



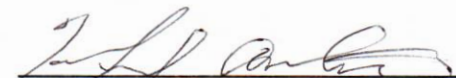
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Minutes From the Special Meeting and Executive Session February 11, 2022


SPECIAL MEETING called to order at 8:09 AM. Present during the meeting were Mayor Ashworth, Councilwoman Trenary, Councilman Green, Councilman Solomone, Mayor Pro Tem Litherland, Carol Stotts, Paul Harris, Ted Schweitzer, Ray White, and Mark Collins. Jeff Mosher joined the meeting during the Executive Session.

Mayor Ashworth called to open **EXECUTIVE SESSION** pursuant to C.R.S. § 24-6-402(4)(f)(I) to discuss personnel matters; C.R.S § 24-6-402(4)(e) to discuss positions relative to matters that may be subject to negotiations, developing a strategy for negotiations, and instructing negotiators specifically related to City Administrator interviews and negotiations. MOTION by Councilwoman Trenary and seconded by Councilman Green to move into Executive Session pursuant to C.R.S. § 24-6-402(4)(f)(I) to discuss personnel matters C.R.S § 24-6-402(4)(e) to discuss positions relative to matters that may be subject to negotiations, developing a strategy for negotiations, and instructing negotiators specifically related to City Administrator interviews and negotiations.; Motion carried unanimously.

RECONVENE SPECIAL MEETING AND ADJOURNMENT. Mayor Ashworth reconvened the special meeting at 1:13 PM and there being no further business before the City Council, the meeting was adjourned.



Milford Ashworth, Mayor



Malissa Gish, City Clerk



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February 16, 2022, 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, Mayor Pro Tem Litherland, Ray White, Malissa Gish, Charles "Bud" Bright, Renee Mueller, Camille Krochta, Mel Moser, Bob Chevalie, Mary Wagner, Joe O'Connor, Ryan Lohmeier, Jeff Mosher, Heather Hildebrand, Paul Harris, Carol Stotts, Marian Spring, Melissa Beaty, and Steve DiCamillo. Absent from the meeting were Councilwoman Trenary and Councilman Green. They were to join via ZOOM, due to internet issues, and they were unable to join.

PUBLIC COMMENT: NONE

Council Approved Meeting Minutes from December 15, 2021, Regular Meeting as written. Motion passed per quorum.

REPORTS

City Administrator: Ray White introduced three County Commissioners Dan Williams, Eric Stone, and Bob Campbell addressed the Council and Staff about the City's ability to forge ahead and do great things for the city; they are here to support the city, and they thanked Staff for all that they do for the city. Ray thanked the Commissioners.

Chief Joe O'Connor honored Captain Lohmeier for his role as Acting Chief for almost a year and a half and presented him with a plaque of appreciation. Mayor Ashworth read a Proclamation in Lohmeier's honor.

Butte Theatre Director, Mel Moser was presented with a plaque and was dedicated the Butte Theatre Building in his honor for his many years of service as Butte Director. Mayor Ashworth read a Proclamation of appreciation. Moser stated that he has a replacement, Zach Sztanyo from Los Angeles. Moser would like to remain with the Butte to until after April to assist Zach with any needs. Mayor and Council agreed.

NEW BUSINESS

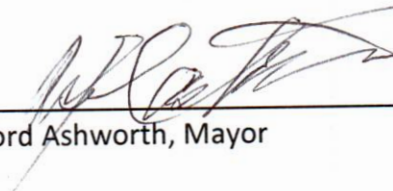
- A. Consider Approval of Resolution 2022-01 Establishing the Designated Public Locations for the Posting of City Meeting Notices as Required by the Colorado Open Meetings Law; Malissa Gish, City Clerk. Clerk Gish introduced the Resolution to Council. Motion by Councilman Solomone and seconded by Mayor Pro Tem Litherland to approve Resolution 2022-01 Establishing the Designated Public Locations for the Posting of City Meeting Notices as Required by the Colorado Open Meetings Law. Motion passed per quorum.

- B. Request Approval of Appointment of J.R Gatlin to HP Commission seat and Sofia Balas to the Alternate seat of the Historic Preservation Board. Presented by Renee Mueller Planning and Historic Preservation Coordinator. Mueller introduced Mr Gatlin, who spoke of his achievements and qualifications making him a good fit for the position on the HP Board. Mueller introduced Ms. Balas who spoke of her interest and qualifications to be the Alternate on the Board. Motion by Mayor Pro Tem Litherland and seconded by Councilman Solomone to Approve Appointment of J.R Gatlin to HP Commission seat and Sofia Balas to the Alternate seat of the Historic Preservation Board. Motion passed per quorum.
- C. Request approval for reappointment of existing HP Commissioners; Reed Grainger changed from 3 year to 1 year term, Mike Gross from two year to a three-year term, Dixie Clair from 1 year to a 2 year and reappointment of Jeff Register to a 2year term. Presented by Renee Mueller Planning and Historic Preservation Coordinator. Motion by Mayor Pro Tem Litherland and seconded by Councilman Solomone to Approve reappointment of existing HP Commissioners; Reed Grainger changed from 3 year to 1 year term, Mike Gross from two year to a three-year term, Dixie Clair from 1 year to a 2 year and reappointment of Jeff Register to a 2year term. Motion passed per quorum.
- D. Consider Approval of Financing Firm and Lease Agreement for Acquisition of a Street Sweeper; Paul Harris, Finance Director. Harris reiterated the need for a new sweeper with DiCamillo in agreeance. Harris has allocated the funds for the cost. Motion by Mayor Pro Tem Litherland and seconded by Councilman Solomone to Approve the Financing Firm and Lease Agreement for Acquisition of a Street Sweeper. Motion passed per quorum.
- E. Consider Renewal of Lease for 2022 with Edge Wellness and Rehabilitation at the City's Medical Building; Paul Harris, Finance Director. Motion by Mayor Pro Tem Litherland and seconded by Councilman Solomone to Approve the Renewal of the Lease for 2022 with Edge Wellness and Rehabilitation at the City's Medical Building. Motion passed per quorum.
- F. Consider a Request to Change Budgeted Funding Use for the District Museum; Paul Harris, Finance Director. Bill Burcaw has requested \$10,750 instead of the \$37,575 that was previously approved by Council. The Museum did not receive the grant that was recently applied for therefore the museum is not in need of the higher amount. Newmont awarded the museum \$5,000 towards the work that needs to be done. Motion by Maroy Pro Tem Litherland and seconded by Councilman Solomone to approve the Request to Change Budgeted Funding Use for the District Museum. Motion passed per quorum.
- G. Consider Approval to Accept a Grant from Innovative Affordable Housing Strategies Planning Grant; Jeff Mosher, Special Projects Director. Mosher explained that the letter was a denial unless the city was willing to match 25% or \$18,950 towards the grant. Motion by Mayor Pro Tem Litherland and seconded by Councilman Solomone to Approve to match and Accept a Grant from Innovative Affordable Housing Strategies Planning Grant. Motion passed per quorum.
- H. Request to Consider Approval of Resolution 2022-03 Regarding the Personnel Handbook as Presented; Carol Stotts HR/Risk Management Director. Stotts

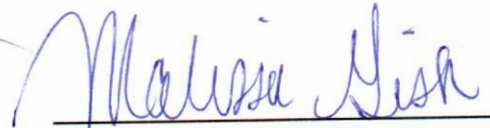
explained there were a few minor edits to be approved with the Personnel Handbook. The edited items were supplied to Staff and Council and added to the packet at the meeting. Motion by Mayor Pro Tem Litherland and seconded by Councilman Solomone to Approve Resolution 2022-03 Regarding the Personnel Handbook as Presented, with edits. Motion passed per quorum.

- I. Election of Mayor Pro Tem Per Cripple Creek Municipal Code Section 2-2-30; Milford Ashworth, Mayor. Mayor Pro Tem Litherland graciously accepted the continued position. Motion by Mayor Ashworth and seconded by Councilman Solomone to Approve the Election of Mayor Pro Tem Per Cripple Creek Municipal Code Section 2-2-30. Motion passed per quorum.

ADJOURNMENT- No further business was presented before the Council. Mayor Ashworth adjourned the meeting at 6:25 PM.



Milford Ashworth, Mayor



Malissa Gish, City Clerk



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March 2, 2022, 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, Mayor Pro Tem Litherland, Councilman Green, Councilwoman Trenary, Ray White, Malissa Gish, Charles "Bud" Bright, Camille Krochta, Ken Hartsfield, Joe O'Connor, Jeff Mosher, Paul Harris, Lara Loewenheim, Carol Stotts.

PUBLIC COMMENT: Annie Durham from CCV School District gave an update on the progress of the CTE programs at the high school; Culinary, Fire Science, and Construction Trade programs. Students are doing well. Durham introduced the new Construction Trades instructor, Mike Pollock who comes from Salida. The Trades Building is scheduled to be completed fall of 2022.

Council Approved Meeting Minutes from February 16, 2021, Regular Meeting as written. Motion passed unanimously.

REPORTS

Ray White recognized Keith Hoyle for his 5 years of service with the Police Department and Carol Stotts for her 19 years of service with the city. White explained the new City Administrator, Frank Salvato planned to attend the meeting but was unable to due to his wife needing surgery. White stated he has transition plans for Salvato as he begins his employment March 7, 2022, upon approval from Council.

Paul Harris has a positive Covid report. Harris states that numbers are significantly down to 153 in February from 807 in January. We are now at A blue status with the lowest being green.

PRESENTATIONS

Newmont Mine gives an update on the mine activities and plans for future operations and closure plans set for 2042-2055. Newmont thanks CCFD for their quick and safe response to a crusher conveyor fire on January 6, 2022. Containment was within an hour. Mayor Pro Tem Litherland thanks Newmont for their contributions to the community and relief funds during covid. Litherland asked what the elevation of the waste rock dump was. Newmont stated it was 10,650 feet. Presentation enclosed with packet in file.

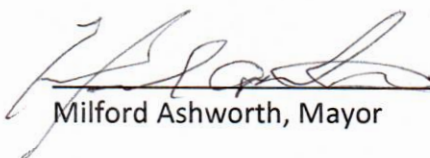
NEW BUSINESS

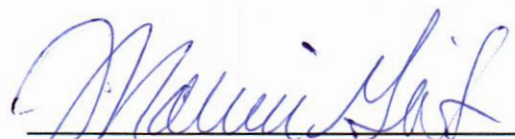
- A. Consider Approval of Employment Agreement and Appointment of Frank Salvato as City Administrator; Carol Stotts, HR and Risk Management Director. Stotts thanks Council and Staff for their involvement in the hiring process for Frank Salvato. Stotts address a minor edit to the public document. This edit pertains to the life insurance portion. The packet document depicts "voluntary life insurance coverage of

\$27,000.” The amount was changed to \$30,000 since the coverage is purchased in increments of \$10,000. Motion by Mayor Pro Tem Litherland and seconded by Councilman Green to approve the Employment Agreement and Appointment of Frank Salvato as City Administrator. Motion passed unanimously.

- B.** Consider Approval of Resolution 2022-02 A Resolution Correcting Resolution No. 2021-04 to Approve the Application for a Building Height Variance to Allow an Eight (8) Story Building Relative to Carr Street and a Nine (9) Story Building Relative to Bennett Avenue at Certain Real Property Described as 153 E. Bennett Avenue, Cripple Creek, Colorado. Ken Hartsfield, Building Official. Hartsfield explained the height variance is incorrect from the previous Resolution stating the height relative to Bennett is 7 stories , and 6 relative to Carr. The presentation made by staff and the applicant is consistent to the drawings submitted for construction. These drawings showed the full 9 stories and based on that presentation; Council approved the height of 9 stories. A notation of how many stories was unclear at that time and the Resolution was passed. There was no establishment of where that measurement was taken, there was some ambiguity to the actual elevation of the building. Based on the Development Code, the elevation should have been established from Bennett to the top of the added hotel room that were added in 2021. The existing concrete stair tower has been topped out, that elevation is 9 feet above the top of the 9th floor, which is permitted with the height variance. Hartsfield is asking for approval to clarify the correction made to the existing Resolution. Essentially text in the 2021 Resolution was incorrect. Erin Smith, City Attorney commends Ken Hartsfield for his research and findings on the Resolution not matching the drawings. Hartsfield researched the presentation given to Council and determined the error occurred by a “copy and paste” from the 2018 Resolution. Smith states there is simply a correction to be made at this point. Motion by Councilman Green and seconded by Councilman Solomone to approve Resolution 2022-02 A Resolution Correcting Resolution No. 2021-04 to Approve the Application for a Building Height Variance to Allow an Eight (8) Story Building Relative to Carr Street and a Nine (9) Story Building Relative to Bennett Avenue at Certain Real Property Described as 153 E. Bennett Avenue, Cripple Creek, Colorado. Motion passed with reluctant vote by Councilman Solomone and an abstained vote by Councilwoman Trenary.

ADJOURNMENT- No further business was presented before the Council. Mayor Ashworth adjourned the meeting at 6:22 PM.


Milford Ashworth, Mayor


Malissa Gish, City Clerk



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Minutes From the Special Meeting and Executive Session March 16, 2022

SPECIAL MEETING called to order at 2:00 PM. Present during the meeting were Mayor Ashworth, Councilman Green, Councilman Solomone, Mayor Pro Tem Litherland, Paul Harris, Ray White, Frank Salvato and Erin Smith. Councilwoman Trenary recused herself and was not present during the meeting during and Executive Session.

Mayor Ashworth called to open **EXECUTIVE SESSION** at 2:04 PM pursuant to C.R.S. § 24-6-402(4)(b) for a conference with the city attorney for the purpose of receiving legal advice on specific legal questions related to device fees. MOTION by Mayor Pro Tem Litherland and seconded by Councilman Green to move into Executive Session pursuant to C.R.S. § 24-6-402(4)(b) for a conference with the city attorney for the purpose of receiving legal advice on specific legal questions related to device fees.; Motion carried unanimously by attending council members.

RECONVENE SPECIAL MEETING AND ADJOURNMENT. Mayor Ashworth reconvened the special meeting at 2:56 PM and there being no further business before the City Council, the meeting was adjourned.

Milford Ashworth, Mayor

Malissa Gish, City Clerk



Real Fun. Real Colorado.

March 16, 2022, 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, Mayor Pro Tem Litherland, Councilman Green, Councilwoman Trenary, Ray White, Frank Salvato, Malissa Gish, Charles "Bud" Bright, Camille Krochta, Ken Hartsfield, Joe O'Connor, Jeff Mosher, Paul Harris, Lara Loewenheim, Carol Stotts, Ted Schweitzer, Erin Smith.

Mayor Ashworth recognizes the people of Ukraine and call for a moment of silence.

PUBLIC COMMENT:

Jim Vance and Pat Martin comment on behalf of the Cripple Creek Care Center. They state that the center might close if they can't find CNA's to work in the facility. They claim housing for staff is a major contributor to the lack of employment. They are not asking for money, only support.

John Freeman, owner of The Creek, requested more than the allotted time of 3 min and apologized in advance to the Council and audience for his long comment. Freeman first requests that Bennett Avenue from City Hall to the entrance Johnny Nolan's Casino be a 2-hour parking lane; additionally, no business owners or employee parking. Second, Freeman addresses his concerns with the City budget citing the cancellation of Ice Fest "by the City," and the impact to business owners. Freeman continued regarding his misunderstanding of the City budget. Freeman continued to question the budget and asked for his questions to be answered. Jesse Welling, resident 228 W Eaton, voices his support for Mr. Freeman and other small business owners. Jesse echoes Mr. Freeman's concerns with the budget and questions Council's decisions with funding.

Council Approved Meeting Minutes

Motion to approve the Minutes from the February 11, 2022 Special Meeting/Executive Session and March 2, 2022 Regular Meeting by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland. Motion passed unanimously.

Mayor Ashworth presents Ray White with a plaque for his dedicated service with the city in his role as Acting City Administrator.

Paul Harris and Carol Stotts also present Ray White with an honorary token of appreciation. White thanked City Staff and Council.

Mayor Ashworth proceeded to swear in Frank Salvato as the City Administrator.

REPORTS

ADMINISTRATOR Frank Salvato thanks Council for the opportunity to come out of retirement and back to work. Salvato extends gratitude to Ray White for his willingness to guide him through a few weeks of trainings and meetings.

FINANCE DIRECTOR Paul Harris extends an invitation to the community regarding any concerns they have with the budget. He explains that Government finance is very different from for-profit finance. He encourages the public to attend the budget meetings and be active in the process. We have several meetings regarding the budget and few community members attend or show interest.

PUBLIC HEARING(S)

Consider Resolution 2022-04 Approving a Certificate of Appropriateness as a Project of Special Merit at Certain Real Property Legally Described as Lots 38-40 Block 21 and Lots 21-25, Block 22, Freeman Addition, City of Cripple Creek. Renee Mueller, Planning and Historic Preservation Coordinator. Mayor Ashworth opened the Public Hearing with the procedural steps to be followed. There were no questions regarding the procedure of the process. Camille Krochta informs Council that the City Attorney advised to go out of the order provided on the agenda. There are several requests by the same Applicant, therefor conducting both Public Hearings simultaneously, then taking Public Comment, followed by Staff recommendations would be advised. Krochta also requests the Applicant be permitted to conduct their presentation first. Larry Hill, CEO, Midnight Rose Hotel and Casino. Hill introduced his team of presenters Caitlin Quander, Gary Koerner and Jack Westergom. Caitlin begins the presentation with a slideshow, (added to the packet for permanent record), depicting the same information contained in the Staff Report along with slides of rendered interior photos, summary of hotel details, elevations, legal criteria as stated in the Staff Reports. Koener stresses the positive impact the boutique hotel will have on the city and small business. During the presentation, it is brought to Clerk Gish's attention that the Zoom audience is unable to view the slideshow. Gish asks for a moment to fix the issue. The meeting resumed after less than a minute. Koener resumed the slideshow presentation. Caitlin presented the legal portion of the slideshow, COA, Building Height Variance and ROW Vacation, also included in the packet.

Renee Mueller states the Applicant's plans are in compliance with the HP guidelines and recommends Council's approval of the Resolution 2022-04 for the Certificate of Appropriateness as a Project of Special Merit with conditions which are outlined in her staff report on page 4.

Consider Resolution 2022-05 Approving the Application for a Height Variance to Allow a Maximum of 7 Stories in Place of the Required 5 Stories of the B-Downtown District at Certain Real Property Described as Lots 38-40, Block 21, Lots 21-25, Block 22, and the Vacated Right-of-Way of a Portion of 3r St as Described in Ordinance 2022-02, Freemont Addition, Cripple Creek, Colorado.

Camille Krochta states the Applicant's plans are in compliance with the Development Codes and criteria. Staff is recommending Council's approval of the Resolution 2022-05 for the Height Variance for the project with conditions outlined on page 3 of Resolution 2022-05.

Mayor Pro Tem Litherland asked if there is pedestrian walkway between the parking garage and the hotel on Myers. Planning states there is a 5' pedestrian walkway planned. He also wanted to clarify the height includes the basement. The utility floor is partially exposed but included in

the 7 stories. Snow removal issue was brought up; the plans include a snow melt system integrated into the road surface. If it fails, Midnight Rose states they "will shovel."

Erin Smith, City Attorney states discussions with Council and herself regarding the snow removal led to the drafting of Revocable License. If the snow melt system fails or falls into disrepair, the city will shut off access to Third St.

Mayor Ashworth begins the conclusion of the Public Hearing asking if anyone in support of the Application to come forward. John Freeman, resident and small business owner, steps forward to commend the Applicant for their efforts with the project.

Mayor Ashworth calls for anyone against the project to speak. David Minter from Johnny Nolan's expresses his concern regarding his property being on the other side of the proposed project. He feels he shouldn't have to go through a private, controlled road to get to his property. Camille Krochta reiterates what Caitlin Quander explained earlier in the presentation; the road will remain open to the public and the city will remain in control of easements for public access.

