CITY OF CENTRAL, COLORADO
NOTICE OF A REGULAR MEETING of the CITY COUNCIL to be held on
Tuesday, January 15, 2019 @ 6:00 p.m.
141 Nevada Street, Central City, Colorado
AGENDA

The City Council meeting packets are prepared several days prior to the meeting and available for public inspection at City Hall during normal business hours the Monday prior to the meeting. This information is reviewed and studied by the City Council members, eliminating lengthy discussions to gain basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis. Agendas are posted on the City’s website, the City Hall bulletin board and at the Post Office the Friday prior to the Council meeting.

6:00pm Council Meeting

1. Call to Order.

2. Roll Call.  Mayor Jeremy Fey
   Mayor Pro-Tem Judy Laratta
   Council members Jeff Aiken
   Jackie Mitchell
   Jack Hidahl

EXECUTIVE SESSION – Pursuant to C.R.S. Section 24-6-402(4)(b) for legal advice on specific legal questions related to water.

RECONVENE REGULAR SESSION – at 7:00pm

3. Pledge of Allegiance

4. Additions and/or Amendments to the Agenda.

5. Conflict of Interest.

6. Consent Agenda: The Consent Agenda contains items that can be decided without discussion. Any Council member may request removal of any item they do not want to consider without discussion or wish to vote no on, without jeopardizing the approval of other items on the consent agenda. Items removed will be placed under Action items in the order they appear on the agenda (this should be done prior to the motion to approve the consent agenda).

   Regular Bill lists through December 28, 2018; and
   City Council minutes for January 2, 2019

PUBLIC FORUM/AUDIENCE PARTICIPATION – (public comment on items on the agenda not including Public Hearing items): the City Council welcomes you here and thanks you for your time and concerns. If you wish to address the City Council, this is the time set on the agenda for you to do so. When you are recognized, please step to the podium, state your name and address then address the City Council. Your comments should be limited to three (3) minutes per speaker: The City Council may not respond to your comments this evening, rather they may take your comments and suggestions under advisement and your questions may be directed to the City Manager for follow-up. Thank you.

ACTION ITEMS: NEW BUSINESS –

7. Resolution No. 19-03: A resolution of the City Council of the City of Central, Colorado telephonic participation policy. (Miera)

8. Ordinance No. 19-01: An ordinance of the City Council of the City of Central, Colorado amending certain provisions of Chapter 11 of the Municipal Code and adding a new Article VI to Chapter titled Snow Removal, concerning the requirement to remove snow and ice from City sidewalks. (Rears)
**REPORTS**

9. **Staff updates**

**COUNCIL COMMENTS** - limited to 5 minutes each member.

**PUBLIC FORUM/AUDIENCE PARTICIPATION** – for non-action items not Action or Public Hearing items on this agenda (same rules apply as outlined in the earlier Public Forum section).

