoman Trenary, Mayor Pro Tem Litherland, Councilman Green, Ray White, Paul Harris, City Attorney Erin Smith, Malissa Gish, Carol Stotts, Charles "Bud" Bright, Steve DiCamillo, Camille Krochta, Renee Mueller, Jeff Mosher, Ryan Helle; Alyssa Rivas joined via Zoom.

**PUBLIC COMMENT** Annie Durham from CCV School District RE-1 extends a thank you to City Staff, Mayor Ashworth, Jeff Mosher, Todd Haberman, and Michelle Rozell for representing at the Career Exploration Fair at the CCV High School. It was a successful event.

Council Approved Meeting Minutes from November 3, 2021, Regular Meeting as written. Motion carried unanimously.

### **REPORTS**

**City Administrator Ray White** reports that application review for The Butte Director's position has begun. There are a few applicants that look promising. Interviews should begin the first week of December. White reported that Moser is willing to stay with the City until the end of January 2022 to ensure a smooth transition for the new hire.

KRW is still collecting applications for the Administrator position.

White reports that COVID numbers are increasing. Jeff Mosher and some casinos have been working to get more availability of the vaccine to their workers. OSHA mandate is supposed to go into effect December 1. It will impact all employers with over 100 employees which could have a negative impact on the workforce for both the mine and casinos. We will wait to see where this goes.

The Emergency Communications Consolidations Group have been notified that Cripple Creek is opting out of further discussions moving forward with them. Chief Bright advised White that E911 would like to meet for discussions regarding the City's concerns and issues with the project.

**Finance Director Paul Harris** reports that COVID numbers are on the rise with the first 16 days of November have increased 228 in Teller County with 7 deaths.

### **UPDATES**

Sol Malick and Stephanie Legislative Liaisons reported on new legislative updates relating to Cripple Creek. Historic Preservation is back at ground zero after an audit due to misallocation of funds. A bill was run repealing every 5-year mandatory audit. Federal Stimulus money is coming is for housing, childcare, infrastructure, etc. The last session for all leadership positions is coming up, except for one. Alec Garnett, Leroy Garcia, Chris Holbert will not be returning. Hugh McKean will stay. New legislative maps are established and will be approved by the courts changing the political and electoral dynamics of the city and county.

### **NEW BUSINESS**


- A. **FIRST READING** to consider approval of Ordinance 2021-17, an ordinance vacating approximately 14,532 square feet of the Pikes Peak Avenue right of way and adjacent alleyways; including that portion of 60-foot Pikes Peak Avenue lying between the east line of Fifth Street (formerly Colorado Hwy 67) and the west line of 60-foot Bison Street, together with the 16-foot alley in Block 29 between the north line of Wildwood Station Subdivision and the south line of Pikes Peak Avenue, in the City of Cripple Creek; Ryan Helle, City Planner. Helle asked for consideration for a vacation of the unpaved portion of Pikes Peak Avenue between 5<sup>th</sup> Street and Bison across from the Wildwood Casino. The Applicant owns adjacent parcels and would like to redevelop the property to be a mix of residential and commercial usage. This includes conditions that hold a vacation contingent on a utility relocation agreement and site plan approval. Kip Philpe from



Forethought expressed his concerns regarding the underground fiber that is in the area related to this application and encouraged Council to take this into consideration. If the fiber needs relocated, it will be a large undertaking. Motion by Mayor Pro Tem Litherland and seconded by Councilman Green to approve Ordinance 2021-17, an ordinance vacating approximately 14,532 square feet of the Pikes Peak Avenue right of way and adjacent alleyways; including that portion of 60-foot Pikes Peak Avenue lying between the east line of Fifth Street (formerly Colorado Hwy 67) and the west line of 60-foot Bison Street, together with the 16-foot alley in Block 29 between the north line of Wildwood Station Subdivision and the south line of Pikes Peak Avenue, in the City of Cripple Creek with stipulations to review the details of the utilities to be relocated before the second reading. Motion carried unanimously.


- B. **SECOND READING** to consider adoption of Ordinance 2021-15 an Ordinance of the City Council of the City of Cripple Creek, Colorado Amending Chapter 13, Article 5 of Municipal Code of the City of Cripple Creek Related to Effective Dates of Water and Sewer Rate Adjustments. Paul Harris; Finance Director. Harris indicates the only change is to change the effective date from April 1, 2022, to January 1, 2022 for rate changes. This will align with the fiscal year and budgetary year. Motion by Councilwoman Trenary and seconded by Councilman Solomone to adopt Ordinance 2021-15 of the City Council of the City of Cripple Creek, Colorado Amending Chapter 13, Article 5 of Municipal Code of the City of Cripple Creek Related to Effective Dates of Water and Sewer Rate Adjustments. Motion carried unanimously.
- C. **FIRST READING** to consider approval of Ordinance 2021-19 an Ordinance amending Ordinance 2021-01 which amended Ordinance 2018-04 vacating a portion of Second Street within the City of Cripple Creek described in this Ordinance. Erin Smith; City Attorney. Smith briefly summarize items C,D, and E for the Council being they are related. Smith stated that these three items will implement an extension of the completion date for the Bronco Billy's Hotel and Casino. The current date that was agreement bound is December 31, 2022. The new proposed date for extension is July 15, 2023 from the Developer Applicant. Council would be approving an amendment to the agreement which is item E on the agenda. Motion by Councilman Green and seconded by Mayor Pro Tem Litherland to approve Ordinance 2021-19 an Ordinance amending Ordinance 2021-01 which amended Ordinance 2018-04 vacating a portion of Second Street within the City of Cripple Creek described in this Ordinance. Motion carried unanimously.
- D. **FIRST READING** to consider approval Ordinance 2021-20 an Ordinance amending Ordinance 2021-02 which amended Ordinance 2018-05 vacating a portion of an alley within the City of Cripple Creek described in this Ordinance. Erin Smith; City Attorney. See Smith's comments above. Motion by Mayor Pro Tem Litherland and seconded by Councilman Solomone to approve approval Ordinance 2021-20 an Ordinance amending Ordinance 2021-02 which amended Ordinance 2018-05 vacating a portion of an alley within the City of Cripple Creek described in this Ordinance. Motion carried unanimously.
- E. Consider approval of the First Amendment to the Amended and Restated Development Agreement between the City of Cripple Creek and FHR-Colorado, LLC. Erin Smith; City Attorney. See Smith's comments above. Motion by Councilman Green and seconded by Mayor Pro Tem Litherland to approve the First Amendment to the Amended and Restated Development Agreement between the City of Cripple Creek and FHR-Colorado. Motion carried unanimously.