Mayor Ashworth opens the podium for any further presentation from the Applicant. Being mindful of the hour, Caitlin Quander thanks council and the audience for their time and states she is willing to answer any further questions. Councilwoman Trenary asks about the delivery route access to the Grand remaining open to other establishments. The delivery access will remain open through the alley. Councilwoman Trenary asks about the aesthetics and lack of windows on the west wall. Quander states that elevation will not have windows. Gary Koerner states the guest rooms and restaurants will have windows. Councilwoman Trenary also asks about the possibility of receiving an Assurity Bond. Erin Smith assures Council there will be one. Councilman Green clarifies the road in from Bennett is one way, but a two way through from Myers.

Motion by Mayor Pro Tem Litherland and seconded by Councilman Green to close the Public Hearing and reconvene to the Regular Meeting. Motion passed unanimously.

Mayor Ashworth calls for a 5-minute recess.

Mayor Ashworth calls the meeting back to order. Erin Smith reminds Council they are to vote on the Public Hearing portion of the meeting.

Motion by Councilwoman Trenary and seconded by Councilman Green to Approve Resolution 2022-04 Approving a Certificate of Appropriateness as a Project of Special Merit at Certain Real Property Legally Described as Lots 38-40 Block 21 and Lots 21-25, Block 22, Freeman Addition, City of Cripple Creek. Motion carried unanimously.

Motion by Mayor Pro Tem Litherland and seconded by Councilman Solomone to Approve Resolution 2022-05 Approving the Application for a Building Height Variance to allow a Maximum of Seven (7) Stories in Place of the Required Five (5) Stories of the B-Downtown District at Certain Real Property Described as Lots 38-40, Block 21, Lots 21-25, Block 22 and the Vacated Right-of-Way of a portion of Third St as Described in Ordinance 2022-02, Fremont ADD, Cripple Creek, Colorado. Motion carried unanimously.

LEGISLATIVE UPDATE Sol Malick and Stephanie Hicks presented a short legislative update. Being in the 64th day of this year's session, 452 bills have been introduced to date and we can expect to see around 200 additional. The priority currently is to find revenue streams for the city, starting with infrastructure. Sol feels we will see legislature soon that will allot over \$100 million to the state and local governments. They are watching the bills that will introduce, Affordable Housing, Broadband bills and Economic Recovery.

NEW BUSINESS

A. First Reading to Consider Approval of Ordinance 2022-02, an Ordinance Vacating that Portion of South 3rd St Right-of-Way lying Northerly of the Northerly Right-of-Way Line of East Masonic Ave and Myers Ave and Southerly of the Southerly Line of the Alleys within Blocks 21 and 22, Cripple Creek, located in the South Half of Section 13 Township 15 South, Range 70 West of the 6th Principal Meridian, City of Cripple Creek, County of Teller, State of Colorado, Camille Krochta, Development Project Coordinator. Krochta points out the objection letter found in the packet. She states this objection has been addressed by Caitlin Quander. The Applicant has met all of the conditions for approval for the Vacation of Right-of-Way, Staff is recommending that Council approves Ordinance 2022-02 with conditions outlined on pages 1 and 2 of the documents. Motion by Councilman Green and seconded by Councilman Solomon to Approve Ordinance 2022-02, an Ordinance Vacating that Portion of South 3rd St Right-of-Way lying Northerly of the Northerly Right-of-Way Line of East Masonic Ave and Myers Ave and Southerly of the Southerly Line of the Alleys within Blocks 21 and 22, Cripple Creek, Located in the South Half of Section 13 Township 15 South, Range 70 West of the 6th Principal Meridian, City of Cripple Creek, County of Teller, State of Colorado. Motion passed unanimously.

B. First Reading to Consider Approval of Ordinance 2022-01, an Ordinance Amending Chapter 4, Article 5 of the Cripple Creek Municipal Code Increasing Device Fees ; Paul Harris, Finance Director. Councilwoman Trenary recused herself and exits the dais. Harris reminds Council this issue came before them in fall of 2021 and the item was tabled for further discussion. Harris summarizes the Ordinance and points out that device fees are used to defray the cost of the city's police department which employs 15 full time employees; dispatch, 9 full time employees; fire department, 14 full time employees; streets and snow removal crews are also included in the funding. Device fees have not been raised since their inception in the 1991 -92-time frame and has remained at \$300 per device per quarter, for almost 30 years. Harris reminds Council that fees were reduced by quarter, on the first 15 machines from 2004 through 2021. This break in fees provided the casinos with \$6,480,000 in relief. The Ordinance proposes an increase in 10% which will generate \$336,000 in additional revenue. On average the increase will cost, on average, \$28,000 per year to the casino. Harris adds that at in section 2 there is an additional annual increase scheduled for December 31st of each year based on CPI projections. This can be viewed on the DOLA website. Erin Smith advises to include the additional finding such as 1) The device fees were implemented in 1991 aimed to support the gaming industry and have not been increased despite inflation 2) Due to inflation and rising costs, the increase bears a reasonable relationship to City costs, including direct and indirect costs of providing services and to regulate gaming and establishments within the city. 3) The principal object is to defray the cost of operations needed to support gaming within the community. 4) In order to provide safe gaming facilities in the city these fees will support the above-mentioned Staff

positions. Additions are contained in the final Ordinance in its entirety on file. Motion by Councilman Green and seconded by Councilman Solomone to approve Ordinance 2022-01, an Ordinance Amending Chapter 4, Article 5 of the Cripple Creek Municipal Code Increasing Device Fees with the additional findings advised by City Attorney, Erin Smith. Motion passed with recusal of Councilwoman Trenary.

C. Consider Approval of the American Rescue Plan (ARP) Subaward Agreement for 2022; Ted Schweitzer, Transportation Director. Schweitzer requests the approval of the grant for \$351,843.00. Motion by Councilwoman Trenary and Seconded by Mayor Pro Tem Litherland to approve the American Rescue Plan (ARP) Subaward Agreement for 2022. Motion passed unanimously.

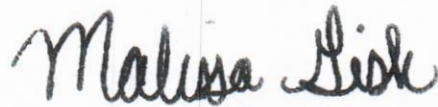
D. Consider Approval of the Bid from Native Sons for the TAP 18 Phase 1 Sidewalk Project; Steve DiCamillo, Public Works Director. DiCamillo explains that the Prospect Street portion of the project has been dropped due to funding reasons. Mayor Pro Tem Litherland inquired about the streetlamps. DiCamillo assured Council that there will be streetlamps, but another company will install them, and it was not part of this funding. Motion by Mayor Pro Tem Litherland and seconded by Councilman Green to approve the Bid from Native Sons for the TAP 18 Phase 1 Sidewalk Project. Motion passed unanimously.

E. Consider Approval for an Increase in Matching Funds for the DOLA Innovative Affordable Housing Strategies Planning Grant, Jeff Mosher, Special Projects Director. Mosher explains that his last presentation to Council was mathematically incorrect, and he is asking to consider an increase in the amount requested to match the grant previously approved. The initial request was for \$18,500 in matching money. There will be a need for an additional \$6,767.00 matching funds to receive the grant, bringing the total requested to \$25,267.00. The total of the grant budget will be \$167,000.00. Motion by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve an Increase in Matching Funds for the DOLA Innovative Affordable Housing Strategies Planning Grant. Motion passed unanimously,

ADJOURNMENT- No further business was presented before the Council. Mayor Ashworth adjourned the meeting at 7:44 PM.



Milford Ashworth, Mayor



Malissa Gish, City Clerk



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April 6, 2022, Regular Meeting Minutes

Mayor Pro Tem Litherland called the regular meeting of the City Council to order at 5:30 PM. Present in Council Chambers were Councilman Solomone, Councilman Green, Councilwoman Trenary, Malissa Gish, Charles “Bud” Bright, Ken Hartsfield, Paul Harris, Lara Loewenheim, Erin Smith. Mayor Ashworth joined via ZOOM.

PUBLIC COMMENT: Jesse Welling, 228 W Eaton, thanks many staff members for their efforts and knowledge surrounding their position with the city. Welling is grateful for the staff.

Annie Durham, 309 Aspen St, CCV Schools gives an update on the CAN situation at the Care Center. Still seeking qualified nurses to keep the center open.

John Freeman, 410 S 4th St, states he met with Paul Harris, Finance Director regarding the budget questions he posed at the previous meeting. Freeman plans to be more active in the future during the annual budget meetings.

Council Approved Meeting Minutes

Motion by Councilman Green and seconded by Councilman Solomone to approve the Special Meeting/Executive Session Meeting Minutes from March 16 2022, as written. Motion passed with Councilwoman Trenary abstaining.

Motion by Councilwoman Trenary and seconded by Councilman Solomone to approve the March 16, 2022, Regular Meeting as written. Motion passed unanimously.

Mayor Pro Tem Litherland reads a Proclamation standing united with the country of Ukraine and condemning the acts of Russia.

REPORTS

Frank Salvato, City Administrator, recognizes Kevin Fisher, Fire Department, for his 5 years of service with the city; Mary Wagner, Transportation Shift Supervisor for her 5 years of service; and David Cook Transportation Shift Supervisor for 10 years of service.

Paul Harris, Finance Director reports that he and Frank speak with Sol Malick weekly on legislative updates. They will all meet with the Director of Gaming to discuss options with the sports betting. Will update accordingly. Harris reports on COVID.

PUBLIC HEARING

1. Consider the appeal of the denial for a business license to operate a VRBO due to the current moratorium on the creation and operation of new short-term rentals in Cripple Creek, which was established pursuant to Cripple Creek Ordinance No. 2021-16. (Janik Appeal). Mayor Pro Tem Litherland opens the Public Hearing with the procedural steps and statement provided by Erin Smith, City Attorney. Smith proceeds to present in leu of Camille Krochta, who is out ill.

Smith brings attention to the memo which is a brief outline of the hearing taking place. Council will be acting as the Board of Appeal in this case. Smith explains how the hearing will unfold and there will need to be 4 votes to reverse the appeal and allow the Janiks to apply for a CUP to operate a STR in the city. Ordinance 2021-16 imposed a temporary moratorium on opening any new STRs. The Janiks must prove the denial creates financial hardship or practical difficulties in order to overturn the denial. Sarah and Mike Janik presented their case stating that they were told by Ryan Helle before they purchased the property that they would be able to open the VRBO. Helle was unaware of the upcoming Moratorium as was most other Staff at that time. The Janiks state they are surviving with the two mortgages. They planned to rent the home as a STR a few days a month so they can still stay, while in the area. Jesse Welling, local resident points out the one LTR within 30 miles of Cripple Creek and the 26 VRBO's in town and how this poses a problem for people attempting to move to the area. He states this Moratorium is one of the good things Council has done for city. Councilwoman Trenary asks if it would be an option for them to LTR the property until the Moratorium is lifted in September. The Janiks feel they would not have access to the property as they want to during the summer if they LTR it. No other questions or comments were had. **Motion by** Councilwoman Trenary and seconded by Councilman Green to Affirm the Denial of the Short-Term Rental License and that the City Attorney Prepare a Resolution for Consideration at a Subsequent Board of Adjustment Meeting. **Motion did not pass.** **Motion by** Councilman Solomone and seconded by Mayor Pro Tem Litherland to Reverse the Denial of the Short Term Rental License and that the City Attorney Prepare a Resolution for Consideration at a Subsequent Board of Adjustments Meeting. **Motion did not pass.** The appeal of the denial for a business license to operate a VRBO due to the current moratorium on the creation and operation of new short-term rentals in Cripple Creek, which was established pursuant to Cripple Creek Ordinance No. 2021-16, Janik Appeal was denied.

2. Resolution 2022-06 a Resolution Acknowledging Completion and acceptance of Ownership of CDBG Community of Caring Interior Remodel Project, Malissa Gish, City Clerk. (Ted Borden; Aspen Mine Center). Mayor Pro Tem Litherland opens the Public Hearing with the procedural steps and statement provided by Erin Smith, City Attorney. Clerk Gish explains that Jeff Mosher is absent, and Ted Borden from The Aspen Mine Center was present to answer any questions. Borden thanks the Staff for their support during the project and confirms that it went well. The facility will be opening in about a month and they will have an open house for the community sometime mid-summer. No further questions or comments were had. **Motion by** Councilman Green and seconded by Councilwoman Trenary to approve Resolution 2022-06 Acknowledging Completion and Acceptance of Ownership of CDBG Community of Caring Interior Remodel Project. **Motion passed unanimously.**

A. NEW BUSINESS


A.FIRST READING for Approval of Ordinance 2022-03 An Ordinance of the City of Cripple Creek, Colorado Amending Chapter 1, Article 4 of the Cripple Creek Municipal Code Relating to Community or Useful Public Service and approval of related Community Service Supervision Agreement Between the City of Cripple and Aspen Mine Center. Deputy Clerk Loewenheim explains the origination of this Ordinance and the Agreement being developed for indigent people who have accrued court costs/fines. The AMC covers the liability. **Motion by**

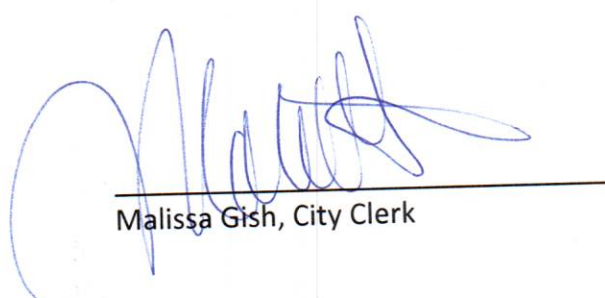
Councilwoman Trenary and seconded by Councilman Solomone to approve Ordinance 2022-03 An Ordinance of the City of Cripple Creek, Colorado Amending Chapter 1, Article 4 of the Cripple Creek Municipal Code Relating to Community or Useful Public Service and approval of related Community Service Supervision Agreement Between the City of Cripple and Aspen Mine Center. **Motion passed unanimously. Motion by** Councilwoman Trenary and seconded by Councilman Solomone to approve the Related Community Service Agreement Between the City of Cripple Creek and the Aspen Mine Center. **Motion passed unanimously.**

B. Consider Approval of the Expenditure and Budget Transfer to Run a Fiber Optic Line for the City's Computer Network. Paul Harris presents the expenditure that will be with two different vendors, Dillie & Kuhn Inc. and Advanced Fiber Response Inc. for \$57,979.96. The city's computer network relies on this line to continue to function. Once FHR's project reaches a certain height, the building will block the communication's point to point dish system that runs from the Heritage Center to the PD. The cost will be reimbursed by FHR before they can obtain their Certificate of Occupancy. Ward Thorne, CEO of Phoenix Technology Group explains that it would cost more to move the lines to higher levels. This route will provide the city with a stable, solid connection that isn't affected by weather and can be spliced to other department buildings around the city. The completion would be around 3 months. **Motion by** Councilwoman Trenary and seconded by Councilman Solomone to approve of the Expenditure and Budget Transfer to Run a Fiber Optic Line for the City's Computer Network. **Motion passed unanimously.**

C. SECOND READING - to Consider Adoption of Ordinance 2022-02, an Ordinance Vacating that Portion of South 3rd St Right-of-Way Lying Northerly of the Northerly Right-of-Way Line of East Masonic Ave and Myers Ave and Southerly of the Southerly Line of the Alleys Within Blocks 21 and 22, Cripple Creek, Located in the South Half of Section 13 Township 15 South, Range 70 West of the 6th Principal Meridian, City of Cripple Creek, County of Teller, State of Colorado, Camille Krochta, Development Project Coordinator. Erin Smith, City Attorney advises Council to table this item until April 20, 2022 due to the lack of readiness on part of the legal descriptions for the reserved easements. **Motion by** Mayor Pro Tem Litherland and seconded by Councilwoman Trenary **to table** Ordinance 2022-02, an Ordinance Vacating that Portion of South 3rd St Right-of-Way Lying Northerly of the Northerly Right-of-Way Line of East Masonic Ave and Myers Ave and Southerly of the Southerly Line of the Alleys Within Blocks 21 and 22, Cripple Creek, Located in the South Half of Section 13 Township 15 South, Range 70 West of the 6th Principal Meridian, City of Cripple Creek, County of Teller, State of Colorado, until the April 20, 2022 Council Meeting. **Motion passed unanimously.**

ADJOURNMENT


Milford Ashworth, Mayor


Malissa Gish, City Clerk



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April 20, 2022, 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, Mayor Pro Tem Litherland, Councilman Green, Councilwoman Trenary, Frank Salvato, Malissa Gish, Charles "Bud" Bright, Camille Krochta, Ken Hartsfield, Joe O'Connor, Paul Harris, Lara Loewenheim, Heather Hildebrand, Ted Schweitzer, Erin Smith.

PUBLIC COMMENT:

Annie Durham, CCV School District updates Council on programs at the school and the Adult Education Center. End of year testing and placing of some students in the Fire Sciences group. The Culinary program will be catering the Gold and Purple Ball for the Elk's Lodge. The construction trades program building is not going to be compliant due to snow load issues. A new building will need to be erected to accommodate the needs as well. They anticipate a groundbreaking this summer.

Council Approved Meeting Minutes

Motion to approve the Minutes from the April 6, 2022 Regular Meeting by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland. Motion passed unanimously.

REPORTS

ADMINISTRATOR

Frank Salvato reports on many meetings with other community officials including Victor City Hall, CCV School District Superintendent and School Board, Aspen Mine Center, Teller County Sheriff's Office, and Annie Gardner from Senator Bennet's office. Salvato mentioned talks with Baxter Lee at Bronco Billy's regarding the parking issues and the fiber optic lines being rerouted.

FINANCE DIRECTOR

Paul Harris gives an update on Sports Betting stating he and Salvato had a meeting with Director Hartman with the Division of Gaming. Hartman felt the funding was being directed more towards problem gaming areas and the state's water fund, therefore it will be difficult to get in front of those issues. Harris reports that the Joint Budget Committee Hanson and Zenzinger are sponsoring a bill to move money from the Limited Stakes Fund to the Extended Fund. This will take funding from Cripple Creek's General Fund and Historic Preservation Fund. Harris reports the Covid indexes this week are worse than last week but no deaths. 2nd quarter device fee had an increase of 1%, but still down to 21%.