**ADJOURN.** Next Council meeting February 5, 2019.
<table>
<thead>
<tr>
<th>Check Date</th>
<th>Ck #</th>
<th>Payee</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/28/2018</td>
<td>135119</td>
<td>AIR-O-PURE PORTABLES</td>
<td>Chase Res. Portable</td>
<td>105.00</td>
</tr>
<tr>
<td>12/28/2018</td>
<td>135120</td>
<td>All Traffic Solutions</td>
<td>Traffic Suite - Software</td>
<td>1,500.00</td>
</tr>
<tr>
<td>12/28/2018</td>
<td>135121</td>
<td>Beard, Jack</td>
<td>Wellness Program - Reimbursement</td>
<td>300.00</td>
</tr>
<tr>
<td>12/28/2018</td>
<td>135122</td>
<td>CENTURY LINK</td>
<td>Telephone Service</td>
<td>968.03</td>
</tr>
<tr>
<td>12/28/2018</td>
<td>135123</td>
<td>CD DIVISION OF FIRE PREVENTION</td>
<td>HazMat Renewel Allen, Cody</td>
<td>20.00</td>
</tr>
<tr>
<td>12/28/2018</td>
<td>135124</td>
<td>COMPLETE WIRELESS TECHNOLOGIES</td>
<td>Voice pagers - Fire Dept.</td>
<td>2,974.95</td>
</tr>
<tr>
<td>12/28/2018</td>
<td>135125</td>
<td>EXQUISITE ENTERPRISES INC.</td>
<td>Nametags - Council</td>
<td>30.65</td>
</tr>
<tr>
<td>12/28/2018</td>
<td>135126</td>
<td>GILPIN COUNTY SHERIFFS OFFICE</td>
<td>Dispatch Services - 4th Qtr</td>
<td>7,500.00</td>
</tr>
<tr>
<td>12/28/2018</td>
<td>135127</td>
<td>INTERMOUNTAIN SWEEPER CO</td>
<td>Sweeper Parts</td>
<td>65.27</td>
</tr>
<tr>
<td>12/28/2018</td>
<td>135128</td>
<td>JKQ CONSOLIDATED, LLC</td>
<td>ULI Catering</td>
<td>663.00</td>
</tr>
<tr>
<td>12/28/2018</td>
<td>135130</td>
<td>MUNICODE</td>
<td>Administrative Support Fee</td>
<td>225.00</td>
</tr>
<tr>
<td>12/28/2018</td>
<td>135131</td>
<td>OFFICE STUFF, INC.</td>
<td>Office Supplies</td>
<td>197.24</td>
</tr>
<tr>
<td>12/28/2018</td>
<td>135132</td>
<td>PIETEK NORTH VALLEY</td>
<td>Fittings - Public Wks</td>
<td>20.96</td>
</tr>
<tr>
<td>12/28/2018</td>
<td>135133</td>
<td>Polar Gas</td>
<td>Propane - Membrane Bldg</td>
<td>3,075.09</td>
</tr>
<tr>
<td>12/28/2018</td>
<td>135134</td>
<td>Rhinehardt Oil Company</td>
<td>Fuel for Fleet</td>
<td>1,568.40</td>
</tr>
<tr>
<td>12/28/2018</td>
<td>135135</td>
<td>SNAP-ON TOOLS</td>
<td>Tools for Float - PW</td>
<td>10.90</td>
</tr>
<tr>
<td>12/28/2018</td>
<td>135136</td>
<td>Temple Display LTD</td>
<td>X-mas Decorations</td>
<td>10,081.86</td>
</tr>
<tr>
<td>12/28/2018</td>
<td>135137</td>
<td>WEEKLY REGISTER CALL</td>
<td>Public Notice of Ordinance</td>
<td>40.64</td>
</tr>
<tr>
<td>12/28/2018</td>
<td>135138</td>
<td>XCEL ENERGY</td>
<td>Electricity</td>
<td>6,947.26</td>
</tr>
</tbody>
</table>

Grand Totals: 36,298.25
CITY OF CENTRAL
CITY COUNCIL MEETING
January 2, 2019

CALL TO ORDER
A regular meeting of the City Council for the City of Central was called to order by Mayor Fey at 7:04 p.m., in City Hall on January 2, 2019.

Note: Prior to opening the meeting, Judge Berryhill administered the oath to newly elected Mayor Fey and Alderman Michell and Alderman Hidahl. City Clerk Bechtel administered the oath to Alderman Laratta earlier in the day.

ROLL CALL
Present: Mayor Fey
Mayor pro tem (vacant)
Alderman Aiken
Alderman Mitchell
Alderman Hidahl

Absent: Alderman Laratta

Staff Present: City Manager Miera
Attorney McAskin
City Clerk Bechtel
Finance Director Robbins
Public Works Director Hoover
Utilities Director Nelson

Pledge of Allegiance was recited by all present.

ADDITIONS AND/OR AMENDMENTS TO THE AGENDA
The agenda was approved as presented.