**ADJOURNMENT-** No further business was presented before the Council. Mayor Ashworth adjourned the meeting at 6:11 PM.




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Milford Ashworth, Mayor




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Malissa Gish, City Clerk





## **December 1, 2021, Regular Meeting Minutes**

Mayor Ashworth called the regular meeting of the City Council to order at 5:30 PM. Present in Council Chambers were Councilman Solomone, Councilwoman Trenary, Mayor Pro Tem Litherland, Councilman Green, Ray White, Paul Harris, City Attorney Erin Smith, Malissa Gish, Carol Stotts, Charles "Bud" Bright, Steve DiCamillo, Lara Loewenheim, Camille Krochta, and Ryan Helle

**PUBLIC COMMENT** Kathy Friel, resident at 116 E Carr Avenue inquired about her complaint on October 5, 2021. City Administrator, Ray White replied that he did, in fact, respond to her email and would meet with her regarding her complaint.

Council Approved Meeting Minutes from November 17, 2021, Regular Meeting as written. Motion carried unanimously.

## **REPORTS**

**City Administrator Ray White** White reported that he, Special Projects Director Jeff Mosher and Mayor Ashworth met with state Senator Denis Heisey to lobby for American Rescue Dollars for some funding on the infrastructure project. The meeting seemed positive. He pointed out that Heisey was unaware that the gaming communities were not receiving any revenue from the sports betting. Some Initiatives are going through to get the Legislature to revisit that distribution formula for future allocation. White also reported on the interviews for the Butte Theater Manager position. White hopes to make a selection from several well qualified applicants in the next week or so. Interviews will also begin for the Planning and Building position this week. The Tap Grant Approval for the Galena Project has been approved by the State. Public Works Director, DiCamillo will be sending out bid notifications to begin the process.

**Finance Director Paul Harris** Harris reports that the Division of Gaming has been slow to release Gaming Stat Numbers. October numbers reflect that AGP was above \$14 million, coin and table drop was up 18%.

Covid reports that November was not as bad as October but still up with Teller County reporting 396 new cases and 10 deaths. No current Cripple Creek numbers were reported. 57.4% of the eligible residents are fully vaccinated.

## **OATHS**

City Clerk, Malissa Gish administered Oaths of Office to both, Elected Councilwoman Melissa Trenary and Deputy City Clerk, Lara Loewenheim. Both were successfully executed.

## **NEW BUSINESS**

- A. **SECOND READING** to consider adoption of Ordinance 2021-16 an Ordinance of the City Council for the City of Cripple Creek, Colorado imposing a temporary Moratorium on opening and operating a short-term rental and declaring an emergency. Ryan Helle, City Planner. Helle refreshed Council on the purpose of the Ordinance is to address the housing challenge that STR seem to pose on the shortage of LTR. This gives the city time to do research and develop necessary changes to address the problem. This does not influence any existing STR or Hotels. Motion by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to adopt Ordinance 2021-16 an Ordinance of the City Council for the City of Cripple Creek, Colorado imposing a temporary Moratorium on opening and operating a short-term rental and declaring an emergency. Councilman Green voted NO; all others were affirmative. Passed.
- B. **SECOND READING** to consider adoption of Ordinance 2021-19 an Ordinance amending Ordinance 2021-01 which amended Ordinance 2018-04 vacating a portion of Second



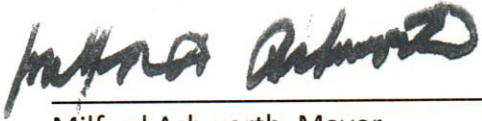
Street within the City of Cripple Creek described in this Ordinance. Erin Smith; City Attorney. The current date that was agreement bound is December 31, 2022. The new proposed date for extension is July 15, 2023 from the Developer Applicant. Council would be approving an amendment to the agreement. Motion by Councilman Green and seconded by Councilman Solomone to adopt Ordinance 2021-19 an Ordinance amending Ordinance 2021-01 which amended Ordinance 2018-04 vacating a portion of Second Street within the City of Cripple Creek described in this Ordinance. Motion carried unanimously.