NEW BUSINESS

- A. Consider Approval of Resolution 2022-07 Acknowledging Completion of the Streetcar Planning Study & the Predesign of the Transit Bus/Streetcar Operations Storage Facility; Ted Schweitzer, Transportation Director. Schweitzer explains this Resolution is to close the project out with CDOT. **Motion** by Councilman Green and seconded by Councilwoman Trenary to approve Resolution 2022-07 Acknowledging Completion of the Streetcar Planning Study & the Predesign of the Transit Bus/Streetcar Operations Storage Facility. **Motion** passed unanimously.
- B. Consider Approval of Resolution 2022-08 Approving an Update to the Personnel Handbook; Heather Hildebrand, HR/Risk Management Technician. Hildebrand explains the updates to the handbook are for updates to the PD portion of the accrual rates for sick and vacation hours. After meeting with Chief Bright, HR came up with a more equitable amount based on their schedules. **Motion** by Councilwoman Trenary and seconded by mayor Pro Tem Litherland to approve Resolution 2022-08 Approving an Update to the Personnel Handbook. **Motion** passed unanimously.
- C. **SECOND READING** to Consider Adoption of Ordinance 2022-01, an Ordinance Amending Chapter 4, Article 5 of the Cripple Creek Municipal Code Increasing Device Fees; Paul Harris, Finance Director. Councilwoman Trenary recuses herself and steps down from the dais. Harris explains this is the second reading. Quick overview of device fees increased from \$300.00 per device to \$330.00 per device with escalation. **Motion** by Mayor Pro Tem Litherland and seconded by Councilman Green to adopt Ordinance 2022-01, an Ordinance Amending Chapter 4, Article 5 of the Cripple Creek Municipal Code Increasing Device Fees. **Motion** passed unanimously.
- D. Consider Approval of Resolution 2022-09 a Resolution Denying an Appeal for a Lodging Business License to Operate a Short-Term Rental at Certain Real Property Commonly Described as 317 East Golden Avenue, Cripple Creek, Colorado; Camille Krochta, Development Project Coordinator. Erin Smith, City Attorney explains the Resolution memorializes the action of the Board of Adjustment's decision at the April 20, 2022 meeting to deny the application of the Janki's to open a short term rental within the city limits with the current moratorium in place. At that time, The Board of Adjustments requested that the City Attorney draft a Resolution to deny the license and uphold the denial by the Zoning Administrator. **Motion** by Councilman Green and seconded by Councilman Solomone to approve Resolution 2022-09 a Resolution Denying an Appeal for a Lodging Business License to Operate a Short-Term Rental at Certain Real Property Commonly Described as 317 East Golden Avenue, Cripple Creek, Colorado . **Motion** passed unanimously.
- E. **SECOND READING** Consider Adoption of Ordinance 2022-02, an Ordinance Vacating that Portion of South 3rd St Right-of-Way lying Northerly of the Northerly Right-of-Way Line of East Masonic Ave and Myers Ave and Southerly of the Southerly Line of the Alleys within Blocks 21 and 22, Cripple Creek, Located in the South Half of Section 13 Township 15 South, Range 70 West of the 6th Principal Meridian, City of Cripple Creek, County of Teller, State of Colorado, Camille Krochta, Development Project Coordinator. Erin Smith, City Attorney states this is the second reading with the addition of exhibits of legal descriptions and diagrams. The area in exhibit B will contain a reserve easement to the city. Exhibit C contains the area that will

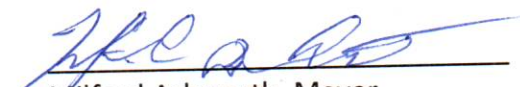
accommodate the private improvements the developer is going to install. These are included in the packet as permanent record. One condition, #8, was to be satisfied as of the evening of the meeting. Smith confirms that the condition was in fact satisfied. **Motion** by Mayor Pro Tem Litherland and seconded by Councilman Solomone to adopt Ordinance 2022-02, an Ordinance Vacating that Portion of South 3rd St Right-of-Way lying Northerly of the Northerly Right-of-Way Line of East Masonic Ave and Myers Ave and Southerly of the Southerly Line of the Alleys within Blocks 21 and 22, Cripple Creek, Located in the South Half of Section 13 Township 15 South, Range 70 West of the 6th Principal Meridian, City of Cripple Creek, County of Teller, State of Colorado. **Moton** passed unanimously.

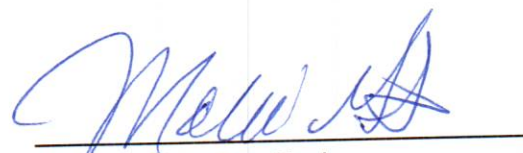
- F. Consider approval of Development Agreement and Master License Agreement for Triple Crown Holdings, LLC (Midnight Rose Hotel) Improvements. Erin Smith; City Attorney. Smith points out this development agreement provides protection for the city and obligates the developer to finish the project with a deadline of November 30, 2024, and in accordance with the Development Plan. Another protection the city has is the developer must supply a bond or letter of credit that secures performance of the project. 1) \$50K for each 25' along Myers. 2) \$50K for each 25' of the eastern & northern "L" shaped on arrival court. 3) 110% of the good faith estimated cost of water, wastewater, storm drainage, utility and landscaping/streetscaping improvements. 4) 110% estimated cost of the 3rd St reconstruction work. The agreement obligates the developer to deliver special warranty deeds for the vacated portion of 3rd Street to the city. An indemnification Provision is also included in this DA. An inclusion to the DA is a Force Majeure stating that there is relief to the developer with the deadline date in the instance there are supply chain delays or disruptions.

Smith presents the Master License Agreement stating this agreement is necessary to cover the numerous private improvements that the developer will install onto city owned property. This can be revoked if the developer is not meeting the terms of the maintenance and installation as defined in the terms of the agreement. A Supplemental Site License is also included. Smith feels the city's interests are well protected.

Motion by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to Approve the Development Agreement and Master License Agreement for Triple Crown Holdings, LLC (Midnight Rose Hotel) Improvements. **Motion** passed unanimously.

ADJOURNMENT- No further business was presented before the Council. Mayor Ashworth adjourned the meeting at 6:02 PM.


Milford Ashworth, Mayor


Malissa Gish, City Clerk



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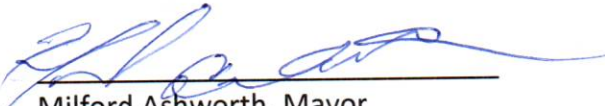
Minutes From the Special Meeting April 26, 2022

SPECIAL MEETING called to order at 1:00 PM. Present during the meeting were Mayor Ashworth, Councilman Green, Councilman Solomone, Mayor Pro Tem Litherland, Councilwoman Trenary, and City Clerk; Malissa Gish.

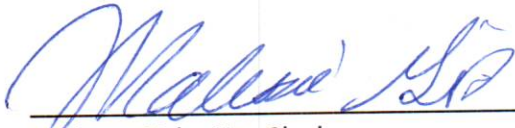
Mayor Ashworth opens the meeting with the Pledge of Allegiance and roll call from Clerk Gish.

Mayor Ashworth states the purpose of the meeting is to vote in support or opposition of Senate Bill 22-216 which allows reallocation of limited gaming, tax revenues, and other changes for fiscal year 21/22. Mayor Ashworth asks if there are any questions. None were asked. **MOTION** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to **oppose** Senate Bill 22-216, which concerns the reallocation of limited gaming tax revenues, and other changes, for fiscal year 21/22 tax distribution and subsequent years. **MOTION** passed unanimously.

ADJOURNMENT-There being no further business before the City Council, Mayor Ashworth adjourned the meeting at 1:02 PM.



Milford Ashworth, Mayor



Malissa Gish, City Clerk



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May 4, 2022, 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, Mayor Pro Tem Litherland, Councilman Green, Councilwoman Trenary, Frank Salvato, Malissa Gish, Charles "Bud" Bright, Ken Hartsfield, Joe O'Connor, Paul Harris, Lara Loewenheim, Heather Hildebrand, Erin Smith.

Mayor Ashworth led with the Pledge of Allegiance and City Clerk Gish called roll. Clerk Gish informs Council the video has failed and requests a moment to work on it. The Mayor proceeded without video.

PUBLIC COMMENT:

Council Approved Meeting Minutes

Motion to approve the Minutes from the April 20, 2022, Regular Meeting and April 26, 2022, Special Meeting by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland. **Motion** passed unanimously.

REPORTS

ADMINISTRATOR

City Administrator, Frank Salvato recognizes Bob Chevalier with his 10 years of service with the city. Salvato reports meeting with Jeff Mosher, Mayor Ashworth and community leaders regarding the status of the Care Center and childcare.

FINANCE DIRECTOR

Finance Director, Paul Harris updates Council on SB 216. As it was introduced, it would have had a \$1.3 million impact on the 3 gaming communities by moving funds between funding sources. Several members of Teller County Governments attended the meeting in Denver to testify against the Bill. The next day they had an offer to revise the Bill and reinstate the funding with a one-year Sunset and set up a work group with all the beneficiaries from the tax distribution would be represented and negotiations could begin. It passed the Senate 28-7 and the House Appropriations Committee.

PRESENTATIONS

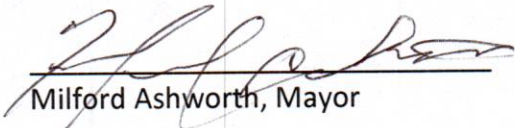
Pikes Peak Area Council of Governments, Andy Gunning updates Council on area several aspects of community outreach, environmental planning, aging, transportation planning and legislative advocacy.

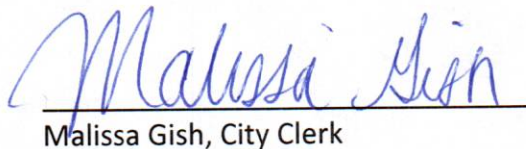
NEW BUSINESS

- A. **Second Reading** to Consider Adoption of Ordinance 2022-03 An Ordinance of the City of Cripple Creek, Colorado Amending Chapter 1, Article 4 of the Cripple Creek Municipal Code Relating to Community or Useful Public Service. Lara Loewenheim, Deputy City Clerk. Loewenheim explains this is a housekeeping item to adopt this Ordinance to amend the code to assist indigent residents with an option for community service instead of paying fines as a result of court related cost. The Aspen Mine Center will be the provider and hold the insurance liability. **Motion** by Councilman Green and seconded by Councilwoman Trenary to adopt of Ordinance 2022-03 An Ordinance of the City of Cripple Creek, Colorado Amending Chapter 1, Article 4 of the Cripple Creek Municipal Code Relating to Community or Useful Public Service. **Motion** passed unanimously.
- B. Consider Approval of Resolution 2022-10, Approving an Update to the City of Cripple Creek Personnel Handbook. Carol Stotts, HR/Risk Management Director. Heather Hildebrand presents in leu of Stotts. Hildebrand explained the update stems from discussions with Chief Bright, Erin Smith, Carol Stotts and Frank Salvato regarding volunteers being able to operate city vehicles. Mayor Pro Tem Litherland questioned a section of the update regarding *disciplinary action*. His concern is on how to discipline a volunteer. Hildebrand responds that there is a process where there will be a conversation with the volunteer and possibly asked not to return as a volunteer. **Motion** by Mayor Pro Tem Litherland and seconded by Councilman Solomone to approve Resolution 2022-10, Approving an Update to the City of Cripple Creek Personnel Handbook. **Motion** passed unanimously.
- C. Consider Approval of Resolution 2022-11, a Resolution Authorizing the Submittal of a Grant Request to El Pomar for Wildfire Equipment. Joe O'Conor; Fire Chief. Chief O'Conor has discovered an opportunity to fund some equipment with a grant from El Pomar. This Resolution will provide the necessary documentation to complete the submission process. The serviceable life of the equipment is 10 years. The fire shelters are beginning to show wear. This grant requires zero local match. **Motion** by Councilwoman Trenary and seconded by mayor Pro Tem Litherland to approve Resolution 2022-11, a Resolution Authorizing the Submittal of a Grant Request to El Pomar for Wildfire Equipment. **Motion** passed unanimously.
- D. Consider Approval of an Intergovernmental Agreement with the Northeast Teller County Fire Protection District (NETCO) for Emergency Vehicle Maintenance. Joe O'Conor; Fire Chief. Chief O'Conor asks for approval from Council to come to an Agreement with NETCO for vehicle maintenance and service. NETCO is better equipped to service the complicated vehicles the Fire Department uses and any current experiences with them have been positive. **Motion** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve an Intergovernmental Agreement with the Northeast Teller County Fire Protection District (NETCO) for Emergency Vehicle Maintenance. **Motion** passed unanimously.
- E. Discussion Regarding Cost Sharing of Fiber Computer Network Communication with Full House Resorts, Inc. Frank Salvato; City Administrator & Paul Harris; Finance Director. Harris discussed the proposition of cost sharing with FHR for the fiber optics to be relocated as a direct result of the new Hotel Project. Baxter Lee, Bronco Billy's

feels that he should not have to pay the entire cost and is willing to pay half. Smith clarifies that according to the agreement; the cost is entirely Bronco Billy's. Council decided to hold further discussion at the June 1, 2022 meeting. No action is required for this discussion.

ADJOURNMENT No further business was brought before the Council. Mayor Ashworth adjourned the meeting at 6:25 PM.


Milford Ashworth, Mayor


Malissa Gish, City Clerk



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Minutes From the Special Meeting May 14, 2022


SPECIAL MEETING called to order at 10:00 PM. Staff present during the meeting were City Clerk Malissa Gish, Jeff Mosher, Charles "Bud" Bright, Joe O'Connor, David Moore, Ken Hartsfield, Steve DiCamillo, and Frank Salvato. Staff attending via Zoom were Erin Smith, Carol Stotts, Michelle Rozelle, Ted Schweitzer, Connie Dodrill, and Diane Pritchard.

Mayor Ashworth opens the meeting with the Pledge of Allegiance. Clerk Gish calls roll.


Salvato states the purpose of the meeting is to approve Resolution 2022-15 Declaring a Local Disaster Emergency. The County has adopted a similar Resolution. This Resolution will be ratified at the Regular Council Meeting May 18, 2022. Mayor Ashworth reads the Resolution in its entirety for the attending audience. **MOTION** by Mayor Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to approve Resolution 2022-15 Declaring a Local Disaster Emergency. **MOTION** passed unanimously.

Mayor asks Chief Joe O'Connor to comment on the Fire. O'Connor relays some of the information from the morning's briefing. The County has asked the State to take over the management of this fire. The Federal level is in the process of sending in a Type I Incident Management Team with ample resources to suppress the fire. The fire has been able to jump several of their cut in fire lines, but O'Connor doesn't expect the fire to impact the city limits.

ADJOURNMENT-There being no further business before the City Council, Mayor Ashworth adjourned the meeting at 10:16 PM.



Milford Ashworth, Mayor



Malissa Gish, City Clerk



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May 18, 2022, 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, Mayor Pro Tem Litherland, Councilman Green, Councilwoman Trenary, Frank Salvato, Malissa Gish, Charles "Bud" Bright, Ken Hartsfield, Paul Harris, Lara Loewenheim, Carol Stotts, Don Kramer, Joe O'Connor, Ken Hartsfield, Steve DiCamillo, Renee Mueller, Erin Smith (via Zoom).

Mayor Ashworth led with the Pledge of Allegiance and City Clerk Gish called roll.

PUBLIC COMMENT:

Joe O'Connor – Fire Chief – Joe O'Connor introduced Dan Dallas incident commander of High Park Fire incident. Dan gave an overview of the purpose and structure of his team and an update on the High Park fire. Dan gave credit to local departments for their great progress on the fire prior to their arrival.

Curt Sorenson – Two Mile High Club – Curt Sorenson recognized the Fire Department and Public Works for their extra work with the Cripple Creek Donkeys. A plaque was presented to each department.

Bill Burcaw – District Museum – Bill Burcaw wanted to thank city and county for the funding for the new steps and painting. Burcaw thanked Renee Mueller, Ken Hartsfield, Jeff Mosher & Steve DiCamillo for their support of the district Museum. Burcaw stressed the importance of new projects having the historic look to them.

Anne Durham – CCV School District – Anne Durham gave an update on the CTE program at CCV. Two Fire science students began training with Stone Mountain Fire Protection. One Student will be finishing school remotely due to being deployed to New Mexico to fight a wildland fire. The other student will be sent to New Mexico after graduation and was recently deployed to the High Park fire. Graduation will be Thursday May 26th at 3:00pm at the football field.

Council Approved Meeting Minutes

Motion to approve the Minutes from the May 4, 2022 by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland. **Motion** passed unanimously.

REPORTS

ADMINISTRATOR

City Administrator, Frank Salvato thanked the Mayor and Mayor Pro Tem Litherland for attending the High Park Fire operations meetings each morning. Recognized Fire command for keeping them updated.

FINANCE DIRECTOR

Finance Director, Paul Harris made council aware that they are tracking time and expenses incurred due to the fire in case we are awarded FEMA dollars because of the High Park fire. So far, the city has incurred \$13,000 in labor costs and there will be additional costs for apparatus used. Regarding COVID we had 49 cases so far this month. Numbers are ticking up a little, but the numbers are still small.

PUBLIC HEARING

1. **PLANNING COMMISSION AND CITY COUNCIL HEARING**

Consider Approval of Ordinance 2022-04 Vacating Approximately 14,532 Square Feet of the Pikes Peak Avenue Right of Way and Adjacent Alleyways: That Portion of 60-Foot Pikes Peak Avenue Lying Between the West Line of Bison Street and the East Line of Fifth Street (Formerly Colorado HWY 67): Together with the 16 Foot Alleys in Block 29: in the City of Cripple Creek.

Mayor Ashworth opened the public hearing with the procedural steps provided by the City Attorney, Erin Smith. There were no questions asked regarding process. Ken Hartsfield, City Building Official displayed a presentation depicting the vacation and proposed development of the area. He indicated that conditions have been met for vacation. Conditions have been noted in the ordinance. Mayor Pro Tem Litherland asked if certified letters were mailed to residents of the area and if they received any objections. Hartsfield stated that there were some inquiries, but no objections were received. Applicants' representative, Ryan Helle spoke on behalf of Wildwood Casino. Helle stated that this area is unpaved but there are utilities that will need to be relocated. Developer is currently working with utility providers for relocation agreements. Site is zoned mixed use so that would not change. Developer is now ready to move forward. This vacation would not limit access to any properties. The site would include some residential space and recreation space and a sports bar. May include gaming in that space. Mayor Ashworth asked if there is anyone present that opposes the project. None heard.

Motion to close public hearing by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland. **Motion** passed unanimously.

Mayor Pro Tem Litherland questioned the traffic congestion in that area. Hartsfield indicated that the motion tonight would be to vacate, and this will be addressed when the development plan is submitted with a traffic study.

Motion by Councilman Green and seconded by Councilman Solomone to Approve Ordinance 2022-04 Vacating Approximately 14,532 Square Feet of the Pikes Peak Avenue

Right of Way and Adjacent Alleyways: That Portion of 60-Foot Pikes Peak Avenue Lying Between the West Line of Bison Street and the East Line of Fifth Street (Formerly Colorado HWY 67): Together with the 16 Foot Alleys in Block 29: in the City of Cripple Creek. **Motion** passed unanimously.

2. **PLANNING COMMISSION AND CITY COUNCIL HEARING**

Consider and Potentially Approve or Deny a Request by Ron and Jennie Marcotte to Construct Two (2) Residential Dwelling Units in the BB Zone District at Certain Real Property Legally Described as Lots 8-11 Block 9 Freeman Placer Add, Cripple Creek, County of Teller, State of Colorado Mayor Ashworth opened the public hearing with the procedural steps provided by the city attorney Erin Smith. There were no questions asked regarding process. Renee Mueller, Historic Preservation stated that on May 5, 2022 the Historic Preservation commission voted unanimously to approve the Certificate of Appropriateness to build two (2) single family dwellings on two (2) lots located in the BB Zone (Historic District). Renee displayed photos of two houses. Ronald Marcotte, applicant from Moon River Construction stated that these are custom homes not modular homes and that they are doing everything in their power to make them affordable. They have tried to meet all of the criteria for the homes that were required.

Mayor Ashworth asked if there are any people present that would like to speak in favor of this project. Mike Beaty, neighbor across from construction spoke in favor. He understands Cripple Creek's need for housing, and they are in support.

Mayor Ashworth asked in there any people present that would like to speak against the project. None heard.

Motion to close public hearing by Councilwoman Trenary and seconded by Councilman Green. **Motion** passed unanimously.

Ken Hartsfield, City Building Official presented pictures of the site and floorplans. The plans comply with the criteria. It is required to have a Conditional Use Permit due to it being residential in the BB district. The surrounding buildings on the block are all residential and to continue development would be consistent.

Motion by Councilwoman Trenary and seconded by Councilman Solomone to approve Resolution 2022-12 for a Certificate of Appropriateness at Certain Real Property Described as Lots 8-11, Block 9, Freeman Placer Addition to Cripple Creek, County of Teller, State of Colorado, also known as TBD Masonic Ave, Cripple Creek, CO, 80813. **Motion** passed unanimously.