CONFLICTS OF INTEREST
No Council Member disclosed a conflict regarding any item on the agenda.

CONSENT AGENDA
Alderman Aiken moved to approve the consent agenda containing the regular bill lists through December 19 and the City Council minutes for the meeting on December 18, 2018. Alderman Mitchell seconded, and without discussion, the motion carried unanimously.

PUBLIC FORUM/AUDIENCE PARTICIPATION
David Josselyn, 344 E 1st High, questioned items on the bill list. Manager Miera provided detail.

ACTION ITEMS: NEW BUSINESS
Annual Appointments:
a. **Mayor Pro-Tem appointment** (Pursuant to City Charter, Section 3.5(b)). Mayor Fey moved to appoint Alderman Laratta to serve as Mayor pro tem and stated that she had offered to serve as pro tem. Alderman Aiken seconded, and without discussion, the motion carried unanimously.

b. **Legal Publication for 2019**
Alderman Hidahl moved to accept the Weekly Register-Call to be the Legal Publication for 2019. Alderman Mitchell seconded, and without discussion, the motion carried unanimously.

c. **DRCOG Representative**
Alderman Hidahl explained that each town/city has one vote with annual dues of $600 for membership and traditionally the Mayor is the representative. Alderman Hidahl moved to appoint Mayor Fey as the DRCOG Representative. Mayor Fey accepted and seconded, and without discussion, the motion carried unanimously.

d. **Gilpin Ambulance Authority Representative and Alternate**
Mayor Fey moved to appoint Alderman Mitchell as the representative with City Manager Miera or his designee as alternate. Alderman Aiken seconded, and without discussion, the motion carried unanimously.

e. **I-70 Coalition Representative and Alternate**
Mayor Fey moved to appoint Alderman Hidahl as the representative with Alderman Mitchell as alternate. Alderman Aiken seconded, and without discussion, the motion carried unanimously.

f. **Local Emergency Planning Committee (LEPC) Advisory Representative**
Mayor Fey moved to appoint Alderman Mitchell with Alderman Laratta as alternate. Alderman Aiken seconded, and without discussion, the motion carried unanimously.

**Resolution No. 19-01:** *A resolution designating the public place for posting of notices of regular and special meetings of local public bodies of the City.*
City Clerk Bechtel explained the proposed resolution is an annual event for posting places as required by Section 24-6-402(2)(c) C.R.S. This resolution is proposed with no changes from last year.

Alderman Mitchell moved to approve Resolution No. 19-01: A resolution designating the public place for posting of notices of regular and special meetings of local public bodies of the City. Alderman Aiken seconded, and without discussion, the motion carried unanimously.

**Resolution No. 19-02:** *A resolution of the City Council of the City of Central, Colorado establishing certain financial procedures specific to check signatories.*
Finance Director Robbins explained that Resolution 19-02 establishes those elected officials and employees authorized to sign checks as well as those authorized as a signatory on bank accounts for the City. Resolution 19-02 designates Mayor Jeremy Fey and Mayor Pro-tem Laratta as an authorized signatory on bank accounts.

It is also necessary at times for City employees to use a credit card in order to make purchases or reservations on behalf of City business. Resolution 19-02 recognizes that in these cases, only one (1) authorized signature will be required and lists the City employees who are authorized to have and use a City credit card for such purchases.

There are no immediate fiscal impacts. Indirect financial impacts could be realized based on adherence to this recommended internal control practice.
Alderman Aiken moved to approve Resolution No. 19-02; A resolution of the City Council of the City of Central, Colorado establishing certain financial procedures specific to check signatories. Alderman Mitchell seconded, and without discussion, the motion carried unanimously.

