



*Real Fun. Real Colorado.*

### JANUARY 4, 2023, 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. All Councilmembers were present. Staff present in Council Chambers were Frank Salvato, City Administrator; Malissa Gish, City Clerk, Bud Bright, Police Chief; Mickey Groves, Plant Manager; Don Kramer, Code Enforcement; Steve DiCamillo, Public Works Director; Carrie Turner, Deputy City Clerk.

### PUBLIC COMMENT:

NONE

Council Approved Meeting Minutes from December 7, 2022 Regular Meeting. **Motion** by Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to approve the meeting minutes from the December 7, 2022 Regular Meeting. **Motion** passed unanimously.

### REPORTS

**Salvato** informs Council of the grant award form DOLA for \$400,000 to assist with the Water/Wastewater lines.

Captain Ryan Haines has 15 years of service.

**Harris** has no report.

### PRESENTATIONS

Chief Bud Bright recognizes local citizens Steve and Karen Zoellner and Amos Mascarenes for their contributions to the PD. Certificates of appreciations were presented.

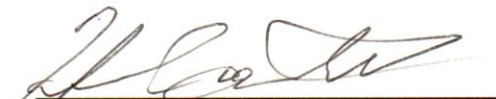
### NEW BUSINESS

- A. Consider Approval to Authorize Staff to Advertise for RFQ-Owner Representation Services for Wastewater Treatment System Improvements, Mickey Groves, Plant Operations Director  
Groves explains the authorization is to allow the advertisement for an Owner Representative Service for an engineering firm to assist the city as a technical expert and act as the primary point of contact with the engineer for the project to design the treatment plant. **Motion** by Councilwoman Trenary and seconded by Councilman Green to approve the authorization of Staff to Advertise for RFQ-Owner Representation Services for Wastewater Treatment System Improvements. **Motion** passed unanimously.

B. Consider Approval of Resolution 2023-01 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 explained this Resolution is the annual Resolution to establish the designated posting places for that is required under the Colorado Open Meeting Law. **Motion** by Councilman Green and seconded by Mayor Pro Tem Litherland. **Motion** passed unanimously.

**ADJOURNMENT** With no other business to present, Mayor Ashworth adjourns the meeting at 5:43 PM.



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Milford Ashworth, Mayor



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Malissa Gish, City Clerk



*Real Fun. Real Colorado.*

**CANCELLED**

**CANCELLED**

JANUARY 18, 2023, Regular Meeting Minutes

PUBLIC COMMENT:

Council Approved Meeting Minutes from

REPORTS

PRESENTATIONS

NEW BUSINESS

ADJOURNMENT-

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Milford Ashworth, Mayor

Malissa Gish, City Clerk

**CANCELLED**



*Real Fun. Real Colorado.*

**CANCELLED**

**CANCELLED**

FEBRUARY 1, 2023, Regular Meeting Minutes

PUBLIC COMMENT:

Council Approved Meeting Minutes from

REPORTS

PRESENTATIONS

NEW BUSINESS

ADJOURNMENT-

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Milford Ashworth, Mayor

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Malissa Gish, City Clerk

**CANCELLED**



### **FEBRUARY 15, 2023, Regular Meeting Minutes**

Mayor Ashworth called the Regular meeting of the Council to order at 5:30 PM and led with the Pledge of Allegiance. All Councilmembers were present. Staff present for the meeting were: Frank Salvato, City Administrator; Malissa Gish, City Clerk; Paul Harris, Finance Director; Joe O'Conor, Fire Chief; "bud" Bright, Police Chief; Don Kramer, Code Enforcement; Ken Hartsfield, Building Official; Zack Sztanyo, Butte Director; Steve DiCamillo, Public Works Director; Robert Kible, Police Officer. Attend via Zoom; Ted Schweitzer, Transportation Director & Erin Smith, City Attorney.

### **PUBLIC COMMENT:**

None was presented.

**Meeting Minutes from** the January 4, 2023, Meeting. **Motion by** Councilwoman Trenary and seconded by Mayor Pro Tem Litherland to approve the minutes from the January 4, 2023, Regular Meeting. **Motion** passed unanimously.

### **REPORTS**

**Salvato** recognizes Todd Haberman for his 20 years of employment with the city. Salvato cancels plans to travel to Denver for CML with Councilwoman Trenary based on the weather conditions.

**Harris** states he has nothing to report from finance.

### **PRESENTATIONS**

**Sol Malick** updates council on the 2023 Legislative Session.

**Newmont Mine** gives a quarterly update on mine activities and introduces new staff.

**Mohsen Bagherian** updated council on his plans for 326 Bennett Ave. He has faced many challenges attempting to obtain loans because of the condition of the property. He still plans to pursue the project after he takes care of some health issues.

### **NEW BUSINESS**

Election of Mayor Pro Tem Per Cripple Creek Municipal Code Section 2-2-30; Milford Ashworth; Mayor.

**Motion** by Councilman Brown and seconded by Councilman Bowman to Approve Nomination of Melissa Trenary as Elected Mayor Pro Tem. **Motion** passed unanimously.

Consider Approval of 1) Professional Service Agreement & 2) Lease Agreement Between the City of Cripple Creek and the Friends of the Butte Theater; Zack Sztanyo, Butte Director.

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Litherland to approve the Professional Service Agreement with The Friends of the Butte. **Motion** passed unanimously.

**Motion** by Councilman Brown and seconded by Councilman Litherland to approve the Lease Agreement with The Friends of the Butte. **Motion** passed unanimously.

Consider Approval for a Request by Lee Bowen for a Waiver of Water and Sewer Tap Fees, on the Construction of a Single-Family Residence at 316 S A St per Ordinance 2021-09; Ken Hartsfield, Building Official.

Hartsfield presents the applicant's plans for a residential development. Hartsfield reminds Council they may approve a percentage of the cost of the tap fees. Discussion regarding a percentage occurs. **Motion** by Councilman Brown and seconded by Mayor Pro Tem Trenary to approve 50% of the \$8000 tap fee to be waived, for a total of \$4000 to be paid by the applicant. **Motion** passed unanimously.

Consider Approval of Award of Owner's Rep RFQ to AquaWorks, DBO.

Salvato explains the nature of this approval. Aquaworks would be the engineer working directly with the engineers needed to update the wastewater plant in the future. They would also assist with applying for funding later on. **Motion** by Mayor Pro Tem Trenary and seconded by Councilman Brown to approve the awarding of the Owner's Rep RFQ to AquaWorks, DBO. **Motion** passed unanimously.

Request From Staff for Direction from City Council on the Following Issues Concerning Properties Adjacent to and in Proximity to the Mount Pisgah Cemetery:

- 1) *The Proposed Property Exchange of the West Lot Consisting of 10 acres of City Owned Property and the East Lot Consisting of a 11-Acre Portion of the 65-acre Gibraltar Development Property, Both Located West of the Mt. Pisgah Cemetery*
- 2) *The Combined Annexation into the City of the West Lot and the Entire 65 Acre Gibraltar Property Including the East Lot.*
- 3) *The Re-Platting of the 65-acre Gibraltar Property to Create Two (2) Properties Separating the East Lot From the Remaining Gibraltar Property.*  
*Ken Hartsfield; Building Official*

Hartsfield presented the plan for the land swap and explains the swap would include a 9.90-acre parcel of City owned land for a 11.48 acre parcel owned by Gibraltar Development. Gibraltar Development is proposing to develop their property, adjacent to the Mt. Pisgah Cemetery, outside city limits. This is proposed to be mixed-use of single-family homes, multi-family units, and commercial uses. It will be necessary to complete a land swap and complete an annexation in order for the project to move forward. Staff is asking for direction from council on how to move forward and to sequence the events that must take place for the swap and annexation.

The City's property is valued at \$14K and Gibraltar was valued at \$35k. Mayor Ashworth states the city is getting an advantage. Frank Salvato explains the city's parcel was donated during a divorce and has no access. Salvato believes the trade would benefit both parties.

Erin Smith says both the annexation and the swap could happen simultaneously with a joint annexation. The property has been platted.

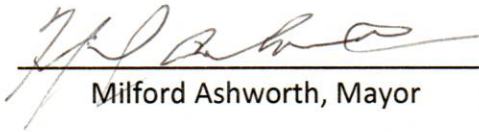
Council directs Staff to move forward with the process to annex and swap the properties.

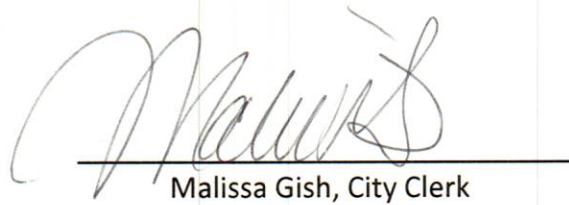
Discuss and Consider the Sale of Merchandise at the Heritage Center.

Councilman Brown suggests charging a \$4 per head fee to enter the Heritage Center, market more events at the facility, or collaborate with other city businesses to carry the city merchandise on consignment in their stores. City Attorney Smith defers to Salvato who defers to Paul Harris for clarification on sources of funds for the Heritage Center.

**Motion** by Councilman Brown and seconded by Councilman Bowman to Cease the Sale of Merchandise at the Heritage Center. **Councilman Litherland voices a NO vote. Motion passes 4-1.**

**ADJOURNMENT-** With no other business to be presented, Mayor Ashworth adjourns the meeting at 6:49PM.

  
Milford Ashworth, Mayor

  
Malissa Gish, City Clerk



**March 1, 2023, Regular Meeting Minutes**

Mayor Ashworth called the Regular meeting of the Council to order at 5:30 PM and led with the Pledge of Allegiance. All Councilmembers were present. Staff present for the meeting were: Frank Salvato, City Administrator; Malissa Gish, City Clerk; Carrie Turner, Deputy Clerk; Paul Harris, Finance Director; “Bud” Bright, Police Chief; Don Kramer, Code Enforcement. Attend via Zoom, Ted Schweitzer, Transportation Director & Erin Smith, City Attorney.

**PUBLIC COMMENT:**

Frankie Wolfe, resident of Cripple Creek, 105 & 112 W El Paso Ave., addressed the Council on possible solutions to better communicate with the community.

Phil Palmer, Short Term Rental owner, addressed council with concerns regarding the safety requirements and rules regarding his 1904 brick home. He plans to Appeal the Building Inspectors decision of denial.

**Meeting Minutes from** the February 15, 2023, Meeting.

**Motion by** Councilman Litherland and seconded by Mayor Pro Tem Trenary to approve the minutes from February 15, 2023, Regular Meeting. **Motion** passed unanimously.

**REPORTS**

**Salvato** recognizes Carol Stotts for her 20 years of employment with the city, and Brian Stimits for 15 years of service as a Reserve Fire Fighter. He also recognized Vero Broadband for their great customer service and prompt resolution to the WIFI shortage during the Ice Fest.

**Harris** gave Council his update on Gaming Revenue.

**PRESENTATIONS**

**Ted Borden**, Aspen Mine Center recognized key city employees that assisted with the CBGD Grant project. Mary Bielz presented a trophy to the city as a thank you from Aspen Mine Center West.

**NEW BUSINESS**

**Consider Approval of a Professional Service Agreement with AquaWorks, DBO as Owner’s Representative for the Wastewater Treatment Plant**

**Salvato** explains AquaWorks (chosen Owner’s Representative) will assist staff with overseeing the Water Treatment Plant Engineering firm and applications for grants and loans.

**Motion by** Mayor Pro Tem Trenary and seconded by Mayor Ashworth to approve the Professional Service Agreement with AquaWorks, DBO as Owner’s Representative for the Wastewater Treatment Plant. **Motion** passed unanimously.



Consider Signing on to the Five (5) Opioid Settlement Agreements

**Salvato** updated the council on the additional settlements from the Attorney General. The 5 new settlements will pay the City of Cripple Creek \$59,675.28 over the next 6 to 14 years. The city will not be allowed to sue over opioid related causes upon entering into the agreements. Salvato recommends that the council approve the additional agreements.

**Motion** by Councilman Bowman and seconded by Mayor Pro Tem Trenary approved signing the Five (5) Opioid Settlement Agreements. **Motion** passed unanimously.

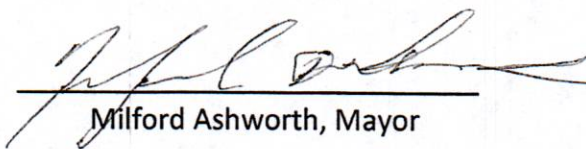
Award Engineering Services for Wastewater Treatment System Improvements/Preliminary Design to SGM Engineering

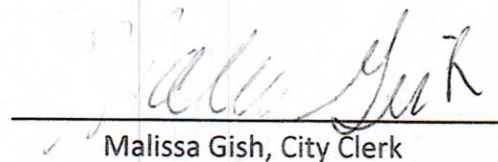
**Salvato** asks the council to approve the selection of SGM as the Engineering Service for the wastewater treatment plant. They will work in conjunction with AquaWorks on the project.

**Motion** by Councilman Litherland and seconded by Councilman Bowman to award Engineering Services for Wastewater Treatment System Improvements/Preliminary Design to SGM Engineering

**Motion** passed unanimously.

**ADJOURNMENT-** With no other business being presented, Mayor Ashworth adjourns the meeting at 6:26PM.

  
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Milford Ashworth, Mayor

  
\_\_\_\_\_  
Malissa Gish, City Clerk



### **March 15, 2023, Regular Meeting Minutes**

Mayor Ashworth called the Regular meeting of the Council to order at 5:30 PM and led with the Pledge of Allegiance. Clerk Gish called roll. All Councilmembers were present. Staff present for the meeting were: Frank Salvato, City Administrator; Malissa Gish, City Clerk; Paul Harris, Finance Director; "Bud" Bright, Police Chief; Don Kramer, Code Enforcement; Sergeant Brad Ross; Deputy Edin Bektasevic; Joe O'Connor, Fire Chief.

### **PUBLIC COMMENT:**

**Frankie Wolfe**, resident of Cripple Creek, 105 & 112 W El Paso Ave., requested that Council recite the City's vision statement before each meeting.

**Dan Cummings**, Secondary Principal from CCV High School, praises the CCPD for their quick response time and attention paid to the threat posed upon the school on Wednesday, February 22, 2023.

**Justin Vaismor**, Prospective marijuana business owner, addresses the Council about his desire to operate an MJ café in the city.

### **Meeting Minutes from** the March 1, 2023, Meeting.

**Motion** by Councilman Litherland and seconded by Mayor Pro Tem Trenary to approve the minutes from March 1, 2023, Regular Meeting. **Motion** passed unanimously.

### **REPORTS**

**Salvato** summarizes his trip to Buena Vista with staff to tour a manufacturing plant that produces pre-fab housing. It doesn't seem the homes are affordable according to Cripple Creek standards. Salvato also informs Council about the letter from the state regarding meeting the requirement as a disadvantaged community. This will provide another \$600,000 for engineering. We will need to complete an Environmental Assessment which AquaWorks will be working on. The financial analysis estimates high user rate increases may be required to secure a loan. Salvato does not recommend raising utility rates to residents.

**Harris** states he has no updates for Council this evening.

### **NEW BUSINESS**

#### **Consider Approval of the CDOT Agreement R2-25211-OLA**

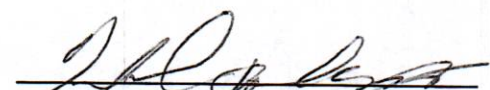
Dodrill explains the agreement will provide funding to replace the damaged sidewalks throughout the park. **Motion** by Councilman Bowman and seconded by Councilman Litherland to approve the CDOT Agreement R2-25211-OLA. **Motion** passed unanimously.

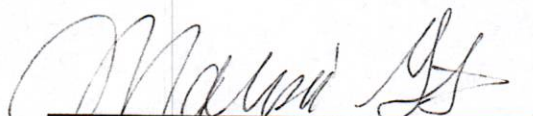
#### **Consider Approval of 1) Lease Agreement & 2) Professional Service Agreement Lease Agreement, with Funky Little Theater Company**

Sztanyo states the agreement is to enable the "Funky Little Theater Company" to contract with the Butte for the 2023 professional season. City Clerk Gish reminds Council this item will require one motion for each agreement. 1) **Motion** by Councilman Brown and seconded by Councilman Bowman to

approve the Lease Agreement with FLTC. **Motion** passed unanimously. **2) Motion** by Councilman Litherland and seconded by Mayor Pro Tem Trenary to approve the PSA with FLTC. **Motion** passed unanimously.

**ADJOURNMENT-** With no other business being presented, Mayor Ashworth adjourns the meeting at 5:51 PM.

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

  
\_\_\_\_\_  
Malissa Gish, City Clerk



## **April 5, 2023, Regular Meeting Minutes**

Mayor Ashworth called the Regular meeting of the Council to order at 5:30 PM and led with the Pledge of Allegiance. Deputy Clerk Turner called roll. All Councilmembers were present. Staff present for the meeting were: Frank Salvato, City Administrator; Malissa Gish, City Clerk; Paul Harris, Finance Director; “Bud” Bright, Police Chief; Don Kramer, Code Enforcement; Carol Stotts, HR/Risk Management Director; Joe O’Conor, Fire Chief; Steve DiCamillo, Public Works Director; Carrie Turner, Deputy Clerk; Katie Reith, Admin Assistant to B&P. Attending via Zoom were Ted Schweitzer, Transportation Director; Renee Mueller, HP Coordinator.

### **PUBLIC COMMENT:**

**Frankie Wolfe**, resident of Cripple Creek, 105 & 112 W El Paso Ave., thanks Councilman Brown and Mayor Ashworth for attending the Outdoor Recreation Workshop.

**Meeting Minutes from** the March 15, 2023, Regular Meeting.

**Motion by** Mayor Pro Tem Trenary and seconded by Councilman Bowman to approve the minutes from March 15, 2023, Regular Meeting. **Motion** passed unanimously.

### **REPORTS**

**Salvato** directs Carol Stotts to make a presentation. Stotts recognizes the retirement of Deb Hack from the Custodial Director position. Deb served the City of Cripple Creek from May of 1992 to March of 2023.

**Harris** updates Council on the successful February gaming numbers. CC AGP was up 7.8%, while Blackhawk was down 2/10% and Central City was down almost 2%. He attributes the increase to the Ice Festival held in Cripple Creek on the two weekends in February.

### **NEW BUSINESS**

Consider approval of Resolution No. 2023-02 ratifying a Certificate of Appropriateness for exterior repair and renovation of the residence owned by Colleen and Kevin Bredell at 128 N 4th St., Cripple Creek, Colorado

Renee Mueller presents via ZOOM. She explains the applicant is requesting the Certificate of Appropriateness to make improvements to her home using monies from the HP grant. She states the applicant has provided the proper documentation, the improvements do not change the historical character of the home and will be minor. The HP Committee (HPC) found the shutters were not historic according to their research of the property. HPC recommends approval of the roof replacement, the addition of historical half round gutters and spouts, repair the steps at the front and the addition of balusters. **Motion** by Mayor Pro Tem Trenary and seconded by Councilman Bowman to approve Resolution No. 2023-02 ratifying a Certificate of Appropriateness for exterior repair and renovation of the residence owned by Colleen and Kevin Bredell at 128 N 4th St., Cripple Creek, Colorado with the deletion of the balusters from the text of the Resolution. **Motion** passed unanimously.

Consider approval of Resolution No. 2023-03 ratifying a Certificate of Appropriateness for a new 1950's-style Art Deco sign for the exterior of the Century Casino at 200 E Bennett Ave., Cripple Creek, Colorado

Renee Mueller presented the application for a sign to be added to the Century Casino. The Historic Preservation Commission (HPC) found that adequate information was submitted with the application to assess the criteria. The sign was found to be too large and would require Council's approval of a variance; HPC agreed the proposed sign does not meet the period of significance, but the applicant argued that there are other signs in town that do not meet the standards. Mueller explains the pre-existing non-conforming signs were in place before the adoption of Ordinance 1991-3, therefore, do not meet code criteria. The period of significance is May 1896-December 1910. HPC initially voted to approve the sign. City Staff disagrees with HPC and Mueller feels HPC made a mistake. She advised the applicant to submit a period-appropriate sign and the applicant did not. This correspondence was done via email with Maria Hershaw (sp). Eric Rose, Century Casino, via ZOOM, agrees that the sign is not compliant with the code but was approved by HPC. Councilmembers remark negatively about the sign. **With the absence of a motion, the City Attorney is directed to draft a Resolution to bring back to Council stating the denial of the COA. Motion** by Councilman Brown and seconded by Mayor Pro Tem Trenary to direct the City Attorney to prepare a Resolution to deny the Certificate of Appropriateness **Motion** passed unanimously.