Motion by Councilman Green and seconded by Councilwoman Trenary to approve Resolution 2022-14 for a Conditional Use Permit Approving the Application for a Conditional Use Permit for Two New Single-Family Homes Located in the BB-Neighborhood Mixed Use at Certain Real Property Described as Lots 8-11, Block 9, Freeman Placer Addition, TBD W. Masonic Avenue, Cripple Creek, CO. **Motion** passed unanimously.

NEW BUSINESS

- A. Consider Approval to Call for Requests for Qualification for Engineering Firms for Water/Wastewater Line Replacement/Extension Including a Standard Professional Agreement. Frank Salvato; City Administrator explained that the RFQ would be to provide us with planning and pre-engineering for water/wastewater line extension and replacement. Paul Harris and he have been speaking with USDA loan/grant program and state revolving fund and both require engineering firm to submit plans and preliminary design before applying form grant. Steve DiCamillo helped Frank identify areas that need extension/replacement. There are some breaks in the line near the well field which will be part of this replacement project. Frank went over dates that each stage of the process would be completed and gave examples of costs with grants and loans. **Motion** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve a Call for Requests for Qualification for Engineering Firms for Water/Wastewater Line Replacement/Extension Including a Standard Professional Agreement. **Motion** passed unanimously.
- B. Request Approval of Resolution 2022-13 Declaring a Time of Special Need Related to Police Officer Staffing and Authorizing Compensation for Reserve Police Officers. Chief "Bud" Bright, Police Chief is requesting paid compensation for reserve police officers due to time of special need. Definition of time of special need has been determined to be when police department is staffing is below 75%. **Motion** by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to Approve Resolution 2022-13 Declaring a Time of Special Need Related to Police Officer Staffing and Authorizing Compensation for Reserve Police Officers. **Motion** passed unanimously.
- C. Consider Approval of the Contract Agreement with Native Sun Construction for the TAP Grant Project. Steve DiCamillo; Public Works Director stated that per CDOT Recommendation they are going to approve the entire project and then change order out the Prospect Street due to cost. This is a 1.3-million-dollar project without Prospect. The cost of Prospect is \$530K. Steve has a meeting to get additional funding to finish Prospect, that funding will not come in until next year. Mayor Pro Tem Litherland asked when construction could start on this project. Steve stated that, if approved he has a pre-construction meeting on Monday. **Motion** by Councilman Green and seconded by Councilman Solomone to approve the Contract Agreement with Native Sun Construction for the TAP Grant Project. **Motion** was carried unanimously.
- D. Consider Ratification of Resolution 2022-15 Declaring a Local Disaster Emergency. Frank Salvato; City Administrator stated that this would meet the requirement by state law to


ratify the already approved Resolution at the next Regular Council meeting. This will open us up for reimbursement through FEMA by declaring a Local Disaster Emergency.

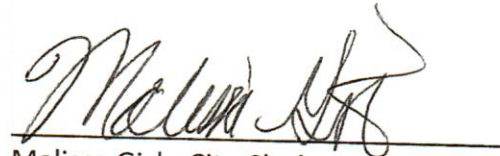
Motion by Councilwoman Trenary and seconded by Councilman Green to Ratify Resolution 2022-15 Declaring a Local Disaster Emergency. **Motion** was carried unanimously.

- E. Consider Approval of Resolution 2022-16 to Enact a Stage II Fire Ban That Restricts Open Burning in The City of Cripple Creek, Colorado. Joe O'Connor; Fire Chief discussed wildfire season has started early this year and we have had several red flag days in a row. Risk of wildfire continues to increase. This will not solve all problems but will hopefully encourage our citizens to be more cautious of open flames and smoking materials. Mayor Ashworth asked to clarify the welding practice at Bronco Billy's. Chief has had many discussions with Bronco Billy's, and they exceed the industry standard on precautions taken.

Motion by Mayor Pro Tem Litherland and seconded by Councilman Solomone to approve Resolution 2022-16 to Enact a Stage II Fire Ban That Restricts Open Burning in The City of Cripple Creek, Colorado. **Motion** passed unanimously.

ADJOURNMENT No further business was brought before the Council. Mayor Ashworth adjourned the meeting at 6:48 PM.


Milford Ashworth, Mayor


Malissa Gish, City Clerk



Real Fun. Real Colorado.

June 1, 2022, 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, Mayor Pro Tem Litherland, Councilman Green, Councilwoman Trenary, Mayor Ashworth, Frank Salvato (ZOOM), Malissa Gish, Charles "Bud" Bright, Ken Hartsfield, Paul Harris, Lara Loewenheim, Don Kramer, Ken Hartsfield, Renee Mueller, Erin Smith; City Attorney, Emily Naes; Assistant City Attorney.

Mayor Ashworth led with the Pledge of Allegiance and City Clerk Gish called roll and informed the Council that video to the Zoom audience was lost. Council proceeded with the meeting with just the audio to the audience.

Council Approved Meeting Minutes

Motion to approve the Minutes from the May 14, 2022, Special Meeting and the May 18, 2022, Regular Meeting by Councilwoman Trenary and seconded by Councilman Solomone. **Motion** passed unanimously.

PUBLIC COMMENT:

Annie Durham from CCV School district gave an update on the school.

ADMINISTRATOR

Frank Salvato attended via Zoom due to an illness. He had nothing new to report.

FINANCE DIRECTOR

Paul Harris reports on the Gaming industry and it's increased gains for the month of April. Covid was up 94.4% with 140 cases, but no deaths.

PRESENTATIONS, REPORTS & UPDATES

Alyson Boye, Justin Raglin, Katie Blake and Kaitlyn Ragsdale from Newmont Mine gave an update to Council on mine activities, relations, Phase 3 project, and Caterpillar Alliance.

PUBLIC HEARINGS

PLANNING COMMISSION AND CITY COUNCIL HEARING

Consider and Potentially Approve or Deny the Development Application Referred to as CMH Homes Inc Development Project, for Six (6) Single Family Dwellings, That Include the Following:

1. Consider Resolution 2022-18, A Resolution Approving a Certificate of Appropriateness at Certain Real Property Legally Described as lots 6-16, Block 51, Hayden Placer Addition and Lots 23-24, Block 12, Freemont Additions to Cripple Creek, County of Teller, State of

Colorado, Cripple Creek, CO 80813 (Located at the Northwest Corner of Carr Avenue & Main Street) Renee Mueller; Planning and Historic Preservation Coordinator.

Mayor Ashworth opened the public hearing with the procedural steps provided by City Attorney, Erin Smith. There were no questions asked regarding the process. Renee Mueller; HP and Planning Coordinator presents the staff report and COA that was previously approved with the conditions outlined in the Resolution, by the Historic Preservation Committee prior to the June 1, 2022, Regular Meeting. Mueller introduces Vincent Hall, Applicant for Clayton Homes. Hall presented site plans and ideas for the Development. Councilman Green asked about the price range target for the homes. Hall insists the homes will be affordable within the \$350K to \$375K range. Mayor Ashworth asks for anyone willing to speak in support of the Applicant to come forward. With no response, Mayor Ashworth asks for anyone in opposition to the Applicant to come forward. None was had. Mayor Ashworth requests a motion to close the Public Comment. **Motion** by Councilman Green and seconded by Councilwoman Trenary to close the Public Hearing. **Motion** passed unanimously.

Mayor Ashworth reconvenes the Regular meeting and requests a motion to Consider Resolution 2022-18. **Motion** by Mayor Pro Tem Litherland and seconded by Councilman Solomone to Approve Resolution 2022-18, A Resolution Approving a Certificate of Appropriateness at Certain Real Property Legally Described as lots 6-16, Block 51, Hayden Placer Addition and Lots 23-24, Block 12, Fremont Additions to Cripple Creek, County of Teller, State of Colorado, Cripple Creek, CO 80813 (Located at the Northwest Corner of Carr Avenue & Main Street). **Motion** passed unanimously.

Mayor Ashworth reconvenes into the Planning Commission.

2. Consider a Request by Clayton Homes of Pueblo for a Zoning Change of lot 16 Block 51 Hayden Placer Subdivision from R-3/4 Zoning District to The BB zoning District. **Motion to Continue to June 15,2022.** **Motion** by Councilwoman Trenary and seconded by Councilman Green to Continue the Consideration for a Request by Clayton Homes of Pueblo for a Zoning Change of lot 16 Block 51 Hayden Placer Subdivision from R-3/4 Zoning District to The BB zoning District at the June 15, 2022, Regular Meeting at 5:30 PM. **Motion** passed unanimously.
3. Consider a Request for a Subdivision of the of Lots 6-10 Hayden Placer Subdivision and Lots 23-24 Block 12 Fremont Addition into Three Parcels. **Motion to Continue to June 15, 2022.** **Motion** by Mayor Pro Tem Litherland and seconded by Councilman Solomone to Continue the Consideration for a Request for a Subdivision of the of Lots 6-10 Hayden Placer Subdivision and Lots 23-24 Block 12 Fremont Addition into Three Parcels at the June 15, 2022, Regular Meeting at 5:30 PM. **Motion** passed unanimously.
4. Consider a Request by Clayton Homes of Pueblo for a Conditional Use Permit to Construct Six (6) Single Family Residential Dwellings in the BB Zone District on of Lots 6-11 Hayden Placer Subdivision and Lots 23-24 Block 12 Fremont Addition in the BB Zoning District. **Motion to Continue to June 15,2022.** **Motion** by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to Continue the Consideration for a Request by


Clayton Homes of Pueblo for a Conditional Use Permit to Construct Six (6) Single Family Residential Dwellings in the BB Zone District on of Lots 6-11 Hayden Placer Subdivision and Lots 23-24 Block 12 Fremont Addition in the BB Zoning District at the June 15, 2022, Regular Meeting at 5:30 PM. **Motion** passed unanimously.

Mayor Ashworth reconvenes into Regular Meeting.

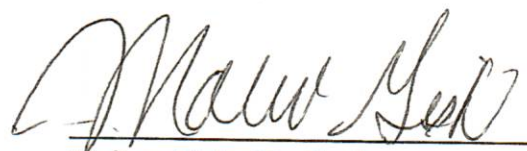
NEW BUSINESS

- A. Consider Approval of the Colorado Regional Opioid Intergovernmental Agreement, Frank Salvato; City Administrator. Salvato addresses Council concerning the Opioid Response Proposed Settlement with Johnson & Johnson. Entering into this agreement will allow the city to receive funding. The more communities who participate, the more money the State has access to. The state will be sectioned into regions for funding. Cripple Creek is in the El Paso/Teller Region. A group will be formed to create bylaws and policies to decide how the allocated funds will be distributed and used. At this time, Council is being asked to join the Regional Group for participation. **Motion** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to Approve Colorado Regional Opioid Intergovernmental Agreement. **Motion** passed unanimously.
- B. Consider Approval of Resolution 2022-17, Amending Resolution 2003-06 Clarifying That All Newly Elected Members of the City Council and the Mayor Shall Take Office in January Following the Election. Frank Salvato: City Administrator. Erin Smith, City Attorney clarifies that this Resolution declares that an elected member of the Governing Body will take office the first Monday after the first Tuesday in January following an election. This eliminates the option to take office at the first meeting following the certification of the election. **Motion** by Mayor Pro Tem Litherland and seconded by Councilman Solomone to Approve Resolution 2022-17, Amending Resolution 2003-06 Clarifying That All Newly Elected Members of the City Council and the Mayor Shall Take Office in January Following the Election. **Motion** passed unanimously.
- C. Discussion Regarding Cost Sharing of Fiber Computer Network Communication with FHR, Inc. Frank Salvato; City Administrator & Paul Harris; Finance Director Harris reminds Council of the fiber line that was necessary to install as a result of the Bronco Billy's project. Previous discussions with Bronco Billy's resulted in a request from Bronco Billy's to cost share with the city for the total cost of approximately \$58,000. The city feels an even split of the cost is fair. Nick Kaber, GM for Bronco Billy's addresses the Council. Kaber agreed that the FHR project had a direct impact on the server connection between the departments within the city and they are willing to cost share. **Motion** by Councilwoman Trenary and seconded by Councilman Green to approve the split the cost of the Fiber Optic lines with FHR. **Motion** passed unanimously.

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



Milford Ashworth, Mayor



Malissa Gish, City Clerk



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June 15, 2022, 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, Mayor Pro Tem Litherland, Councilman Green, Councilwoman Trenary, Mayor Ashworth, Frank Salvato, Malissa Gish, Charles "Bud" Bright, Ken Hartsfield, Lara Loewenheim, Don Kramer, Carol Stotts, Renee Mueller, Erin Smith; City Attorney, Emily Naes; Assistant City Attorney.

Mayor Ashworth led with the Pledge of Allegiance and City Clerk Gish called roll.

Council Approved Meeting Minutes

Motion to approve the Minutes from the June 1, 2022, Regular Meeting by Mayor Pro Tem Litherland and seconded by Councilman Green. **Motion** passed unanimously.

PUBLIC COMMENT:

Rich Ingold, local non-profit representative for the area, gives an overview of the Gold Camp Association. Ingold outlines the Association's functions and a brief history of the organization. They will hold events throughout the summer in Cripple Creek and Victor. Ingold expresses his appreciation to the city for their support.

ADMINISTRATOR

Frank Salvato recognizes Ted Schweitzer and Shannon Owen for 10 years of service with the city. Our Covid testing site will close June 30, 2022, leaving only 21 sites available throughout the state.

FINANCE DIRECTOR

Paul Harris was on vacation. No report.

PUBLIC HEARINGS

PLANNING COMMISSION AND CITY COUNCIL HEARING

Consider and Potentially Approve or Deny the Development Application Referred to as CMH Homes Inc Development Project, for Six (6) Single Family Dwellings, That Include the Following:

Mayor Ashworth opened the public hearing with the procedural steps provided by City Attorney, Erin Smith. No opposition was had regarding opening the Planning Commission.

1. FIRST READING to Consider Approval of Ordinance 2022-05 for the Rezoning of lot 16, Block 51, Cripple Creek, Hayden Placer Addition from Neighborhood Residential (R-3/4) to Neighborhood Mixed Use (BB). Ken Hartsfield; Building Official.

Hartsfield presents the slide presentation showing the property and explains the applicant requests to combine the two lots into one for the construction of a single residence. All criteria have been met and satisfied by staff. No questions were asked by Council. Vincent Hall, Applicant for CHP, addresses the purpose for the rezoning request. The area was a consolidated block. The previous owner was unaware the lots were of two zoning types, and idea is to create a conforming zoning throughout to proposed home sites. No questions were heard. Mayor Ashworth asks for anyone in favor of the project to be heard. None came forward. Mayor Ashworth asks for anyone opposing the project to be heard. None came forward.

Mayor Ashworth calls for a motion to close the Public Hearing.

Motion by Mayor Pro Tem Litherland and seconded by Councilman Green to close the Public Hearing. **Motion** passed unanimously.

Motion by Mayor Pro Tem Litherland and seconded by Councilman Solomone to Approve Ordinance 2022-05 for the Rezoning of lot 16, Block 51, Cripple Creek, Hayden Placer Addition from Neighborhood Residential (R-3/4) to Neighborhood Mixed Use (BB). **Motion** passed unanimously.

Mayor Ashworth reconvenes into Planning Commission.

2. Consider Approval of a Request for a Re-Subdivision of the of Lots 6-10, Block 51, Hayden Placer Addition and Lots 23-24, Block 12, Fremont Addition into Three Lots in the Mixed-Use Neighborhood (BB). Ken Hartsfield, Building Official. THIS ITEM WAS WITHDRAWN BY STAFF, IT WAS DETERMINED THAT IT CAN BE HANDLED ADMINISTRATIVELY. NO ACTION IS NECESSARY FOR THIS ITEM.

3. Consider Resolution 2022-23 Approving the Application for a Conditional Use Permit for Six (6) Single Family Homes Located in the Neighborhood Mixed-Use Zone BB at Certain Real Property Described as Lots 6-16, Block 51, Hayden Placer Addition and Lots 23-24, Block 12, Fremont Addition, TBD E. Carr Avenue and TBD N. Main St, Cripple Creek Colorado. Ken Hartsfield; Building Official.

Hartsfield addresses the CUP application by CHP, the plot layover, surveying, and driveway locations. Hartsfield explains the overlay for the Main Street location is a bit off, but the survey and documentations shows the precise locations. Each of the three homes will have a garage on the west side of the properties with an alley running north/south from Carr. The driveways will not be located on Main St. All criteria for review has been met. Hartsfield recommends Council approve the CUP. Mayor Ashworth asks for anyone in favor of the project to be heard. Vincent Hall, Applicant CHP, expressed his excitement to bring housing to Cripple Creek and hopes for the opportunity to come to fruition. Mayor Ashworth asks for anyone opposing the project to be heard. None came forward.

Mayor Ashworth asks for a motion to close Public Comment.

Motion by Mayor Pro Tem Litherland and seconded by Councilman Green to close the Public Hearing. **Motion** passed unanimously.

Mayor Ashworth reconvenes into Regular Meeting.

Motion by Mayor Pro Tem Litherland and seconded by Councilman Solomone to Approve Resolution 2022-23 Approving the Application for a Conditional Use Permit for Six (6) Single Family Homes Located in the Neighborhood Mixed-Use Zone BB at Certain Real Property Described as Lots 6-16, Block 51, Hayden Placer Addition and Lots 23-24, Block 12, Fremont Addition, TBD E. Carr Avenue and TBD N. Main St, Cripple Creek Colorado. **Motion** passed unanimously.

NEW BUSINESS

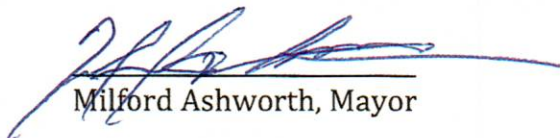
- A. Consider Approval of Resolution 2022-22 for a Certificate of Appropriateness at Certain Real Property Legally Described as L1-12 B19 Cripple Creek Hayden Placer Addition Including Adjacent N2 VAC Pikes Peak Ave and W2 VAC Alley as Described at 741574, Cripple Creek, County of Teller, State of Colorado. Renee Mueller, Planning and Historical Preservation Coordinator. Mueller reviews the application requirements with Council and states the criteria has been met. It was difficult to find lighting that provided the exact foot candles required to meet code, the City Administrator approved the layout even though they did not meet the current code requirements. Mueller presents photos of the proposed fixtures to Council. Historical Preservations recommends that Council approve this COA without conditions. **Motion** by Councilman Green and seconded by Councilwoman Trenary to approve Resolution 2022-22 for a Certificate of Appropriateness at Certain Real Property Legally Described as L1-12 B19 Cripple Creek Hayden Placer Addition Including Adjacent N2 VAC Pikes Peak Ave and W2 VAC Alley as Described at 741574, Cripple Creek, County of Teller, State of Colorado. **Motion** passed unanimously.
- B. **SECOND READING** to Consider Adoption of Ordinance 2022-04 Vacating Approximately 14,532 Square Feet of the Pikes Peak Avenue Right of Way and Adjacent Alleyways: That Portion of 60-Foot Pikes Peak Avenue Lying Between the West Line of Bison Street and the East Line of Fifth Street (Formerly Colorado HWY 67): Together with the 16 Foot Alleys in Block 29: in the City of Cripple Creek. Ken Hartsfield; Building Official. Hartsfield reminds Council this is a housekeeping item from the May 18, 2022, Regular Meeting. This Ordinance was approved and published at that time. **Motion** by Mayor Pro Tem Litherland and seconded by Councilman Solomone to Adopt Ordinance 2022-04 Vacating Approximately 14,532 Square Feet of the Pikes Peak Avenue Right of Way and Adjacent Alleyways: That Portion of 60-Foot Pikes Peak Avenue Lying Between the West Line of Bison Street and the East Line of Fifth Street (Formerly Colorado HWY 67): Together with the 16 Foot Alleys in Block 29: in the City of Cripple Creek. **Motion** passed unanimously.
- C. Consider Approval of Resolution 2022-20, A Resolution Declining the City of Cripple Creek's Participation in the Family and Medical Leave Insurance Program (FAMLI). Carol Stotts; HR/Risk Management Director. Stotts reviews the FAMLI plan with Council and states that her department provided a memo to Council and all Staff on May 31, 2022, for informational purposes. The memo also requested feedback from staff. Stotts provided City Clerk Gish with a printed response (email) from a staff

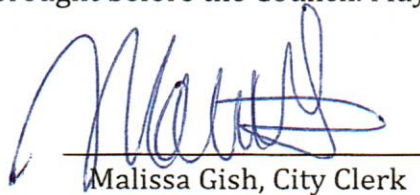
member regarding said response for the record. The response was in favor of retaining the current program and thanking Heather Hildebrand and Carol Stotts for the outstanding job they do. Stotts adds that all other responses were verbal and in favor of declining the FAML I program. Stotts informs Council that HR will need to register with the FAML I program in the fall to opt out. The city will need to inform staff of the Council's decision when the information is released. Staff recommends the decline of the FAML I program. **Motion** by Mayor Pro Tem Litherland and seconded by Councilman Solomone to Approve Resolution 2022-20, A Resolution **Declining** the City of Cripple Creek's Participation in the Family and Medical Leave Insurance Program (FAML I) with the word **ALL** added to seventh WHEREAS item on the Resolution. **Motion** passed unanimously.