REPORTS
Manager Miera reported:
1) Roof repairs on the Belvidere and Johnson Reservoir are complete
2) Staff will bring a policy forward for “telephonic meeting attendance” at the 1/15 work session
3) 2 active water leaks – Eureka/Main and at intersection of Bates Hunter to be repaired next week
4) Belvidere – City has signed a contract with a design firm

COUNCIL COMMENTS
Alderman Hidal opened a discussion on snow removal on sidewalks. Council consensus is to have staff bring forward a revised policy including fines/fees.

Alderman Aiken welcomed the new Mayor and Alderman Mitchell and Alderman Hidal.

Mayor Fey thanked the community for their support and past Mayor Heider for her leadership and encouraged more participation in our government processes.

PUBLICFORUM/AUDIENCEPARTICIPATION
Joe Behm, CCBID, added that the tenants of buildings also need to be accountable for snow removal and welcomed the new Mayor and Council.

David Josselyn, 344 E 1st High, thanked the Council for their concern and attention to the snow removal issue.

At 7:51 p.m., Mayor Fey adjourned the meeting.
The next Council meeting is scheduled for January 15, 2019 at 7:00 p.m.

Jeremy Fey, Mayor
Reba Bechtel, City Clerk
AGENDA ITEM # 7

CITY COUNCIL COMMUNICATION FORM

TO: Mayor Heider and Members of City Council
FROM: Daniel Miera, City Manager
THROUGH: Marcus McAskin, City Attorney
DATE: January 10, 2019 (Meeting Date January 15, 2019)
ITEM: Resolution No. 19-03

☐ ORDINANCE
☒ MOTION / RESOLUTION
☐ INFORMATION

I. REQUEST OR ISSUE: Resolution 19-03 ("Resolution") establishes a written policy to govern telephonic participation of Council members at City Council meetings. A copy of the proposed policy ("Policy Regarding Telephonic Participation During City Council Meetings") is attached to the Resolution as Exhibit A (the "Policy").

II. BACKGROUND: With advancements in communication equipment, telephonic meeting participation has become more common with many local governments in Colorado. However, telephonic participation in meetings comes with certain inherent limitations given that a Council member participating via conference call may have or experience:

- an impaired ability to view documentary information presented at the meeting;
- a limited ability to evaluate a speaker's non-verbal language is assessing the truthfulness or credibility of the speaker; and
- a limited ability to observe nonverbal explanations (for example, pointing at charts and graphs) during a speaker's presentation.
Notwithstanding these limitations, Council members may have a need, from time to time, to participate in Council meetings via telephone.

The purpose of the Policy is to specify the circumstances under which a member of the City Council may participate in regular and special meetings by telephone. Highlights of the Policy include the following:

- Telephonic participation is intended to be an infrequent or occasional substitution for physical attendance.

- The City Council may, by majority vote of a quorum present, declare a Council member’s repeated use of telephonic participation excessive and deny a Council member’s privilege to use telephonic participation for a specific meeting or meetings.

- Telephonic participation must permit clear, uninterrupted, and two-way communication for the participating Council member.

- A Council member may neither participate nor vote telephonically in a quasi-judicial public hearing; however, the Council member may maintain the telephone connection and monitor or listen to the hearing.

The Policy will be reviewed in additional detail with City Council at the January 15th regular meeting.

III. RECOMMENDED ACTION / NEXT STEP: Approve Resolution No. 19-03.

IV. FISCAL IMPACTS: N/A

V. LEGAL ISSUES: N/A

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: N/A

VII. SUMMARY AND ALTERNATIVES: City Council may approve the Resolution or table the item for further discussion and consideration.

PROPOSED MOTION: “I MOVE TO APPROVE RESOLUTION NO. 19-03, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO ADOPTING A POLICY REGARDING TELEPHONIC PARTICIPATION DURING CITY COUNCIL MEETINGS.”