Consider approval of Resolution No. 2023-04 to nominate Susan Balcome to the position of Second Alternate for the Historic Preservation Commission

Renee Mueller introduced Ms. Balcome and she was addressed and greeted by Council. **Motion** by Councilman Litherland and seconded by Councilman Brown to approve Resolution No. 2023-04 to nominate Susan Balcome to the position of Second Alternate for the Historic Preservation Commission. **Motion** passed unanimously.

Consider approval of Resolution 2023-05 regarding updates to the Personnel Handbook

Carol Stotts presents the item regarding the recommended changes to the personnel handbook. Councilman Litherland inquires about this applying to Councilmembers; Stotts states it does not. **Motion** by Councilman Bowman and seconded by Councilman Brown to approve Resolution 2023-05 regarding updates to the Personnel Handbook. **Motion** passed unanimously.

Consider approval of Resolution 2023-06 supporting an Energy & Mineral Impact Assistance Fund grant application from DOLA

Salvato explains the nature of the Resolution. There is a 50% match with the grant and \$100K has been set aside in the budget to cover any required payment to the SRF for the utilities grant that was applied for. **Motion** by Councilman Litherland and seconded by Mayor Pro Tem Trenary to approve Resolution 2023-06 supporting an Energy & Mineral Impact Assistance Fund grant application from DOLA. **Motion** passed unanimously.

Consider approval of a Professional Service Agreement with SGM for Engineering Services for Wastewater Treatment Plant upgrades through preliminary design

Salvato states the city has been operating under an administrative permit since 2019. The state is reviewing Cripple Creek and we should hear back next year regarding the permit. This new

permit may have more restrictions than the current plant can treat. **Motion** by Mayor Pro Tem Trenary and seconded by Councilman Brown to approve a Professional Service Agreement with SGM for Engineering Services for Wastewater Treatment Plant upgrades through preliminary design. **Motion** passed unanimously.

Consider Approval to Authorize Staff to Advertise for contractor services-RFP for a Mill & Overlay project

DiCamillo states the request is to advertise for solicitation of contractor services to complete projects in designated areas. **Motion** by Councilman Litherland and seconded by Mayor Pro Tem Trenary to authorize staff to advertise for contract services-RFP for a Mill & Overlay project. **Motion** passed unanimously.

Consider approval of Resolution 2023-08 adopting a Three-Mile Annexation plan for the City of Cripple Creek, Colorado

Hartsfield provides maps and explains the plan is required before property can be annexed into the city. Part of the process by the state is that the city establishes a 3-mile limit, provided in the map. More than 3 miles cannot be annexed in a given year per state statute; the current requests are within those limitations. The city needs to approve the 3-mile plan before the proposals can move forward. This is something that should be updated annually. Councilman Brown asks if we didn't do this, would we still be able to annex properties? Hartsfield states, "not, per state statute." This is the initial step to establish the boundary in order to consider and process annexations. Councilman Litherland asks about any liability with the city for creating this plan. Hartsfield defers to the City Attorney. Smith affirms there is not. **Motion** by Mayor Pro Tem Trenary and seconded by Councilman Bowman to approve Resolution 2023-08 adopting a Three-Mile Annexation plan for the City of Cripple Creek, Colorado. **Motion** passed unanimously.

Consider a request by MAR Holdings for approval of a Conditional Use Permit Concept plan for the construction of 519 apartment units at certain real property legally described as 14-15-70 7551 Pt May Queen Placer As Desc At 746626 Exc Pt Lying In Conflict With CR 89 All Lying In TD 40 SR, located West of C Street and North of Thurlow Ave.

Hartsfield presents the renditions of the plans submitted by the applicant. Staff recommends the following conditions; Traffic study be provided, Drainage study be provided for each phase of the proposed development, obtain FEMA approval, and incorporate the recommendations from City Staff as outlined in the attachments.

Mayor Ashworth opens the Planning Commission meeting with the statement drafted by the City Attorney.

Hayden Rader, applicant, addresses Council on his project. He states the need for housing and his connections to Cripple Creek.

Eric Miller, Architect from Glenwood Springs, describes the project and gives descriptions of the units. He states they will be quality construction with many amenities. They intend to increase the parking minimum to at least 1.8 which is above city standards.

Community member speaking in support of the project:

Mark Green 124 W Bennett; Colt Simmons Florissant CO; Frankie Wolfe 112 El Paso Ave; Annie Durham 309 Aspen St

Community Members in opposition of the project:

Alyssa (last name inaudible) resident of Cripple Creek

Hearing no other comments, Mayor Ashworth asks for a motion to close public comment.

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Litherland to close public comment for the hearing. **Motion** passed unanimously.


The City Attorney directs Council to take note of the staff report and the recommendations of the staff if Council is inclined to approve the plan. She asks if they have any questions on the recommendations of staff. Trenary noted there were no conditions on the conditions. Litherland asks for clarification on the units. It was confirmed that they will be apartments. Other comments from Council were positive in nature and the need was reiterated. Trenary expresses her concern about it being a marshland during the rainy season and redirecting the water.


**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Litherland to direct the City Attorney to draft a Resolution approving an application from MAR Holdings, incorporating the conditions of approval as listed in the staff report. **Motion** passed unanimously.

Consider approval of Resolution 2023-07 to enact a Stage 2 Fire Ban that restricts open burning in the City of Cripple Creek, Colorado

Chief O'Connor asks Council to approve the Resolution considering the current dry conditions and the fact the County has enacted a Stage 2 Fire Ban. By law, the City is not obligated to follow suit, but Chief O'Connor strongly advises we do. Stage 2 prohibits things such as charcoal grills and smoking outdoors. This will take effect upon approval. **Motion** by Councilman Bowman and seconded by Councilman Litherland to approve Resolution 2023-07 to enact a Stage 2 Fire Ban that restricts open burning in the City of Cripple Creek, Colorado. **Motion** passed unanimously.

**ADJOURNMENT-** With no other business being presented, Mayor Ashworth adjourns the meeting at 7:51 PM.

  
Milford Ashworth, Mayor

  
Malissa Gish, City Clerk



## **April 19, 2023, Regular Meeting Minutes**

Mayor Ashworth called the Regular meeting of the Council to order at 5:30 PM and led with the Pledge of Allegiance. Deputy Clerk Turner called roll. Mayor Pro Tem Trenary was absent. Staff present for the meeting were: Frank Salvato, City Administrator; Malissa Gish, City Clerk; Paul Harris, Finance Director; Don Kramer, Code Enforcement; Joe O'Connor, Fire Chief; Ken Hartsfield, Planning Department Director; Jeff Mosher, Special Projects Director; Carrie Turner, Deputy Clerk.

**PUBLIC COMMENT:** No Public Comment

**Meeting Minutes from** the April 5, 2023, Regular Meeting.

**Motion** by Councilman Litherland and seconded by Councilman Bowman to approve the minutes from April 5, 2023, Regular Meeting. **Motion** passed unanimously.

## **REPORTS**

**Salvato** recognizes Jim Daily, Custodial Staff, for his 5 years of service with the City. Salvato updates Council on the SRF fund. Everything is approved, they are waiting for signatures from their boss. A discussion with DOLA was also had regarding the 25K application for the WW Treatment Plant. They will be discussing it May 17. The city should be hearing back on that by the end of the month.

**Harris** updates on the 2<sup>nd</sup> quarter device count being down 14 machines or .5% from the 1<sup>st</sup> quarter. We are still down 776 machines compared to pre-COVID numbers.

## **PRESENTATIONS/UPDATES**

Sol Malick, legislative liaison, updates Council on the bills being tracked for the city.

## **NEW BUSINESS**

**FIRST READING** Consider approval of Ordinance 2023-01 authorizing penalties for violation of Fire Bans within the City of Cripple Creek & declaring an emergency.

Chief O'Connor explains there are civil penalties for violating fire ban restrictions in the municipal code. This proposal amends the city municipal code but has no impact on the criminal code in regard to arson, those are still serious charges. The Fire Chief and Police Chief recommend approval of this Ordinance. Councilman Litherland asks about the dollar amount. O'Connor states the \$2650 is set by the state as the cap. The municipal Judge would set the penalty accordingly. **Motion** by Councilman Bowman and seconded by Councilman Brown to approve, on FIRST READING, Ordinance 2023-01 authorizing penalties for violation of Fire Bans within the City of Cripple Creek & declaring an emergency. **Motion** passed unanimously.



Consider awarding the Housing Authority/Land Trust Investigation contract to Affordable Housing Consultants, Inc

Mosher presents the item stating it will be completed in 2 phases. 1) Information will be presented in order for a decision to be made on what direction to head on acquiring or creating more affordable housing or moving ahead with something different. 2) Once a decision is made, they will assist with the development of the entity. Some discussion amongst Council clarified this is not a housing study it is a solution to define how we want to manage housing outside the government. This is a quasi-government organization that answers to the city. There is a 25% match with DOLA that was approved in 2021. Paul Harris, Finance Director, confirms the funds were already approved in the 2023 budget to cover the match. **Motion** by Councilman Litherland and seconded by Councilman Bowman to approve awarding the Housing Authority/Land Trust Investigation contract to Affordable Housing Consultants, Inc. **Motion** passed unanimously.

Consider approval of Resolution 2023-09 approving a PUD concept plan for a development of up to 519 apartment units in the R-2 Zoning District, west of C St and N of Thurlow Ave, Cripple Creek, Colorado

Hartsfield reminds Council that this was brought to them at the April 5, 2023, meeting with the action taken to direct the Attorney to draft a Resolution of approval of the concept plan. **Motion** by Councilman Brown and seconded by Councilman Litherland to approve Resolution 2023-09 approving a PUD concept plan for a development of up to 519 apartment units in the R-2 Zoning District, west of C St and N of Thurlow Ave, Cripple Creek, Colorado. **Motion** passed unanimously.

Consider approval of Resolution 2023-10 denying approval of a Certificate of Appropriateness to Century Casinos, Inc. for a new sign located at 200 E Bennett Avenue

Hartsfield reminds Council that this was brought to them at the April 5, 2023, meeting with the action taken to direct the Attorney to draft a Resolution of DENIAL for the COA to Century Casino.

**Motion** by Councilman Bowman and seconded by Councilman Litherland to approve Resolution 2023-10 denying approval of a Certificate of Appropriateness to Century Casinos, Inc. for a new sign located at 200 E Bennett Avenue. **Motion** passed unanimously.

FIRST READING for approval of Ordinance 2023-02 amending Article 1 of the Cripple Creek Development Code to include medical marijuana stores and retail marijuana stores as uses allowed by conditional use permit in zone districts B, C1 & C2; and adopting the state definitions for and specifying location standards for such uses & declaring an emergency.

City Attorney Erin Smith explains this ordinance is the result of discussions and decisions made at the work session April 5, 2023. There was an addition to the zoning with the C2 zone district where the shops may operate with a conditional use permit. This is in addition to the B and C1 zone districts, also by conditional use permit, CUP. The distance limitation on public parks was reduced from 500 feet to 250 feet. There were some discussions regarding distance limitations from churches; this will be set at 500 ft. Also revised is section 1 (a) 8, regarding the definition and distinction of a private rec facility.

An emergency declaration was added due to the nature of the current circumstances of the moratorium ending. **Motion** by Councilman Bowman and seconded by Councilman Brown to approve, on FIRST READING, Ordinance 2023-02 amending Article 1 of the Cripple Creek Development Code to include medical marijuana stores and retail marijuana stores as uses allowed by conditional use permit in zone districts B, C1 & C2; and adopting the state definitions for and specifying location standards for such uses & declaring an emergency. **Motion** passed unanimously.

**FIRST READING** for approval of Ordinance 2023-07 an ordinance of the city council for the City of Cripple Creek, Colorado imposing a temporary moratorium on submission, acceptance, processing, and issuance of any sign permits or other approvals necessary for signage within the City of Cripple Creek and declaring an emergency.

Salvato explains there has been discussion and questions regarding what the Ordinance allows as far as signage is concerned, especially in the Historic District. Staff recommends the moratorium to not accept applications for new signs until staff has discussions related to the sign ordinances in place. The moratorium is for 120 days but can be decreased as needed. The City has received 2 applications prior to the moratorium being approved; those will be honored and allowed to be processed. Smith clarifies that any application submitted after that evening would be subject to the moratorium.

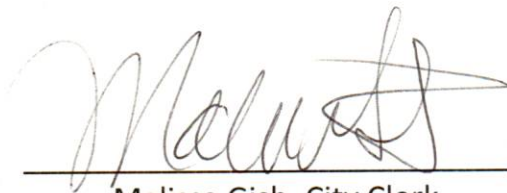
**Motion** by Councilman Litherland and seconded by Councilman Brown to approve, on FIRST READING, of Ordinance 2023-07 an ordinance of the city council for the City of Cripple Creek, Colorado imposing a temporary moratorium on submission, acceptance, processing, and issuance of any sign permits or other approvals necessary for signage within the City of Cripple Creek and declaring an emergency.

**ADJOURNMENT-** With no other business being presented, Mayor Ashworth adjourns the meeting at 6:05 PM.



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Milford Ashworth, Mayor



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Malissa Gish, City Clerk



### **May 3, 2023, Regular Meeting Minutes**

Mayor Ashworth called the Regular meeting of the Council to order at 5:30 PM and led with the Pledge of Allegiance. City Clerk Gish called roll. All Council Members were present. Staff present for the meeting were: Frank Salvato, City Administrator; Malissa Gish, City Clerk; Joe O'Connor, Fire Chief; Bud Bright, Police Chief; Erin Smith, City Attorney.

### **PUBLIC COMMENT:**

**Clint Picket** introduces the wooden Troll that will be built in the community near Little Grouse Mountain.

**Annie Durham** reminds the community of the ribbon cutting ceremony at the school for the new trades/ construction building Thursday May 11, 2023, at 1PM.

**Meeting Minutes from** the April 19, 2023, Regular Meeting.

**Motion by** Councilman Litherland and seconded by Councilman Bowman to approve the minutes from April 19, 2023, Regular Meeting. **Motion** passed unanimously.

### **REPORTS**

**Salvato** informs the community about the Town Hall meeting May 9, 2023 at the Butte Theater at 6pm.

**Harris** was absent from this meeting.

### **NEW BUSINESS**

- A. Consider approval of Resolution 2023-13 rescinding restrictions on open burning in the City of Cripple Creek, Colorado. Chief O'Connor explains with the current moisture received, the fire ban can be lifted. **Motion** by Mayor Pro Tem Trenary and seconded by Councilman Litherland to approve Resolution 2023-13 rescinding restrictions on open burning in the City of Cripple Creek, Colorado. **Motion** passed unanimously.
- B. Consider approval of Resolution 2023-12 establishing a point-based system for awarding licenses for marijuana stores. After some discussion, this item was tabled until the May 17, 2023 Regular meeting. **Motion** by Councilman Brown and seconded by Mayor Pro Tem Trenary **to table** Resolution 2023-12 until the May 17, 2023, Regular Council Meeting. **Motion** passed unanimously.
- C. Consider approval of Resolution 2023-11 establishing a fee schedule for marijuana businesses pursuant to Chapter 6, Article 8 of the Municipal Code of the City of Cripple Creek; Discussion was had regarding the fees that Council wanted to set for the fee schedule. The consultant reimbursement fee will be fluid. The council agreed to set the application fee at \$10,000 and remove the brackets from the remaining lines. These fees will be established annually. **Motion** by Councilman Bowman and seconded by Mayor

Pro Tem Trenary to approve Resolution 2023-11 establishing a fee schedule for marijuana businesses pursuant to Chapter 6, Article 8 of the Municipal Code of the City of Cripple Creek with the application fee set at \$10,000. **Motion** passed unanimously.

- D. **FIRST READING** to consider approval of Ordinance 2023-03, an Ordinance of the City Council for the City of Cripple Creek, Colorado amending the Cripple Creek Municipal Code by the addition of a new Article 8 to Chapter 6 Regulating the licensing and operations of retail marijuana stores and medical marijuana stores and repealing and replacing certain provisions in conflict therewith and declaring an emergency; Erin Smith, City Attorney. Smith touches on three high level issues that will be corrected with the Council's direction for the final version upon Second Reading. Council gives direction on the final draft. **Motion** by Mayor Pro Tem Trenary and seconded by Councilman Brown to approve Ordinance 2023-03, an Ordinance of the City Council for the City of Cripple Creek, Colorado amending the Cripple Creek Municipal Code by the addition of a new Article 8 to Chapter 6 Regulating the licensing and operations of retail marijuana stores and medical marijuana stores and repealing and replacing certain provisions in conflict therewith and declaring an emergency making the changes as discussed with the City Attorney. **Motion** passed unanimously.
- E. **FIRST READING** to consider approval of Ordinance 2023-04 an Ordinance of the City of Cripple Creek, Colorado imposing an excise tax of 5% on the first sale or transfer of unprocessed retail marijuana and also imposing as additional sales tax of 18% on the sale of retail marijuana and retail marijuana products and also imposing an additional occupational tax of \$5 per transaction on the price paid for medical marijuana and medical marijuana products as the law permits as well as all retail marijuana products in addition to any other city tax and any other sales tax imposed on such sales of marijuana and marijuana products, as approved by the registered electors of the City at an election conducted on November 8, 2022. Salvato explains this is taken directly from the Ordinance approved by the community at the election. The text that was removed was the 5% excise tax due to the fact we will not be allowing grow facilities. **Motion** by Councilman Brown and seconded by Mayor Pro Tem Trenary to approve Ordinance 2023-04 an Ordinance of the City of Cripple Creek, Colorado imposing an excise tax of 5% on the first sale or transfer of unprocessed retail marijuana and also imposing as additional sales tax of 18% on the sale of retail marijuana and retail marijuana products and also imposing an additional occupational tax of \$5 per transaction on the price paid for medical marijuana and medical marijuana products as the law permits as well as all retail marijuana products in addition to any other city tax and any other sales tax imposed on such sales of marijuana and marijuana products, as approved by the registered electors of the City at an election conducted on November 8, 2022 as written. **Motion** passed unanimously.
- F. **PUBLIC HEARING** to Consider approval of a new Hotel & Restaurant Liquor License application submitted by Jeff Hellner, dba The District Kitchen & Saloon located at 367 E Bennett Ave  
Mayor Ashworth opened the public hearing with the statement supplied by City Attorney Smith.

Clerk Gish provided a brief statement regarding the application submission, petition satisfaction, appropriate noticing and posting of the property in compliance with regulations.

Mr. Hellner spoke briefly about the establishment and thanked Council and community for their support. Trenary questioned the licensed footprint being the interior of the building. Mr. Hellner states it is to include a sidewalk patio. He states it was approved in the architectural drawings. This was addressed the next day and will be coming back to council in the form of a revokable license agreement for the sidewalk area's approval. Clerk Gish was not aware this was not previously approved, and it will be rectified before the application is submitted to the state.

Three locals, Annie Durham, Kim Lottig, and Frankie Wolfe spoke in support of the establishment. No opposition was heard.

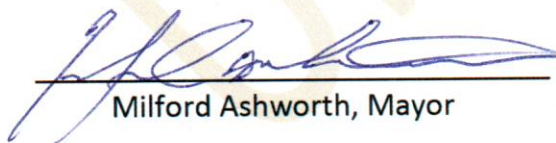
Mayor Ashworth asked for a motion to close public comment. **Motion** by Mayor Pro Tem Trenary and seconded by Councilman Litherland to close public comment. **Motion** passed unanimously.

**Motion** by Councilman Litherland and seconded by Mayor Pro Tem Trenary to adjourn the LLA. **Motion** passed unanimously.

**Motion** by Councilman Litherland and seconded by Mayor Pro Tem Trenary to approve the new Hotel & Restaurant Liquor License application submitted by Jeff Hellner, dba The District Kitchen & Saloon located at 367 E Bennett Ave. **Motion** passed unanimously.

## ADJOURNMENT

**ADJOURNMENT-** With no other business being presented, Mayor Ashworth adjourns the meeting at 6:51 PM.



Milford Ashworth, Mayor



Malissa Gish, City Clerk



*Real Fun. Real Colorado.*

### May 17, 2023, Regular Meeting Minutes

Mayor Ashworth called the Regular meeting of the Council to order at 5:30 PM and led with the Pledge of Allegiance. City Clerk Gish called roll. All Council Members were present. Staff present for the meeting were: Frank Salvato, City Administrator; Paul Harris, Finance Director; Malissa Gish, City Clerk; Joe O'Connor, Fire Chief; Bud Bright, Police Chief; Don Kramer, Code Enforcement Officer; Ken Hartsfield, Building Official; Zack Sztanyo, Butte Director; and Erin Smith, City Attorney.