City Clerk Gish made note of the addition of the word **ALL** and has made the change to all permanent documents for the record.

- D. Consider Approval of Resolution 2022-19, A Resolution to Rescind the Stage 2 Fire Ban and Enact a Stage 1 Fire Ban That Restricts Open Burning in the City of Cripple Creek, Colorado. Joe O'Connor, Fire Chief. Chief O'Connor reminds Council of the two feet of snow that dramatically decreased the fire danger, moving from EXTREME FIRE DANGER to HIGH FIRE DANGER. O'Connor recommends the Resolution to keep a STAGE I Fire Ban in place. **Motion** by Councilman Green and seconded by Mayor Ashworth to Approve Resolution 2022-19, A Resolution to Rescind the Stage 2 Fire Ban and Enact a Stage 1 Fire Ban That Restricts Open Burning in the City of Cripple Creek, Colorado. **Motion** passed unanimously.

ADJOURNMENT No further business was brought before the Council. Mayor Ashworth adjourned the meeting at 6:18 PM.


Milford Ashworth, Mayor


Malissa Gish, City Clerk



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July 6, 2022, 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, Mayor Pro Tem Litherland, Councilman Green, Councilwoman Trenary, Mayor Ashworth; City Administrator, Frank Salvato; City Clerk, Malissa Gish; Police Chief, Charles "Bud" Bright; Building Official, Ken Hartsfield; Code Enforcement Officer, Don Kramer; City Attorney, Erin Smith; Finance Director, Paul Harris; Heritage Center Director, Michelle Rozell; Deputy City Clerk, Lara Loewenheim.

Mayor Ashworth led with the Pledge of Allegiance and City Clerk Gish called roll.

Council Approved Meeting Minutes

Motion to approve the Minutes from the June 15, 2022, Regular Meeting by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland. **Motion** passed unanimously.

PUBLIC COMMENT:

Rich Ingold, Gold Camp Association thanked the supporters for the successful 4th of July event that was held over the weekend.

Kristie Crawford, Homestead House Museum, expressed her opposition to the opening and operation of a gift shop at the Heritage Center.

JR Gatlin of 308 Florissant St. expresses his concern regarding lack of communication over the delay with the fireworks; the lack of staff in the Planning Department; and the trees at the Heritage Center being decimated by the caterpillars.

ADMINISTRATOR

Frank Salvato confirms there was in fact communication regarding the flight for life causing the delay in fireworks during the event. It was noted that Jeff announced it at the podium and PD, FD, EMS announced it throughout the city.

Erin Smith, City Attorney, notifies the Council of the possible Citizen Initiative petition that is rumored to be brought to the Clerk's office. She lays out some key dates if this happens.

FINANCE DIRECTOR

Paul Harris states he has nothing new to report.

PLANNING COMMISSION AND CITY COUNCIL HEARING

FIRST READING of Ordinance 2022-06 Changing the City Building Code IBC Section 105.2 to Allow One Story Detached Accessory Structures to be a Maximum Size of 200 Square Feet Changed From 120 Square Feet to be Constructed Without a Building Permit. Ken Hartsfield

explains there are differences between residential accessory buildings and commercial buildings. The change would allow for unpermitted accessory structures to be up to 200 SF. It will make the residential and commercial code consistent with each other. **Motion** by Mayor Pro Tem Litherland and seconded by Councilman Green to approve Ordinance 2022-06 Changing the City Building Code IBC Section 105.2 to Allow One Story Detached Accessory Structures to be a Maximum Size of 200 Square Feet, Changed From 120 Square Feet to be Constructed Without a Building Permit. **Motion** passed unanimously.

To Be Continued to July 20, 2022, Regular City Council meeting at 5:30PM

Planning Commission and City Council Hearing to Consider and Potentially Approve or Deny a Request by Robert Gatlin and Janet Gail for a Variance to Dimensional Standards for Lots 20-31 Block 33 Hayden Placer to Change the Front Yard Setback From 5'-0" to be 0'-0".

Motion by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to continue the item to July 20, 2022 Regular City Council Meeting. **Motion** passed unanimously.

NEW BUSINESS


Consider Approval of the Heritage Center Opening and Operating a Gift Shop at their Location. Michelle Rozell presents her item to Council explaining her reasons for the interest in opening and operating the shop. Financial reasons being at the top of the list. She claims she is not attempting to be in competition but rather collaboration with the community and carry items local businesses do not carry. Several local business owners expressed strong opposition of the shop stating it will take revenue from them and it was decided when the building was erected, the Heritage Center will be an information center and not a place generating revenue. Business owners who spoke in opposition were; Bill Burcaw, Clint Pickett, John Freeman, Lois Woods, Liz Birmingham, Edie Smith, and Adla Maberry. **Motion** by Councilman Green and seconded by Councilman Solomon to approve the Heritage Center Opening and Operating a Gift Shop at their Location. **Motion** passed with a 3-2 vote. Councilwoman Trenary and Mayor Ashworth both hold a NO vote.


Consider Request from Colorado Opioid Abatement Council on Whether to 1) Opt In for Cripple Creek to Receive Funds With the Accompanying Report Obligations or 2) Opt Out for Cripple Creek to Forgo its Direct Payments to Redirect Funds to the Region (El Paso/Teller Counties). Salvato explained the nature of this being solely to OPT IN OR OPT OF THE AGREEMENT.

Motion by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to Opt IN with the Opioid Abatement Council to Receive Funds with Accompanying Report. **Motion** passed unanimously.

Item C Was Withdrawn Until a Later Date

ADJOURNMENT


Milford Ashworth, Mayor


Malissa Gish, City Clerk



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July 20, 2022, 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, Mayor Pro Tem Litherland, Councilman Green, Councilwoman Trenary, Mayor Ashworth; City Administrator, Frank Salvato; City Clerk, Malissa Gish; Police Chief, Charles "Bud" Bright; Building Official, Ken Hartsfield; City Attorney, Erin Smith; Finance Director, Paul Harris; Carol Stotts, HR Risk Management Director; Heritage Center Director, Michelle Rozell via ZOOM; Transportation Director, Ted Schweitzer via ZOOM; Deputy City Clerk, Lara Loewenheim.

Mayor Ashworth led with the Pledge of Allegiance and City Clerk Gish called roll.

Council Approved Meeting Minutes

No Minutes were prepared for approval.

PUBLIC COMMENT:

John and Mickey Freeman, The Creek Restaurant and Steve and Karen Zoellner 221 E Galena spoke in opposition of the Heritage Center being allowed to open and operate a gift shop in their location, which was approved at the previous Regular Council Meeting.

UPDATES

Sol Malick gave a legislative update on 2022 Primary Election Results and provided a Legislative Wrap Up.

Steve DiCamillo, Public Works Director updated Council on the award of the remainder of the sidewalk grant for the Galena Project. Prospect Street will be back on the project to be funded.

ADMINISTRATOR

Frank Salvato recognizes Mickey Groves for his 30 years of continued service to the city. Salvato announces Ken Hartsfield has been promoted to Community Development Planning Director.

FINANCE DIRECTOR

Paul Harris updates Council on device counts and COVID.

PLANNING COMMISSION AND CITY COUNCIL HEARING

1. Planning Commission and City Council Hearing to Consider and Potentially Approve or Deny a Request by JR Gatlin and Janet Gail Edwards for a Variance to Dimensional Standards for

Lots 20-31 Block 33 Hayden Placer to Change the Front Yard Setback From 5'-0" to be 0'-0".

This Includes:

Resolution 2022-24 Approving the Application for a Front Setback Variance to Allow a Zero (0') Front Setback in Place of the Required Five Feet (5') Front Setback of the R-2 Limited Residential District at Certain Real Property Described as Lots 20-31, Block 33, Hayden Placer, Cripple Creek, Colorado.

Mayor Ashworth opens the Public Hearing with the procedures provided by City Attorney, Erin Smith.

Ken Hartsfield presents the applicant's plan for the property. The PowerPoint depicts the property location, lot lines, and architectural designs. Hartsfield stated the variance review criteria have been met and recommends approval of the application. JR Gatlin, applicant, speaks in favor of being granted this request. Curt Sorenson, 106 Hayden St. speaks in opposition of the Gatlin request. Sorenson has submitted a letter in opposition as well.

Mayor Ashworth asks for a motion to close the Public Hearing. **Motion** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary. **Motion** carried unanimously.

Motion by Councilwoman Trenary and seconded by Councilman Solomone to Approve Resolution 2022-24 regarding the Application for a Front Setback Variance to Allow a Zero (0') Front Setback in Place of the Required Five Feet (5') Front Setback of the R-2 Limited Residential District at Certain Real Property Described as Lots 20-31, Block 33, Hayden Placer, Cripple Creek, Colorado. **Motion** passed by 3-2 vote. Councilman Green and Mayor Pro Tem Litherland vote NO.

NEW BUSINESS

Resolution 2022-21 for a 1 Cent Sales Tax Increase to Appear on the November 8, 2022 Ballot. Paul Harris has developed a draft of the ballot language and presents it to Council. Harris points out the absence of the phrase, "does not apply to food for consumption at home", and recommends adding it to the language. **Motion** by Councilwoman Trenary and seconded by Councilman Green to Approve Resolution 2022-21 for a 1 Cent Sales Tax Increase to Appear on the November 8, 2022 Ballot with the additional text. **Motion** carried unanimously.

Second Reading to Adopt Ordinance 2022-05 to Approve the Rezoning of property Consisting of Lot 16, Block 51, Cripple Creek, Hayden Placer Addition from neighborhood Residential (R ¾) to Neighborhood Mixed Use (BB), Ken Hartsfield; Building Official. Hartsfield explained this is the second reading for this Ordinance and it is a simple housekeeping measure. **Motion** by Councilman Green and seconded by Councilman Solomone to Adopt Ordinance 2022-05 to Approve the Rezoning of property Consisting of Lot 16, Block 51, Cripple Creek, Hayden Placer Addition from neighborhood Residential (R ¾) to Neighborhood Mixed Use (BB). **Motion** carried unanimously.

Consider a Request by Richard D. and Annette D. Sweeny for the Waiving of Water and Sewer Tap Fees and Infrastructure Costs in the Amount of \$9,290 for the Development of a Single-Family Residence at 203 Aspen Street Per Ordinance 2021-09; Ken Hartsfield, Building Official Hartsfield presented the applicant's request for the waiver. The total for the request is for \$14,010.00 to cover some of the cost for developing lines and the install of a fire hydrant (\$7300). **Motion** by Councilman Green and seconded by Mayor Ashworth to Approve Request by Richard D. and Annette D. Sweeny for the Waiving of Water and Sewer Tap Fees and Infrastructure Costs in the Amount of \$14,010.00 for the Development of a Single-Family Residence at 203 Aspen Street Per Ordinance 2021-09 and for the approval of the form agreement and authorize the City Administrator to sign the agreement. **Motion** passed 4to1 with Councilwoman Trenary a NO.


Award of RFQ for Water/Wastewater Line Replacement/Extension Project to AquaWorks; Frank Salvato, City Administrator. Salvato presented and provided the Council with a summary of the applicant's strengths and how they were chosen for the project. A contract will be drawn up at a later date for approval. **Motion** by Mayor Pro Tem Litherland and seconded by Councilman Solomone to Approve the Awarding of Water/Wastewater Line Replacement/Extension Project to AquaWorks. **Motion** carried unanimously.

Consider Approval to Enter into a Special Detail Assignment Agreement for Police Officers with the Town of Morrison, Colorado; Bud Bright, Police Chief **WITHDRAWN**

FIRST READING for Approval of Ordinance 2022-07 Determining to Follow the Provisions of the Uniform Election Code for the November 8, 2022, General Election; Malissa Gish, City Clerk. Gish presented and provided an overview of the purpose of the Ordinance and recommended approval. **Motion** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to Approve Ordinance 2022-07 Determining to Follow the Provisions of the Uniform Election Code for the November 8, 2022, General Election. **Motion** carried unanimously.

ADJOURNMENT

With no further business to conduct, Mayor Ashworth adjourns the meeting at 6:54 PM.



Milford Ashworth, Mayor



Malissa Gish, City Clerk



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August 3, 2022, 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, Mayor Pro Tem Litherland, Councilman Green, Councilwoman Trenary, Mayor Ashworth, City Administrator, Frank Salvato; City Clerk, Malissa Gish; Police Chief, Charles “Bud” Bright; Building Official, Ken Hartsfield (via ZOOM); City Attorney, Erin Smith; Finance Director, Paul Harris; Special Projects Director, Jeff Mosher; Finance Technician, Courtney Schuler (via ZOOM); Fire Chief, Joe O’Conor; Deputy City Clerk, Lara Loewenheim.

Mayor Ashworth led with the Pledge of Allegiance and City Clerk Gish called roll.

Council Approved Meeting Minutes

Motion by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to approve the July 6, 2022 and July 20, 2022, Regular Meeting Minutes. **Motion** passed unanimously.

PUBLIC COMMENT:

County Commissioners Dan Williams and Eric Stone spoke along with County Sheriff, Jason Mikesell, in opposition of the Citizen Initiative Petition Ordinance relating to marijuana.

Michael Lindsey, resident of Cripple Creek updated Council on the Gold Camp Associations role in the city and thanks Council and Staff for the financial assistance they were able to provide during the pandemic.

Annie Durham, 309 Aspen St commends the Homestead House for the event’s turn out. She also thanks Public Works for the great care being taken with the water line project being completed in front of her house. School will begin in a few weeks.

Frankie Wolfe, 112 W El Paso Ave. Wolfe informs the public about a new Facebook group she has created and invites others to join.

REPORTS

ADMINISTRATOR

Frank Salvato updates Council and the public on the status of the casinos allowing children to be in the casinos with them.

Salvato also informs Council that an item on the agenda will be explained in depth by the City Attorney, Erin Smith when the item is presented.

FINANCE DIRECTOR

Paul Harris has no update.

NEW BUSINESS

Consider Approval of Resolution 2022-25, a Resolution to Rescind Restrictions on open Burning in the City of Cripple Creek, Colorado; Joe O’Conor, Fire Chief. O’Conor updates Council on the state of the area getting enough rain to rescind the current fire ban to be in sync with the county. **Motion** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve Resolution 2022-25, a Resolution to Rescind Restrictions on open Burning in the City of Cripple Creek, Colorado. **Motion** passed unanimously.

FIRST READING Ordinance 2022-09, an Ordinance of the City Council for the City of Cripple Creek, Colorado Extending a Temporary Moratorium on Opening and Operating a Short-Term Rental and Declaring an Emergency. Jeff Mosher; Special Projects Manager. Mosher presents the item and explains this Ordinance is simply to extend the current moratorium to ensure no gap is open while the new Ordinance on Short Term Rentals is in transition. **Motion** by Councilwoman Trenary and seconded by Councilman Solomone to approve Ordinance 2022-09, an Ordinance of the City Council for the City of Cripple Creek, Colorado Extending a Temporary Moratorium on Opening and Operating a Short-Term Rental and Declaring an Emergency. **Motion** passed unanimously.

FIRST READING Ordinance 2022-10, an Ordinance of the City of Cripple Creek, Colorado Amending Chapter 6 of the Cripple Creek Municipal Code to Add a New Article 10 Relating to Short Term Rentals; Jeff Mosher, Special Projects Manager. Mosher explains that Staff recommends this Ordinance and the requirements and regulations stated in the Ordinance. Mosher explains the new regulations that will be imposed on applicants of Short-Term Rentals. **Motion** by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to Approve Ordinance 2022-10 , an Ordinance of the City of Cripple Creek, Colorado Amending Chapter 6 of the Cripple Creek Municipal Code to Add a New Article 10 Relating to Short Term Rentals and allowing the change to 6-10-10, Definitions, the definition of short term rentals business wording, “or more” shall be removed from that definition. **Motion** passed unanimously.

Consider Proposal with Leslie Klusmire, of Sustainable Futures Pragmatic Solutions, to Assist with Grant Writing; Frank Salvato, City Administrator. Salvato explains the necessity and the plan for Leslie Klusmire. **Motion** by Mayor Pro Tem Litherland and seconded by Councilman Solomone to approve the Proposal with Leslie Klusmire, of Sustainable Futures Pragmatic Solutions, to Assist with Grant Writing. **Motion** passed unanimously.

Consider Approval of Professional Service Agreement with AquaWorks for Water/Wastewater Line Replacement/Extension Project; Frank Salvato, City Administrator. Salvato presents the agreement with AquaWorks. **Motion** by Mayor Pro Tem Litherland and seconded by Councilman Green to Approve the Professional Service Agreement with AquaWorks for Water/Wastewater Line Replacement/Extension Project. **Motion** passed unanimously.

Consider Approval to Enter into a Special Detail Assignment Agreement for Police Officers with the Town of Morrison, Colorado; Bud Bright, Police Chief. Chief Bright explains the necessity of this agreement for off-duty officers to work with Morrison PD to help with events. **Motion** by Councilman Green and seconded by Councilman Solomone to approve entering into a Special Detail Assignment Agreement for Police Officers with the Town of Morrison. **Motion** passed unanimously.

FIRST READING Ordinance 2022-08 an Ordinance of the City of Cripple Creek, Colorado Repealing Ordinance 2010-09 and 2012-12; Deleting Subsection 10-8-70 of the Cripple Creek Municipal Code; and Repealing and Replacing Chapter 6, Article 8 of the Cripple Creek Municipal Code, Relating to Regulating Marijuana; Malissa Gish, City Clerk. City Attorney, Erin Smith explains the details of the process with the petition and Ordinance that is being initiated. This Ordinance is in the exact form as submitted. The City Council cannot change the Ordinance. Smith also explains this Ordinance allows for, 1) regulated marijuana to legally be for sale in the city; 2) it sets a 5% excise fee on the sale of marijuana. Smith states the excise tax portion does not comply with state law on TABOR. This fact would cause challenges when put on the ballot. If it is passed by voters, the taxing portions could not go into effect. **Motion** by Councilwoman Trenary and seconded by Councilman Green to **REJECT** Ordinance 2022-08 and refer the Ordinance to the Registered Electors of the City at the November 2022 General Election and direct staff to prepare ballot titles.

ADJOURNMENT

With no further business to conduct, Mayor Ashworth adjourned the meeting at 6:47 PM.