Attachments:

1. Resolution No. 19-03

2. Policy Regarding Telephonic Participation During City Council Meetings
CITY OF CENTRAL, COLORADO
RESOLUTION NO. 19-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO ADOPTING A POLICY REGARDING TELEPHONIC PARTICIPATION DURING CITY COUNCIL MEETINGS

WHEREAS, from time-to-time, members of the City Council may desire to participate in Council meetings by telephone; and

WHEREAS, with advancements in communication equipment, telephonic meeting participation has become more common within many local governments in Colorado; and

WHEREAS, telephonic participation at meetings presents certain inherent limitations, including but not limited to precluding a Council member from viewing documentary information presented during meetings, limiting the ability of a Council member from fully evaluating a speaker’s non-verbal language in assessing veracity or credibility of the speaker, and further limiting the Council member’s ability to observe nonverbal explanations (e.g., pointing at graphs and charts) during a speaker’s presentation or testimony; and

WHEREAS, the City Council desires to establish a written policy to govern telephonic participation of Council members at City Council meetings.

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

Section 1. The foregoing recitals are adopted and incorporated herein as findings of the City Council.

Section 2. The City Council hereby formally adopts the Policy Regarding Telephonic Participation During City Council Meetings (the “Policy”), in the form attached hereto as EXHIBIT A.

Section 3. The Policy may be amended by resolution of City Council.

Section 4. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this Resolution.

Section 5. Effective Date. This Resolution shall take effect upon its approval by the City Council.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CENTRAL by a vote of _____ in favor and _____ against this ___ day of January, 2019.
CITY OF CENTRAL, COLORADO

By: ________________________________
    Jeremy Fey, Mayor

ATTEST:

By: ________________________________
    Reba Bechtel, City Clerk

APPROVED AS TO FORM:

By: ________________________________
    Marcus A. McAskin, City Attorney
EXHIBIT A
POLICY REGARDING TELEPHONIC PARTICIPATION DURING CITY COUNCIL MEETINGS
(attached)
POLICY REGARDING TELEPHONIC PARTICIPATION
DURING CITY COUNCIL MEETINGS

I. Purpose.

The purpose of this City Council Policy is to specify the circumstances under which a member of the City Council may participate in regular and special meetings and executive sessions by telephone. With advancements in communication equipment, telephonic meeting participation has become more common within many local governments. In adopting this Policy, City Council acknowledges the inherent limitations regarding telephonic participation at meetings, given that telephonic participation effectively precludes a Council member from viewing documentary information presented during meetings, limits the ability of a Council member from fully evaluating a speaker’s non-verbal language in assessing veracity or credibility of the speaker, and further limits the Council member’s ability to observe nonverbal explanations (e.g., pointing at graphs and charts) during a speaker’s presentation or testimony. The Council finds that these limitations inherent in telephonic participation may produce inefficiencies in meetings, increase the expense of meetings, and may undermine the decision-making process, particularly in quasi-judicial matters.

II. Statement of Policy.

A member of the City Council may participate in a meeting of the City Council by telephone only in accordance with this Policy. Telephonic participation shall be made available and shall be limited as follows:

A. Telephonic participation shall be made available to a City Council member when such member’s absence would otherwise constitute an excused absence in accordance with the City of Central City Council Rules of Procedure (“Rules of Procedure”).

B. Telephonic participation is intended to be an infrequent or occasional substitution for physical attendance. The City Council may, by majority vote of a quorum present, declare a Council member’s repeated use of telephonic participation excessive and deny a Council member’s privilege to use telephonic participation for a specific meeting or meetings. Such declaration by City Council shall only be made when the member seeking to participate telephonically is afforded advance notice and the opportunity to participate in the City Council’s discussion regarding excessive use and the continuation of telephonic participation by the Council member. Provided that the Council member is provided notice of the date and time of the planned Council discussion, the member’s inability to be available to participate in the discussion shall not preclude the City Council’s authority to discuss and decide whether such member’s use of telephonic participation is excessive.

C. Telephonic participation must permit clear, uninterrupted, and two-way communication for the participating Council member.

D. A Council member may neither participate nor vote telephonically in a quasi-judicial public hearing; however, the Council member may maintain the telephone connection and monitor or listen to the hearing.
E. Telephonic participation shall not be available to a Council member during an executive session.