- C. **SECOND READING** to consider adoption Ordinance 2021-20 an Ordinance amending Ordinance 2021-02 which amended Ordinance 2018-05 vacating a portion of an alley within the City of Cripple Creek described in this Ordinance. Erin Smith; City Attorney. Motion by Councilwoman Trenary and seconded by Councilman Green to adopt Ordinance 2021-20 an Ordinance amending Ordinance 2021-02 which amended Ordinance 2018-05 vacating a portion of an alley within the City of Cripple Creek described in this Ordinance. Motion carried unanimously.
- D. **FIRST READING** to consider approval of Ordinance 2021-21, an Ordinance of the City of Cripple Creek, Colorado amending Chapter 2, Article 4 of the Cripple Creek Municipal code relating to collections of unpaid fees, costs, and fines assessed by the Municipal Court. Erin Smith, City Attorney. Smith states that this functions as a new State Law making it more difficult to collect on fines for the Municipal Court and allows the city the ability to have an alternative for collecting fines through a Collection Agency. Motion by Mayor Pro Tem Litherland and seconded by Mayor Ashworth to approve Ordinance 2021-21, an Ordinance of the City of Cripple Creek, Colorado amending Chapter 2, Article 4 of the Cripple Creek Municipal code relating to collections of unpaid fees, costs, and fines assessed by the Municipal Court. Motion carried unanimously.
- E. Consider the Employment Agreement with Ray White for Temporary City Administrator; Carol Stotts, HR/Risk Management Director. This new agreement will go through July 2, 2022. This agreement will become effective January 1, 2022. Motion by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve the Employment Agreement with Ray White for Temporary City Administrator. Motion carried unanimously.
- F. Consider Resolution 2021-18 Levying general property taxes for the year 2021, to help defray the cost of government for the City of Cripple Creek, Colorado for the 2022 budget year. Harris states this is to set the mill levy and property taxes for the 2022 tax year. The property taxes will generate \$141,733 up from \$135,00 from the year prior. The mills are going from 2.52 from 2.21 in 2021. Motion by Councilman Green and seconded by Mayor Pro Tem Litherland to approve Resolution 2021-18 Levying general property taxes for the year 2021, to help defray the cost of government for the City of Cripple Creek, Colorado for the 2022 budget year. Motion carried unanimously.
- G. Consider Resolution 2021-19 summarizing expenditures and revenues for each fund and adopting a budget for the City of Cripple Creek, Colorado, for the calendar year beginning the first day of January 2022 and ending on the last day of December 2022. Harris presents the outline for expenditures for 2022 budget. General Fund \$10.4 million, Enterprise \$1.4 million, HP \$1.2 million, equaling \$13million in total expenditures. \$1.4 is the TAP GRANT. Motion by Councilwoman Trenary and seconded by Councilman Solomone to approve Resolution 2021-19 summarizing expenditures and revenues for each fund and adopting a budget for the City of Cripple Creek, Colorado, for the calendar year beginning the first day of January 2022 and ending on the last day of December 2022. Motion carried unanimously.
- H. Consider Resolution 2021-20 Appropriating sums of money to the various funds and spending agencies, in the amounts for the City of Cripple Creek, Colorado for the 2022 budget year. Harris explains this as the operating funds vs capital outlay and states the breakdowns of amounts as laid out in the Resolution. Motion by Mayor Pro Tem Litherland and seconded by Councilman Green to approve Resolution 2021-20 Appropriating sums of money to the various funds and spending agencies, in the amounts for the City of Cripple Creek, Colorado for the 2022 budget year. Motion carried unanimously.
- I. Consider approval of Resolution 2021-21 Approving the Building, Planning and Community Development Fee Schedule, Erin Smith, City Attorney. Smith presents the proposed fee schedule for Building and Planning. She recommends adopting these and



establishing these fees. Motion by Councilman Green and seconded by Councilwoman Trenary to approve Resolution 2021-21 Approving the Building, Planning and Community Development Fee Schedule. Motion carried unanimously.

**ADJOURNMENT-** No further business was presented before the Council. Mayor Ashworth adjourned the meeting at 6:01 PM.



Milford Ashworth, Mayor



Malissa Gish, City Clerk



stick. 10/13/17

~~Stick. 10/13/17~~





*Real Fun. Real Colorado.*

## **December 15, 2021, Regular Meeting Minutes**

Mayor Ashworth called the regular meeting of the City Council to order at 5:30 PM. Present in Council Chambers were Councilman Solomone, Councilwoman Trenary, Mayor Pro Tem Litherland, Councilman Green, Ray White, Assistant City Attorney Emily (via zoom), Malissa Gish, Charles "Bud" Bright, Renee Mueller, Ken Hartsfield, Lara Loewenheim, and Camille Krochta.

**PUBLIC COMMENT:** Annie Durham, CTE coordinator of CCV school district, gave an update on the district's CTE programs and thanked Mayor Ashworth for his Mayor's choice award at the Christmas Parade.

Council Approved Meeting Minutes from December 1, 2021, Regular Meeting as written. Motion carried unanimously.