Milford Ashworth, Mayor

Malissa Gish, City Clerk



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August 17, 2022, Regular Meeting Minutes

Mayor Ashworth called the regular meeting of the City Council to order at 5:30 PM. Clerk Gish called roll. All Councilpersons were in attendance. Present in Council Chambers were; Frank Salvato, City Administrator; Malissa Gish, City Clerk; Charles "Bud" Bright, Police Chief; Ken Hartsfield, Building Official; Joe O'Connor, Fire Chief; Paul Harris, Finance Director; Don Kramer, Code Enforcement Officer; Lara Loewenheim, Deputy Clerk; Carol Stotts, H/R, Risk Management Director; and Erin Smith, City Attorney.

PUBLIC COMMENT:

Annie Durham, 309 Aspen, updates council on the status of the school breaking ground on the new Construction Trades Building on Monday. Completion should be in February 2023.

Councilman Green commends Fire Chief O'Connor and Police Chief Bright for their exceptional staff and demonstrations during the Donkey Derby Day Event over the weekend.

Mayor Ashworth concurs.

Council Approved Meeting Minutes

Motion by Councilwoman Trenary and seconded by Councilman Solomone to approve the August 3, 2022 regular Meeting Minutes. **Motion** passed unanimously.

REPORTS

ADMINISTRATOR

Frank Salvato updates on the visit with Leslie Klusmire on her meetings with staff regarding their grant needs. She will be returning the following Tuesday to continue meeting with staff.

FINANCE DIRECTOR

Paul Harris has no report.

PUBLIC HEARING

SECOND READING Consider Adoption of Ordinance 2022-06 Changing the City Building Code IBC Section 105.2 to Allow One Story Detached Accessory Structures to be a Maximum Size of 200 Square Feet Changed From 120 Square Feet to be Constructed Without a Building Permit; Ken Hartsfield, Building Official.

Hartsfield explains this is the second reading for adoption of the Ordinance. This Ordinance would allow for the City Building Code and the International Building Code to become consistent. Resident, Scott Marshal, 329 Waylen Avenue, speaks in favor of the change.

Motion by Councilman Green and seconded by Councilman Solomone to Adopt Ordinance 2022-06 Changing the City Building Code IBC Section 105.2 to Allow One Story Detached

Accessory Structures to be a Maximum Size of 200 Square Feet Changed From 120 Square Feet to be Constructed Without a Building Permit. **Motion** passed unanimously.

WITHDRAWN UNTIL SEPTEMBER 7, 2022, 5:30 PM REGULAR MEETING Consider a Request by William Diment for a Variance to the Development Code for the Construction of a Third Accessory Building In the R ¾ zone District Where Only One (1) Accessory Building is Currently Allowed on Certain Real Property Legally Described as Lots 32-35 Block 3, Gold Valley Addition, also Known as 349 West Bennett Avenue, Cripple Creek, Colorado; Ken Hartsfield, Building Official.

WITHDRAWN UNTIL SEPTEMBER 7, 2022 5:30 PM REGULAR MEETING Consider a Request by William Diment for a Variance to the Development Code for the Construction of a Storage Building in the R ¾ Zone Where No Other Buildings Have Been Constructed and the Proposed Building Cannot be Considered an Accessory Building, on Certain real Property, Legally Described as lot 13-44, Block 4, Gold Valley Addition, Cripple Creek, Colorado.

WITHDRAWN UNTIL SEPTEMBER 7, 2022 5:30 PM REGULAR MEETING Consider a Request by Maurice and Lois Woods to Modify the Conditional Use Permit to Construct Residential Dwelling Units in the C1 Zone District at Certain Real Property Legally Described as Lot 6A, Block 5, Cripple Creek, First Addition to Fremont, Cripple Creek, Also Known as 309 South Second St, Cripple Creek, Colorado; Ken Hartsfield, Building Official

NEW BUSINESS

Consider Approval of Resolution 2022-26, Approving an Update to Personnel Handbook; Carol Stotts, H.R./Risk Management Director. Stotts explains the change in the work comp process and reporting. The Resolution addresses the change in the handbook. **Motion** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve Resolution 2022-26, Approving an Update to Personnel Handbook. **Motion** passed unanimously.

Consider Granting Authority to AquaWorks DBO to Submit Grant Applications for Utility Collection and Distribution Systems to DOLA in the Amount of \$200,000 for Each Utility; Frank Salvato, City Administrator. Salvato explains the scope of the timing of AquaWorks ability to apply for grants pertaining to the water and wastewater project needs for engineering services. **Motion** by Councilwoman Trenary and seconded by Mayor pro Tem Litherland to Grant Authority to AquaWorks DBO to Submit Grant Applications for Utility Collection and Distribution Systems to DOLA in the Amount of \$200,000 for Each Utility. **Motion** passed unanimously.

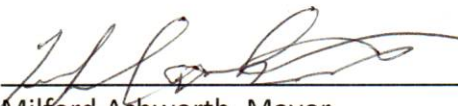
SECOND READING for Adoption of Ordinance 2022-07 Determining to Follow the Provisions of the Uniform Election Code for the November 8, 2022, General Election; Malissa Gish, City Clerk. Gish explains this is the second reading of the Ordinance which is required by the county for compliance regarding the General Election. **Motion** by Mayor Pro Tem Litherland and seconded by Councilman Solomone to Adopt Ordinance 2022-07 Determining to Follow the

Provisions of the Uniform Election Code for the November 8, 2022, General Election. **Motion** passed unanimously.

Consider Approval to Enter into an Intergovernmental Agreement with Teller County Clerk and Recorder for the 2022 General Election; Malissa Gish, City Clerk. Gish explains the IGA with the county is required and we agree to the terms of it regarding the General Election. This will need to be returned to the county by August 30, 2022, with signatures. **Motion** by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to Approve Entering into an Intergovernmental Agreement with Teller County Clerk and Recorder for the 2022 General Election. **Motion** passed unanimously.

FIRST READING to Approve Ordinance 2022-11, an Ordinance Submitting to the Registered Electors Voting in the General Coordinated Election to be Held November 8, 2022, Ballot Questions Pertaining to Allowing and Taxing Marijuana. Erin Smith; City Attorney. Smith explains the Ordinance that was rejected earlier, prompts the Council to set a ballot title question and refer the question to the voters, for the marijuana initiative petition that was deemed sufficient by City Clerk Gish. Smith states the Ordinance poses two questions to the voters: 1) to permit marijuana to be licensed and regulated within the city limits and, 2) asking the voters to approve the taxing of marijuana. Paul Harris, Finance Directors explains the tax portion of the ballot title included in the Ordinance. There will be many costs involved with departments needing to manage the retail locations. We hope the tax collected covers the basic costs and leaves surplus. **Motion** by Councilwoman Trenary and seconded by Councilman Green to approve, on first reading, Ordinance 2022-11, an Ordinance Submitting to the Register Electors Voting in the General Coordinated Election to be Held November 8, 2022, Ballot Questions Pertaining to Allowing and Taxing Marijuana with the Following Proposed Amendments; Section 4 Replace the wording *up to 10% sales Tax with an up to 18%* & the Addition of an Occupation Tax of up to \$5.00 per sale. **Motion** passed unanimously.

ADJOURNMENT- No further business was presented before the Council. Mayor Ashworth adjourned the meeting at 6:14 PM.



Milford Ashworth, Mayor



Malissa Gish, City Clerk



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September 7, 2022, Regular Meeting Minutes

Mayor Ashworth called the regular meeting of the City Council to order at 5:30 PM. Loewenheim called roll. All Councilpersons were in attendance. Present in Council Chambers were: Frank Salvato, City Administrator; Malissa Gish, City Clerk; Charles “Bud” Bright, Police Chief; Ken Hartsfield, Building Official; Joe O’Conor, Fire Chief; Paul Harris, Finance Director; Don Kramer, Code Enforcement Officer; Lara Loewenheim, Deputy Clerk; and Erin Smith, City Attorney.

PUBLIC COMMENT:

Kurt Sorenson 2-Mile-High Club, thanks the community for the successful Donkey Derby Day Festival. **Sharron Monroe** expresses her dissatisfaction over the parking garage that obstructs her view. She states that at a meeting in 2018 she was assured the project would not obstruct her view. With the project nearing completion in 2023, and the newly stories, her view is now obstructed. Several other community members express the same the concern. **Karla Lyons owns 511 W Masonic** expresses her concern over the new STR Ordinances and how it might affect her.

Mayor Ashworth concurs.

Council Approved Meeting Minutes

Motion by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to approve the August 17, 2022 regular Meeting Minutes. **Motion** passed unanimously.

REPORTS

ADMINISTRATOR

Frank Salvato updates Council on the status of the grants submitted by AquaWorks to the DOLA and SRF fund for utility lines and infrastructure. Salvato recognizes Tes Pedersen for her 15 years of service with the city.

Chief O’Conor was awarded one grant for firefighter protective gear; wildland and structural by the state of Colorado for \$66,000 and one grant from the El Pomar Foundation for \$5000.

FINANCE DIRECTOR

Paul Harris updates on the gaming data. We are not beating 2021 numbers.

UPDATES & PRESENTATIONS

Newmont Mine gives a quarterly update on the status of some projects regarding water, donations, and evaluations.

PUBLIC HEARINGS

Mayor Ashworth opens the public hearing with the statement provided by Erin Smith, City Attorney. No objects were made to continue.

Consider Resolution 2022-28 for a Request by William Diment for a Variance to the Development Code for the Construction of a Third Accessory Building In the R ¾ zone District Where Only One (1) Accessory Building is Currently Allowed on Certain Real Property Legally Described as Lots 32-35 Block 3, Gold Valley Addition, also Known as 349 West Bennett Avenue, Cripple Creek, Colorado; Ken Hartsfield, Building Official.

Ken Hartsfield presents the applicant's request. Hartsfield addresses the conflict with the third accessory building being against the Development Code for the allowance of the third structure on the property being over the allowed 50% of the primary structure's square footage, and code allows for only ONE accessory structure. Hartsfield states an approval will set a negative precedence. Hartsfield recommends DENIAL of this variance for these reasons. William Diment stated his case and states he is willing to erect a more permanent structure in the future. Mayor Ashworth asks if there is any comment in favor of the application. Several residents comment in favor of the application. Mayor Ashworth asks if there are any comments in opposition of the application. Kathy Pilcher expresses her opposition of the application. **Motion** by Councilman Green and seconded by Mayor Ashworth to approve Resolution 2022-28 for a variance to the Development Code. **Motion** passed unanimously.

Consider Resolution 2022-29 for a Request by William Diment for a Variance to the Development Code for the Construction of a Storage Building in the R ¾ Zone Where No Other Buildings Have Been Constructed and the Proposed Building Cannot be Considered an Accessory Building, on Certain real Property, Legally Described as lot 13-44, Block 4, Gold Valley Addition, Cripple Creek, Colorado.

Ken Hartsfield presents the application for the request. Hartsfield addresses the conflict with the Development Code being the accessory structure being erected without a residential structure on the lot. Hartsfield recommends the DENIAL of the variance due to the fact it conflicts with the development code. Mayor Ashworth asks Mr. Diment if he is willing to erect a more permanent, "rectangular structure". Mr. Diment stated his case and agreed to erect another more permanent structure in the spring (2023) when the ground allows. Mayor Ashworth asks if there are any comments in favor of the application. There were a few comments in favor of the application. Mayor Ashworth asks if there are any comments opposed to the application. Kathy Pilcher speaks in opposition of the application. **Motion by** Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to approve Resolution 2022-29 for a variance with the condition to erect a permanent structure in spring of 2023 when the ground allows; also make a correction to the Resolution changing the 200 square foot structure to a 600 square foot structure. City Clerk Gish verbally confirms the change will be made. **Motion** passed unanimously.

Mayor Ashworth calls for a 5-minute recess.

Consider Resolution 2022-27 for a Request by Maurice and Lois Woods to Modify the Conditional Use Permit to Construct a Residential Dwelling Units in the C1 Zone District at Certain Real Property Legally Described as Lot 6A, Block 5, Cripple Creek, First Addition to Fremont, Cripple Creek, Also Known as 309 South Second St, Cripple Creek, Colorado; Ken Hartsfield, Building Official

Ken Hartsfield presents the applicant's case, stating the applicants had a CUP for the property, there are some dimensional changes requested for the continuation of the construction. The Woods are not present, James Kroll, general contractor for the project has nothing to add to the presentation. Mayor Ashworth asks for any comments in support of the application. None was heard. Mayor Ashworth asks for any comment in opposition of the application. None was heard. **Motion** by Mayor Pro Tem Litherland and second by Councilwoman Trenary to approve Resolution 2022-27. **Motion** passed unanimously.

NEW BUSINESS

Approval to Enter into a Lease Agreement with Gold Camp Victorian Society to Store Three (3) Storage Sheds at the Public Works Yard; Frank Salvato, City Administrator

Frank Salvato explains the agreement was drafted to allow permission of the use of the land the sheds sit on at Public Works. It also addresses any future needs that may arise. **Motion** by Councilman Green and seconded by Councilman Solomone to approve the Lease Agreement with the GCVS to Store Three (3) Storage Sheds at the Public Works Yard. **Motion** passed unanimously.

SECOND READING to Adopt Ordinance 2022-09, an Ordinance of the City Council for the City of Cripple Creek, Colorado Extending a Temporary Moratorium on Opening and Operating a Short-Term Rental and Declaring an Emergency. Jeff Mosher; Special Projects Manager

Jeff Mosher explains this is the second reading for this Ordinance. It is to fill a gap created between the end of the extension and the Ordinance that will go into effect 30 days after publication. **Motion** by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to Adopt Ordinance 2022-09 an Ordinance of the City Council for the City of Cripple Creek, Colorado Extending a Temporary Moratorium on Opening and Operating a Short-Term Rental and Declaring an Emergency. **Motion** passed unanimously.

SECOND READING to Adopt Ordinance 2022-10, an Ordinance of the City of Cripple Creek, Colorado Amending Chapter 6 of the Cripple Creek Municipal Code to Add a New Article 10 Relating to Short Term Rentals; Jeff Mosher, Special Projects Manager

Jeff Mosher explains this is the second reading for the Ordinance. Staff has a change request, section 6-10-30. The addition of the text "nonrefundable" will be inserted. City Clerk Gish verbally confirms awareness of the change. Some public comment was heard, but most comments were related to the commercial water requirement for STR as business. **Motion** by Councilman Green and seconded by Councilwoman Trenary to Adopt Ordinance 2022-10, an Ordinance of the City of Cripple Creek, Colorado Amending Chapter 6 of the Cripple Creek Municipal Code to Add a New Article 10 Relating to Short Term Rentals to include the term, "nonrefundable" to Section 6-10-30. **Motion** passed unanimously.

SECOND READING to Adopt Ordinance 2022-11, an Ordinance Submitting to the Registered Electors Voting in the General Coordinated Election to be Held November 8, 2022, Ballot Questions Pertaining to Allowing and Taxing Marijuana. Erin Smith; City Attorney.

Erin Smith explains this is the second reading for adoption of the Ordinance. She explains the nature of the document and that Council has the power and authority to put the language in the ballot. The ballot questions are included in the ballot. An excise tax of 5% on the first sale or transfer of unprocessed retail marijuana with 25% of the taxes going to Destination Marketing and the remaining 75% of the tax will go into the General Fund. A sales tax is imposed up to 18% and an occupational tax is \$5 per transaction. Both measures need to pass in order for the measure to become effective. It will not be subject to the limitations of TABOR. Smith states medical is exempt from the 5% and the sales tax piece. Smith recommends the approval of this Ordinance due to deadlines. **Motion** by Councilwoman Trenary and seconded by Councilman Green to adopt Ordinance 2022-11, an Ordinance Submitting to the Registered Electors Voting in the General Coordinated Election to be Held November 8, 2022, Ballot Questions Pertaining to Allowing and Taxing Marijuana. **Motion** passed unanimously.

Consider a Request by Clayton Homes of Pueblo for the Waiving of Water and Sewer Tap Fees for in the Amount of \$48,000 for the Development of Six Single-Family Residence at 521 and 531 E. Carr Avenue, 201, 205 and 209 Main Street, and 302 El Paso Avenue and Per Ordinance 2021-09; Ken Hartsfield, Building Official.

Ken Hartsfield presents the applicant's case. The applicant will be responsible to pay a total of \$7740.00 for tap fees. **Motion** by Councilman Green and seconded by Councilman Solomone to approve Request by Clayton Homes of Pueblo for the Waiving of Water and Sewer Tap Fees for in the Amount of \$48,000 for the Development of Six Single-Family Residence at 521 and 531 E. Carr Avenue, 201, 205 and 209 Main Street, and 302 El Paso Avenue and Per Ordinance 2021-09. **Motion** passed unanimously.

Consider a Request by Robert and Laura Smith for the Waiving of Water and Sewer Tap Fees in the Amount of \$8,000 for the Development of a Single-Family Residence at 210 West Thurlow Avenue Per Ordinance 2021-09; Ken Hartsfield, Building Official

Ken Hartsfield presents the applicant's case and recommends approval. **Motion** by Councilwoman Trenary and seconded by Councilman Green to Approve a Request by Robert and Laura Smith for the Waiving of Water and Sewer Tap Fees in the Amount of \$8,000 for the Development of a Single-Family Residence at 210 West Thurlow Avenue Per Ordinance 2021-09. **Motion** passed unanimously.

ADJOURNMENT- No further business was presented before the Council. Mayor Ashworth adjourned the meeting at 7:47 PM.

Milford Ashworth, Mayor

Malissa Gish, City Clerk



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September 21, 2022, Regular Meeting Minutes

Mayor Pro Tem Litherland called the regular meeting of the City Council to order at 5:30 PM and led with the Pledge of Allegiance. Mayor Ashworth was absent. Mayor Pro Tem Litherland presides over the meeting. Present in Council Chambers were: Frank Salvato, City Administrator; Charles "Bud" Bright, Police Chief; Joe O'Connor, Fire Chief; Paul Harris, Finance Director; Melissa Beaty, Finance Accountant; Carol Stotts, HR/ Risk Management Director; Lara Loewenheim, Deputy Clerk; and Emily Naes, Assistant to the City Attorney.

PUBLIC COMMENT:

NONE

Council Approved Meeting Minutes

Motion by Councilwoman Trenary and seconded by Councilman Green to approve the September 7, 2022 Regular Meeting Minutes. **Motion** passed unanimously.

REPORTS

ADMINISTRATOR

Frank Salvato

FINANCE DIRECTOR

Paul Harris


NEW BUSINESS

- A. Approve the Annual Certification to Taxes of Past Due Utility Bills; Melissa Beaty, Accountant. Beaty explains the certification process. **Motion** by Councilwoman Trenary and seconded by Councilman Solomone to Approve the Annual Certification to Taxes of Past Due Utility Bills. **Motion** passed unanimously.
- B. Approve the Proposed Changes to the Water/Sewer/Tap Fee Ordinance Chapter 13 Article 4 Section 13-4-30 Imposition of Fees.; Melissa Beaty, Accountant. Beaty explains the request is only to change the language in the code in order to direct people to the water and sewer tap fee schedule that is being approved by council with the adoption of the annual budget. This change will make it so staff won't need to bring these changes to council for approval each year. **Motion** by Councilman Green and seconded by Councilwoman Trenary to Approve the Proposed Changes to the Water/Sewer/Tap Fee Ordinance Chapter 13 Article 4 Section 13-4-30 Imposition of Fees. **Motion** passed unanimously.
- C. Approve Resolution 2022-30 a Resolution Amending the FTA/FMCSA Drug and Alcohol Policy and Adopting Updated FTA/FMCSA Drug and Alcohol Handbook

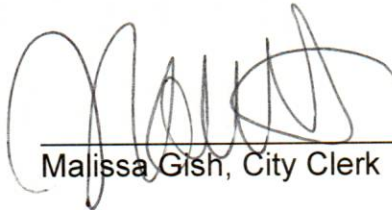
for the City of Cripple Creek, Carol Stotts HR/Risk Management Director. Stotts presents the item explains this Resolution is to make minor adjustments to the Handbook. **Motion** by Councilwoman Trenary and seconded by Councilman Solomone to Approve Resolution 2022-30 Amending the FTA/FMCSA Drug and Alcohol Policy and Adopting the Updated FTA/FMCSA Drug and Alcohol Handbook for the City of Cripple Creek. **Motion** passed unanimously.