F. Telephonic participation shall constitute attendance in the Council meeting for purposes of determining compliance with Section 2-2-20 of the Municipal Code.

G. More than one Council member may participate telephonically during the same meeting where the telephone conferencing system permits clear, uninterrupted, and two-way communication for all participating Council members.

H. The City Council may discontinue the use of telephonic participation by one or more members during a meeting where the participation results in delays or interference in the meeting process; e.g., where the telephone connection is repeatedly lost, the quality of the telephone connection is unduly noisy, or a participating member is unable to hear speakers using a normal speaking voice amplified to a level suitable for the meeting audience in attendance.

III. Arranging for Telephonic Participation.

A. To arrange to participate telephonically, a City Council member shall:

1. Contact the Mayor and City Manager in advance of the meeting regarding the reason for the absence in accordance with the process set forth in the Rules of Procedure.

2. Contact the City Manager and City Clerk to arrange for telephonic participation and provide a telephone number and any special calling instructions needed to facilitate the telephone contact. All Council members shall endeavor to advise the City Manager and City Clerk of their intent to participate telephonically at the earliest possible time and not less than four (4) hours prior to the requested participation.

3. Be available at the designated telephone number not less than ten (10) minutes prior to the scheduled time of the meeting.

B. The City shall initiate the telephone contact not more than 10 minutes prior to the scheduled time of the meeting. Upon telephone disconnection during a meeting, the City Clerk or other member of City Staff shall make one attempt to re-initiate the telephone connection unless the City Council instructs to discontinue the telephonic participation in accordance with Section II.H. above.

IV. Effect of Telephonic Participation.

Telephonic participation shall constitute actual attendance for purposes of establishing a quorum or for any other purpose.

V. Telephonic Participation by Non-Council Members.

Upon request of the Mayor or any two Council members, appointees of the City Council (e.g., the City Manager and/or the City Attorney or designees acting on behalf of and at the direction of the Manager or Attorney), may participate in a meeting of the City Council by telephone. For all other persons, telephonic participation shall not be permitted unless approved by a majority of a quorum present of the City Council.
VI. Limited Applicability of Policy.

This Policy shall only apply to regular and special meetings (including work sessions) of the City Council for the City of Central.

VII. Reasonable Accommodations.

The City shall provide reasonable accommodation and shall waive or modify provisions of this Policy to provide handicapped City Council members full and equal access to Council meetings.

MADE EFFECTIVE THIS 15TH DAY OF JANUARY, 2019

Reference: Resolution No. 19-03
(adopted January 15, 2019)
AGENDA ITEM # 8
CITY COUNCIL COMMUNICATION FORM

TO: Mayor Fey and Members of City Council

FROM: Ray Rears, Community Development Director

THROUGH: Silvia Fejka, Assistant City Attorney

DATE: January 11, 2019 (Meeting Date January 15, 2019)

ITEM: Ordinance 19-01 (First Reading)

X  ORDINANCE
     MOTION / RESOLUTION
     INFORMATION

I. REQUEST OR ISSUE: Ordinance No. 19-01 ("Ordinance") establishes more robust snow removal requirements for public sidewalks and includes an administrative enforcement process.

II. BACKGROUND: The City previously had a brief provision related to snow removal in Sections 11-1-20 through 11-1-40 of the Municipal Code, creating a duty for adjacent property owners and/or tenants to clear sidewalks of ice and snow within six (6) hours of cessation of snow fall, but with no enforcement mechanism outside of a civil action in court.