### **REPORTS**

**City Administrator Ray White** White introduced the new member of the planning and zoning department, Ken Hartsfield to the Council. White reported the Teller County Health will be establishing a COVID test site in Cripple Creek. Tentatively to be located on 1<sup>st</sup> street near Memorial Park. They are intending to staff this several days per week beginning after the 1<sup>st</sup> of the year. This will include free testing, drive up and approximately a 2 day turn around of test results. White stated that he and Camille Krochta will be meeting Tuesday with Shomps Coda (Previously Colorado Code) regarding continuing relationship moving forward. We may contract with them on various projects. Also, Tuesday the mobile COVID vaccine vehicle will be here and again on the 28<sup>th</sup>. White released Paul White, Finance Director to go home due to the weather. White gave Harris' COVID update in his absence. Positive numbers to report. 1 week cumulative is 193.7 down from last report of 306.7. 2 week cumulative of 504.5 down from 625.6. The 1 week positivity rate is 5.6% down from 8.6%.

### **NEW BUSINESS**

- A. Consider approval of the Proposed Update to the Rules and Regulations of Mount Pisgah Cemetery, Renee Mueller, Planning and Historic Preservation Coordinator. Mueller presented an outline of the updated Cemetery regulations, which had not been updated since 2003. The regulations define a "resident", the rates and fees were changed to reflect inflation; including indigent rates, burial procedure have been updated, internment fees updated, transferring of a plot no longer approved to nonresidents for free, Committee approved domestic pet cremains along with an



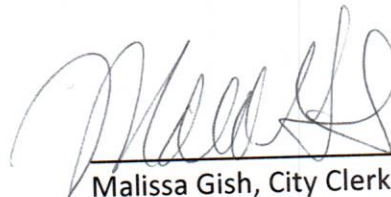
individual. Motion by Councilwoman Trenary and seconded by Councilman Green to approve the update to the rules and Regulations of Mount Pisgah Cemetery. With the refusal of Mayor Pro Tem Litherland, Motion by Councilwoman Trenary and seconded by Councilman Green to approve the Proposed Update of the Rules and Regulations of Mount Pisgah Cemetery. Motion Passed. Mayor Pro Tem Litherland thanked the Board for their time and efforts on this project.

- B. SECOND READING** to consider adoption of Ordinance 2021-21, an Ordinance of the City of Cripple Creek, Colorado amending Chapter 2, Article 4 of the Cripple Creek Municipal Code relating to collections of unpaid fees, costs, and fines assessed by the Municipal Court, approval of the Collection Service Agreement with Integral Recoveries for collections of unpaid Municipal Court Fees, Fines, and Costs related to Municipal Court and authorizing the City Administrator to sign the agreement. Emily Naes; Assistant City Attorney. Naes presented the first two items related to collecting unpaid traffic fines and fees by alternative means, using the Agency with approval of the agreement with the collection Agency. Motion by Mayor Pro Tem Litherland and seconded by Councilman Solomone to adopt Ordinance 2021-21, an Ordinance of the City of Cripple Creek, Colorado amending Chapter 2, Article 4 of the Cripple Creek Municipal Code relating to collections of unpaid fees, costs, and fines assessed by the Municipal Court, approval of the Collection Service Agreement with Integral Recoveries for collections of unpaid Municipal Court Fees, Fines, and Costs related to Municipal Court and authorizing the City Administrator to sign the agreement. Motion carried unanimously.
- C.** Consider approval of a Facility Use Agreement with Thin Air Theatre Company. Ray White; City Administrator. White presented the agreement with TATC to authorize them to use the designated locations. This is the same agreement used the previous year with the exception of updated dates. The amount of compensation was authorized by Council in the 2022 budget. Motion by Councilman Green and seconded by Councilwoman Trenary to approve. Motion carried unanimously.

**ADJOURNMENT-** No further business was presented before the Council. Mayor Ashworth adjourned the meeting at 5:55 PM.



Milford Ashworth, Mayor



Malissa Gish, City Clerk





### **December 15, 2021, Regular Meeting Minutes**

Mayor Ashworth called the regular meeting of the City Council to order at 5:30 PM. Present in Council Chambers were Councilman Solomone, Councilwoman Trenary, Mayor Pro Tem Litherland, Councilman Green, Ray White, Assistant City Attorney Emily (via zoom), Malissa Gish, Charles "Bud" Bright, Renee Mueller, Ken Hartsfield, Lara Loewenheim, and Camille Krochta.

**PUBLIC COMMENT:** Annie Durham, CTE coordinator of CCV school district, gave an update on the district's CTE programs and thanked Mayor Ashworth for his Mayor's choice award at the Christmas Parade.

Council Approved Meeting Minutes from December 1, 2021, Regular Meeting as written. Motion carried unanimously.

### **REPORTS**

**City Administrator Ray White** White introduced the new member of the planning and zoning department, Ken Hartsfield to the Council. White reported the Teller County Heath will be establishing a COVID test site in Cripple Creek. Tentatively to be located on 1<sup>st</sup> street near Memorial Park. They are intending to staff this several days per week beginning after the 1<sup>st</sup> of the year. This will include free testing, drive up and approximately a 2 day turn around of test results. White stated that he and Camille Krochta will be meeting Tuesday with Shomps Coda (Previously Colorado Code) regarding continuing relationship moving forward. We may contract with them on various projects. Also, Tuesday the mobile COVID vaccine vehicle will be here and again on the 28<sup>th</sup>. White released Paul White, Finance Director to go home due to the weather. White gave Harris' COVID update in his absence. Positive numbers to report. 1 week cumulative is 193.7 down from last report of 306.7. 2 week cumulative of 504.5 down from 625.6. The 1 week positivity rate is 5.6% down from 8.6%.