D. Approve the Renewal of Sublease of the Basement of the "Green House" on Bennett Ave. (Property Lots 1 through 10 inclusive, Block 22, Fremont) Between the City of Cripple Creek and Community of Caring. Paul Harris; Finance Director. **Motion** by Councilwoman Trenary and seconded by Councilman Solomone to Approve the Renewal of Sublease of the Basement of the "Green House" on Bennett Ave. (Property Lots 1 through 10 inclusive, Block 22, Fremont) Between the City of Cripple Creek and Community of Caring. **Motion** passed unanimously.

ADJOURNMENT- No further business was presented before the Council. Mayor Pro Tem Litherland adjourned the meeting at 5:40 PM.



Milford Ashworth, Mayor



Malissa Gish, City Clerk



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October 5, 2022, Board of Appels Meeting Minutes

Mayor Pro Tem Litherland called the meeting of the City Council to order at 5:00 PM. Clerk Gish called roll. Mayor Ashworth was absent, but present on ZOOM. Mayor Pro Tem Litherland presides over the meeting. Present in Council Chambers were: Frank Salvato, City Administrator; Malissa Gish, City Clerk ; Charles "Bud" Bright, Police Chief; Paul Harris, Finance Director; Don Kramer, Code Enforcement Officer; Lara Loewenheim, Deputy Clerk; and Erin Smith, City Attorney.

HEARING RELATED TO APPEAL OF THE DECISION OF THE BUILDING OFFICIAL ON THE CONSTRUCTION DRAWINGS FOR THE CENTURY CASINO STAFF HOUSING

Mayor Pro Tem Litherland opens the Board of Appeals Meeting with the statement provided by City Attorney, Erin Smith.

Eric Rose from Century Casino presents his case stating the applicant is still in compliance according to the specifications from Public Works; there is one (1) service line each for water and sewage. The modulares have arrived and ready to set.

Ken Hartsfield explains that when this project was presented to Public Works, it was presented as three (3) separate buildings which places it under the jurisdiction of the IBC which requires the buildings to contain fire sprinklers. After some confusion as to whether the structures were apartments or townhomes, and upon clarification from the state architect approved for the modulares, the building code definition states they are "townhomes". With this information, Hartsfield is requesting each be provided with separate water and sewer lines. The city specifies that each building needs to have its own water and sewer line; the plumbing code requires a separate sewer line to each building, and according to the code each townhouse is considered a separate building.

Mr. Rose argues that they are not condos they are townhomes, and they are to be affordable employee housing.

Frank Salvato reminds the Board that this meeting is solely to decide if Ken's interpretation is affirmed or not.

Motion by Councilman Solomone to AFFIRM the Building Officials Determination. The Motion FAILS due to lack of a second motion.

Motion by Councilwoman Trenary and seconded by Councilman Green to OVERTURN the Building Officials Determination. 2 votes for and 2 votes against the Motion.

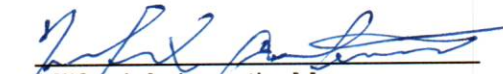
Motion fails.

Erin Smith, City Attorney recommends council suspend the BOA meeting until after the Regular Meeting that same evening. Council concurs and the meeting is suspended at 5:32 PM.

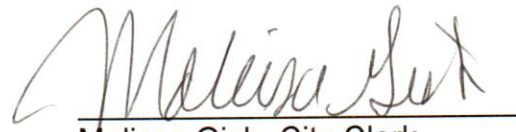
BOA Meeting reconvenes at 6:55 PM. Discussion over the fact that Mayor Ashworth is not present and will need have the information in order to vote. It is stated that there will be no discussion regarding the issue amongst each other. If any information or correspondence is necessary, it must go through the City Clerk for relay of information.

Motion by Councilman Green and seconded by Councilman Solomone to continue the meeting October 18, 2022, at 5:00 PM. **Motion** passed unanimously.

ADJOURNMENT- With no further business to present, Mayor Pro Tem Litherland adjourned the meeting at 7:03 PM.



Milford Ashworth, Mayor



Malissa Gish, City Clerk



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October 5, 2022, Regular Meeting Minutes

Mayor Pro Tem Litherland called the regular meeting of the City Council to order at 5:42 PM and led with the Pledge of Allegiance. Mayor Ashworth was absent, but present on ZOOM. Mayor Pro Tem Litherland presides over the meeting. Present in Council Chambers were: Frank Salvato, City Administrator; Malissa Gish, City Clerk; Jeff Mosher, Special Projects Director; Charles "Bud" Bright, Police Chief; Paul Harris, Finance Director; Don Kramer, Code Enforcement Officer; Heather Hildebrand, HR/Risk Management Technician; Lara Loewenheim, Deputy Clerk; and Erin Smith, City Attorney.

PUBLIC COMMENT:

NONE

Council Approved Meeting Minutes

Motion by Councilwoman Trenary and seconded by Councilman Green to approve the September 21, 2022 Regular Meeting Minutes. **Motion** passed unanimously.

REPORTS

ADMINISTRATOR

Frank Salvato reports that next week is Fire Prevention Week.

FINANCE DIRECTOR

Paul Harris reports on the status of the gaming reports.

PUBLIC HEARINGS

1. **FIRST READING to Approve Ordinance 2022-13 for a Request by the Cripple Creek and Victor School District for the Waiving of Water and Sewer Tap Fees and Infrastructure Costs in the amount of \$52,00.00 for the Development of the school's new Building Trades Mini - Factory at 410 North B Street ; Ken Hartsfield, Building Official**

Hartsfield presents the slide show representing the project in question. Miriam Mondragon, CCV Superintendent explains that this would help with the already overbudget project. There are 46 students in the program at this time. The grants already awarded will not cover the capital construction improvement costs. **Motion** by Councilman Green and seconded by Councilman Solomone to approve Ordinance 2022-13 as written. **Motion** passed unanimously.

2. Consider Approval of Resolution 2022-32 for a Request by Gibraltar Development for a Conditional Use Permit to Construct Twenty-Four (24) Residential Townhomes in the C1 District at Certain Real Property Legally Described as Lots 1-8, Block 3, Cripple Creek First Addition, and Lot 24 Block 9, Cripple Creek, Freeman Placer Addition, Located at the Northwest Corner of First Street and Warren Avenue in Cripple Creek, County of Teller, Colorado; Ken Hartsfield; Building Official

Mayor Pro Tem Litherland opens the public hearing for the Planning Commission with the statement provided by Erin Smith, City Attorney.

Hartsfield presents a slideshow with evidence of the applicant's project with site plans and photo renditions of what the homes will look like. This will benefit the community and will not overburden the infrastructure or existing services. Staff recommends approval with conditions: There will be a minimum 5' setback, that they will install sidewalks with curb and gutter along the west side of First St from Masonic to Warren Ave. There will be improvements to Warren Ave adjacent to the property. Improvements to the sewer and water infrastructure adjacent to the property to serve the project along with stormwater drainage improvements to maintain flows.

Mayor Pro Tem Litherland asks for the Applicant to present his case.

Michael Beattie, Gibraltar Development asks for approval of the CUP for his project.

Bryan Dutton, Alegro Design Company. Dutton explains the changes that were made to the design elements to the project.

Mayor Pro Tem Litherland asks if there is any comment from supporters of the project.

Reed Grainger, 150 E Bennett speaks in favor of the project.

Donna Brazil, CCME, speaks in favor of the project.

Matt Merrill from Community Banks, speaks in favor of the project.

Mayor Pro Tem Litherland ask if anyone wishes to speak in opposition of the project. There was no comment.

Mayor Pro Tem Litherland asks for a motion to close public comment. **Motion** by Councilwoman Trenary and seconded by Councilman Green to close public comment. **Motion** passed unanimously.


Councilwoman Trenary has a concern with the grade of the driveways, backing out onto Warren with the weather conditions that are notorious for the area. The engineers are looking at that concern and it will be addressed. Trenary asks about the selling price. Beattie is not able to answer that but guesses around \$300k, but that is not definite with the changing building materials cost.

Motion by Councilman Green and seconded by Councilman Solomon to approve Resolution 2022-32. **Motion** passed unanimously.

NEW BUSINESS

- A. Consider Approval of Resolution 2022-31 to Establish Fees Associated With Short Term Rentals; Jeff Mosher, Special Projects Director **Motion** by Councilwoman Trenary and seconded by Councilman Solomone to approve Resolution 2022-31. **Motion** passed unanimously.
- B. Consider Approval of Employee Healthcare and Ancillary Benefits Renewal; Carol Stotts, HR Risk Management Director. Heather Hildebrand presents the item as a 3% renewal increase for 2023 for medical with no change for dental or vision. Staff recommends approval of the benefit renewal. Public Sector Health Care Group has added an additional plan that Cripple Creek may look into adding in the future. PSHCG is also offering an early retiree program beginning in 2024 to continue benefits. **Motion** by Councilman Green and seconded by Councilwoman Trenary to Approve Employee Healthcare and Ancillary Benefits Renewal. **Motion** passed unanimously.
- C. Consider Approval of a Lease With UCHHealth Within the Medical Plaza; Paul Harris, Finance Director. Harris explains this is a continuation of the lease with UCH to lease the property at the Med Plaza. **Motion** by Councilwoman Trenary and seconded by Councilman Solomone to Approve a Lease with UCHHealth Within the Medical Plaza. **Motion** passed unanimously.
- D. Consider Approval of an Application from Gibraltar Development for a Waiver of Water and Sewer Tap Fees for Twenty-Four (24) Residential Townhomes in the C1 District; Ken Hartsfield, Building Official. Hartsfield states the amount that will be waived for tap fees will be \$192,000. Council may waive all or some of the tap fees as desired. **Motion** by Councilman Green and seconded by Councilman Solomone to Approve an Application from Gibraltar Development for a Waiver of Water and Sewer Tap Fees for Twenty-Four (24) Residential Townhomes in the C1 District. **Motion** passed unanimously.
- E. Consider a Request by Matt Fochts for the Waiving of Water and Sewer Tap Fees, and Infrastructure Costs in the Amount of \$22,000.00 for the Development of a Single-Family Residence at 410 West Golden Avenue Per Ordinance 2021-09; Ken Hartsfield, Building Official. Hartsfield presents the applicant's case and explains the amount in the packet is incorrect, it is in fact a \$22,000.00 total waiver. **Motion** by Councilman Green and seconded by Councilman Solomone to approve the Waiving of Water and Sewer Tap Fees, and Infrastructure Costs in the Amount of \$22,000.00. **Motion** passed unanimously.

ADJOURNMENT- With no further business to present, Mayor Pro Tem Litherland adjourned the meeting at 6:55 PM.


Milford Ashworth, Mayor


Malissa Gish, City Clerk



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2022, Board of Appeals Meeting Minutes

RECONVENING FROM THE SUSPENDED OCTOBER 5, 2022 MEETING

Mayor Ashworth called the meeting of the City Council to order at 5:00 PM. Clerk Gish called roll. Charles Solomone was absent, but present on ZOOM. Present in Council Chambers were: Frank Salvato, City Administrator; Malissa Gish, City Clerk; Ken Hartsfield, Building Official; Steve DiCamillo, Public Work Director; Lara Loewenheim, Deputy Clerk; and Erin Smith, City Attorney (present on Zoom).

HEARING RELATED TO APPEAL OF THE DECISION OF THE BUILDING OFFICIAL ON THE CONSTRUCTION DRAWINGS FOR THE CENTURY CASINO STAFF HOUSING

Mayor Ashworth opens the Board of Appeals Meeting with the statement provided by City Attorney, Erin Smith.

Eric Rose from Century Casino states that there is no argument whether this is a townhouse or an apartment. Rose claims there were no prior discussions with staff regarding apartments. He states all utility discussions were with Steve DiCamillo, Public Works Director and Renee Mueller, Historic Preservation about a year ago. Rose disputes staffs' interpretation that each townhouse is a single building. Rose dismisses concerns that this property would be divided in the future as it would not make sense for their company.

Ken Hartsfield explains that there is a difference between apartments and townhomes. Hartsfield states that originally when the Certificate of Appropriateness was issued it stated 3, 2-story fourplexes. Hartsfield states that it was not until he was reviewing the final plans for issuing the permit, did he realize that fourplexes, based on IBC are required to have sprinklers and there were no provisions in the plans for fire sprinklers. Hartsfield contacted the state reviewer and he said that these are IRC townhomes therefore individually they did not require fire sprinklers. Hartsfield states that the previous information given regarding these being apartments and now being townhomes, changes the code from the IBC to the IRC building code. Hartsfield states his interpretation is that each individual unit is treated as a separate building therefore each unit should have separate sewer.

Mayor Ashworth questions the importance of the issue. Hartsfield states that each building or townhome must have its own sewer connection. Currently proposed, is all four units being counted as one building and the sewer line could run between the different units. Building code

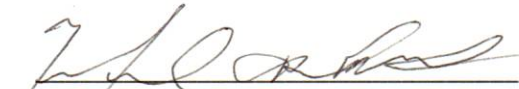
says that you need 4 separate sewers and 4 separate water connections for the 4 separate townhomes.

Mayor Pro Tem Litherland asks if there are fire walls. Salvato states that there are 4 hour fire walls between each unit. Mayor Pro Tem Litherland asks Rose what the cost would be if they were required to obtain separate water and sewer lines. Rose estimates \$50K to \$100K and an additional 2 months' time. This is a guess and not an accurate cost assessment.

Councilman Green asks for clarification on how many taps would be required per building and if the only difference is that the lines run inside the crawlspace or outside. Hartsfield affirms but clarifies, as the Board of Review, they are simply determining if his interpretation is correct based on the code on townhouse vs. apartments.

Motion by Councilman Green and seconded by Mayor Ashworth to approve the appeal of the decision of the Building Official on the construction drawings for the Century Casino staff housing. Mayor Pro Tem Litherland votes no. All others vote affirmatively. **Motion** passed unanimously.

ADJOURNMENT - With no further business to present, Mayor Ashworth adjourned the meeting at 5:36 PM.



Milford Ashworth, Mayor



Malissa Gish, City Clerk



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October 19, 2022 Regular Meeting Minutes

Mayor Ashworth called the Regular meeting of the City Council to order at 5:30 PM and led with the Pledge of Allegiance. Councilman Solomone was absent, but present on ZOOM. Present in Council Chambers were: Frank Salvato, City Administrator; Charles "Bud" Bright, Police Chief; Paul Harris, Finance Director; Don Kramer, Code Enforcement Officer; Steve DiCamillo, Public Works Director; Ken Hartsfield, Building Official; Malissa Gish, City Clerk (ZOOM); Lara Loewenheim, Deputy Clerk; and Erin Smith, City Attorney.

PUBLIC COMMENT:

Annie Durham resident and employee from the CCV School District thanks Council for the action taken at a recent meeting regarding CCV Waiver of Tap Fees.

Council Approved Meeting Minutes

Motion by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to Approve the Meeting minutes from the October 5, 2022 Board of Appeal Meeting and the October 5, 2022 Regular Meeting. **Motion** passed unanimously.

REPORTS

ADMINISTRATOR

Frank Salvato announces the Town Hall Meeting on Tuesday October 25, 2022 at 5:30 PM. Salvato updates Council on the meeting with DOLA and state reps on SRF for a prequalification meeting. They are looking into the prospect of qualifying as a disadvantaged community.

FINANCE DIRECTOR

Paul Harris

Harris updates on the device count at a loss.

PUBLIC HEARING

Mayor Ashworth opens the public hearing with the statement provided by City Attorney, Erin Smith. No objections were made to continue with the public hearing.

- 1) Consider Approval of Resolution 2022-33 for a Request by Clayton Homes of Pueblo to Modify the Conditional Use Permit to Construct Residential Dwelling Units in the BB Zone District at Certain Real Property Legally Described as Lots 6-7 & Part of 8, Block 51 Cripple Creek Hayden Placer Addition, Cripple Creek, Also Known as 535 East Carr Avenue; Ken Hartsfield, Building Official

Ken Hartsfield presents an overview of the request for modification to the existing conditional use

permit. Hartsfield clarifies that the correct property address is **531** E. Carr. The house at 531 E. Carr will be shifted 13 feet from E Carr and 13 feet from the alley. Staff.

Vincent Hall, Clayton Homes of Pueblo representative, presents his case. Hall states that there were items that Clayton Homes did not anticipate when the project was originally approved. During excavation, a foundation from a previous structure was discovered and they do not want to leave it exposed. They believe this change will still maintain the historic character of the site. Councilman Green asks if Clayton Homes will move the setbacks of the other two properties or if it will be just this one lot. Hall states that they will alternate the setbacks on the other properties so that they look appropriate.

Mayor Ashworth asks if there is any comment in favor of the application. None was heard.

Mayor Ashworth asks if there is any comment against of the application. None was heard.

Motion by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to close Public Hearing. **Motion** passed unanimously.

Motion by Mayor Pro Tem Litherland and seconded by Councilman Green to reconvene the Regular City Council Meeting. **Motion** passed unanimously.

Motion by Mayor Pro Tem Litherland and seconded Councilwoman Trenary to consider Approval of Resolution 2022-33 for a Request by Clayton Homes of Pueblo to Modify the Conditional Use Permit to Construct Residential Dwelling Units in the BB Zone District at Certain Real Property Legally Described as Lots 6-7 & Part of 8, Block 51 Cripple Creek Hayden Placer Addition, Cripple Creek, Also Known as **531** East Carr Avenue. **Motion** passed unanimously.

NEW BUSINESS

A. FIRST READING to Consider Approval of Ordinance 2022-12 Declaring Dirty Windows on Vacant Commercial Buildings a Nuisance; Frank Salvato, City Administrator.

Frank Salvato explains that the windows of the vacant buildings down to the east of city hall are very dirty and have graffiti written in the dirt. **Motion** by Councilman Green and seconded by Councilwoman Trenary to approve Ordinance 2022-12 Declaring Dirty Windows on Vacant Commercial Buildings a Nuisance. **Motion** passed unanimously.

B. Consider a request by J.R Gatlin and Janet Edwards for a Waiver of Water and Sewer Tap Fees for the construction of a single-family residence on Lots 28-31, Block 33 Hayden Placer Addition, Cripple Creek, Colorado Per Ordinance 2021-09; Ken Hartsfield, Building Official

Ken Hartsfield presents the applicant's case. The applicant was not present.

Motion by Councilwoman Trenary and seconded by Mayor Ashworth to approve a request by J.R Gatlin and Janet Edwards for a Waiver of Water and Sewer Tap Fees for the construction of a single-family residence on (a parcel consisting of) Lots 28-31, Block 33 Hayden Placer Addition, Cripple Creek, Colorado Per Ordinance 2021-09. **Motion** passed unanimously.

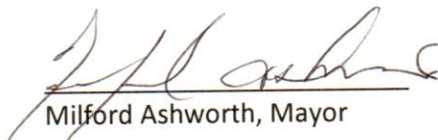
C. Consider a Request by Serenity Home Creation LLC for the Waiving of Water and Sewer Tap Fees, for the Construction of a Single-Family Residence at 219 West Bennett Avenue Per Ordinance 2021-09; Ken Hartsfield, Building Official

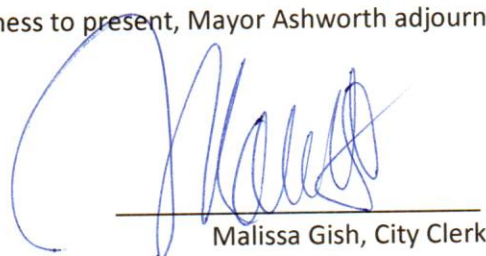
Ken Hartsfield presents the applicant's case. The applicant James Kroll was present. **Motion** by Councilman Green and seconded by Councilwoman Trenary to approve the request by Serenity Home Creation LLC for the Waiving of Water and Sewer Tap Fees, for the Construction of a Single-Family Residence at 219 West Bennett Avenue Per Ordinance 2021-09. **Motion** passed unanimously.