The Ordinance preserves this duty and further provides that the City may abate snow hazards on behalf of a property owner/tenant/occupant/party with control over the property ("Responsible Party") after the Responsible Party's violation and failure to cure upon notice. The process is generally as follows:

- Responsible Party fails to clear at least a four-foot strip of adjacent sidewalk.
- City Manager or designee issues a notice of violation, notifying the Responsible Party that that is the only notice they will receive for that snow season, and failure to clear the sidewalk within six (6) hours may result in the City's clearing the sidewalk at the cost of the Responsible Party, and subject to additional administrative fines and costs.
- Responsible Party complies and clears sidewalk within required time.
- Alternatively, if the Responsible Party fails to clear the sidewalks after time to cure, six (6) hours after notice, the City Manager or designee may proceed to cause sidewalks to be cleared.
- Responsible Party is billed for actual costs, together with administrative costs and applicable
fines.

- For subsequent violations that season, the City Manager may continue to cause the sidewalk to be cleared if Responsible Party fails to do so within six (6) hours of cessation of snowfall without additional notice.

The Ordinance provides that the City Council may impose fines for failure to comply, to be set by separate resolution. Staff is proposing the following fine schedule be set by resolution at the February 5, 2019 Council meeting:

- First offense: $100
- Second offense: $250
- Third offense: $500

The Ordinance also includes a reference to a new lien provision, so in case a Responsible Party fails to pay the costs assessed, a lien may be imposed on the property and the amount owed collected as an assessment through the Gilpin County Assessor. In addition, the Municipal Code already provides that Code violations are civil infractions and may be subject of civil actions in court.

III. **RECOMMENDED ACTION / NEXT STEP:** Approve the Ordinance on first reading and schedule a public hearing and second reading of the Ordinance on a time and date certain.

Currently, it is anticipated that second reading of the Ordinance will occur on February 5th.

IV. **FISCAL IMPACTS:** N/A - The Ordinance provides for cost recovery of snow removal by the City, as well as imposition of administrative fines and costs to defray enforcement costs.

V. **LEGAL ISSUES:** N/A

VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** N/A

VII. **SUMMARY AND ALTERNATIVES:** City Council has the following options:

1. Adopt Ordinance No. 19-01 on first reading, as may or may not be amended; or

2. Direct staff to make revisions to the Ordinance and schedule consideration of the Ordinance on a future City Council agenda for first reading.

**PROPOSED MOTION:** "I MOVE TO APPROVE ORDINANCE NO. 19-01, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO AMENDING CERTAIN PROVISIONS OF CHAPTER 11 OF THE MUNICIPAL CODE AND ADDING A NEW ARTICLE VI TO CHAPTER 11 TITLED SNOW REMOVAL, CONCERNING THE REQUIREMENT TO REMOVE SNOW AND ICE FROM CITY SIDEWALKS, AND FURTHER MOVE THAT SECOND READING AND PUBLIC HEARING ON THE ORDINANCE BE SCHEDULED FOR TUESDAY, FEBRUARY 5, 2019, AT 7:00 PM TO BE HELD IN THESE COUNCIL CHAMBERS."

**Attachments:**

1. Ordinance No. 19-01
CITY OF CENTRAL, COLORADO
ORDINANCE NO. 19-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO AMENDING CERTAIN PROVISIONS OF CHAPTERS 1 AND 11 OF
THE MUNICIPAL CODE AND ADDING A NEW ARTICLE VI TO CHAPTER 11
TITLED SNOW REMOVAL, CONCERNING THE REQUIREMENT TO REMOVE
SNOW AND ICE FROM CITY SIDEWALKS

WHEREAS, the City of Central ("City") is authorized under its home rule charter and Title
31 of the Colorado Revised Statutes to adopt and amend ordinances in furtherance of governmental
administration and the City's police powers; and

WHEREAS, the City Council previously adopted Section 11-1-20 of the Central City
Municipal Code ("Code") to address snow and ice removal from City sidewalks ("Prior Snow Removal
Provision"); and

WHEREAS, the Prior Snow Removal Provision failed to provide for administrative
enforcement, and the City Council desires to add a new Article VI, Chapter 11 of the Municipal Code
to address snow and ice removal and provide for enhanced administrative enforcement in order to
protect public safety and ensure that sidewalks within the City remain safe for pedestrian passage; and

WHEREAS, the City Council desires to amend Article VII, Chapter 1 of the Municipal Code
to clarify that unpaid fees, charges, costs and penalties imposed under the Code, including but not
limited to the Snow Removal regulations, shall, if unpaid, constitute a first and prior lien on real or
personal property in which the person responsible to pay the fee has an ownership interest.