### **NEW BUSINESS**

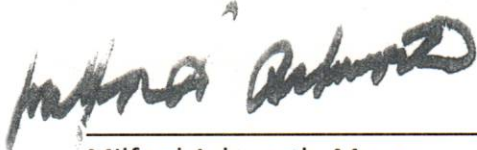
- A. Consider approval of the Proposed Update to the Rules and Regulations of Mount Pisgah Cemetery, Renee Mueller, Planning and Historic Preservation Coordinator. Mueller presented an outline of the updated Cemetery regulations, which had not been updated since 2003. The regulations define a "resident", the rates and fees were changed to reflect inflation; including indigent rates, burial procedure have been updated, internment fees updated, transferring of a plot no longer approved to nonresidents for free, Committee approved domestic pet cremains along with an individual. Motion by Councilwoman Trenary and seconded by Councilman Green to approve the update to the rules and Regulations of Mount Pisgah Cemetery. With the refusal of Mayor Pro Tem Litherland, Motion by Councilwoman Trenary and seconded by Councilman Green to approve the Proposed Update of the Rules and Regulations of Mount Pisgah Cemetery. Motion Passed. Mayor Pro Tem Litherland thanked the Board for their time and efforts on this project.
- B. **SECOND READING** to consider adoption of Ordinance 2021-21, an Ordinance of the City of Cripple Creek, Colorado amending Chapter 2, Article 4 of the Cripple Creek Municipal Code relating to collections of unpaid fees, costs, and fines assessed by the Municipal Court, approval of the Collection Service Agreement with Integral Recoveries for collections of unpaid Municipal Court Fees, Fines, and Costs related to Municipal Court and authorizing the City Administrator to sign the agreement. Emily Naes; Assistant City Attorney. Naes presented the first two items related to collecting unpaid traffic fines and fees by alternative means, using the Agency with approval of the agreement with



the collection Agency. Motion by Mayor Pro Tem Litherland and seconded by Councilman Solomone to adopt Ordinance 2021-21, an Ordinance of the City of Cripple Creek, Colorado amending Chapter 2, Article 4 of the Cripple Creek Municipal Code relating to collections of unpaid fees, costs, and fines assessed by the Municipal Court, approval of the Collection Service Agreement with Integral Recoveries for collections of unpaid Municipal Court Fees, Fines, and Costs related to Municipal Court and authorizing the City Administrator to sign the agreement. Motion carried unanimously.

- C. Consider approval of a Facility Use Agreement with Thin Air Theatre Company. Ray White; City Administrator. White presented the agreement with TATC to authorize them to use the designated locations. This is the same agreement used the previous year with the exception of updated dates. The amount of compensation was authorized by Council in the 2022 budget. Motion by Councilman Green and seconded by Councilwoman Trenary to approve. Motion carried unanimously.

**ADJOURNMENT-** No further business was presented before the Council. Mayor Ashworth adjourned the meeting at 5:55 PM.



Milford Ashworth, Mayor



Malissa Gish, City Clerk





*Real Fun. Real Colorado.*

## **September 10, 2021 Special Meeting Minutes**

**3:00 PM**

Mayor Ashworth called the regular meeting of the City Council to order. Present were Councilman Solomone, Councilwoman Trenary, Mayor Pro Tem Litherland, Malissa Gish, Paul Harris, Ray White, Steve DiCamillo, City Attorney Erin Smith, Renee Mueller.

### **Council Approved Meeting Minutes from August 18, 2021**

#### **NEW BUSINESS**

Renee Mueller presented her Historical Preservation Committee Report to Council for the Century Casino Complex. City Attorney, Erin Smith, directed the Council the procedure will be to address this item at the Wednesday September 15, 2021 Regular City Council Meeting to present the Resolution that follows on from the Public Hearing from September 1, 2021 Regular Meeting. No vote at this time.

Approval of Amendment to Intergovernmental Agreement for 2021 Coordinated Election. Motion by Mayor Pro Tem Litherland and seconded by Councilman Solomone to approve Amendment to Intergovernmental Agreement for 2021 Coordinated Election between Teller County and the City of Cripple Creek. Motion carried unanimously.

Approval of Incentive Request for Thurlow Avenue Housing; Lots 10-13, Block 22, Freeman Placer, Cripple Creek, Colorado; submitted by John Vasilakis; Alyssa Rivas, City Planner. Applicant, John Vasilakis asked for approval for waiver of tap fees. Administrator White stated the Incentive Request was in compliance with the previous Resolution passed by Council. Motion by Councilwoman Trenary seconded by Mayor Pro Tem Litherland to approve the request by John Vasilakis on behalf of Boulder Run Investments, for tap waiver of Lots 10-13, Block 22, Freeman Placer, Cripple Creek, Colorado for three new affordable housing units as presented, with a waiver of tap fees at 100 percent until the incentive period expires, provided that such waiver be offset by all of the City's hard costs, and All subjects entering into an Agreement with the City, which the Attorney will prepare and the City Administrator is authorized to sign. Motion carried unanimously.