### PUBLIC COMMENT:

**Frankie Wolfe** resident commends staff for their efforts with Clean Up Days and a Town Hall meeting.

**Annie Durham** resident gives an update on the Butte shows. They will be issuing two \$500 performing arts scholarships.

Meeting Minutes from the May 3, 2023, Regular Meeting.

**Motion by** Mayor Pro Tem Trenary and seconded by Councilman Litherland to approve the minutes from May 3, 2023, Regular Meeting. **Motion** passed unanimously.

### REPORTS

**Salvato** Expresses his disappointment with the lack of attendance at the latest Town Hall Meeting. He will assess whether another Town Hall meeting will occur again.

**Harris** has no report.

### PROCLAMATIONS/UPDATES/PRESENTATIONS

Mayor Ashworth reads a Proclamation into record declaring May 14-20 Police Week in the City of Cripple Creek.

Klaryssa Murray, Destination Marketing Coordinator, informs Council and the community of the road closure for the Mustang Rally in June.

Kim Lotting and Clint Picket of the Gold Camp District Impact Group give a presentation on the Troll project that will be introduced to the community this summer.

### NEW BUSINESS

**TABLED FROM THE MAY 3, 2023, REGULAR MEETING** Consider approval of Resolution 2023-12 establishing a point-based system for awarding licenses for marijuana stores. Salvato explains the changes made to the Resolution stating how the selection process will break down. There will be a MAX of 2 medical licenses issued and a MAX of 2 retail licenses issued. There is a mandatory DUAL licensing of these. **Motion** by Councilman Bowman and seconded by Mayor

Pro Tem Trenary to approve Resolution 2023-12 establishing a point-based system for awarding licenses for marijuana stores. **Motion** passed unanimously.

**FIRST READING** to consider approval of Ordinance No. 2023-06 approving the application for a building setback variance of 3.24 feet in order to build an ambulance garage at a certain real property described as 700 North A Street, Cripple Creek, Colorado. Hartsfield states this is an existing non-conforming use; there is currently no setback for this use for this zoning district. In this instance, the setback will match the existing building code. Staff recommends approval of this Ordinance. **Motion** by Councilman Litherland and seconded by Councilman Brown to approve Ordinance No. 2023-06 approving the application for a building setback variance of 3.24 feet in order to build an ambulance garage at a certain real property described as 700 North A Street, Cripple Creek, Colorado. **Motion** passed unanimously.

Consider a Commercial Use Agreement between Chris Armbrister and The Butte Theater. Sztanyo explains this agreement will help relieve the housing issue for the actors contracted for the Butte season. **Motion** by Mayor Pro Tem Trenary and seconded by Councilman Bowman to approve a Commercial Use Agreement between Chris Armbrister and The Butte Theater. **Motion** passed unanimously.

Consider Approval to Authorize Staff to Advertise for on-call Civil Engineering Services. DiCamillo feels it is time to go out for competitive bids since we have been utilizing Bohannan Houston for many years. **Motion** by Councilman Brown and seconded by Councilman Litherland to authorize Staff to Advertise for on-call Civil Engineering Services. **Motion** passed unanimously.

Consider approval to enter an IGA (Intergovernmental Agreement) for Motor Vehicle and Equipment Repairs with the Southern Teller County Health Services District EMS; Steve DiCamillo, Public Works Director. DiCamillo presents the IGA and recommends approval. He states his mechanic is capable of the work and the workload that could result. Eric Murray, EMS Director, thanks Council and staff for their work and consideration of the agreement. **Motion** by Councilman Bowman and seconded by Mayor Pro Tem Trenary to approve entering an IGA (Intergovernmental Agreement) for Motor Vehicle and Equipment Repairs with the Southern Teller County Health Services District EMS. **Motion passed** unanimously.

Consider approval of a Revocable License Agreement for a sidewalk patio area with Jeff Hellner dba The District Kitchen. Hartsfield explains this property was recently approved for liquor licensure. The Revocable License Agreement grants use of the public right of way for the sidewalk patio and grease interceptor under the sidewalk at this address. The RLA would allow for outside dining and would be included in the liquor licensing footprint. The 36" control will rest on a raised sidewalk and will maintain a clear 4' public sidewalk. The property owner (business staff) will be responsible for the snow removal, states Mr. Hellner. **Motion** by Mayor

Pro Tem Trenary and seconded by Councilman Bowman to approve a Revocable License Agreement for a sidewalk patio area with Jeff Hellner dba The District Kitchen. **Motion** passed unanimously.

**SECOND READING and PUBLIC HEARING** to consider adoption of Ordinance 2023-01 authorizing penalties for violation of Fire Bans within the City of Cripple Creek & declaring an emergency. Chief O'Connor explains this is a second reading of this Ordinance. This is intended to be a civil penalty and not a criminal violation and this Ordinance reflects that. **Motion** by Mayor Pro Tem Trenary and seconded by Councilman Litherland to close public hearing. **Motion** passed unanimously.

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Litherland to adopt Ordinance 2023-01 authorizing penalties for violation of Fire Bans within the City of Cripple Creek & declaring an emergency. **Motion** passed unanimously.

**SECOND READING and PUBLIC HEARING** to consider adoption of Ordinance 2023-02 amending Article 1 of the Cripple Creek Development Code to include medical marijuana stores and retail marijuana stores as uses allowed by conditional use permit in zone districts B, C1 & C2; and adopting the state definitions for and specifying location standards for such uses & declaring an emergency. Smith points out the issues with the current draft of the Ordinance. The changes being made are as follows: Distance from churches – 250 ft (was 500); No distance restriction for public park (pocket park) on Bennett Ave adjacent to City Hall; New - Distance from District Museum –250 ft. Smith defers to Hartsfield for clarification surrounding the said setbacks.

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

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Brown to adopt Ordinance 2023-02 amending Article 1 of the Cripple Creek Development Code to include medical marijuana stores and retail marijuana stores as uses allowed by conditional use permit in zone districts B, C1 & C2; and adopting the state definitions for and specifying location standards for such uses & declaring an emergency, with the following amendments from the FIRST READING ORDINANCE 1) Distance from churches – 250 ft (was 500) ; 2) 7) Within 250 feet of any public pool, public recreational facility, or public park, except that no such distance restriction shall apply to the public park located on Bennett Avenue and adjacent to the Cripple Creek City Hall; 3) Within 250 feet of the District Museum. **Motion** passed unanimously.

**SECOND READING and PUBLIC HEARING** to consider adoption of Ordinance 2023-07 an ordinance of the city council for the City of Cripple Creek, Colorado imposing a temporary moratorium on submission, acceptance, processing, and issuance of any sign permits or other approvals necessary for signage within the City of Cripple Creek and declaring an emergency. Hartsfield explains this is the second reading of this Ordinance. At the prior work session, it was discussed and decided that there would be proposed modifications to allow temporary banner permits to be issued during the moratorium period. **Motion** by Councilman Litherland and seconded by Councilman Bowman to close public hearing. **Motion** passed unanimously.



**Motion** by Councilman Brown and seconded by Mayor Pro Tem Trenary to adopt Ordinance 2023-07 an ordinance of the city council for the City of Cripple Creek, Colorado imposing a temporary moratorium on submission, acceptance, processing, and issuance of any sign permits or other approvals necessary for signage within the City of Cripple Creek and declaring an emergency. **Motion** passed unanimously.

**SECOND READING and PUBLIC HEARING** to consider adoption of Ordinance 2023-03 an Ordinance of the City Council for the City of Cripple Creek, Colorado amending the Cripple Creek Municipal Code by the addition of a new Article 8 to Chapter 6 Regulating the licensing and operations of retail marijuana stores and medical marijuana stores and repealing and replacing certain provisions in conflict therewith and declaring an emergency. Smith clarifies this is an emergency Ordinance and will be effective upon adoption.

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

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Litherland to adopt Ordinance 2023-03 an Ordinance of the City Council for the City of Cripple Creek, Colorado amending the Cripple Creek Municipal Code by the addition of a new Article 8 to Chapter 6 Regulating the licensing and operations of retail marijuana stores and medical marijuana stores and repealing and replacing certain provisions in conflict therewith and declaring an emergency. **Motion** passed unanimously.

**SECOND READING and PUBLIC HEARING** to consider adoption of Ordinance 2023-04 an Ordinance of the City of Cripple Creek, Colorado imposing an excise tax of 5% on the first sale or transfer of unprocessed retail marijuana and also imposing an additional sales tax of 18% on the sale of retail marijuana and retail marijuana products and also imposing an additional occupational tax of \$5 per transaction on the price paid for medical marijuana and medical marijuana products as the law permits as well as all retail marijuana products in addition to any other city tax and any other sales tax imposed on such sales of marijuana and marijuana products, as approved by the registered electors of the City at an election conducted on November 8, 2022. Harris explains the Ordinance language was directly taken from the ballot language approved by voters at the November 2022 election. According to Harris, the Finance and Clerk's offices will be handling the majority of the paperwork involved with the process because the state does not involve itself with the collection of fees and taxes associated at the local level.

Mayor Ashworth opens the podium for public comment. Owen Manor, resident 137 Hayden St, asks council to reopen discussion on tax rates. He suggests reducing them for relief to the business operator and to be more competitive with the surrounding areas. Frankie Wolfe, 112 El Paso, suggests being easy on the operators as far as fees and taxes are concerned. Laura Smith Hwy 67, echoes the previous comments about keeping costs down for operators.

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

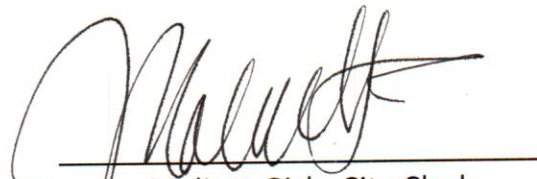
Councilman Bowman suggests reducing the 18% tax rate. Mayor Pro Tem Trenary clarifies the Ordinance sets the 18% but it can come back to council later and be reduced.

**Motion** by Councilman Bowman and seconded by Mayor Pro Tem Trenary to Adopt Ordinance 2023-04 an Ordinance of the City of Cripple Creek, Colorado imposing an excise tax of 5% on the first sale or transfer of unprocessed retail marijuana and also imposing as additional sales tax of 18% on the sale of retail marijuana and retail marijuana products and also imposing an additional occupational tax of \$5 per transaction on the price paid for medical marijuana and medical marijuana products as the law permits as well as all retail marijuana products in addition to any other city tax and any other sales tax imposed on such sales of marijuana and marijuana products, as approved by the registered electors of the City at an election conducted on November 8, 2022.

**Motion** passed unanimously.

**ADJOURNMENT-** With no other business being presented, Mayor Ashworth adjourns the meeting at 7:28 PM.

  
Milford Ashworth, Mayor

  
Malissa Gish, City Clerk



*Real Fun. Real Colorado.*

## JUNE 7, 2023, 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. Deputy City Clerk Turner called roll. All Councilmembers were present. Staff present for the meeting were: Frank Salvato, City Administrator; Paul Harris, Finance Director; Malissa Gish, City Clerk; Carrie Turner, Deputy City Clerk; Joe O'Connor, Fire Chief; Bud Bright, Police Chief; Don Kramer, Code Enforcement Officer; Ken Hartsfield, Building Official; Steve DiCamillo, Public Works Director; Connie Dodrill, Parks & Recreation Director; Tod Habberman, Recreation Program Manager; Jeff Mosher, Special Projects Director; Klaryssa Murray, Destination Marketing Coordinator; and Erin Smith, City Attorney.

### PUBLIC COMMENT:

**Frankie Wolfe** resident recommends ways to make Cripple Creek a Regional Recreation Destination Community, bringing the 2009 Master Plan and the 2023 Goals and Objectives for the city and community.

Meeting Minutes from the May 17, 2023, Regular Meeting.

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Bowman to approve the minutes from May 17, 2023, Regular Meeting. **Motion** passed unanimously.

### REPORTS

#### **Salvato – No Report**

**Harris** - updates Council on the downturn in April gaming numbers. Cripple Creek was down 8.2%, while Blackhawk was down 5.6% and Central City was down 3/10%. He attributes the downturn to more snow events in April than normal.

### PRESENTATIONS

**Newmont Mine** Kaitlyn Ragsdale and Hunter Perales give second quarter mine update.

**Marketing Department** Klaryssa Murray gives a marketing update on the growth in advertising and social media numbers for the city.

**Parks and Recreation** CSU students and Connie Dodrill; Park & Rec Director, presents a Recreational Community Action Plan that will come to Council at a later meeting for approval.

### **NEW BUSINESS**

Consider approval to Award Engineering Contract to AquaWorks DBO, Inc. Salvato updates council on CDPHE for the State Revolving Fund (SRF) 2 loan/grants in the amount \$300,00 each for water distribution line and wastewater collection lines. Frank asked Adam at Aqua works to put in the contract a "not to exceed number", the not to exceed number is \$657,150. DOLA and SRF will match funds so there is no money out of pocket. He would like to go back to DOLA and use the rest of the money for more engineering projects.

**Motion** by Councilman Litherland and seconded by Councilman Brown to Award the Engineering Contract to Aquaworks, DBO, INC. **Motion** passed unanimously.

Public hearing on Application for a Variance in Sign Size and Illumination to Allow for the Placement of new Illuminated Signs at Certain Real Properties Known as 119 Carbonate St. and 421 East Pikes Peak Avenue, Cripple Creek, Colorado.

Mayor Ashworth opened the Public Hearing with a statement prepared by Erin Smith. Hartsfield presented the application explaining the variances being requested.

Mayor Ashworth asked if a representative from the casino was present, no representative was present. Mayor Ashworth asks if there is anyone in opposition of the application. No one came forward. Mayor Ashworth asks for a motion to close public comment.

**Motion** by Councilman Litherland and seconded by Councilman Bowman to close public comment. **Motion** passed unanimously.

Mayor Ashworth reconvenes the Council Meeting to deliberate the application.

Councilman Bowman points out this request goes against the discussion that was had during the recent work session. Mayor Pro Tem Trenary states the sign will illuminate too much light. Hartsfield states the Hotel sign is outside the gaming district and has a different zoning criteria. Hartsfield points out this requires a majority vote of 4 to move forward; Smith concurs. Smith recommends Council group the 6 variance requests from the staff report into size and of illumination for action.

Smith drafts a motion approving Variance #1 to increase the hotel sign size from 102 Sq Ft to 187 Sq Ft.

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Brown to approve Variance #1 to increase the hotel sign size from 102.4 Sq Ft to 187 Sq Ft. **Motion** passed unanimously.

Smith drafts a motion to DENY Variance #2, for internal illumination for gaming use.

**Motion** by Councilman Brown and seconded by Mayor Pro Tem Trenary to DENY Variance #2 the use of internal illumination for signs in the gaming district which is not permitted. **Motion** passed unanimously.

Smith drafts a motion to DENY variances #3 and #4 in the staff report. **Motion** Mayor Pro Tem Trenary and seconded by Councilman Brown deny variances #3 and #4 in the staff report, Council to direct staff to prepare resolution on variances #3 and #4.

**Motion** passed unanimously.

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Brown to allow a new freestanding sign to replace the existing freestanding sign. **Motion** passed unanimously.

Smith suggests the motion for granting the variance #6 to increase the total allowed square footage for wall signs **Motion** by Councilman Bowman and seconded by Councilman Brown to grant the variance #6 to increase the total allowed area for wall signs **Motion** passed unanimously.

Smith suggest that Council direct staff and the City Attorney to draft a Resolution to record the action take regarding the variance and present it at a subsequent meeting.

Consider DENIAL of Resolution 2023-15 Approving Sign Variance.

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Litherland to DENY Resolution 2023-15 Approving Sign Variance. **Motion** passed unanimously.

Consider Approval of Resolution 2023-14 Accepting an Annexation Petition, Making Certain Findings of Fact, Finding Substantial Compliance for Such Petition, and Setting a Public Hearing for Property Known as The Southern Boy/Capitol Hill Annexation. Hartsfield presents the application to Council. Councilman Litherland inquires about the ½ of the land to be annexed is agricultural. Hartsfield states the property is currently in the county and it is zoned agricultural currently. It is a restriction and not a requirement on the property, Smith concurs. Councilman Litherland asks about the dedication and improvement of roads stated in the agreement. Hartsfield reminds Council that this item is only to approve the petition for annexation and not the agreement at this time.

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Bowman gave Approval of Resolution 2023-14 Accepting an Annexation Petition, Making Certain Findings of Fact, Finding Substantial Compliance for Such Petition, and Setting a Public Hearing for Property Known as The Southern Boy/Capitol Hill Annexation. **Motion** passed unanimously.

**FIRST READING** to Approve Ordinance 2023-08 Approving a Change of Zoning From R-1 to C1 for Certain Real Property Described as L1-8, L36-41, B2; L1-6, L47-53, B3;

L55-59, B4; L9-12, L48-49, B 5, CR CK Arcadia Heights, Including Adjacent S2 of Vacant Warren Avenue, Adjacent Vacant Irene Avenue, Adjacent Vacant Whiting Avenue, Adjacent Vacant El Paso Avenue, and Adjacent Vacant Alleys, All as Described at 392879, Also Known as Larsen Parcel. Hartsfield presents the application stating the purpose is to construct a self-storage facility. These are not allowed in the R-1 zone so the CUP needs approval to move forward.

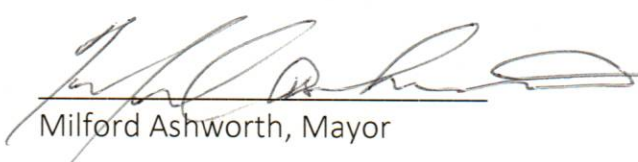
**Motion** by Councilman Litherland and seconded by Councilman Brown to Approve Ordinance 2023-08 Approving a Change of Zoning From R-1 to C1 for Certain Real Property Described as L1-8, L36-41, B2; L1-6, L47-53, B3; L55-59, B4; L9-12, L48-49, B 5, CR CK Arcadia Heights, Including Adjacent S2 of Vacant Warren Avenue, Adjacent Vacant Irene Avenue, Adjacent Vacant Whiting Avenue, Adjacent Vacant El Paso Avenue, and Adjacent Vacant Alleys, All as Described at 392879, Also Known as Larsen Parcel. **Motion** passed unanimously.

Consider Approving Continued Representation of City and Transfer to New Law Firm; Erin Smith, City Attorney; **Erin Smith requested this item be removed at this time.**

Consider Approval to Award the Mill and Overlay Project to Pyramid Construction Company

**Motion** by Councilman Bowman and seconded by Councilman Litherland to Award the Mill and Overlay Project to Pyramid Construction Company **Motion** passed Unanimously.

**ADJOURNMENT-** With no other business being presented, Mayor Ashworth adjourns the meeting at 7:00 PM.

  
Milford Ashworth, Mayor

  
Malissa Gish, City Clerk



*Real Fun. Real Colorado.*

## **JUNE 21, 2023, 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. Deputy City Clerk Turner called roll. All Councilmembers were present. Staff present for the meeting were: Frank Salvato, City Administrator; Paul Harris, Finance Director; Malissa Gish, City Clerk; Carrie Turner, Deputy City Clerk; Joe O'Connor, Fire Chief; Bud Bright, Police Chief; Don Kramer, Code Enforcement Officer; Zack Sztanyo, Butte Director; Ken Hartsfield, Building Official; Renee Mueller, HP Coordinator; Steve DiCamillo, Public Works Director; Connie Dodrill, Parks & Recreation Director; Jeff Mosher, Special Projects Director; and Erin Smith, City Attorney.

### **PUBLIC COMMENT:**

**Edith Smith** store owner, Creations Everlasting, 410 Bennett Ave., addresses the Council with concerns of where the street closure will be for Donkey Derby Days. She would like Vendors at her end of Bennett Ave for the event, she felt the 200 and 300 blocks were too congested during Ice Fest.

**Richard Ingold** resident of Cripple Creek, 1434 N B St., representing Gold Camp Association, updated Council on the remodel that has been completed at the American Legion Post 171; it is now ADA compliant. American Legion Post 171 open house is scheduled for July 4<sup>th</sup>, 1 to 4pm. Memorial Day they placed 250 Flags at Mt Pisgah Cemetery. Reminded the Council about the Flag collection drop box on the porch of the American Legion. Reminded everyone about Victor Vintage Baseball Game and Victor Gold Rush Days.

**Approve Meeting Minutes** from the June 7, 2023, Regular Meeting.

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Bowman to approve the minutes from June 7, 2023, Regular Meeting. **Motion** passed unanimously.