D. FIRST READING To Consider Approval of Ordinance 2022-14 An Ordinance Vacating that Portion of Carbonate Street Right-of-Way as Platted on the Hayden Placer Company's Sub-Division of the Hayden Placer Dated January 15, 1892 and Recorded in Plat Book F at Page 28 in the Official Records of the El Paso County (now Teller County) Clerk and Recorder , Lying in the Southwest Quarter of the Northeast Quarter of Section 13, Township 15 South, Range 70 West of the 6th P.M., in the City of Cripple Creek , Teller County, State of Colorado ; Ken Hartsfield, Building Official.

Ken Hartsfield presents the applicant's case. Mayor Pro Tem Litherland questioned who owns the property. Hartsfield and Salvato clarify that this is owned by the public and this is a right of way. Property will be used for signage and landscaping. Salvato states that the Golden Nugget would like this vacated prior to closing on the purchase of Wildwood Casino. Councilman Green asks Steve DiCamillo, Public Works Director if this would cause any problems with traffic flow. DiCamillo states that this will cause no issues with traffic. **Motion** by Councilwoman Trenary second by Councilman Green to approve Ordinance 2022-14 An Ordinance Vacating that Portion of Carbonate Street Right-of-Way as Platted on the Hayden Placer Company's Sub-Division of the Hayden Placer Dated January 15, 1892 and Recorded in Plat Book F at Page 28 in the Official Records of the El Paso County (now Teller County) Clerk and Recorder , Lying in the Southwest Quarter of the Northeast Quarter of Section 13, Township 15 South, Range 70 West of the 6th P.M., in the City of Cripple Creek , Teller County, State of Colorado. **Motion** passed unanimously.

ADJOURNMENT- With no further business to present, Mayor Ashworth adjourned the meeting at 6:05 PM.


Milford Ashworth, Mayor


Malissa Gish, City Clerk



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November 16, 2022 Regular Meeting Minutes

Mayor Ashworth called the Regular meeting of the City Council to order at 5:30 PM and led with the Pledge of Allegiance. City Clerk Gish called roll. A quorum was present. Present in Council Chambers were: Frank Salvato, City Administrator; Charles "Bud" Bright, Police Chief; Paul Harris, Finance Director; Carol Stotts, H/R and Risk Management Director; Malissa Gish, City Clerk; Joe O'Connor, Fire Chief; Steve DiCamillo, Public Works Director; Don Kramer, Code Enforcement Officer; Katie Rieth, Building Department Assistant (Temp); and Erin Smith, City Attorney.

PUBLIC COMMENT:

None

Council Approved Meeting Minutes

Motion by Mayor Pro Tem Litherland and seconded by Councilman Green to Approve the Meeting minutes from the November 2, 2022 Regular Meeting. **Motion** passed unanimously.

REPORTS

ADMINISTRATOR

Frank Salvato

Salvato recognizes Sergeant Bradley Ross for his 5 years with the City and Marian Spring for her 10 years with the city.

He will be making a presentation to DOLA in Pueblo on December 6th.

FINANCE DIRECTOR

Paul Harris

Harris updates on the slowdown of Covid.

NEW BUSINESS

A. Consider Approval of Resolution 2022-36 for a Grant of Access Easement Agreement and a Grant of Utility Easement Agreement with Steve Norris; Steve DiCamillo, Public Works Director

DiCamillo states Steve Norris is selling the property, therefore the City needs to provide a legal access agreement. The easement will stay with the property. The documents have been recorded by the Clerk with TCCR as of Nov 18, 2022. **Motion** by Councilwoman Trenary and seconded by Councilman Green to approve Resolution 2022-36 for a Grant of Access Easement Agreement and a Grant of Utility Easement Agreement with Steve Norris. **Motion** passed unanimously.

B. Consider Approval of Resolution 2022-35 Amending the Drug and Alcohol Testing Policy and Procedure Manual and Adopting Updated Non-DOT Drug and Alcohol Testing Handbook for the City of Cripple Creek; Carol Stotts, H/R and Risk Management Director

Stotts hand delivers an additional document to the Council with changes related to page 2 of the handbook. **Motion** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to approve Resolution 2022-35 Amending the Drug and Alcohol Testing Policy and Procedure Manual and Adopting Updated Non-DOT Drug and Alcohol Testing Handbook for the City of Cripple Creek. **Motion** passed unanimously.

C. Consider Approval of a Second Amendment to Amend and Restated Development Agreement; Frank Salvato, City Administrator

Salvato explains the agreement is related to the two following items on the agenda. FHR is requesting an extension for the project to December 31, 2023. **Motion** by Councilman Green and seconded by Councilman Trenary to approve the Second Amendment to Amend and Restated Development Agreement. **Motion** passed unanimously.

D. FIRST READING to Consider Approval of Ordinance 2022-15, an Ordinance Amending Ordinance 2021-20, Which Amended Ordinance 2021-02, Which Amended Ordinance 2018-05 Vacating a Portion of an Alley Within the City of Cripple Creek Described in this Ordinance; Frank Salvato, City Administrator

Salvato explains this item is related to the previous one. **Motion** by Councilman Green and seconded by Councilman Solomone to approve Ordinance 2022-15, an Ordinance Amending Ordinance 2021-20, Which Amended 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** passed unanimously.

E. FIRST READING to Consider Approval of Ordinance 2022-16 an Ordinance Amending Ordinance 2021-19 Which Amended Ordinance 2021-01 Which Amended Ordinance 2018-04 Vacating a Portion of Second Street Within the City of Cripple Creek Described in this Ordinance; Frank Salvato, City Administrator

Motion by Councilman Green and seconded by Mayor Pro Tem Litherland to approve Ordinance 2022-16 an Ordinance Amending Ordinance 2021-19 Which Amended 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** passed unanimously.

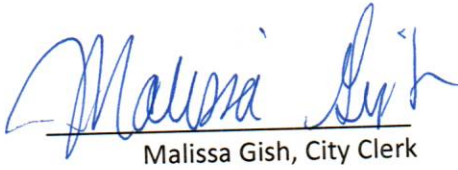
F. FIRST READING to Approve Ordinance 2022-17, an Ordinance of the City Council of Cripple Creek, Colorado Imposing a Temporary Moratorium on Submission, Acceptance, Processing, and Approval of Any Applications for a City of Cripple Creek Permit or License Related to the Operation of a Medical or Retail Marijuana Business; Directing the Prompt Investigation of the City's Regulatory Authority Over Such Businesses; and Declaring the Intention of the City Council to Consider the Adoption of Appropriate City Regulations With Respect to Such Businesses and Declaring an Emergency; Erin Smith, City Attorney

Smith explains the nature of the moratorium and how it will be implemented by staff. This process will take time to accomplish operational standards and codify the new taxes. Ordinances will need to be drafted for Council's consideration before any licenses can be considered for issuance. Procedures will

need to be put in place including zoning, application process, and fee schedules. This Ordinance will allow time for staff to accomplish these tasks to proceed with the implementation. **Motion** by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to approve Ordinance 2022-17, an Ordinance of the City Council of Cripple Creek, Colorado Imposing a Temporary Moratorium on Submission, Acceptance, Processing, and Approval of Any Applications for a City of Cripple Creek Permit or License Related to the Operation of a Medical or Retail Marijuana Business; Directing the Prompt Investigation of the City's Regulatory Authority Over Such Businesses; and Declaring the Intention of the City Council to Consider the Adoption of Appropriate City Regulations With Respect to Such Businesses and Declaring an Emergency. **Motion** passed unanimously.

ADJOURNMENT- With no further business to present, Mayor Ashworth adjourned the meeting at 6:02 PM.


Milford Ashworth, Mayor


Malissa Gish, City Clerk



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December 7, 2022 Regular Meeting Minutes

Mayor Ashworth called the Regular meeting of the City Council to order at 5:30 PM and led with the Pledge of Allegiance. City Clerk Gish called roll. A quorum was present. Present in Council Chambers were: Frank Salvato, City Administrator; Charles "Bud" Bright, Police Chief; Paul Harris, Finance Director; Malissa Gish, City Clerk; Joe O'Connor, Fire Chief; Don Kramer, Code Enforcement Officer; Jeff Mosher Special Projects Director; Ken Hartsfield, Building Official; Mickey Groves Water/ Wastewater Director; Zack Sztanyo, Butte Theater Director; and Erin Smith, City Attorney.

PUBLIC COMMENT:

Annie Durham CTE Director CCV School District reports on the status of the CCV building being erected on site. Due to weather conditions, the completion date is now set for the end of February 2023.

Council Approved Meeting Minutes

Motion by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to Approve the Meeting minutes from the November 16, 2022 Regular Meeting. **Motion** passed unanimously.

REPORTS

ADMINISTRATOR

Frank Salvato recognizes Mike Cuilla, Animal Control; Ken Hartsfield, Building Official; and James Wells, Reserve Firefighter, for their 1 year with the City.

The City's wastewater treatment plant was recognized for its assistance with obtaining and submitting 48 water samples over a 25-week span to the state to track the progression of COVID.

Staff presented to a committee for DOLA. The City is asking for \$400,000 for engineering for the W/WW line extension. They should hear back in a week.

FINANCE DIRECTOR

Paul Harris

Harris reports no updates but has items on the agenda.

PRESENTATIONS

Newmont gives a quick update on the relocation of the Deadwood Headframe. It will be disassembled in January and relocated and reassembled shortly after. It will still be visible from Bennett Avenue and the Heritage Center.

NEW BUSINESS

A. Presentation & Recommendations for Allocation of Pioneers in Public Service Funding; Ted Borden, Community of Caring Executive Director

Borden introduces the students who will be presenting the funding awards. Several students presented their funding awards. Gorman Medical recommended award \$1400.00; Choices \$ 1200.00; CASA \$2000.00; YANAKC \$1500.00; Community Christmas Planning \$1000.00; Help the Needy \$2000.00; Teller Senior Coalition \$2000.00; Teller County Farmers Market \$0; Community Partnership \$2000.00; Tyler De La Plain \$900.00.

Motion by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to Approve the Recommendations for Allocation of Pioneers in Public Service Funding in the amount of \$14,000 AND rolling Over the surplus \$1000 to next year. **Motion** passed unanimously.

B. Consider Approval of a Communication Site Lease Agreement Between Vero Broadband, LLC, and The City of Cripple Creek to Include Granting the City Administrator Permission to Sign the Agreement, Renee Mueller, Planning and Historic Preservation Coordinator

Gretchen Geary, Vero Broadband Representative, presents in Mueller's absence. Vero Broadband is requesting to replace the existing tower with a taller, 60' tower containing 11 different objects, and upgrade the existing shed. The lease fee will provide revenue to the city. Council inquires about the shed that will upgrade the existing one. Geary states the new one will house VBB equipment and provide a separate door for the city to have their own entrance. VBB will remove all old equipment. **Motion** by Councilwoman Trenary and second by Councilman Green to Approve a Communication Site Lease Agreement Between Vero Broadband, LLC, and The City of Cripple Creek to Include Granting the City Administrator Permission to Sign the Agreement. **Motion** passed unanimously.

C. Consider Approval to Authorize Staff to Advertise for Engineering Services-RFQ for Wastewater Plant; Mickey Groves, Water/Wastewater Director

Groves is seeking approval to advertise for an engineer to assist with the evaluation of the state's requirements/planning/cost estimates for a plant upgrade or replacement. This engineer would cover the preliminary steps then later request another RFQ. **Motion** by Mayor Pro Tem Litherland and seconded by Councilwoman Trenary to Approve Staff to Advertise for Engineering Services-RFQ for Wastewater Plant. **Motion** passed unanimously.

D. Consider Approval of Resolution 2022-37 a Resolution Levying General Property Taxes for the Year 2022, to Help Defray the Cost of Government for the City of Cripple Creek, Colorado for the 2023 Budget Year; Paul Harris, Finance Director

Harris states this Resolution is a property tax component and is an increase of 5.5% over last year. **Motion** by Councilman Green and seconded by Mayor Pro Tem Litherland to Approve Resolution 2022-37 a Resolution Levying General Property Taxes for the Year 2022, to Help Defray the Cost of Government for the City of Cripple Creek, Colorado for the 2023 Budget Year. **Motion** passed unanimously.

E. Consider Approval of Resolution 2022-38 a Resolution 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 2023, and Ending on the Last Day of December 2023; Paul Harris, Finance Director

Harris explains this Resolution summarizes the expenditures and revenues for each fund individually. Harris points out the \$553,000 in unappropriated reserves will be used for the street paving program in

2023. **Motion** by Councilwoman Trenary and seconded by Councilman Green to Approve Resolution 2022-38 a Resolution 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 2023, and Ending on the Last Day of December 2023. **Motion** passed unanimously.

F. Consider Approval of Resolution 2022-39 a Resolution Appropriating Sums of Money to the Various Funds & Spending Agencies, in the Amounts for The City of Cripple Creek, Colorado for the 2023 Budget Year; Paul Harris, Finance Director

Harris explains this Resolution separates the operating expenses, capital outlay, and debt components. They have agreed to lease a new plow in the 2023 budget year. **Motion** by Mayor Pro Tem Litherland and seconded by Councilman Green to Approve Resolution 2022-39 a Resolution Appropriating Sums of Money to the Various Funds & Spending Agencies, in the Amounts for The City of Cripple Creek, Colorado for the 2023 Budget Year. **Motion** passed unanimously.

MAYOR ASHWORTH OPENS THE PUBLIC HEARINGS WITH A STATEMENT PROVIDED BY CITY ATTORNEY, ERIN SMITH. ASHWORTH STATES THE PROCEDURES COUNCIL WILL FOLLOW FOR ALL THE FOLLOWING PUBLIC HEARING ITEMS.

G. SECOND READING & PUBLIC HEARING to Consider Adoption of Ordinance 2022-12 Declaring Dirty Windows on Vacant Commercial Buildings a Nuisance; Frank Salvato, City Administrator.

Salvato reminds Council this is the second reading of this item to obtain cooperation from vacant business owners to keep their windows clean and clear of outdated materials. No public comment is heard. **Motion** by Councilman Green and seconded by Councilman Solomone to Adopt Ordinance 2022-12 Declaring Dirty Windows on Vacant Commercial Buildings a Nuisance. **Motion** passed unanimously.

H. SECOND READING & PUBLIC HEARING To Consider Adoption of Ordinance 2022-14 An Ordinance Vacating that Portion of Carbonate Street Right-of-Way as Platted on the Hayden Placer Company's Sub-Division of the Hayden Placer Dated January 15, 1892 and Recorded in Plat Book F at Page 28 in the Official Records of the El Paso County (now Teller County) Clerk and Recorder , Lying in the Southwest Quarter of the Northeast Quarter of Section 13, Township 15 South, Range 70 West of the 6th P.M., in the City of Cripple Creek , Teller County, State of Colorado ; Ken Hartsfield, Building Official

Hartsfield explains the former Wildwood Casino is asking for this parcel of land to be vacated to hold signage and develop landscaping for the establishment. No actual information on the development specifics have been submitted. Mayor Pro Tem Litherland asks if it is possible for the new owner, Golden Nugget, if the city could advertise for the Butte Theater shows in that location. The Butte has, in the past, advertised in that location. No public comment is heard. **Motion** by Councilman Green and seconded by Councilwoman Trenary to Adopt Ordinance 2022-14 An Ordinance Vacating that Portion of Carbonate Street Right-of-Way as Platted on the Hayden Placer Company's Sub-Division of the Hayden Placer Dated January 15, 1892 and Recorded in Plat Book F at Page 28 in the Official Records of the El Paso County (now Teller County) Clerk and Recorder, Lying in the Southwest Quarter of the Northeast Quarter of Section 13, Township 15 South, Range 70 West of the 6th P.M., in the City of Cripple Creek , Teller County, State of Colorado. **Motion** passed unanimously.

I. SECOND READING & PUBLIC HEARING to Consider Adoption of Ordinance 2022-15, an Ordinance Amending Ordinance 2021-20, Which Amended Ordinance 2021-02, Which Amended Ordinance 2018-05 Vacating a Portion of an Alley Within the City of Cripple Creek Described in this Ordinance; Frank Salvato, City Administrator

Salvato states this item, and the following item are related. He reminds them this Ordinance came before them earlier for an extension of the FHR (Bronco Billy's) Project until December 2023. The State Fire Marshal reported that the hotel cannot open in phases and must be complete to receive the CO. No public comment is heard. **Motion** by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to Adopt Ordinance 2022-15, an Ordinance Amending Ordinance 2021-20, Which Amended 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** passed unanimously. City Attorney Smith advises Council that they may make both motions for the related items I & J, as they are related.

J. SECOND READING & PUBLIC HEARING to Consider Adoption of Ordinance 2022-16 an Ordinance Amending Ordinance 2021-19 Which Amended Ordinance 2021-01 Which Amended Ordinance 2018-04 Vacating a Portion of Second Street Within the City of Cripple Creek Described in this Ordinance; Frank Salvato, City Administrator

Motion by Councilman Green and seconded by Councilwoman Trenary to Adopt Ordinance 2022-16 an Ordinance Amending Ordinance 2021-19 Which Amended Ordinance 2021-01 Which Amended Ordinance 2018-04 Vacating a Portion of Second Street Within the City of Cripple Creek Described in this Ordinance. No public comment is heard. **Motion** passed unanimously.

K. SECOND READING & PUBLIC HEARING to Consider Adoption of Ordinance 2022-17, an Ordinance of the City Council of Cripple Creek, Colorado Imposing a Temporary Moratorium on Submission, Acceptance, Processing, and Approval of Any Applications for a City of Cripple Creek Permit or License Related to the Operation of a Medical or Retail Marijuana Business; Directing the Prompt Investigation of the City's Regulatory Authority Over Such Businesses; and Declaring the Intention of the City Council to Consider the Adoption of Appropriate City Regulations With Respect to Such Businesses and Declaring an Emergency; Erin Smith, City Attorney

Smith recaps this Ordinance is to impose a 180-day period to wait for licensure. The City Staff and Attorney will be working to prepare ordinances, develop regulations, amend the code surrounding taxes, application processes, fee schedules, etc., necessary to manage the voter approved marijuana. No public comment is heard.

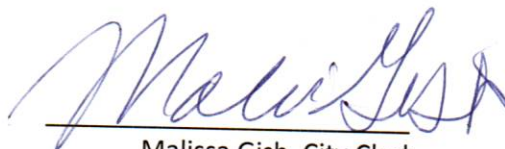
MAYOR ASHWORTH TAKES THE MEETING BACK INTO REGULAR SESSION.

Motion by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to Adopt Ordinance 2022-17, an Ordinance of the City Council of Cripple Creek, Colorado Imposing a Temporary Moratorium on Submission, Acceptance, Processing, and Approval of Any Applications for a City of Cripple Creek Permit or License Related to the Operation of a Medical or Retail Marijuana Business; Directing the Prompt Investigation of the City's Regulatory Authority Over Such Businesses; and Declaring the Intention of the City Council to Consider the Adoption of Appropriate City Regulations With Respect to Such Businesses and Declaring an Emergency. **Motion** passed unanimously.

ADJOURNMENT With no further business to present, Mayor Ashworth adjourned the meeting at 6:37 PM.



Milford Ashworth, Mayor



Malissa Gish, City Clerk