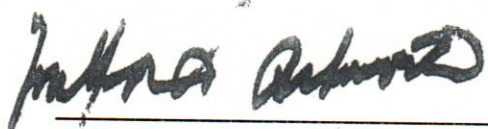
Approval of Incentive Request for Crystal Street Housing; Lots 25-26, Block 35, Hayden Placer, Cripple Creek, Colorado; submitted by John Vasilakis; Alyssa Rivas, City Planner. Administrator White stated the Incentive Request was in compliance with the previous Resolution passed by Council. Motion by Councilman Solomone and seconded by Councilwoman Trenary to approve the request by John Vasilakis, on behalf of REI Services, LLC, for tap waiver of Lots 25-26, Block 35, Hayden Placer, Cripple Creek, Colorado, for two new affordable housing units as presented, with a waiver of tap fees at 100 percent until the incentive period expires, provided that such waiver be offset by all of the City's hard costs, and All subjects entering into an Agreement with the City, which the Attorney will prepare and the City Administrator is authorized to sign. Motion carried unanimously.

Approval of Incentive Request for Century Casinos Housing, Masonic Avenue; Lots 6 -10, Block 29, Fremont Addition & W5FT8IN of Lot 5, Block 29, Fremont Addition, Cripple Creek, Colorado; submitted by John Vasilakis; Alyssa Rivas, City Planner. The request for waiver of permit fees was rejected by Council. Motion by Councilman Solomone and seconded by Mayor Ashworth to approve the request from John Vasilakis on behalf of WMCK Venture Corporation, dba, Century Casino and Hotel for a tap fee waiver for three 4Plex Modular buildings on , Masonic

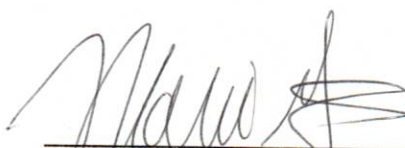


Avenue; Lots 6 -10, Block 29, Fremont Addition & W5FT8IN of Lot 5, Block 29, Fremont Addition, Cripple Creek, Colorado as presented, with a waiver of tap fees at 100 percent until the incentive period expires, provided that such waiver be offset by all of the City's hard costs, and All subjects entering into an Agreement with the City, which the Attorney will prepare and the City Administrator is authorized to sign. Motion carried unanimously.

**ADJOURNMENT-** No further business was presented before the Council. Mayor Ashworth adjourned the meeting at 3:39 PM.



Milford Ashworth, Mayor



Malissa Gish, Acting City Clerk





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**SPECIAL CITY COUNCIL MEETING MINUTES**

**WEDNESDAY, JULY 7, 2021**

**12:30 PM**

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


1. **CALL TO ORDER** – Mayor Ashworth called the meeting to order at 12:51 PM having previously been posted in accordance with Colorado Open Records Law. Present were Mayor Milford Ashworth, Mayor Pro Tem Tom Litherland, and Councilmembers Meghan Rozell, Charles Solomone and Melissa Trenary. Staff present were Interim City Administrator Ray White, HR & Risk Management Director Carol Stotts, Finance Director Paul Harris, Transportation Director Ted Schweitzer and City Clerk Janell Sciacca.
2. **EXECUTIVE SESSION PURSUANT TO C.R.S. SECTION 24-6-402(4)(f)(I) TO DISCUSS PERSONNEL MATTERS SPECIFICALLY RELATED TO CITY ADMINISTRATOR INTERVIEWS.**

**MOTION** by Councilwoman Rozell and seconded by Councilwoman to go into Executive Session pursuant to CRS Section 24-6-402(4)(f)(I) to discuss personnel matters specifically related to City Administrator interviews. Motion carried unanimously. City Clerk Sciacca left the room.

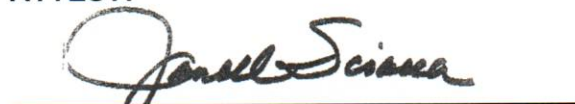
Mayor Ashworth announced the time as 5:12 P.M. and that the executive session had been concluded. The participants in the executive session were Mayor Milford Ashworth, Mayor Pro Tem Tom Litherland, Councilmembers Meghan Rozell, Charles Solomone and Melissa Trenary, Interim City Administrator Ray White, HR & Risk Management Director Carol Stotts, Finance Director Paul Harris, and Transportation Director Ted Schweitzer. Mayor Ashworth requested that any person who participated in the executive session that believed any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, to state his concern(s).

3. **ADJOURNMENT** – Hearing no concerns, Mayor Ashworth adjourned the special meeting at 5:13 PM.