### **REPORTS**

**Salvato** – presents the council with an Appreciation Plaque from Rocky Mountain Mustang Association. Updates Council on next steps for Marijuana Applications, applications will be ready for pick up Monday, July 3<sup>rd</sup>, first round of applicants will need to return their applications by Friday, July 21<sup>st</sup> at 2pm.

**Harris** – No Report

### **NEW BUSINESS**

Consider approval of a lease agreement with the Two-Mile High Club. This lease will allow the use of storage space in the Jail Museum basement for their merchandise. Councilman Brown asked if the TMHC has an insurance policy to cover their belongings being stored, Salvato answered yes. Brandon Westhoff, President of TMHC, thanked the Council for considering approval of the lease,

presented posters to Council for Donkey Derby Days, updated Council on new leadership and new members, thanked Frank Salvato, Jeff Mosher, and Klaryssa Murray for their help. **Motion** by Councilman Brown and seconded by Councilman Bowman to approve a lease agreement with Two-Mile-High Club. **Motion** passed unanimously.

Consider approval of Resolution 2023-16, Resolution Recognizing and Confirming the City's Utility Systems as an Activity Enterprise and Authorizing the Executed and Delivery of a Loan Agreement between the Colorado Water Resources and Power Development Authority and the Enterprise Fund, and the Issuance of a Governmental Agency Bond in an Aggregate Principal Amount Not to Exceed \$300,000.00 Evidencing the Obligation of the Enterprise Fund Under the Loan Agreement (Sewer Project). Salvato explains this is part of the \$300K we received for the engineering on the WS utility line improvements. This will become part of a match and will be converted from a loan to a grant.

**Motion** by Councilman Litherland and seconded by Mayor Pro Tem Trenary to approve Resolution 2023-16. **Motion** passed unanimously.

Consider approval of Resolution 2023-17 a Resolution Recognizing and Confirming the City's Utility Systems as an Activity Enterprise and Authorizing the Executed and Delivery of a Loan Agreement between the Colorado Water Resources and Power Development Authority and the Enterprise Fund, and the Issuance of a Governmental Agency Bond in an Aggregate Principal Amount Not to Exceed \$300,000.00 Evidencing the Obligation of the Enterprise Fund Under the Loan Agreement (Water Project). Salvato summarizes this Resolution is similar to the last item also authorizing the Mayor to execute the documents and allowing Paul Harris, Finance Director; and Courtney Schuler, Finance Technician to access the reimbursement portal that gets our money returned. **Motion** by Mayor Pro Tem Trenary and seconded by Councilman Brown to approve Resolution 2023-17 (Water Project). **Motion** passed unanimously.

Consider Approval of a Request to Advertise and Release a Request for Proposals (RFP) for the Creation and Upgrade of Electric Vehicle (EV) Charging Stations to be Installed on City Owned or Leased Properties. Mosher states this is a request for the release and advertisement of an RFP. We will update our current stations and add more. Mosher said the level 1 stations have 45-minute charge time and level 2 are 1 to 2 hours. Mayor Pro Tem Trenary questions how many stations, Mosher states we are proposing 11 for RFV, the providers will come in with engineers and do an evaluation to determine which ones are feasible and which ones should be removed. Mosher suggests to the Council to create an Ordinance that does not allow nonelectric vehicles to park in charging stations, and once EV is fully charged the vehicle will need to be moved. Mosher says the locations will be looked at with an engineer and will involve the businesses that will be impacted to determine locations. Mosher believes this will attract more visitors with the proposed 22 EV Charging Stations. Councilman Brown asks about Power Supply, Mosher says the engineers will look at that to determine location, with the revenue share they will absorb that cost. **Motion** by Councilman Bowman and seconded by Councilman Litherland to Approve a Request to Advertise and Release a Request for Proposals for the Creation and Upgrade of Electric Vehicle (EV) Charging Stations to be Installed on City Owned or Leased Properties. **Motion** passed unanimously.



Consider Approving Continued Representation of the City and Transfer to New Law Firm. Smith explains her partner of 25 years will be retiring so she will be working with a new firm out of Durango, but she confirms that her location will stay the same. Smith states her fees will remain the same for 2023 but 2024 will increase due to inflation; she has not requested a rate increase since 2018.

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Bowman to approve Continued Representation of the City and Transfer to New Law Firm. **Motion** passed unanimously.

Consider Approval of Resolution 2023-18, Granting in Part and Denying in Part the Application for a Variance in Sign Size and Illumination to Allow for the Placement of New Illuminated Signs at Certain Real Properties Known as 119 Carbonate and 421 East Pikes Peak Ave, Cripple Creek, Colorado. Hartsfield reminds Council that this is the Resolution that they directed Smith to draft as a result of the action taken at the prior meeting regarding the 6 variances being sought by Wildwood. Matt Andregheitti, General Manager of the Wildwood expresses his disappointment of the decision made on the casino sign but also understands the laws surrounding the decision. Additionally, he is content with the decision on the hotel sign. Hartsfield clarifies the size of the sign, current 102' to 186'.

**Motion** by Councilman Litherland and seconded by Councilman Brown to approve Resolution 2023-18. **Motion** passed unanimously.

Consider Approval of Resolution 2023-21 Approving a Certificate of Appropriateness for the Golden Nugget Hotel and Casino for a New Sign as Seen in Attached Exhibits on Their Premises at 421 E Pikes Peak Avenue. Mueller presents the application for the sign to the Council. **Motion** by Councilman Brown and seconded by Mayor Pro Tem Trenary to approve Resolution 2023-21. **Motion** passed unanimously.

Consider Approving Resolution 2023-23 Approving the Nomination of Reed Grainger & JR Gatlin to Serve Another Term of One Year on the Commission & Sofia Balas to Serve Another Term of One Year on the Commission as First Alternate. Mueller explains the Commission voted unanimously to retain these individuals on the board.

**Motion** by Councilman Brown and seconded by Councilman Litherland to approve Resolution 2023-23. **Motion** passed unanimously.

Consider Approval of Resolution 2023-22 Approving the Award of a Grant from the Historic Preservation Grant Funds to Below named Residents & Entrepreneurs of the City of Cripple Creek, Colorado, in the County of Teller, State of Colorado. Mueller states 7 people applied for residential and 1 applied for the commercial grant. Grants awarded were Hotel St Nick-\$30,000.00 commercial grant for tuck pointing; 129 W Carr applicant \$4,230.00 for painting; 128 N 4<sup>th</sup> \$5,637.70 to replace the roof and gutters; 323 E Carr \$4,320.00 to paint (additional \$1500.00 reserved to pay a portion of damaged facia and siding); 305 N 4<sup>th</sup> \$5220.00 to paint; 140 W Masonic \$16,658.91 to repair and replace windows; 210 3<sup>rd</sup> \$13,301.38 to replace the roof (contingent upon receipt and photographic evidence of damage). **Motion** by Mayor Pro Tem

Trenary and seconded by Councilman Litherland approves Resolution 2023-22. **Motion** passed unanimously.

Consider Approval of a Sub Lease Agreement with The Funky Little Theater for Thurlow Property. Sztanyo states the agreement makes the FLT financially responsible for their actions in the house. The Butte still covers the monthly payment and FLT will be submitting a security deposit for any damage that may occur. **Motion** by Councilman Bowman and seconded by Mayor Pro Tem Trenary to approve a Sub Lease Agreement with The Funky Little Theater for Thurlow Property. **Motion** passed unanimously.

Consider Approval of the Recreation Community Action Plan. Dodrill explains that she can begin forming committees after approval.


**Motion** by Councilman Bowman and seconded by Councilman Brown to approve the Recreation Community Action Plan. **Motion** passed unanimously.

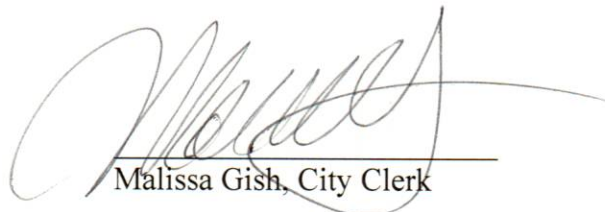
Consider Approval for a Paving Contract with Pyramid Construction Company. DiCamillo summarizes the plan, but he doesn't have a definite schedule for the work yet.

**Motion** by Councilman Brown and seconded by Councilman Litherland to approve a Paving Contract with Pyramid Construction Company.

**Motion** passed unanimously.

**ADJOURNMENT-** With no other business being presented, Mayor Ashworth adjourns the meeting at 6:23pm

  
Mifford Ashworth, Mayor

  
Malissa Gish, City Clerk



## **JULY 5, 2023, 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. Deputy City Clerk Turner called roll. All Councilmembers were present. Staff present for the meeting were: Frank Salvato, City Administrator; Paul Harris, Finance Director; Carol Stotts, Human Resources/Risk Management Director; Malissa Gish, City Clerk; Carrie Turner, Deputy City Clerk; Joe O'Connor, Fire Chief; Bud Bright, Police Chief; Ken Hartsfield, Building Official and Erin Smith, City Attorney.

**PUBLIC COMMENT:** No Public Comment

**Approve Meeting Minutes** from the June 21, 2023, Regular Meeting.

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Litherland to approve the minutes from June 21, 2023, Regular Meeting. **Motion** passed unanimously.

## **REPORTS**

**Salvato** – let's Council know that Paul has put together the preliminary budget and that he and Paul will be busy from July 11<sup>th</sup> through July 20<sup>th</sup> talking to all the directors and informed the Council that the budget looks good.

**Harris** – updates Council on May numbers. He reminded Council about the numbers tanking in April due to weather, May's numbers are up 10% for Cripple Creek, 4/10% for Black Hawk and 4.7% for Central City. Paul states that this is good for Cripple Creek as Cripple Creek will receive 1.1% more in market share for the month in Gaming Tax Distribution.

## **PRESENTATIONS/UPDATES**

Teller County 4-H gave a presentation regarding Teller County Livestock Auction Projects each member is working on. They all took turns explaining to the Council how being a part of 4-H has taught them time management, responsibility, budget management, public speaking, and goal setting.

The 4-H members explained to the Council, by purchasing one of their products could gain a tax right off and help the local youth. August 4<sup>th</sup> at the Cripple Creek Fairgrounds the Teller County 4-H is offering free Steak Dinner at 5pm and the Livestock Auction will follow at 6:30pm.

## **NEW BUSINESS**

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.

**PUBLIC HEARING** on Application for a Building Setback Variance of 3.24 Feet in Order to Build an Ambulance Garage at Certain Real Property Described as 700 N A St, Cripple Creek, CO. Hartsfield, presents to the Council to consider granting the Application of the Building Set Back Variance. Jake Hollingworth with WD Construction greets the Council and explains how the pull

through garage plan creates efficiency for a quick exit, the way this garage is planned they will be able to park 6 Ambulances in the garage. There will be fire separation, little to no combustibles, there will be sprinklers throughout. Jake explains that the reason they have to lower the grade 4 feet is so the ambulances coming in won't be scraping the ground, and lowering the grade will match the grade of North A and Hetig Ave. Eric Murray addresses the Council again and reiterates that he would appreciate it if the Council thought hard about this and would grant this Application. Councilman Litherland asks Eric Murray what the protocol will be for sirens as the Facility is in a neighborhood, Eric Murray says the protocol is no sirens from the Facility to Bennett Ave. Mayor Ashworth asks to close Public Hearing **Motion by** Councilman Litherland seconded by Mayor Pro Tem Trenary to close Public Hearing, **Motion** passed unanimously.

Mayor Ashworth addresses the audience regarding any rebuttal regarding the case, there is no opposition so we will move on.

Erin Smith suggests deliberation if Council needs or to move forward with granting approval. Smith says the appropriate motion would be to approve Resolution 2023-19 Building Set Back Variance, Item B on the Agenda. **Motion by** Councilman Bowman and seconded by Councilman Brown, to approve Resolution 2023-19 Building Set Back Variance; **Motion** passed unanimously.

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

PUBLIC HEARING on Application to Modify a Conditional Use Permit to Remove the Requirement for Detached Garages on Lots 6-16 Block 51 Hayden Placer Addition, Numbered as 201, 205 and 209 North Main Street. Hartsfield reminds Council that the original CUP was for three detached garages, Hartsfield lets Council know that Mr. Hall with Clayton Homes requests a modification to remove the requirement of the detached Garages, this will reduce construction cost and keep the home at an affordable price. Hartsfield requests this modification to Resolution 2022-23. Hartsfield tells Council that there will still be parking in the same location that will be fenced in and gated. Councilman Litherland asks who is responsible for the maintenance and plowing of the alley, Hartsfield responds that he believes that it is the City of Cripple Creek's responsibility. Councilman Brown asks if there will be room for the snowplow in the alley way, Hartsfield responds that the alley way does go all the way through to the other block. Hartsfield explains that there will be a culvert in place for drainage and that that section will be paved up to the power poles. Hartsfield lets Council know that Mr. Hall is in attendance to answer any questions, Mr. Hall explains to the Council the reason for the request to Modify the CUP is to try to adhere to their budget and to keep the product affordable. Councilman Bowman asks what the target price point is, Mr. Hall responds the original was \$350,000 to \$375,000 now with building cost increases they will be closer to \$400,000. Councilman Brown asks what the target deadline is for project completion, Councilman Brown states that it seems that it's been taking a long time and that he has witnessed a lot of workers and then none. Mr. Hall responds that there have been challenges in staffing that have contributed to this and winter months caused the projects to shut down. Mayor Ashworth asks for Motion to close Public Hearing; **Motion by** Mayor Pro Tem Trenary and seconded by Councilman Litherland to close Public Hearing; **Motion** passed unanimously. Mayor Pro Tem Trenary asks Hartsfield, Harris or Salvato about when Clayton Homes is required to have their CO for the Tap Fee Waiver, Hartsfield answers commitment to


complete construction is in the Ordinance as June 2025, they do have their permits in place. Salvato wanted to clarify to the Council that there is a difference between a Building Permit and Tap Fee Waivers, Salvato wanted the Council to know that Tap Fee Waivers are on the agenda but are not up for discussion yet. **Motion by** Mayor Pro Tem Trenary and seconded by Councilman Brown, to approve Resolution 2023-24 to Modify a Conditional Use Permit to Remove the Requirement for Detached Garages on Lots 6-16 Block 51 Hayden Placer Addition, numbered as 201, 205 and 209 North Main Street; **Motion** passed unanimously.


Consider Approval of an Agreement for Economic Inducements & Development Incentives in the Amount up to \$64,400.00 by Vincent Hall on Behalf of Hallcrest Consulting and Rocky Mountain Building and Loan Inc., for Certain Real Property Legally Described as Lots 9-13, Block 39, Hayden Placer Addition; and Authorizing the City Administrator to Sign Agreement Hartsfield, Planning Director corrects Council that Victor Hall is Representing for himself not Clayton Homes. Hartsfield tells Council about Hall's plan for lots 9-13, Lot 9 and 10 single family Lot's 11-13 Duplexes and Hall would like 7 Tap Fees waived, the full amount for all tap Fees is \$64,400. Hartsfield adds that this project will benefit the community with more single-family homes, there is adequate water and sewer, the proposed project complies with each of the four conditions in Ordinance 2021-9 Section 2. The required cost of infrastructure would be covered by the applicant. Councilman Brown asks about where the access to the property is located off of Golden or the alley, Hartsfield answers, from both, suggests that the applicant is wanting access from Golden. Councilman Brown asks how they plan to build the structures regarding how low the property sits, Hartsfield answers these will be manufactured homes and can be addressed later at this time the applicant is asking for tap fees to be waived. Mayor Pro Tem Trenary asks if Mr. Hall is here, Hartsfield says yes, he is present. Mayor Pro Tem Trenary asks about the size of the Duplexes, she asks if they are about 550 sq feet, Mr. Hall answers yes, per sides. Mayor Pro Tem Trenary asks about price, Mr. Hall answers the Duplex will be a rental he is not sure of price until they are constructed. Mayor Pro Tem Trenary asks about the price of the single-family properties, Mr. Hall says they have someone in mind that is interested in that property. Mr. Hall addresses Council regarding grade and he says that is irrelevant at this point, but they will flatten out. Councilman Brown asks when this project was started by the Architects and Engineers were the Tap Fees included in the project, Mr. Hall says that Tap Fees were certainly considered, with their experience with infrastructure in Cripple Creek, Hall says for example the project at Carr and Main we spent \$50,000 to redo the sewer line, so he feels the Tap Fee Waiver was a wash, because they replaced and redid the sewer lines. Councilman Litherland asks Mr. Hall if he is asking to have all the Tap Fees forgiven. Salvato suggests to the Council that Mr. Hall pay the Tap Fee up front and be reimbursed 50% when the project is completed. Councilman Bowman asks are there two taps per complex. Councilman Brown says that he is all for supporting private residences, this is different, this is a business that is why he has a hard time waiving the fees. Erin Smith addresses the Council; she says that the city would charge the fee and put the money in a noninterest bearing account or an interest-bearing account until the project is complete if the conditions are met in the agreement that you approve then that reimbursement is paid to the developer at that time. The agreement in your packet is structured that way, it requires that the whole of the \$64,400 permit fees need to be paid; It states in section H what the conditions are and then it states what those

conditions are met and then the City will reimburse that Tap Fee without interest. Councilman Bowman asks in those conditions that we agreed to any issues in the sewer or water line that they would be responsible for that so that it won't fall back on the City. Smith says there is no development agreement attached. Salvato states the answer is yes, the only way we get down that road is with a Developer Agreement. Harris addresses the Council with the last Tap Fee being paid February 15<sup>th</sup> for a single-family home and the request was for \$4000 we waived half of that, we waived \$2000. **Motion by** Councilman Brown, seconded by Mayor Pro Tem Trenary, to approve an Agreement for Economic Inducements & Development Incentives in the Amount up to \$64,400.00 by Vincent Hall on Behalf of Hallcrest Consulting and Rocky Mountain Building and Loan Inc., for Certain Real Property Legally Described as Lots 9-13, Block 39, Hayden Placer Addition; and Authorizing the City Administrator to Sign Agreement in the amount of **50% of asking total. Motion** passed unanimously.

FIRST READING to Approve Ordinance 2023-10 Determining to Follow the Provisions of the Uniform Election Code for the November 2023 Coordinated Election; Malissa Gish, City Clerk addresses Council to Approve Ordinance 2023-10 to follow the provisions of the uniform election code for this November's Election. She informs Council this will come back to them after it's been properly published for the second reading. **Motion by** Councilman Litherland, Seconded by **Mayor** Pro Tem Trenary, to approve Ordinance 2023-10 Determining to follow the Provisions of the Uniform Election Code for the November 2023 Coordinated Election; **Motion** passed unanimously.

**ADJOURNMENT-** With no other business being presented, Mayor Ashworth adjourns the meeting at 6:31pm

  
Milford Ashworth, Mayor

  
Malissa Gish, City Clerk



## **JULY 19, 2023, 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. Deputy City Clerk Turner called roll. All Councilmembers were present. Staff present for the meeting were: Frank Salvato, City Administrator; Paul Harris, Finance Director; Malissa Gish, City Clerk; Carrie Turner, Deputy City Clerk; Bud Bright, Police Chief; Ken Hartsfield, Building Official; Courtney Schuler, Finance Assistant (via ZOOM); and Erin Smith, City Attorney.

**PUBLIC COMMENT:** Mark Green, 124 W Bennett Ave., made a comment supporting the school.

Steve Zoellner reminds the council that this weekend is Pearl De Vere Days, the Homestead House received significant damage during the recent hailstorm and they would appreciate the Council and City's support.

**Approve Meeting Minutes** from the July 5, 2023, Regular Meeting.

**Motion by** Mayor Pro Tem Trenary seconded by Councilman Litherland to approve minutes from July 5<sup>th</sup>, 2023, Regular Meeting. **Motion** passed unanimously.

## **REPORTS**

**Salvato** – No Report

**Harris** – updates Council on third quarter device count, he says that we have increased 1 over the second quarter not significant unfortunately. Compared to the pre COVID numbers the City is still down 775 devices or 22%.

**PRESENTATIONS/UPDATES:** No Presentations

## **NEW BUSINESS**

**Discussion and Consideration for Approval of The District Museum's Request for Ownership of the Train Car and Public Restroom Facilities;** Salvato authorizes Council and City Attorney to draft deeds and other legal documents to transfer the train to the Museum and property under restroom along with a maintenance easement to the City. Councilman Brown asks if we get a survey for the restroom property, will the city get the deed. Salvato differs to Erin Smith regarding the need for a deed in both cases. Smith replied affirmatively. Councilman Litherland expresses his desire for an appraisal on the train car prior to the trading of the train car for the restrooms. Councilman Brown asks if this transfer will be legal, Smith says the City needs to receive value for value but the exception or general rule you can donate as long as it is for a valid public purpose. Mayor Pro Tem Trenary wants the train car utilized and she is confident that the Museum will have it running year-round. Councilman Brown states that the City has \$22,000 in the budget to

run the train car and trading it would put that money back in the budget. Brown states he believes the museum could apply for HP monies in the future to assist with the railcar upkeep. Bill Burcaw added that the restrooms encroach about a foot onto the train/museum property. Smith suggests a motion be made to direct the City Attorney to work with the City Administrator to put together the documentation that is required. Salvato explains they are making the motion to have the City Manager and City Attorney work together to draft the documents and that the purpose is to make the trade. **Motion** made by Mayor Pro Tem Trenary seconded by Councilman Brown to direct the City Attorney to work with the City Administrator to put together the documentation that is required. **Motion** passed unanimously.

Discussion and Consideration for Approval to Call a Sales Tax Election for CC&V School District; Salvato, reminds Council that we have had the public input. Mary Bielz the President of the RE1 School District Board addresses Council on the need to invest in our children as they are the hope for the future, she pleads with the Council to please let the voters decide on the Sales Tax Increase. Mayor tells Mary Bielz that the school and city are the same we both run on limited funds, and we are in the same boat, and that he 100% supports the school but he has an obligation to the City of Cripple Creek. **Motion** by Councilman Brown seconded by Mayor Pro Tem Trenary to put the CC&V School District Sales Tax on the November Ballot. **Motion** passed with a 2 to 3 vote. Mayor Ashworth and Councilman Litherland are opposed.

**SECOND READING AND PUBLIC HEARING to Consider Adoption of Ordinance 2023-08 Approving a Change of Zoning From R-1 to C1 for Certain Real Property Described as L1-8, L36-41, B2; L1-6, L47-53, B3; L55-59, B4; L9-12, L48-49, B 5, CR CK Arcadia Heights, Including Adjacent S2 of Vacant Warren Avenue, Adjacent Vacant Irene Avenue, Adjacent Vacant Whiting Avenue, Adjacent Vacant El Paso Avenue, and Adjacent Vacant Alleys, All as Described at 392879, Also Known as Larsen Parcel**

Mayor Ashworth opens the Public Hearing with a statement provided by City Attorney Smith. Mayor Ashworth calls for public comment, no public comment was heard.

Councilman Litherland asks how many units there will be, Hartsfield said he does not have that number, but Mr. Freeman is here for questions, he also questions the R1 to C1 for construction he asks if the plan is to put in metal containers. Hartsfield says there will be a fabricated building, metal frame, slab, he says they are not ready to submit a building permit at this time. John Freeman, 410 S 4<sup>th</sup> Street addresses the Council. He explains that the building will have metal siding, metal doors, metal roof and that this will be a true storage facility. Councilman Bowman asks if this facility will be fenced in, Freeman states not at this time, but he plans to incorporate the small homes and storage with an easement. Councilman Brown asks what type of lighting, Freeman answers security 7 days a week, 24-hour lighting along with proposed security cameras as well. Mayor Ashworth asks to close Public Hearing **Motion** by Councilman Litherland seconded by Councilman Bowman to close the public hearing, **Motion** passed unanimously.

**Motion** by Pro Tem Trenary and seconded by Councilman Bowman to approve Ordinance 2023-08 Approving a Change of Zoning From R-1 to C1 for Certain Real Property Described as L1-8, L36-41, B2; L1-6, L47-53, B3; L55-59, B4; L9-12, L48-49, B 5, CR CK Arcadia Heights,



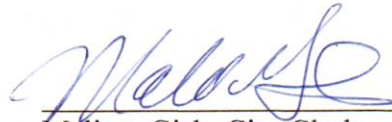
Including Adjacent S2 of Vacant Warren Avenue, Adjacent Vacant Irene Avenue, Adjacent Vacant Whiting Avenue, Adjacent Vacant El Paso Avenue, and Adjacent Vacant Alleys, All as Described at 392879, Also Known as Larsen Parcel. **Motion** passed unanimously.

Mayor Ashworth says that Item D has been tabled.

**ADJOURNMENT-** With no other business being presented, Mayor Ashworth adjourns the meeting at 6:17pm



\_\_\_\_\_  
Melissa Trenary, Mayor Pro Tem



\_\_\_\_\_  
Malissa Gish, City Clerk



*Real Fun. Real Colorado.*

## **AUGUST 2, 2023, Regular Meeting Minutes**

In the absence of Mayor Ashworth, Mayor Pro Tem Trenary 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. Staff present for the meeting were: Frank Salvato, City Administrator; Malissa Gish, City Clerk; Bud Bright, Police Chief; Don Kramer, Code Enforcement Officer; Ken Hartsfield, Building Official; Joe O'Connor, Fire Chief; Connie Dodrill, Parks and Rec Director; Jeff Mosher, Special Projects Manager; Steve DiCamillo, Public Works Director; and Erin Smith, City Attorney.

**PUBLIC COMMENT:** NONE

**Approve Meeting Minutes** from the July 19, 2023, Regular Meeting.

**Motion** by Councilman Litherland seconded by Councilman Bowman to approve minutes from July 19<sup>th</sup>, 2023, Regular Meeting. **Motion** passed unanimously.

**REPORTS** NONE

**PRESENTATIONS/UPDATES:** NONE

## **NEW BUSINESS**

Mayor Pro Tem Trenary announces that agenda item G will be heard out of order and be first. Trenary opens the public hearing with the statement provided by City Attorney Smith. To satisfy statute requirements for this item, the public hearing will be opened and will remain open for one hour.

**Agenda item G Resolution 2023-14 accepting an annexation petition, making certain findings of fact, finding substantial compliance for such petition, and setting a public hearing for property known as the Southern Boy/Capitol Hill Annexation.**

Hartsfield presents the property maps and photos being considered for the annexation. The applicants have met the requirements thus far. Hartsfield discusses the applicant's plans for development with the property. Hartsfield explains the annexation was not properly published, leaving the public hearing open for a continuation until the August 16 meeting. Applicant John Freeman states he is in the process of obtaining the full updated map from the surveyor. Mayor Pro Tem Trenary asks for any public comment. None was had and she continues into the regular meeting.

## **Reconsider All Fees in the Marijuana Fee Resolution and Ordinance**

Salvato discusses some options for revising the fees associated with marijuana applications. He does not recommend changing the application fees, but it is up to the council to discuss and

decide. Salvato suggests being more competitive and to consider a 12% tax and keeping the occupational tax at some fee. Council directs the City Attorney to draft a new fee resolution reflecting the discussed fees. No action was taken.

Consider Approval of a Professional Service Agreement with Rampart Survey for Survey Services

Salvato presents the item. **Motion** by Councilman Litherland and seconded by Councilman Brown to Approve a Professional Service Agreement with Rampart Survey for Survey Services. **Motion** passed unanimously, absent Mayor Ashworth.

Consider Approval to Award Bohannan Huston for On-Call Engineering Services

DiCamillo explains how the decision was made to award the on-call engineering services to Bohannan Huston. **Motion** by Councilman Brown and seconded by Councilman Bowman to award Bohannan Huston for On-Call Engineering Services. **Motion** passed unanimously, absent Mayor Ashworth.

Consider Approval to Opt-In with Proposition 123

Mosher gives some details on the dynamics of the proposition. **Motion** by Councilman Bowman and seconded by Councilman Brown approving to Opt-In with Proposition 123. **Motion** passed unanimously, absent Mayor Ashworth.

Consider Approval to Award the EV Charging Station Installation to Compass Evolutionary Technologies

Mosher requests the Council approve the award for the EV Charging Station installation to Compass. Compass proposes to include engineering, infrastructure, site design, all equipment, maintenance, upkeep, removal of existing stations, and billing and monitoring services at no cost to the city.

**Motion** by Councilman Brown and seconded by Councilman Litherland to Award the EV Charging Station Installation to Compass Evolutionary Technologies. **Motion** passed unanimously, absent Mayor Ashworth.

Consider Approval to Award the Sidewalk Project

Dodrill tells council the RFPs reviewed the submitted proposals and made the decision to select Bohannan Huston for award of the RFP. **Motion** by Councilman Litherland and seconded by Councilman Bowman to award the sidewalk project to Bohannan Huston. **Motion** passed unanimously, absent Mayor Ashworth.

FIRST READING to Consider Approval of Ordinance 2023-05 Annexing the Property Known as The Southern Boy/Capitol Hill

Smith explains the Ordinance is required by state statute; the public hearing was opened that evening and a Resolution will be presented at a later meeting to satisfy the statutes. Hartsfield states the second reading will be held on the 6<sup>th</sup> of September. **Motion** by Councilman Brown

and seconded by Councilman Litherland to approve Ordinance 2023-05 Annexing the Property Known as The Southern Boy/Capitol Hill. **Motion** passed unanimously, absent Mayor Ashworth.

Consider Approval of Resolution 2023-26 Authorizing an Intergovernmental Agreement by and Between Teller County, by the Teller County Clerk and Recorder, and the City of Cripple Creek, Colorado Regarding the Administration of Respective Duties Concerning Conduct of the November 7, 2023 Coordinated Election

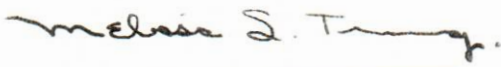
City Clerk Gish explains the IGA is an agreement to conduct the election alongside the County and to designate the City Clerk as the DEO for the City. **Motion** by Councilman Bowman and seconded by Councilman Brown to Approve Resolution 2023-26 Authorizing an Intergovernmental Agreement by and Between Teller County, by the Teller County Clerk and Recorder, and the City of Cripple Creek, Colorado Regarding the Administration of Respective Duties Concerning Conduct of the November 7, 2023, Coordinated Election. **Motion** passed unanimously, absent Mayor Ashworth.

SECOND READING and PUBLIC HEARING to Adopt Ordinance 2023-10 Determining to Follow the Provisions of the Uniform Election Code for the November 2023 Coordinated Election

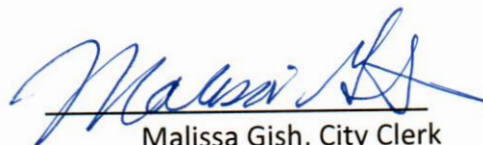
City Clerk Gish reminds the Council that this was brought before them a few meetings back for first reading. The Ordinance determines the Clerk will follow the rules governing the Uniform Election Code. Mayor Pro Tem Trenary asks for any public comment. None was heard. **Motion** by Councilman Brown and seconded by Councilman Litherland to Adopt Ordinance 2023-10 Determining to Follow the Provisions of the Uniform Election Code for the November 2023 Coordinated Election. **Motion** passed unanimously, absent Mayor Ashworth.

Mayor Pro Tem Trenary asks to reconvene into the public hearing. There is a recess until the remainder of the one hour has been satisfied. Mayor Pro Tem Trenary entertains a motion to continue the public hearing on Resolution 2023-14 on September 6, 2023 at 5:30 PM. **Motion** by Councilman Bowman and seconded by Councilman Brown to continue the public hearing on Resolution 2023-14 on September 6, 2023 at 5:30 PM. **Motion** passed unanimously, absent Mayor Ashworth.

**ADJOURNMENT-** With no other business being presented, Mayor Pro Tem Trenary adjourns the meeting at 6:34 pm.



Melissa Trenary, Mayor Pro Tem



Malissa Gish, City Clerk



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### **AUGUST 16, 2023, 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. Staff present for the meeting were: Frank Salvato, City Administrator; Paul Harris, Finance Director; Malissa Gish, City Clerk; Bud Bright, Police Chief; Don Kramer, Code Enforcement Officer; Ken Hartsfield, Building Official; Joe O'Connor, Fire Chief; Connie Dodrill, Parks and Rec Director; Jeff Mosher, Special Projects Manager; Carrie Turner, Deputy City Clerk; Renne Mueller, HP Director; Corporal Keith Hoyle; Sergeant Robert Kible; and Erin Smith, City Attorney.

### **PUBLIC COMMENT:**

Annie Valades Co-Chair of Two-Mile-High Club acknowledges staff for their efforts and assistance with a successful Donkey Derby Days event.

Miriam Mondragon, Superintendent at CCV School District, urges the council to extend the sunset on the IGA for the sales tax ballot issue.

**Approve Meeting Minutes** from the August 2, 2023, Regular Meeting.

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Litherland to approve minutes from August 2, 2023, Regular Meeting.

**Motion** passed unanimously.

### **REPORTS**

Frank Salvato informs the community about phone spoofing that has been happening. The caller will be identified as the City, but it is not us.

Paul Harris has no report.

### **PRESENTATIONS/UPDATES:**

Ute Pass Kiwanis presents an award and recognizes Don Kramer for his exceptional work.

Newmont Mine gives a brief update on the shares and reports for the mine.

### **NEW BUSINESS**

**Consider Approval to Enter into an Intergovernmental Agreement between the City and CC-V School District Relating to a Sales Tax Passage**

Salvato refers this to Erin Smith for questions. Councilman Brown suggests increasing the sunset clause to 4 years. Smith suggested editing the IGA to reflect an "up to 4 years" clause then when the council discusses the actual ballot language at the Sept 6, meeting, a decision can be made regarding the term.

**Motion** by Councilman Brown and seconded by Mayor Pro Tem Trenary to approve an Intergovernmental Agreement between the City and CC-V School District Relating to a Sales Tax Passage with a minor amendment to paragraph 1 and to change the 2 years in the 3<sup>rd</sup> line to UP TO 4 YEARS.

**Motion** passed 4-1 with Councilman Litherland voting NO.

Consider Approval of Resolution 2023-27 a Resolution of the City of Cripple Creek Adopting a Council Rule of Procedure for Setting Agenda

Salvato explains the need for a procedure for adding items to the agenda. This will streamline the process with set regulations. **Motion** by Councilman Litherland and seconded by Councilman Bowman to approve Resolution 2023-27.

**Motion** passed unanimously.

Consider Approval of Resolution 2023-26 A Resolution Amending Resolution 2023-11 Establishing a fee Schedule for Marijuana Businesses Pursuant to Chapter 6, Article 8 of the Municipal Code of the City of Cripple Creek.

Salvato explains to Council that they can choose to amend 2023-11 that established fees for Marijuana Businesses and establish new fees for Resolution 2023-26. Salvato suggests amending the application fee to \$5000.00, License Fee \$2000.00 and the Operating Fee to \$2000.00 making the total \$9,000.00 per license. Salvato informs council they can adopt the new fees tonight. He suggested if the Resolution is approved, to reimburse the Smith's the difference of the application fees (\$10K).

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Brown to approve Resolution 2023-26 Amending Resolution 2023-11.

**Motion** passed unanimously.

FIRST READING of Ordinance 2023-11 an Ordinance Amending the Sales Tax Rate on the Sale of Retail Marijuana and Retail Marijuana Products from Eighteen Percent (18%) to Twelve Percent (12%) and Amending the Occupational Tax Per Transaction on the Price Paid for Medical Marijuana and Medical Marijuana Products as the Law Permits as Well as all Retail Marijuana and Retail Marijuana Products from Five Dollars (\$5.00) to One Dollar (\$1.00) Per Transaction.

Salvato states, to be more competitive with the Town down the street the 12% tax rate and a \$1.00 per transaction, this is open for discussion. Salvato states that if approved, applications will be accepted after the Ordinance becomes effective.

**Motion** by Councilman Brown and seconded by Councilman Mayor Pro Tem Trenary to approve Ordinance 2023-11 Amending the Sales Tax Rate on the Sale of Retail Marijuana to Twelve Percent (12%) and Amending the Occupational Tax Per Transaction on the Price Paid

for Medical Marijuana and Medical Marijuana Products as the Law Permits to One Dollar (\$1.00) Per Transaction.

**Motion** passed unanimously.

Consider Approval of Resolution 2023-20 Approving a Certificate of Appropriateness to Full House Resorts Colorado LLC for the Lights and Fences in and Surrounding their Parking Lots at Certain Real Property Described as Lots 21-40 Block 8 and Lots 14-20 Block 17 Fremont Addition to Cripple Creek, Teller County, Colorado.

Mueller addresses the Council for approval of a COA for a parking lot expansion that is within the Historic district. Smith suggests that the Council approve the Certificate of appropriateness subject to the CUP permit. Councilman Brown states one fence option may help with lights and sound, but not the picket fence. He says he can envision the picket fence at someone's house but not in a parking lot. Baxter claims they want to be good neighbors; when cars are pulling into the parking lot, their lights will be facing the north, he feels the picket fence looks nicer than a security fence. He recommends a composite fence that is easy to maintain and can take harsh weather and will look pretty with very low maintenance. Councilman Litherland says the 6-foot fence is a great idea for sound and light protection. Lee says after Wildwood wasn't compliant with code with their candle sticks, they did a study so that they would stay within code, he states that these are dark skies friendly. Council is reminded they are only approving the designs presented in the Resolution.

**Motion** by Councilman Brown seconded by Councilman Bowman Approving Resolution 2023-20 a Certificate of Appropriateness to Full House Resorts Colorado LLC for the Lights and Fences in and Surrounding their Parking Lots at Certain Real Property Described as Lots 21-40 Block 8 and Lots 14-20 Block 17 Fremont Addition to Cripple Creek. Additionally, adding a 4<sup>th</sup> condition: Subject to approval of the CUP.

**Motion** passed with a 3 - 2 vote with Mayor Pro Tem Trenary and Councilman Litherland voting NO

Consider Approval of Resolution 2023-28 for a Certificate of Appropriateness for a Public Restroom in the Area Known as the Pocket Park Due East of City Hall, with a Legal Address of Lot 32 R-1 Block 15 Fremont Addition to Cripple Creek, Teller County, Colorado-

Mueller states the Pocket Park Restroom Project has met the application criteria, the building will be constructed by the trade school students at the CC and V High School under direction of Jeff Smith General Contractor. Mayor Pro Tem Trenary asks if the lighting will be under the overhang, Mueller states the lighting will be recessed and not visible unless you are standing underneath them. Councilman Litherland asks where the Brick will come from Muller answers that they will be using bricks captured from other buildings that they have captured during other buildings being taken down.

**Motion** by Councilman Bowman and seconded by Councilman Litherland Approving Resolution 2023-28 Certificate of Appropriateness for the Pocket Park Restrooms.

**Motion** passed unanimously.

Consider Approval of Resolution 2023-25 Making Certain Findings of Fact Regarding the Proposed Annexation of a Parcel of Land to the City of Cripple Creek, Colorado (Southern Boy/Capitol Hill Annexation) **TABLED UNTIL THE SEPTEMBER 6, 2023, MEETING.**

PUBLIC HEARING (continued from August 2) to Consider Approval of an Annexation Petition for the Southern Boy/Capitol Hill Annexation **TABLED UNTIL THE SEPTEMBER 6, 2023, MEETING.**

FIRST READING to Consider Approval of Ordinance 2023-09 Approving the Establishment of Zoning C-1 Industrial for the Property Known as The Southern Boy/Capitol Hill Annexation More Particularly Described in Exhibit A

Hartsfield explains this is first reading and will come back for adoption at a later meeting. He has a brief presentation on the property.

**Motion** by Councilman Bowman and seconded by Mayor Pro Tem Trenary to Approve on FIRST READING, Ordinance 2023-09 Approving the Establishment of Zoning C-1 Industrial for the Property Known as The Southern Boy/Capitol Hill Annexation More Particularly Described in Exhibit A. **Motion** passed unanimously.

PUBLIC HEARING to Consider Approval of Resolution 2023-29 Approving an Application for a Conditional Use Permit to Convert a Portion of the Premises into a Licensed Marijuana Dispensary at Certain Real Property Known as 324 S Highway 67, Legally Described as Pt Lot45-47 Lying E of Highway 67 & All Lot 48-54 B7 First Addition to Cripple Creek, County of Teller, Colorado

Mayor Ashworth opens the Public Hearing using a statement prepared by Erin Smith, City Attorney.

Hartsfield presents the applicant's case showing photos of the property and site plans. Staff recommends approval. Councilman Brown inquires about the use of the upper portion of the property being used as the applicant's residence. Hartsfield states the residence was being considered as part of the CUP. No criteria was set by the council so it is their decision to allow it as part of the CUP. Councilman Litherland questions the prohibition of children living in the space. Hartsfield reminds him there was no criteria established making that determination.