**APPROVED:**

  
Milford Ashworth  
Mayor

**ATTEST:**

  
Janell Sciacca  
City Clerk





**CITY COUNCIL MEETING MINUTES**  
**WEDNESDAY, JULY 7, 2021**  
**5:30 PM**

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

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. **PLEDGE OF ALLEGIANCE & INVOCATION** – Mayor Ashworth led the pledge of allegiance.
3. **ROLL CALL** - Present were Mayor Milford Ashworth, Mayor Pro Tem Tom Litherland, and Councilmembers Meghan Rozell, Charles Solomone and Melissa Trenary. Staff present in chambers were Interim City Administrator Ray White, City Attorney Erin Smith, HR & Risk Management Director Carol Stotts, City Finance Director Paul Harris, Transportation Director Ted Schweitzer, City Clerk Janell Sciacca, Chief of Police Charles Bright and present online were City Planner Alyssa Rivas and Marketing & Events Director Jeff Mosher.
4. **PUBLIC COMMENT** – Scott Marshall, 329 Whalen, spoke regarding insufficient and unsuitable handicapped parking and sidewalks throughout the City. Marshall advised that he had brought the matter to the attention of City Staff 2 years ago and nothing had been done. Marshall was advised the City would look at the matter.
5. **REPORTS**
  - A. City Administrator – White acknowledged Jeff Mosher in Marketing & Events for his efforts relative to the City's 4<sup>th</sup> of July celebration; advised he was in the process of completing Department Head performance evaluations after having been suspended in 2020 due to COVID; and introduced City Administrator finalists Doug Hinkley and Fred Kaplan who were in attendance.
  - B. Finance Director – Harris reviewed a set of PowerPoint slides regarding the City's 2021 Economic Recovery which he and Mayor Pro Tem Litherland presented to the Teller County Commissioner the prior.
6. **PROCLAMATIONS, PRESENTATIONS, UPDATES & OTHER REPORTS**
  - A. Legislative Update; Sol Malick, Peak Government Affairs. Malick appeared with colleague Stephanie Hicks and they reviewed a handout providing a wrap up of the 2021 legislative session.
7. **MINUTES**
  - A. June 2, 2021 Regular Meeting
  - B. June 16, 2021 Regular Meeting

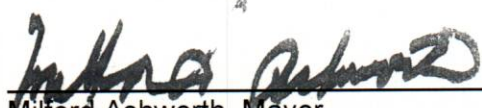
**MOTION** by Mayor Pro Tem Litherland and seconded by Councilman Solomone to approve the regular meeting minutes for June 2, 2021 and June 16, 2021 as presented. Motion carried unanimously.
8. **PUBLIC HEARING(S)**
  - A. **PLANNING COMMISSION & CITY COUNCIL HEARING** to consider request from James Kroll for Conditional Use Permit to remodel the existing house at 305 S. 2nd Street, and to construct five new single-family houses adjacent to said property, all located in the C-1 Zone District; submitted by James Kroll, and more particularly described to wit as Lots 1-11, Block 5, First Addition, Cripple Creek, CO.; Alyssa Rivas, City Planner. Mayor Ashworth provided an opening statement and advisement relative to the public hearing and the City's jurisdiction to conduct such. He advised notice of the hearing was given as required by the City Development Code and then reviewed the format and procedures for the hearing. There were no objections to the jurisdiction or form or substance of the proceedings. City Planner Rivas reviewed a PowerPoint presentation providing and overview and analysis of the request along with staff findings and recommendation for approval subject to the conditions listed in the Staff Report. Applicant James Kroll advised of intentions to build 5 new houses and remodel one as well as install the water main between Warren and May. Councilwoman Rozell inquired if the applicant was ok with the Staff's condition to add a front porch for each house and Kroll replied he was, 100%. Councilwoman Trenary inquired how the applicant planned access to the homes from the steep grade of 2nd Street. Kroll advised he would be providing stairs similar to those on the existing home at 305 S. 2nd as necessary. Trenary also inquired about the requirement of sidewalks, curb and gutter. Rivas replied coordination with Public Works would be necessary and Staff would work with the applicant. There were no public



comments for and no public comments against the project. **MOTION** by Councilwoman Rozell and seconded by Councilwoman Trenary to close public comment. Motion carried unanimously. Councilwoman Trenary stated she would like to see the sidewalk issue addressed. City Attorney Smith provided Council guidance and following additional discussion Kroll stated the ditch is on City property but the parking for the homes would be in the back with walkways on the sides of the houses and residents should not be parking in the ditch. **MOTION** by Mayor Pro Tem Litherland and seconded by Councilwoman Rozell to approve the request from James Kroll for a Conditional Use Permit to remodel the existing house at 305 S. 2nd Street, and to construct five new single-family houses adjacent to said property, all located in the C-1 Zone District; submitted by James Kroll, and more particularly described to wit as Lots 1-11, Block 5, First Addition, Cripple Creek, CO as presented and to direct Staff to prepare a resolution to bring back to Council at a subsequent meeting. Motion carried unanimously.

- B. Consider approval of Resolution No. 2021-14 approving a Subaward Grant Agreement with the Colorado Department of Transportation for 2021 5311 Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) Admin & Operating Funding; Ted Schweitzer, Transportation Director. Schweitzer presented providing a brief overview of the Staff Report and requested approval as presented. He added that upon approval he would work with the Administrator, Finance Director and HR Director on how the monies would be rolled out. White advised that if approved, after the mechanics were determined, the specific allocation(s) would be brought back to Council. Harris advised the grant monies would also cross over years. There was no public comment. **MOTION** by Councilwoman Rozell and seconded by Mayor Pro Tem Litherland to approve Resolution No. 2021-14 approving a Subaward Grant Agreement with the Colorado Department of Transportation for 2021 5311 Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) Admin & Operating Funding as presented. Motion carried unanimously.
- C. Consider approval of Official Notice Letter to Teller County Clerk & Recorder of City of Cripple Creek Intent to Participate in the November 2, 2021 Coordinated Election; Janell Sciacca, City Clerk. Sciacca presented advising the City would be conducting its Regular Municipal Election in 2021 as part of the November 2, 2021 Coordinated Election. She advised that the letter in the packet was the same letter used in past years and she requested approval and authorization for the Mayor to sign the official notice letter. There were no questions or comments from Council or the public. **MOTION** by Councilwoman Trenary and seconded by Councilwoman Rozell to approve the Official Notice Letter to the Teller County Clerk & Recorder of City of Cripple Creek Intent to Participate in the November 2, 2021 Coordinated Election as presented and authorize the Mayor to sign the letter. Motion carried unanimously.
- D. FIRST READING to consider approval of Ordinance 2021-10 an ordinance determining to follow the provisions of the Uniform Election Code for the November 2021 Coordinated Election; Janell Sciacca, City Clerk. Sciacca presented advising the ordinance presented was required by the City's code and it was the same ordinance presented in past years. She requested approval on first reading advising that the document would come back to Council on August 4, 2021 for second reading and adoption following the required notice being published in the legal newspaper. There were no questions or comments from Council or the public. **MOTION** by Councilwoman Rozell and seconded by Mayor Pro Tem Litherland to approve first reading of Ordinance 2021-10 an ordinance determining to follow the provisions of the Uniform Election Code for the November 2021 Coordinated Election as presented. Motion carried unanimously.
9. **ADJOURNMENT** – There being no further business before the Cripple Creek City Council, Mayor Ashworth adjourned the meeting at 6:40 PM