Laura Smith, applicant, states that one can't access the residential property through the proposed dispensary. There are separate entrances. She does have a 14-year-old daughter living in the residence but will not have access to the shop.

Mayor Ashworth asks for any comments in favor of the application.



Shawn Naprawa , 325 Galena Ave speaks in support of the location of the dispensary.

Mayor Ashworth asks for any comments in opposition of the application. None was presented.

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

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Bowman to approve Resolution 2023-29. **Motion** passed unanimously.

PUBLIC HEARING to Consider Approval of Resolution 2023-30 Approving the Application for a Conditional Use Permit to Construct a Parking Lot in the BB Mixed Use Zone District at Certain Real Property Described as Lots 21-40 Block 8 Fremont Addition to Cripple Creek, County of Teller, Colorado

Hartsfield presents the application and states FHR will have a dedicated entrance and exit mid way of the block, 5-ADA compliant spaces, a sidewalk along 1<sup>st</sup> Street up to the alley, and 2 designated crosswalks with pedestrian warning lights.

CUP Criteria states; The lot does not comply with the size and scope of the zone and it does not comply with the master plan because it isolates the lot with the rest of the property, may not comply with the amount of asphalt space with 83.8% of the site are consumed. It does comply with all other criteria.

Baxter Lee, applicant for Bronco Billy's presents his case stating after initial approval 5 years ago, some modifications were made constituting the need for an additional 66 parking spaces. Lee confirms that the lots and garage will not be limited to their customers, "this is free and open public parking". Smith clarifies that fact. Mayor Pro Tem Trenary expresses her concerns about the lights shining into residential windows. Lee states the height of the fence will prohibit the lights from doing so. They will be donating a few spots for the Fire Department staff as well. Lee says his maintenance team will take care of the grounds and ensure they look good. There will be excavations for proper height to help with lights. Any concerns with drainage into Mr. Moser's property will be addressed.

Cliff Corbin, consultant for FHR addresses the drainage around the Police Department and how it floods at times. He says they agree to fix that issue. He states they will extend the sidewalk at 1<sup>st</sup> St above Carr at the open ditch by the alley.

Mayor Ashworth asks for any comments in support of the application.

Dennis Peck, 123 N 1<sup>st</sup> ST speaks in favor of the application.

Jean Peck, 123 N 1<sup>st</sup> ST speaks in favor with concerns.

Brad Moser 211 N 2<sup>nd</sup> ST (ZOOM) speaks in favor with concerns of a flood zone.

**Motion** by Councilman Bowman and seconded by Councilman Litherland to close public comment. **Motion** passed unanimously.

**Motion** by Councilman Brown and seconded by Councilman Bowman to approve Resolution 2023-30 with the following conditions;

The Applicant shall;

- 1) submit grading and drainage plans for review and approval of City staff.
- 2) provide a traffic analysis for Carr Ave and surrounding streets.
- 3) provide drawings of related construction documents for review and approval of City staff
- 4) update the photometric and lighting plans to assure compliance with the Development Code requirements of 1 footcandle measured at 5' above the ground and 12' max height.
- 5) Valet parking lots at the south of Carr and the expanded lot north of Carr shall be open to the public.

**Motion** passed 4-1 with Mayor Pro Tem Trenary voting NO.

Consider Approval of Resolution 2023-31 Approving the Application for a Special Exception to Construct a Parking Lot in the B Downtown Zone District and Within the Gaming District at Certain Real Property Described as Lots 14-20 Block 17 Fremont Addition to Cripple Creek, County of Teller, Colorado

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Litherland to approve Resolution 2023-31 with the same conditions as Resolution 2023-30. **Motion** passed unanimously.


Mayor Ashworth announces Council will convene into Executive Session at 7:46pm

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Litherland to go into Executive Session pursuant to (1) Section 24-6-402(4)(a), C.R.S., for discussions related to the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest, and (2) 24-6-402(4)(e), C.R.S., to determine positions relative to matters that may be subject to negotiation, developing strategy for negotiations, and instructing negotiators; all related to the potential purchase of property.

**Motion** passed unanimously.

A motion was made and seconded to reconvene into Regular Meeting at 8:07pm.

**ADJOURNMENT-** With no other business being presented, Mayor Ashworth adjourns the meeting at 8:08 pm.

  
Milford Ashworth, Mayor

  
Malissa Gish, City Clerk



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**AUGUST 16, 2023, EXECUTIVE SESSION Meeting Minutes**

Mayor Ashworth called the Executive Session meeting of the City Council to order at 7:48 PM. In attendance at the meeting were Frank Salvato, City Administrator and Erin Smith.

Discussions was had pursuant to (1) Section 24-6-402(4)(a), C.R.S., for discussions related to the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest, and (2) 24-6-402(4)(e), C.R.S., to determine positions relative to matters that may be subject to negotiation, developing strategy for negotiations, and instructing negotiators; all related to the potential purchase of property.

A motion was made and seconded to reconvene into Regular Meeting at 8:07pm.

Mayor Ashworth adjourns the meeting at 8:07 pm and reconvenes into regular session.

  
Milford Ashworth, Mayor

  
Malissa Gish, City Clerk



## SEPTEMBER 6, 2023, 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. Staff present for the meeting were: Frank Salvato, City Administrator; Paul Harris, Finance Director; Malissa Gish, City Clerk; Bud Bright, Police Chief; Ken Hartsfield, Building Official; Joe O'Connor, Fire Chief; Renne Mueller, HP Director; Heather Hildebrand, HR/Risk Management Technician; and Erin Smith, City Attorney.

### PUBLIC COMMENT:

Joe Ruffati, resident, informs Council of the plan for his sister to build a home and hopefully share tap expenses with a neighbor.

Approve Meeting Minutes from the August 16, 2023, Regular Meeting and the August 16, 2023, Executive Session. **Motion** by Councilman Bowman and seconded by Mayor Pro Tem Trenary to Approve the minutes from the August 16, 2023, Regular Meeting and the August 16, 2023, Executive Session. **Motion** passed unanimously.

### REPORTS

Salvato has no report

Harris updates council on the gaming numbers. July was better than June but not beating 2022 numbers.

### PRESENTATIONS/UPDATES:

#### NEW BUSINESS

Consider Approval of Resolution 2023-33 Amending the Personnel Handbook for the City of Cripple Creek,

Hildebrand informs Council that Human Resources has made multiple changes to the Personnel Handbook as directed by the Colorado Legislature.

**Motion** by Councilman Litherland and seconded by Councilman Bowman to approve Resolution 2023-33 Amending the Personnel Handbook for the City of Cripple Creek. **Motion** passed unanimously.

Resolution 2023-32 Submitting a Ballot Question at the City's Regular November 7, 2023, Election, and Authorizing the Same to be Held as a Coordinated Election

Erin Smith, discusses the Cripple Creek & Victor School 1% Tax that will be on the ballot November 7<sup>th</sup>, 2023. Smith reiterates that the sales tax levy is very specific to how the dollars can be used.

**Motion** by Councilman Litherland and seconded by Councilman Bowman to approve Resolution 2023-32 Submitting a Ballot Question at the City's Regular November 7, 2023, Election, and Authorizing the Same to be Held as a Coordinated Election and extending the sunset date to December 31, 2027. **Motion** passed 4 to 1 with Councilman Litherland voting NO.

Consider Approval of an Intergovernmental Agreement for Mutual Aid & Automatic Aid Response to Wildland Fire & Emergencies Within Teller County

**Motion** by Mayor Pro Tem Tenary and seconded by Councilman Litherland to approve an Intergovernmental Agreement for Mutual Aid & Automatic Aid Response to Wildland Fire & Emergencies Within Teller County. **Motion** passed unanimously.

Consider Approval of a Professional Service Agreement with Bohannan Huston for On-Call Services.

**Motion** by Councilman Brown and seconded by Councilman Bowman to approve a Professional Service Agreement with Bohannan Huston for On-Call Services.

**Motion** passed unanimously.

Consider Approval for the Purchase of a Sewer Camera.

**Motion** by Councilman Litherland and seconded by Mayor Pro Tem Trenary to approve the purchase of a Sewer Camera.

**Motion** passed unanimously.

Consider Approval of Additional Payment for a Paving Cost Increase.

**Motion** by Councilman Bowman and seconded by Councilman Litherland to approve Additional Payment for a Paving Cost Increase.

**Motion** passed unanimously.

PUBLIC HEARING to Consider Approval of Resolution 2023-35 Approving the Application to Modify a Conditional Use Permit for the Construction of a Surface Parking Lot in the BB Mixed Use Zone District at Certain Real Property Legally Described as Lots 25 Through 33 Block 9 Fremont Addition to Cripple Creek, County of Teller, Colorado

Mayor Ashworth opens the Public Hearing with a statement provided by City Attorney Smith.

Hartsfield informs the council this is a continuation of an item presented at the last meeting regarding the parking lots. This CUP pertains to the request for staff parking lots. This lot is currently a vacant lot being used for construction staging. Mayor Pro Tem Trenary questions findings 6&7 of the staff report referring to the single access off Carr and not allowing for a short cut through traffic. This is not consistent with the drawings. Hartsfield states it was an oversight on his part and the access to the alley will be off 2<sup>nd</sup> St. Hartsfield clarifies that the new Resolution will supersede the old Resolution. Baxter Lee, General Manager for Bronco Billy's informs Council that the employee entrance will be on the Carr St. side of the Hotel so this parking lot will serve as the main lot and keep employee cars off Bennett. He also points out the alley access in question and how it comes off N 2<sup>nd</sup> through the alley and into the lot. The decision to reduce spaces along

the north edge is to improve safety for the employees. Lee explains he had a conversation with his boss and mentions the concerns he has with the lot being open to the public. They would like to keep this lot as an employee only parking lot and not have it open to the public. Caitlyn Quander, legal counsel to FHR states that they are requesting the public parking condition be removed from the employee parking lot CUP. They are also requesting to use the language from the 2018 Resolution regarding the lighting at 20 feet.

Mayor Ashworth asks for anyone to speak in support of the application. None was heard. Mayor Ashworth asks for anyone to speak in opposition of the application. None was heard.

No rebuttal evidence was had.

**Motion** by Councilman Litherland and seconded by Mayor Pro Tem Trenary to close the public comment. **Motion** passed unanimously.

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Litherland to reconvene into the regular meeting. **Motion** passed unanimously.

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Bowman to Approve Resolution 2023-35 Approving the Application to Modify a Conditional Use Permit for the Construction of a Surface Parking Lot in the BB Mixed Use Zone District at Certain Real Property Legally Described as Lots 25 Through 33 Block 9 Fremont Addition to Cripple Creek, County of Teller, Colorado with the conditions: Strike condition #4, requiring the lot be open to the public; and removing section #3 and replaced with the wording from Resolution 2018-07 section #5 (a) Light fixtures shall fully shield the light source (full cut off fixture) to minimize glare and light trespass and to facilitate better vision at night. Mounting height shall be no taller than 20 feet, {but not taller than photometric study shows with the poles remaining in position as shown in the plans.} 5(b) Lighting used shall be compatible with the existing City Street Lights. **Motion** passed unanimously.

PUBLIC HEARING to Consider Approval of Resolution 2023-14 Accepting Annexation Petition for the Property Known as the Southern Boy/Capitol Hill Annexation

Mayor Ashworth opens the Public Hearing with a statement provided by City Attorney Smith.

Hartsfield reminds Council this is a continuation of this item. This is simply to accept the petition that was submitted to the Clerk to begin the process of an annexation.

**Motion** by Councilman Bowman and seconded by Mayor Pro Tem Trenary to close the public comment. **Motion** passed unanimously.

**Motion** by Councilman Brown and seconded by Councilman Litherland to Approve Resolution 2023-14 Accepting Annexation Petition for the Property Known as the Southern Boy/Capitol Hill Annexation. **Motion** passed unanimously.

Resolution 2023-25 Making Certain Findings of Facts Regarding the proposed Annexation of a Parcel of Land to the City of Cripple Creek, Colorado

Hartsfield states this Resolution has the required information related to the annexation proceedings within it.

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Brown to Approve Resolution 2023-25 Making Certain Findings of Facts Regarding the proposed Annexation of a Parcel of Land to the City of Cripple Creek, Colorado. **Motion** passed unanimously.

SECOND READING & and PUBLIC HEARING to Consider Adoption of Ordinance 2023-05 an Ordinance of the City Council of the City of Cripple Creek Annexing the property Known as The Southern Boy/Capitol Hill Annexation

Hartsfield explains this Ordinance will annex the Freeman's property into the city. They have met all requirements thus far. Councilman Litherland asks if the annexation will restrict access to the residents outside the property lines. Hartsfield responds there are properties to the south of the subject property, but it will neither allow or disallow access. The Agreement (next item) will address the access.

Mayor Ashworth asks for any public comment. None was heard.

**Motion** by Councilman Bowman and seconded by Mayor Pro Tem Trenary to close public comment. **Motion** passed unanimously.

**Motion** by Councilman Bowman and seconded by Mayor Pro Tem Trenary to Adopt Ordinance 2023-05 an Ordinance of the City Council of the City of Cripple Creek Annexing the property Known as The Southern Boy/Capitol Hill Annexation. **Motion** passed unanimously.

Consider Approval of an Annexation Agreement with John & Karen Freeman

Hartsfield presents the Agreement for the annexation. Mayor Ashworth asks about the road access to other residents. John Freeman, applicant, states as it sits currently, they still have access through the property. At some point something would have to be worked out with residents south of the property. There is no intent to block anyone from accessing their property. There will be an access road or easement through what is now the road.

**Motion** by Mayor Pro Tem Trenary and seconded by Councilman Brown to Approve an Annexation Agreement with John & Karen Freeman. **Motion** passed unanimously.

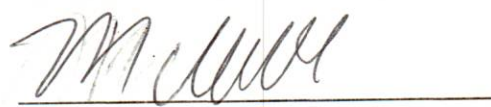
Consider Approval of Resolution 2023-34 Amending a Previous Certificate of Appropriateness, Resolution 2021-17 for Three (3), Two Story, Four-Plex Modular Homes (12 units total) Located in the B-Downtown Zone District; at a Certain Real Property Described as Lots 6-10, Block 29, Fremont Addition & W 5 ft 8 in of Lot 5, Block 29 Fremont Addition to Cripple Creek, County of Teller, Colorado.

Eric Rose, General Manager of Century Casino addresses the Council about the affordable housing needs in Cripple Creek, he believes they have provided. Councilman Litherland asks what the plan is for the center area of the complex. Rose replied that the center will be landscaped and have benches for a sitting area. Rose lets Council know the reason they were unable to include the porches was due to the foundation and the height change in the buildings. Rose tells Council about the items that are completed: siding and the light fixtures. Rose asks Council if the handrails can be black instead of white, he says that the black paint matches what is in town and will look cleaner than the white. Councilman Bowman asks about the original picture of the buildings & landscaping and if there was an intention to do any landscaping. Rose responds that it was just a picture, and they never discussed porches or landscaping with HP. Rose says they have already planted 12 trees and will do landscaping, but it won't look like the picture. Councilman Brown questions how this was approved initially by HP, especially in the historic district, because there is nothing historic about it. Councilman Brown questions the parking lot. Rose responds that it will be resident parking between the Bank and Event Center, and it will be marked, fenced and signage, on event weekends it will be free for all. Mayor Pro Tem Trenary tells Rose that she is glad it is up and running, but disappointed that the porches were not completed on the building, the porches were presented to the then Council as part of the building. Rose says that the footing of the concrete was already poured so there was no way to undo or add to the concrete. Salvato states that he has had this conversation with Eric, and he has directed staff to not accept a rendering like was presented from now on. If it is going in the Historic District there will be a drawing, an Architect will have to make a drawing to submit to HP and the City Council.

**Motion** by Councilman Litherland and seconded by Mayor Pro Tem Trenary to Approve Resolution 2023-34 Amending a Previous Certificate of Appropriateness, Resolution 2021-17 for Three (3), Two Story, Four-Plex Modular Homes (12 units total) Located in the B-Downtown Zone District; at a Certain Real Property Described as Lots 6-10, Block 29, Fremont Addition & W 5 ft 8 in of Lot 5, Block 29 Fremont Addition to Cripple Creek, County of Teller, Colorado and to change handrail color to black. **Motion** passed unanimously.

Mayor Ashworth adjourned the regular meeting at 7:18 PM.

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

  
\_\_\_\_\_  
Malissa Gish, City Clerk





## **SEPTEMBER 20, 2023, 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. Staff present for the meeting were: Frank Salvato, City Administrator; Paul Harris, Finance Director; Malissa Gish, City Clerk; Ken Hartsfield, Building Official; Joe O'Connor, Fire Chief; Melissa Beaty, Accountant; Connie Dodrill, Park & Rec Director; Ted Schweitzer, Transportation Director; Carrie Turner, Deputy Clerk; and Erin Smith, City Attorney; Sergeant Robert Kibel, Police Department.

Mayor Ashworth informs the Council, Staff and the public that after the business meeting, he has an announcement to make.

### **PUBLIC COMMENT:**

**Approve Meeting Minutes** from the September 6, 2023, Regular Meeting.

**Motion** by Councilman Litherland and seconded by Councilman Bowman to approve the meeting minutes from the September 6, 2023, Regular Meeting. **Motion** passed unanimously.

### **REPORTS**

Salvato recognizes John Folger for his 10 years with the Fire Department. There will be another Town Hall Meeting on October 10 at the Butte Theater at 6PM. There will be announcements through the mail.

Harris reports that the 2024 budget is available on the website and budget meetings will be October 3 & 4 at 4PM.

### **PRESENTATIONS/UPDATES:**

A short video is shown regarding Ice Castles.

### **Consider Approval of the Annual Certification to Taxes of Past Due Utility Bills**

**Motion** by Councilman Litherland and seconded by Mayor Pro Tem Trenary to Approve the Annual Certification to Taxes of Past Due Utility Bills.

### **Consider Approval of a Professional Service Agreement with Bohanan Huston for Sidewalk Project**

Dodrill explains this is for the park sidewalks. She says the engineering will start this year and the project should start in the spring. **Motion** by Councilman Litherland and seconded by Councilman Bowman to approve a Professional Service Agreement with Bohanan Huston for Sidewalk Project. **Motion** passed unanimously.

### **Consider Resolution 2023-39 Accepting an Annexation Petition, Making Certain Findings of Fact, Finding Substantial Compliance for Such Petition, and Setting a Public Hearing for Property Known as the Gibraltar Annexation**

Hartsfield presents the item providing the specific location and detailed map of the proposed property. He recommends approval of the petition for annexation. Litherland questions the responsibility of the city for material, etc. for the public improvements portion of the Agreement

that will come to council at a later date. Smith responds that the statement works the opposite. State law gives the council the ability to set the terms. Salvato explains the 10 acres the city owns was donated by a couple because it is land locked. The property is worth less than the Gibraltar property due to the lack of access. **Motion** by Mayor Pro Tem Trenary and seconded by Councilman Bowman to approve Resolution 2023-39 accepting an Annexation Petition, Making Certain Findings of Fact, Finding Substantial Compliance for Such Petition, and Setting a Public Hearing for Property Known as the Gibraltar Annexation. **Motion** passed unanimously.

Consider Approval of Resolution 2023-38 Approving the Preliminary Plat for the Purposes of Subdividing a Property into Twenty-Five (25) Parcels, for the Intended Construction of Twenty-Four (24) Townhomes at Certain Real Property Legally Described as Lots 1-8, Block 3, Freeman Placer Addition to Cripple Creek

Hartsfield explains the nature of the application and shares a brief power point on the property. The applicant's intention is to replat and subdivide to allow for the sale of individual townhouses. A final plat will be submitted upon approval of foundations. Sewer utilities is a primary concern, but a resolve has been approached. The main sewer line is in the alley to the north, extending east to Century Casino's staff housing. The technical issues have been resolved. **Motion** by Councilman Bowman and seconded by Councilman Brown to Approve Resolution 2023-38 Approving the Preliminary Plat for the Purposes of Subdividing a Property into Twenty-Five (25) Parcels, for the Intended Construction of Twenty-Four (24) Townhomes at Certain Real Property Legally Described as Lots 1-8, Block 3, Freeman Placer Addition to Cripple Creek. **Motion** passed unanimously.

Consider Approval for a Development Agreement with Mike Beattie, dba Gibraltar PP LLC

Hartsfield states this item assures the offsite development (utilities) will be addressed. **Motion** by Councilman Bowman and seconded by Councilman Litherland to Approve a Development Agreement with Mike Beattie, dba Gibraltar PP LLC. **Motion** passed unanimously.

Consider Approval of Resolution 2023-37 Approving the Application for a Side-Yard Setback Variance of 1.25 Feet, an Accessory Structure Setback Variance on 0 Feet, an Accessory Structure Number Allowance Variance, and a Variance in Accessory Structure Size Allowance in Order to Build a Carport at a Certain Real Property Described as 112 W El Paso Ave Cripple Creek, CO.

Wolfe explains to the council why the carport is needed, Ellen Moore 210 N 3<sup>rd</sup> Street, gives her statement of approval for the Wolfe Carport. Chris Deitel, 349 S 1<sup>st</sup> Street, gives his statement of approval for the Wolfe Carport. Councilman Brown makes motion to close Public Comment. Hartsfield tells Council that the Staff does not Recommend. **Motion** by Councilman Bowman and seconded by Mayor Pro Tem Trenary to approve Resolution 2023-37 Approving the Application for a Side-Yard Setback Variance of 1.25 Feet, an Accessory Structure Setback Variance on 0 Feet, an Accessory Structure Number Allowance Variance, and a Variance in Accessory Structure Size Allowance in Order to Build a Carport at a Certain Real Property Described as 112 W El Paso Ave Cripple Creek, CO. **Motion** passed unanimously.

Consider Approval of a Revocable License Agreement for the Construction of a Curved Staircase with Eric Rose, DBA WMCK Venture Corp.

Hartsfield explains to council that this request is to change the corner staircase at Second and Bennett to be more continuous and wrap around the corner, Staff recommends approval. Councilman Litherland asks about that corner due to flooding issues in the past and wants to know if that has been taken into consideration concerning drainage. Hartsfield said that will be in the final engineering plans, this currently just for use of the right of way, we are reviewing that with Public Works for any possible drainage issues. Councilman Litherland asks if this has been brought up to HP yet. Hartsfield answers that the right of way is not HP. Mayor Ashworth tells Councilman Litherland that this is just a right away approval.

**Motion** by Councilman Litherland and seconded by Mayor Pro Tem Trenary to approve a Revocable License Agreement for the Construction of a Curved Staircase, DBA WMCK Venture Corp. **Motion** passed unanimously.

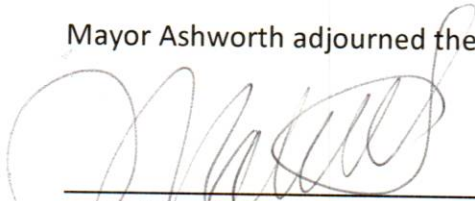
SECOND READING and PUBLIC HEARING to Adopt Ordinance 2023-11 an Ordinance Amending the Sales Tax Rate on the Sale of Retail Marijuana and Retail Marijuana Products From Eighteen Percent (18%) to Twelve Percent from (12%) and Amending the Occupational Tax Per Transaction on the Price Paid for Medical Marijuana and Medical Marijuana Products as the Law Permits as Well as all Retail Marijuana and Retail Marijuana Products From Five Dollars (\$5.00) to One Dollar (\$1.00) Per Transaction Mayor Ashworth calls for Opening Statements, Smith lets Council know that this is a legislative hearing so she suggests Salvato to present and the open for Public Comment. Salvato informs the Council that this is the second reading and that this has been presented to the Council before. Salvato reminds Council of why sales tax was set at 18%, we really set our rates to compete with Manitou Springs. **Motion** by Councilman Bowman seconded by Councilman Brown to Adopt Ordinance 2023-11 an Ordinance Amending the Sales Tax Rate on the Sale of Retail Marijuana and Retail Marijuana Products From Eighteen Percent (18%) to Twelve Percent from (12%) and Amending the Occupational Tax Per Transaction on the Price Paid for Medical Marijuana and Medical Marijuana Products as the Law Permits as Well as all Retail Marijuana and Retail Marijuana Products From Five Dollars (\$5.00) to One Dollar (\$1.00) Per Transaction. **Motion** passed unanimously.

SECOND READING and PUBLIC HEARING to Adopt Ordinance 2023-09 Approving the Establishment of Zoning C-1 Industrial for the Property Known as The Southern Boy/Capitol Hill Annexation More Particularly Described in Exhibit A. Hartsfield Briefs Council on The Southern Boy Annexation and recommends staff approval, asks if there are any questions. Councilman Litherland asks if the storage units will be the metal transportation units, John Freeman responds that the storage units are actual Metal Buildings not a Conex. Freeman thanks the Council and Ken for working with him and getting this annexation done. Mayor Ashworth closes Public comment **Motion** by Councilman Brown and seconded by Councilman Litherland to Adopt Ordinance 2023-09 as written. **Motion** passed unanimously.

Mayor Ashworth resigns from Mayor; he shares with the council that he sold his home and he and his wife will be moving next Tuesday. Mayor Ashworth Thanks everyone


Mayor Pro Tem Trenary reads the Proclamation to the Mayor, Council, Staff and Public.

Mayor Ashworth adjourned the regular meeting at 6:31 PM.



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Malissa Gish, City Clerk



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Melissa Trenary, Mayor



## **OCTOBER 4, 2023, Regular Meeting Minutes**

Mayor Trenary called the Regular meeting of the City Council to order at 5:30 PM and led with the Pledge of Allegiance. Deputy Clerk Turner called roll. Staff present for the meeting were: Frank Salvato, City Administrator; Paul Harris, Finance Director; Malissa Gish, City Clerk; Ken Hartsfield, Building Official; Joe O'Connor, Fire Chief; Carrie Turner, Deputy Clerk; and Erin Smith, City Attorney; Steve DiCamillo, Public Works Director; Bud Bright, Police Chief.

### **PUBLIC COMMENT:**

Rich Ingold introduces Stephanie Egan as the new Director of Community of Caring. Ingold says that Stephanie will be helping Ted Borden.

**Approve Meeting Minutes** from the September 20, 2023, Regular Meeting.

**Motion** by Councilman Litherland and seconded by Councilman Bowman to approve the meeting minutes from the September 20, 2023, Regular Meeting. **Motion** passed unanimously.

### **REPORTS**

Salvato has no report.

Harris has no report.

### **PRESENTATIONS, OATHS, PROCLAMATIONS:**

City Clerk Gish administers the Oath of Office to Melissa Trenary as Acting Mayor.

Sol Malick gives a legislative update. Prop HH could change how taxes are administered.

### **NEW BUSINESS**

**Election of Mayor Pro Tem Per Cripple Creek Municipal Code Section 2-2-30**

**Motion** by Councilman Bowman and seconded by Councilman Litherland to elect Councilman Brown to take the seat of Mayor Pro Tem Per Cripple Creek Municipal Code Section 2-2-30 .

**Motion** passed unanimously.

**Consider Approval of a Sublease Agreement for the Basement of the Green House to Community of Caring**

Harris says that Mr. Ingold gave some good information on why the Community of Caring wants to continue utilizing the space, the agreement is for a Sub Lease for 1 year with a 30 day cancelation provision since the house and property are for sale the sub lease is for \$1.00. The sub lease expires October 25, 2024, unless the property sells.

**Motion** by Councilman Litherland and seconded by Mayor Pro Tem Brown to Approve a Sublease Agreement for the Basement of the Green House to Community of Caring. **Motion** passed unanimously.

Consider Approval of a Revocable License Agreement for the Construction of a Flagpole with William Martin Representing the Cripple Creek Baptist Church

Hartsfield explains the nature of the application and the placement of the flagpole in the city right of way, it does not impact circulation. The existing deck and stairway are in the right of way with the previous approved revocable license agreement. This would be in addition to that.

**Motion** by Councilman Bowman and seconded by Councilman Litherland to approve a Revocable License Agreement for the Construction of a Flagpole with William Martin Representing the Cripple Creek Baptist Church. **Motion** passed unanimously.

FIRST READING to Consider Approval of Ordinance 2023-12 an Ordinance of the City Council for the City of Cripple Creek, Colorado Amending the Signage Standards Contained in Article 2 of the City of Cripple Creek Development Code

Hartsfield states this is a first reading and revision to the sign Ordinance portion of the Development Code. We are currently under a moratorium and have several applications on hold while this is being reviewed and adopted. During the May work session, it was discussed to:

- Limit electronic window signs to 1.5 sf max for business frontages under 50 feet and 2 sf max for business frontages over 50 feet, instead of 1 sf max for frontages under 40 feet and 1.5 sf max for frontages over 40 feet. Lots in the City are multiples of 25.
- Allow backlit signs for B and BB zones. This type of illumination was not previously addressed in the Development Code.
- Allow signs on railings, one per business, 8 sf max. This signage was not previously addressed in the Development Code.
- Allow sandwich board on sidewalk along building frontage only during business hours. This signage was not thoroughly addressed in the Development Code.
- Permit off-premises signs in vacant buildings, 12 sf max in the B and BB zones only, with black backdrop covering entire window up to 8 ft in height to obscure view inside building. This signage was not allowed currently.
- Electronic signs only to be allowed in C1 and C2 Zone. Previously this was allowed in the BB Zone, but after input from the Council this has been modified.
- Limit temporary attention-getting devices to 30 days per calendar year and no more than 10 consecutive days per display period. This was not previously addressed in the Development Code.
- Prohibit inflatable balloon characters or symbols and devices designed to dance, wave, or flail. This type of sign was not previously addressed in the development code.
- Change to Certificate of Appropriateness process: in the case of requests for multiple signs for a parcel of land with its own Teller County Assessor Database account number, a single application shall be allowed. The applicant shall submit a base fee, with an additional fee for each additional sign.
- Two definitions have been added:
  - Backlit: Lighting accomplished via placing individually cut reverse channel letters against a surface and lighting them with reverse projection, creating a halo effect that outlines the letters.

Window signs illuminated: A sign displayed in a window that emits light through electronic means or contains a lighted digital display.

**Motion** by Mayor Pro Tem Brown and seconded by Councilman Bowman to approve on FIRST READING to Approve Ordinance 2023-12, an Ordinance of the City Council for the City of Cripple Creek, Colorado Amending the Signage Standards Contained in Article 2 of the City of Cripple Creek Development Code with the following changes to Section 10: Banners can be displayed from 10 days to 20 days. **Motion** passed unanimously.

With no other business to be had, Mayor Trenary adjourned the regular meeting at 6:04 PM.



Malissa Gish, City Clerk



Melissa Trenary, Mayor



## OCTOBER 18, 2023, Regular Meeting Minutes

Mayor Trenary 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. Staff present for the meeting were: Frank Salvato, City Administrator; Paul Harris, Finance Director; Malissa Gish, City Clerk; Carol Stotts, HR/Rish Management Director; Jeff Mosher, Special Projects Director; Connie Dodrill, P & Rec Director; Zack Sztanyo, Butte Theater Director; Ken Hartsfield, Building Official; Erin Smith, City Attorney; Steve DiCamillo, Public Works Director.

### PUBLIC COMMENT:

Approve Meeting Minutes from the October 4, 2023, Regular Meeting.

**Motion** by Councilman Litherland and seconded by Councilman Bowman to approve the meeting minutes from the October 4, 2023, Regular Meeting. **Motion** passed unanimously.

### REPORTS

Salvato recognizes Jeff Werntz for his 5 years of service with the Custodial Department. Harris updates Council on the 4<sup>th</sup> quarter device count. We are down 2 devices from the 3<sup>rd</sup> quarter. Way down from the pre-COVID numbers.

### NEW BUSINESS

#### Presentation and Recommendation of Healthcare, Retiree Healthcare and Ancillary Benefits Renewal

Stotts explains the renewal came in at an average of 3.26% . Dental, vision, and life have not been increased. Stotts informs them that GAP insurance will not be continued, as American Fidelity can no longer write the plan. Stotts recommends the city no longer utilize GAP insurance. Employee contributions will remain the same and she requested the employer contribution dependent coverage increase from \$3500 to \$4000. A new program for retirees will allow an employee to participate in the retiree healthcare plan at age 55 and after 5 years of service and participation in the plan. Staff recommends approving the renewal increase, implementing the early retiree program as outlined, and no change to vision, dental, or life.

**Motion** by Councilman Litherland and seconded by Councilman Bowman to approve the Healthcare, Retiree Healthcare and Ancillary Benefits Renewal. **Motion** passed unanimously.

#### Consider Approval of Professional Services Agreement and Lease with Thin Air Theater Company for the Christmas Show at the Butte Theater

Sztanyo explains this is the best option for the Christmas show considering the time of year and all that has happened.



**Motion** by Mayor Pro Tem Brown and seconded by Councilman Litherland to approve a Professional Services Agreement and Lease with Thin Air Theater Company for the Christmas Show at the Butte Theater. **Motion** passed unanimously.

Consider Approval of Resolution 2023-40 a Resolution Opposing Proposition HH, an Undue Limitation on Municipal Budgets & Local Control of Property Tax Relief

Harris reminds Council this was just visited at the work session. He is hopeful this will be voted against by other municipalities because it is an overreach of the state's control.

**Motion by** Councilman Bowman and seconded by Councilman Litherland to approve Resolution 2023-40 a Resolution Opposing Proposition HH, an Undue Limitation on Municipal Budgets & Local Control of Property Tax Relief. **Motion** passed unanimously.

Consider Approval of an Expenditure and Budget Transfer Request

Harris reminds Council that the 2023 Budget contained a Dump Truck/Plow combination that we are looking to purchase. The truck will not be completed until 2025. PW is requesting a budget transfer for authorization to expend the funds. Additionally, \$154,063.31 is requested to purchase the Caterpillar Backhoe before the end of the year, and \$63,425.00 for road condition survey that the engineers will put together, this will help us go after grants and additional funding. Mayor Pro Tem Brown asks if the street survey will go out for bid or are we using Bohannon, DiCamillo answers that we will be using Bohannon, Harris states that putting this road survey out to bid would slow us down and we would lose this opportunity to possibly have this project done by December maybe January. Mayor Pro Tem Brown says we are taking this money for the plow from other projects, so would we have to budget again for the plow. Harris states the 2025 Budget will include it there, there are two options that we discussed, we can either self-fund it, then have streets reimburse the fund balance or we can go with the traditional lease, we can figure that out in the 2024 Budget Pro cycle when we are working on 2025.

**Motion by** Mayor Pro Tem Brown and seconded by Councilman Bowman to approve Expenditure and Budget Transfer Request **Motion** passed unanimously.

Consider Approval to Enter into a One Year Agreement with Ice Castles, LLC

Mosher states Ice Castles is a big event for us and we want to make sure the City is protected. We worked with the Ice Castles CEO and staff to draft a one-year agreement.

**Motion by** Councilman Bowman and seconded by Councilman Litherland to approve the One Year Agreement with Ice Castles **Motion** passed unanimously.

Consider Approval of Resolution 2023-41 Approving Modifications to Resolution 2023-30 for a CUP Granted to Construct a Parking Lot in the BB Mixed Use Zone District at Certain Real Property Described as Lots 21-40 Block 8 Fremont Addition to Cripple Creek, County of Teller, Colorado

Mayor Trenary opens the Public Hearing with a statement provided by City Attorney Smith.

Hartsfield presents the applicant's case.

Dan Lee addresses the council regarding light post height. Dan Lee tells council that they are set to open in 63 days, if they don't allow the 20ft Light Poles he will shut down construction and come back next spring. Councilman Litherland asks about drainage, he was told that the contractor turned the drainage maps into Ken Hartsfield today.

Mayor Trenary opens Public Comment.

**Motion by** Councilman Litherland and seconded by Councilman Bowman to close Public Comment **Motion** passed unanimously.

Smith addresses the Council and recommends the motion to approve resolution 2023-41 with changes to #4 in Exhibit B for 20 foot Light Poles in the BB Parking Lot.

**Motion by** Mayor Pro Tem Brown and seconded by Councilman Bowman to approve Resolution 2023-41 Approving Modifications to Resolution 2023-30 for a CUP Granted to Construct a Parking Lot in the BB Mixed Use Zone District at Certain Real Property Described as Lots 21-40 Block 8 Fremont Addition to Cripple Creek, County of Teller, Colorado with changes to #4 of Exhibit B allowing 20-foot Light Poles. **Motion** passed unanimously.

Consider Approval of Resolution 2023-42 Approving Modifications to Resolution 2023-31 for a Special Exception Granted to Construct a Parking Lot in the BB Mixed Use Zone District at Certain Real Property Described as Lots 14-20 Block 17 Fremont Addition to Cripple Creek, County of Teller, Colorado.

Mayor Trenary opens the Public Hearing with a statement provided by City Attorney Smith.

Baxter Lee explains to Council that due to concerns from the Pastor at the Babbit Church regarding the lights of autos shining into his home they moved that exit down to point into the alley on the west end behind the Police Department. Councilman Litherland reiterates that Dennis Peck the Baptist Pastor's concerns have been addressed.

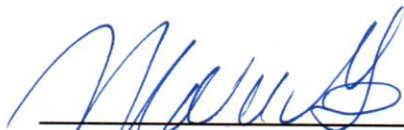
Mayor Trenary opens the Public Comment

**Motion by** Councilman Litherland and seconded by Mayor Pro Tem Brown to close public comment. **Motion** passed unanimously.

Smith makes the recommendation to move forward to approve Resolution 2023-42 with a slight change to condition #4 to reflect the 20-foot max height of the Light Poles.

**Motion by** Councilman Bowman and seconded by Councilman Litherland to approve Resolution 2023-42 Approving Modifications to Resolution 2023-31 for a Special Exception Granted to Construct a Parking Lot in the BB Mixed Use Zone District at Certain Real Property Described as Lots 14-20 Block 17 Fremont Addition to Cripple Creek, County of Teller, Colorado with a change to condition #4 to reflect 20-foot max height of the Light Poles. **Motion** passed unanimously.

With no other business to be had, Mayor Trenary adjourned the regular meeting at 6:13 PM.



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Melissa Gish, City Clerk



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Melissa Trenary, Mayor



## **NOVEMBER 1, 2023, Regular Meeting Minutes**

Mayor Trenary 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. Staff present for the meeting were: Frank Salvato, City Administrator; Paul Harris, Finance Director; Malissa Gish, City Clerk; Renee Mueller, HP Director; Jeff Mosher, Special Projects Director; Ken Hartsfield, Building Official; Erin Smith, City Attorney; Bud Bright, Police Chief; Don Kramer, Code Enforcement Officer; Joe O'Connor, Fire Chief.

### **PUBLIC COMMENT:**

**Approve Meeting Minutes** from the October 18, 2023, Regular Meeting.

**Motion** by Councilman Litherland and seconded by Councilman Bowman to approve the meeting minutes from the October 18, 2023, Regular Meeting. **Motion** passed unanimously.

### **REPORTS**

Salvato recognizes Chris Tiedeman for his 5 years of service full time and 6 years part time prior. Total of 11 years.

### **NEW BUSINESS**

**Allow Affordable Housing Consultants LLC to Create a Non-Profit Housing Organization for the City of Cripple Creek and Identify an Existing Housing Trust to Address Affordable/Workforce Housing Opportunities in the Community**

Mosher explains the city needs approval to move forward with the agreements. The agreements/partnerships will be presented to the City Council at a later date. This is grant funded so there will be a financial piece to it with a matching fund with DOLA. This was extended until June, but he is hoping to wrap up by March. There is some development activity happening that may help expedite the partnerships.

**Motion** by Councilman Bowman and seconded by Councilman Litherland to Allow Affordable Housing Consultants LLC to Create a Non-Profit Housing Organization for the City of Cripple Creek and Identify an Existing Housing Trust to Address Affordable/Workforce Housing Opportunities in the Community. **Motion** passed unanimously.

**SECOND READING AND PUBLIC HEARING to Adopt Ordinance 2023-12 an Ordinance of the City Council for the City of Cripple Creek, Colorado Amending the Signage Standards Contained in Article 2 of the City of Cripple Creek Development Code**

Hartsfield explains the significant changes to the ordinance that are being proposed for approval.

**Motion** by Councilman Litherland and seconded by Mayor Pro Tem Brown to Adopt Ordinance 2023-12 an Ordinance of the City Council for the City of Cripple Creek, Colorado Amending the Signage Standards Contained in Article 2 of the City of Cripple Creek Development Code with the changes discussed to clarify the 1) banners are not "attention getting devices" and would be subject to the 60 day/20 (max) day duration and 2) have a separate time frame for the duration to display "attention getting devices" to be

the day or days of the event being advertised. 3) to strike the "are prohibited" on the top of page 4. **Motion** passed unanimously.

Consider Approval of Resolution 2023-43 for a Certificate Of Appropriateness to FHR for Lighting and Signs

Meuller displays the desired signage and lighting the applicant is wanting approved, also in the packet. Mueller points out that if a particular product is not available, a substitute product that maintains the same concept may be necessary to order. ALL REPLACEMENTS will need approval from the HP commission; the Applicant agrees to these terms. Meuller and the HP Commission support approval of the COA for the lights and signs.