APPROVED:

  
Milford Ashworth, Mayor

ATTEST:

  
Janell Sciacca, City Clerk





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**REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, JULY 21, 2021  
5:30 PM**

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

1. **CALL TO ORDER** – Mayor Pro Tem Litherland called the meeting to order at 5:29 PM having previously been posted in accordance with Colorado Open Records Law.
2. **PLEDGE OF ALLEGIANCE** – Mayor Pro Tem Litherland led the Pledge of Allegiance.
3. **ROLL CALL** – City Clerk Sciacca called the roll. Present in Chambers were, Mayor Pro Tem Tom Litherland and Councilmembers Charles Solomone, Meghan Rozell and Melissa Trenary. Staff present in Chambers were City Clerk Janell Sciacca, City Administrator Ray White, City Attorney Erin Smith, Finance Director Paul Harris, Police Chief Charles Bright, Marketing & Events Director Jeff Mosher, Deputy City Clerk Malissa Gish, and Public Works Director Steve DiCamillo; City Planner Alyssa Rivas was present online via Zoom.
4. **PUBLIC COMMENT** – None.
5. **REPORTS**
  - A. City Administrator – White reported Triple Crown was proposing a new hotel project for next year and Staff provided them a checklist to get started; the City Administrator selection process was contracted to KRW; and several developers expressed interest in a residential housing projects and Staff would be presenting the Council additional information soon.
  - B. Finance Director – Harris reported on COVID statistics stating there had been an increase of 1 new case in Cripple Creek and 24 in Teller County.
6. **NEW BUSINESS**
  - A. **SECOND READING** to consider adoption of Ordinance 2021-08 an ordinance vacating approximately 28,464 square feet of the Pikes Peak Avenue right of way and adjacent alleyways; including that portion of 60-foot Pikes Peak Avenue lying Between the east line of Prospect Street and the west line of Fifth Street (formerly Colorado Hwy 67); together with the 16 foot alleys in Blocks 19 and 30 between the north line of Golden Avenue and the south line of Galena Avenue, Lots 2-4 of Lots 1-10, Block A, Gold Flats Addition, in the City of Cripple Creek; Alyssa Rivas, City Planner. There were no questions from Council and there was no public comment. **MOTION** by Councilwoman Trenary and seconded by Councilwoman Rozell to approve second reading of Ordinance 2021-08 an ordinance vacating approximately 28,464 square feet of the Pikes Peak Avenue right of way and adjacent alleyways; including that portion of 60-foot Pikes Peak Avenue lying Between the east line of Prospect Street and the west line of Fifth Street (formerly Colorado Hwy 67); together with the 16 foot alleys in Blocks 19 and 30 between the north line of Golden Avenue and the south line of Galena Avenue, Lots 2-4 of Lots 1-10, Block A, Gold Flats Addition, in the City of Cripple Creek as presented. Motion carried unanimously.
  - B. **SECOND READING** to consider adoption Ordinance 2021-09 an ordinance waiving Water and Sewer Tap Fees and infrastructure costs for residential development in order to promote residential development and economic development in the City of Cripple Creek for a specified time to and through June 2, 2024 unless earlier rescinded or extended by the City Council for the City of Cripple Creek; Erin Smith, City Attorney. **MOTION** by Councilwoman Rozell and seconded by Councilman Solomone to approve Ordinance 2021-09 an ordinance waiving Water and Sewer Tap Fees and infrastructure costs for residential development in order to promote residential development and economic development in the City of Cripple Creek for a specified time to and through June 2, 2024 unless earlier rescinded or extended by the City Council for the City of Cripple Creek. Motion carried unanimously.
  - C. Consider approval of Resolution No. 2021-15 approving the application for a Conditional Use Permit for five new Single-Family homes located in the C-1 Industrial Zone District; at certain real property described as Lots 1-11, Block 5, First Addition, 305 S. Second Street, Cripple Creek, Colorado; Alyssa Rivas, City Planner. Maurice Woods, property owner, addressed the Council requesting ability to recover fees to future users who would tie into the line. Following a brief discussion, City Attorney Smith advised this was possible via a Cost Recovery Agreement (CRA). Smith provided direction for the changing the agreement condition. **MOTION** by Councilwoman Rozell and seconded by Councilman Solomone to approve Resolution 2021-15 a resolution approving the application for a Conditional Use