Baxter Lee shows a brief presentation echoing Meuller's power point.

**Motion** by Councilman Bowman and seconded by Councilman Litherland to approve Resolution 2023-43 for a Certificate of Appropriateness to FHR for Lighting and Signs. **Motion** passed unanimously.

Consider Approval for an Expenditure Request to Complete Work in the Pocket Park

Harris explains this is necessary to keep the project moving forward. This request includes excavation, underground plumbing, backfill, concrete footings and slab for the restrooms. One quote for the work was received, but we will get others. The budget impact is minimal, the revenue is there. He isn't confident there will be funding from GOCO since they choose to fund multi projects. He would like to use 2023 dollars to fund the project.

**Motion** by Councilman Brown and seconded by Councilman Bowman to approve an Expenditure Request to Complete Work in the Pocket Park. **Motion** passed unanimously.,

With no other business to be had, Mayor Trenary adjourned the regular meeting at 6:21 PM.

  
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Malissa Gish, City Clerk

  
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Melissa Trenary, Mayor



## **NOVEMBER 15, 2023, Regular Meeting Minutes**

Mayor Trenary 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. Councilman Bowman was absent. Staff present for the meeting were: Frank Salvato, City Administrator; Paul Harris, Finance Director; Malissa Gish, City Clerk; Jeff Mosher, Special Projects Director; Ken Hartsfield, Building Official; Erin Smith, City Attorney; Bud Bright, Police Chief; Joe O'Connor, Fire Chief; Courtney Schuler, Accounting Technician.

### **PUBLIC COMMENT:**

Miriam Mondragon, CC-V School District Superintendent and Mary Bielz, School Board Member thank the City for their help with the success of the sales tax passing.

**Approve Meeting Minutes** from the November 1, 2023, Regular Meeting.

**Motion** by Councilman Litherland and seconded by Mayor Pro Tem Brown to approve the meeting minutes from the November 1, 2023, Regular Meeting. **Motion** passed unanimously.

### **REPORTS**

Salvato reports that Visit Colorado Springs nominated Cripple Creek and presented us with a certificate of nomination for the Legacy of Tourism Award. We were beaten out by the Broadmoor.

Harris has no report.

### **UPDATES**

Kaitlyn Ragsdale, Hunter Perales, and Tony Matarrese from Newmont Mine give a quarterly update.

### **NEW BUSINESS**

#### **FIRST READING of ORDINANCE 2023-13 Amending Sections of the Municipal Code Regarding City Fees & Taxes**

Harris credits Courtney Schuler for doing the leg work on the project; reviewing over 360 pages for dollar amounts to reference. This will allow all city taxes and fees to be in one location in the appendix of the budget.

**Motion** by Councilman Litherland and seconded by Mayor Pro Tem Brown to approve Ordinance 2023-13 Amending Sections of the Municipal Code Regarding City Fees & Taxes on first reading. **Motion** passed.

#### **Consider Approval of Resolution 2023-44 Authorizing the Purchase of Real Property Located at State Highway 67 & Bison Street, Teller County Assessor Parcel Numbers R0019383 and R0019381, Consisting of Approximately .77 Acres, County of Teller, State of Colorado; and Naming Person Authorized to Execute Necessary Documents**

Salvato reminds the council of the discussion during a recent Executive Session regarding this item. CDOT was planning to dispose of the property in front of their maintenance facility. A surveyor was employed to survey the property; a 25' square was surveyed out of lot 24 for them to retain. It will be re-platted. It was appraised at \$104K; the closing costs are \$1217 with a title company in Woodland Park. Salvato has reached out to make certain the property was clean and determined it was. Staff hired a firm to conduct a Phase 1 Environmental Study on the property. This property connects to the

city owned property where Schweitzer plans to build a Transportation facility. This gives the City options for future projects.

**Motion** by Mayor Pro Tem Brown and seconded by Councilman Litherland to Approve Resolution 2023-44 Authorizing the Purchase of Real Property Located at State Highway 67 & Bison Street, Teller County Assessor Parcel Numbers R0019383 and R0019381, Consisting of Approximately .77 Acres, County of Teller, State of Colorado; and Naming Person Authorized to Execute Necessary Documents. **Motion** passed.

Consider Approval of a Communication Site Lease Agreement with Teller WiFi

Salvato states this agreement will allow Teller WiFi to place a communication dish and equipment on City property located at the cemetery. They agree to pay \$200 per month for the first year with an annual increase of 5% per 5-year term. Two additional 5-year terms are allowed under this agreement. Teller WiFi will be responsible for utility services and be required to submit proof of insurance. Zach Dunn, Teller WiFi Representative explains it will service Cripple Creek area.

**Motion** by Councilman Litherland and seconded by Mayor Pro Tem Brown to approve a Communication Site Lease Agreement with Teller WiFi. **Motion** passed.

Consider Approval for an Agreement for Economic Inducements & Development Incentives with Yunus Emre (Alex) Ozturk

Hartsfield presents the application for Mr. Ozturk's request for a waiver. Mr. Ozturk states this will be a single-family home that he will occupy. The sewer line will go through the city right of way near the Bronco Billy's parking lot where Eaton is undeveloped at the applicant's expense (apx \$20K) plus hard cost. Applicant will pay the Council approves 100% waiver.

**Motion** by Councilman Litherland and seconded by Mayor Pro Tem Brown to approve an Agreement for Economic Inducements & Development Incentives with Yunus Emre (Alex) Ozturk for 100%. **Motion** passed.

PUBLIC HEARING to Approve Resolution 2023-39 Accepting an Annexation Petition for the Gibraltar Annexation

Hartsfield reminds Council this is for the property at the cemetery on the west side of town. There are approximately 66 acres owned by Gibraltar and approximately 10 acres owned by the city. The city property does not have legal access. Gibraltar owns the property to the east, south, and west of the cemetery. If the annexation is successful, it is anticipated the Gibraltar property will be subdivided so the parcel west of the cemetery is separate from the rest; at that point, the city and Gibraltar will enter into an agreement to exchange the properties. This will allow the cemetery to expand further west. The property Gibraltar is providing has been appraised and is higher in value than anticipated. Gibraltar provided a preliminary development plan for viewing that consists of affordable housing options, and commercial locations. A PUD would need to be processed with all development requirements. It does meet all criteria for approval. The cemetery entrance is owned by a private party and the applicant has had discussions to allow access across the property. Staff recommends approval.

Michael (inaudible last name) 443 S 1<sup>st</sup> St asks about the emergency exit road being open to residents located above. Hartsfield states it is not anticipated the emergency access road will be open to the public; it will be gated. These are still preliminary plans.

**Motion** by Councilman Litherland and seconded by Mayor Pro Tem Brown to close public comment. **Motion** passed.

**Motion** by Mayor Pro Tem Brown and seconded by Councilman Litherland to Approve Resolution 2023-39 Accepting an Annexation Petition for the Gibraltar Annexation with the revision of the title to read a resolution to the city of Cripple Creek accepting an annexation petition making certain findings of fact for the property known as the Gibraltar annexation; strike finding substantial compliance for such petition and setting of public hearing; add a semi colon and the subject property is eligible for annexation according to the standards set out in CRS 31-12-104 & 105 strike Section 5 and renumber. **Motion** passed.

Consider approval of Amendment to Amended and Restated Development Agreement to Extend Project Completion Date

FHR is requesting an extension to complete the Spa and the parking lot paving until July 15, 2024. It is too cold to lay asphalt. Staff has requested a list of items that are anticipated to not be complete. Hartsfield may need to issue a temporary CO until the items are completed. Baxter Lee GM claims they will be open with the exception of the spa and parking asphalt by December 26, 2023.

**Motion** by Mayor Pro Tem Brown and seconded by Councilman Litherland to approve the Third Amendment to Amended and Restated Development Agreement to Extend Project Completion Date. **Motion** passed.

FIRST READING of Ordinance 2023-14 Amending Ordinance 2022-16 Vacating a Portion of Second Street

**Motion** by Councilman Litherland and seconded by Mayor Pro Tem Brown to approve Ordinance 2023-14 Amending Ordinance 2022-16 Vacating a Portion of Second Street. **Motion** passed.

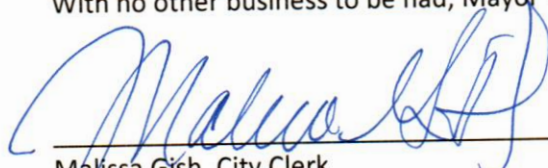
FIRST READING of Ordinance 2023-15 Amending Ordinance 2022-15 Vacating a Portion of Alley

**Motion** by Mayor Pro Tem Brown and seconded by Councilman Litherland to approve Ordinance 2023-15 Amending Ordinance 2022-15 Vacating a Portion of Alley. **Motion** passed.

Consider Cancelling the December 20, 2023 Regular City Council Meeting

**Motion** by Mayor Pro Tem Brown and seconded by Councilman Litherland to Cancel the December 20, 2023, Regular Meeting. **Motion** passed.

With no other business to be had, Mayor Trenary adjourned the regular meeting at 6:36 PM.

  
\_\_\_\_\_  
Malissa Gish, City Clerk

  
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Melissa Trenary, Mayor







## DECEMBER 6, 2023, Regular Meeting Minutes

Mayor Trenary 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. Staff present for the meeting were: Frank Salvato, City Administrator; Paul Harris, Finance Director; Malissa Gish, City Clerk; Jeff Mosher, Special Projects Director; Ken Hartsfield, Building Official; Erin Smith, City Attorney; Bud Bright, Police Chief; Joe O'Connor, Fire Chief; Don Kramer, Code Enforcement; Renee Mueller, Historic Preservation Director; Julie Noah, Building & Planning Administrative Assistant; Grag Noah, Heavy Equipment Mechanic.

### PUBLIC COMMENT:

NONE

Approve Meeting Minutes from the November 15, 2023, Regular Meeting.

**Motion** by Councilman Litherland and seconded by Mayor Pro Tem Brown to approve the meeting minutes from the November 15, 2023, Regular Meeting. **Motion** passed unanimously.

### REPORTS

**Salvato** has no report.

**Harris** has no report.

### PRESENTATIONS, OATHS, & UPDATES

Hartsfield presents Mueller with a plaque in recognition of her years of service and congratulates her on her retirement. Mueller accepts and thanks Council and the public.

### NEW BUSINESS

#### Presentation & Recommendations for Allocation of Pioneers in Public Service Funding

Ted Borden, Community of Caring Executive Director introduces the students involved in the consideration of allocating funds to local nonprofits and clubs. The students presented the recommendations as follows: Choices \$1000; Adult Learning Center \$1500; Gold Camp Christmas Committee; Teller County Salvation Army \$2625; CASA \$2500; Help the Needy \$2625; Little Chapel Food Pantry \$1500; Teller Senior Coalition \$1500; Open Hearts, Open Doors \$1000; Community Partnership \$1000, for a total of \$16,000.

**Motion** by Councilman Litherland and seconded by Councilman Bowman to approve the Recommendations for Allocation of Pioneers in Public Service Funding. **Motion** passed unanimously.

#### Consider Approval of Resolution 2023-45 Levying General Property Taxes for the Year 2023, to Help Defray the Cost of Government for the City of Cripple Creek, Colorado for the 2024 Budget Year

Harris explains that property taxes are still in a state of flux. Proposition HH was defeated at the ballot, so the Governor called a Special Session of the Legislature to push it through anyway. The property tax numbers are not finalized at this time because we don't have the planned evaluation from the Teller County Assessor, so the numbers on the Resolution may change. This Resolution may come back to Council with revised numbers. The Resolution is solely the property tax section.

**Motion** by Councilman Bowman and seconded by Mayor Pro Tem Brown to approve Resolution 2023-45 Levying General Property Taxes for the Year 2023, to Help Defray the Cost of Government for the City of Cripple Creek, Colorado for the 2024 Budget Year. **Motion** passed unanimously.

Consider Approval of Resolution 2023-46 Summarizing Expenditures and Revenues for Each Fund & Adopting a Budget for the City of Cripple Creek, Colorado, for the Calendar Year Beginning the First Day of January 2024, & Ending on the Last Day of December 2024

Harris breaks down the estimated expenditures, and the revenue and reserve balances for the 2024 budget.

**Motion** by Councilman Litherland and seconded by Councilman Bowman to approve Resolution 2023-46 Summarizing Expenditures and Revenues for Each Fund & Adopting a Budget for the City of Cripple Creek, Colorado, for the Calendar Year Beginning the First Day of January 2024, & Ending on the Last Day of December 2024. **Motion** passed unanimously.

Consider Approval of Resolution 2023-47 Appropriating Sums of Money to the Various Funds & Spending Agencies, in the Amounts for the City of Cripple Creek, Colorado for the 2024 Budget Year

Harris walks them through expenditures appropriated toward each fund. The largest component of capital is the enterprise fund where we continue to work on the million dollars in engineering grants for projects from DOLA through the state revolving fund that will lead to further infrastructure projects.

**Motion** by Mayor Pro Tem Brown and seconded by Councilman Bowman to approve Resolution 2023-47 Appropriating Sums of Money to the Various Funds & Spending Agencies, in the Amounts for the City of Cripple Creek, Colorado for the 2024 Budget Year. **Motion** passed unanimously.

Consider Approval of Resolution 2023-48 Authorizing the Sale of the Historic Railroad-Trolley Car to the Cripple Creek District Museum & for the Museum to Convey Real Property to the City

Salvato reminds Council this was brought to his attention a few months back. There was some discrepancy regarding the railcar's owner being the city or the museum. The restrooms were built on the museum property and there is no documentation on approval. The museum is going to donate lot 20 to the city where most of the restroom building sits. There are a few feet of the building that sit on lot 19 that will have a perpetual easement. Bill Burcaw, District Museum Director thanks the city and community for their support on this.

**Motion** by Mayor Pro Tem Brown and seconded by Councilman Bowman to Approve of Resolution 2023-48 Authorizing the Sale of the Historic Railroad-Trolley Car to the Cripple Creek District Museum & for the Museum to Convey Real Property to the City. **Motion** passed unanimously.

Consider Approval of Resolution 2023-49 Accepting Utility & Public Access Easements & Authorizing License Agreement

Salvato explains that prior to the sale of the Wildwood Casino, Hotel, and GKMI to the Golden Nugget (GN), Merrit owned some of the property and a 6-acre parcel of property to the north of the GKMI. The goal was to get the easements completed before the transfer of ownership but that didn't happen. Merrit is working with a party who wants to develop the 6 acres but since the property was sold, there is no access or utility easement to get to the 6 acres across the GN owned property and a small portion

of city owned property. The road that curves by GKMI crosses city owned property and a portion of GN property. GN is granting an access easement and utility easement to the city and the city is granting a revokable license agreement for access across city property. It also gives public access and utility easement so we can get utilities and the public can access the 6 acres once it's developed.

**Motion** by Councilman Litherland and seconded by Mayor Pro Tem Brown to Approve Resolution 2023-49 Accepting Utility & Public Access Easements & Authorizing License Agreement. **Motion** passed unanimously.

Consider Approval of Resolution 2023-51 Supporting the Grant Application for a Comprehensive Plan Grant From the Department of Local Affairs

Salvato reminds council that back in the summer prop 123 was approved as part of affordable housing that helps us with DOLA and CHAFA making it possible for developers to have access to funds through the state to help with affordable housing. DOLA is looking at cities to update their comprehensive plan. Our comprehensive plan was done in 2009. We are supposed to review our comprehensive plan every five years; staff should review the comprehensive plan every year; council reviews it every five years. With development of the Chamonix Hotel, FHR agreed to put a \$100,000 match to our application for \$100,000 to double it to update the plan and have a full study done. We will have another contractor look at other aspects of the plan. It has been recommended by Todd Leopold, our DOLA rep, to hire a consultant to assist with the comp plan update since we are short-staffed and having difficulty hiring a Planner. Finance added an additional \$50,000 in a grant application to cover the consultant. The city's match is \$25,000 totaling \$275,000.

**Motion** by Councilman Bowman and seconded by Councilman Litherland to approve Resolution 2023-51 Supporting the Grant Application for a Comprehensive Plan Grant From the Department of Local Affairs. **Motion** passed unanimously.

FIRST READING to Consider Approval of Ordinance 2023-16 Annexing the Property Known as the Gibraltar Annexation

Hartsfield reminds Council that the petition was approved at a prior meeting. It complies with state regulations regarding annexation. Preliminary Plans of the development site include commercial property, and multi-family and single-family residential. A Public Hearing has been noticed and set for January 3, 2024, at the regular meeting of the Council.

**Motion** by Mayor Pro Tem Brown and seconded by Councilman Bowman to approve Ordinance 2023-16 Annexing the Property Known as the Gibraltar Annexation. **Motion** passed unanimously.

Consider Approval of Resolution 2023-50 Approving a Requested Variance for the Purpose of Constructing a Garage at Certain Real Property Known as 311 Hayden St

Mayor Trenary opens the public hearing with a statement provided by City Attorney Smith.

Hartfield presents the application for a slightly oversized two car garage on the property. The proposed garage (750 sf) is more than 50% of the existing structure. Accessory structures are required to be 50% or less than the existing resident structure. It does exceed the setbacks to comply with the development code. It does meet the zoning criteria with the exception of the 50%. The garage will not be used for commercial purposes. The structure will be at the level of the property but below street level due to the nature of the property. Staff recommends approval.

Chris Hansen, applicant, states it will be dark green with a green roof with a concrete foundation. The garage will go where a previous house was planned to be built, but wasn't, so there are existing utilities placed. Since there is an existing gas line, the gas company will come and remove it. The sewer line will be raised and capped with clean out access.

Mayor Trenary asks if there are any comments in support of the application; none was had.

Mayor Trenary asks if there are any comments in opposition of the application; none was had.

**Motion** by Councilman Litherland and seconded by Councilman Bowman to close public comment. **Motion** passed unanimously.

**Motion** by Councilman Bowman and seconded by Mayor Pro Tem Brown to reconvene into the regular meeting. **Motion** passed unanimously.

**Motion** by Mayor Pro Tem Brown and seconded by Councilman Litherland to approve Resolution 2023-50 Approving a Requested Variance for the Purpose of Constructing a Garage at Certain Real Property Known as 311 Hayden St. **Motion** passed unanimously.

#### SECOND READING & PUBLIC HEARING

- a. Ordinance 2023-14 Amending Ordinance 2022-16 Which Amended Ordinance 2022-01 Which Amended Ordinance 2018-04 Vacating a Portion of Second Street Within the City of Cripple Creek
- b. Ordinance 2023-15 Amending Ordinance 2022-15 Which Amended Ordinance 2021-02 Which Amended Ordinance 2018-05 Vacating a Portion of an Alley Within the City of Cripple Creek

Hartsfield reminds Council that this was drafted to extend the deadline of Dec 31, 2023, for completion of the project to vacate 2<sup>nd</sup> and Carr and portions of the alley in proximity to the property, to July 15, 2024. The grand opening is scheduled for Dec 26, 2023, but some sections of the facility is not complete to issue a certificate of occupancy to FHR.

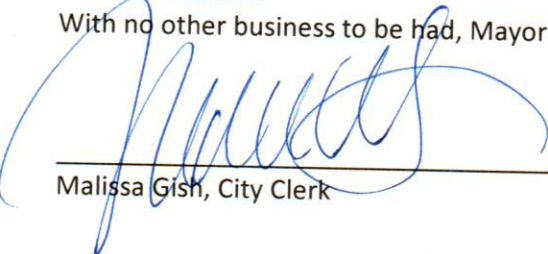
Mayor Trenary asks for any public comment, none was had.


**Motion** by Councilman Bowman and seconded by Mayor Pro Tem Brown to approve Ordinance 2023-14 Amending Ordinance 2022-16 Which Amended Ordinance 2022-01 Which Amended Ordinance 2018-04 Vacating a Portion of Second Street Within the City of Cripple Creek. **Motion** passed unanimously.

**Motion** by Councilman Litherland and seconded by Councilman Bowman to approve Ordinance 2023-15 Amending Ordinance 2022-15 Which Amended Ordinance 2021-02 Which Amended Ordinance 2018-05 Vacating a Portion of an Alley Within the City of Cripple Creek. **Motion** passed unanimously.

#### **ADJOURNMENT**

With no other business to be had, Mayor Trenary adjourned the regular meeting at 6:24 PM.

  
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Malissa Gish, City Clerk

  
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Melissa Trenary, Acting Mayor