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CENTRAL,
COLORADO THAT:

Section 1. Section 11-1-20 titled "Duty to keep sidewalks clear of snow and ice" is hereby
repealed. Section 11-1-20 of the Code shall be marked and shown as "[Reserved]."

Section 2. The Central City Municipal Code is amended to add a new Article VI to
Chapter 11 titled "Snow Removal", to read in full as follows:

Article VI Snow Removal

Sec. 11-6-10 Definitions
Sec. 11-6-20 Duty to Keep Sidewalks Clear of Snow and Ice
Sec. 11-6-30 Notice and Abatement
Sec. 11-6-40 Certification of Unpaid Amounts and Lien

11-6-10. Definitions.

The following definitions shall apply to the terms specified as used in this Article:
(a) **Sidewalk** means that portion of property running parallel to streets, roads, or upon or adjacent to similar public rights-of-way, which generally has a flat impermeable surface, and which is normally intended for the travel use of pedestrians.

(b) **Responsible Party or Responsible Parties** refers to every person who owns, controls, or has a possessory interest in any building, structure or real property in the City that fronts or abuts on a sidewalk, whether as owner, tenant, occupant or otherwise. All Responsible Parties are jointly and severally liable under this Article.

(c) **Removal** means clearing the sidewalk as to not leave remnants of ice, snow or any other debris that may constitute a hazard.

(d) **City Manager** shall refer to the City Manager of Central City, or the City Manager’s designee.

**11-6-20. Duty to Keep Sidewalks Clear of Snow and Ice.**

Removal of Snow, Ice, and Sleet from Sidewalks Required. No Responsible Party shall fail to keep any sidewalk abutting the property owned or controlled by the Responsible Party clear of snow, ice and sleet, as provided in this section. Responsible Parties are jointly and severally liable for such responsibility. Such persons shall remove any accumulation of snow or ice occurring during any snowfall or snowdrift as promptly and as reasonably as possible, but no later than six (6) hours after the cessation of snowfall or the formation of the snowdrift. Responsible Parties shall remove the snow, ice, or sleet from the full width of all sidewalks, except those with a width exceeding five (5) feet, in which case the Responsible Parties must clear the sidewalk to a minimum width of four (4) feet. If ice should remain following clearing the snow, then abrasive material such as salt or sand shall be applied in sufficient quantities to ensure that the sidewalk may be utilized by pedestrians and that travel thereon shall be reasonably safe. The Responsible Party shall clean such sand or abrasive material from the sidewalk as soon as weather permits.

**11-6-30. Notice and Abatement.**

The City Manager is authorized to correct or mitigate hazardous situations which may exist on sidewalks covered with snow, ice, or sleet, due to a Responsible Party’s failure to comply with Section 11-6-20. The City Manager has the authority to cause any sidewalk to be cleared of snow, ice, and sleet, and remit evidence of such costs, including actual and any associated administrative fines, to the Responsible Party for payment. If the City Manager intends to charge any Responsible Party for keeping sidewalks abutting the property owned or controlled by the Responsible Party clear of snow, ice, and sleet, the Manager will satisfy the requirements of this section.

(a) The City Manager will notify the Responsible Party that such person must remove the snow and ice within six (6) hours of issuance of the notice.

(b) The notice shall state that the snow, ice, or sleet shall be removed and that if it is not removed within six (6) hours of the notice, the removal may be done by the
City and all costs of the snow removal, including the City’s actual and administrative costs, together with any administrative fines or penalties, may be imposed. The administrative fines and penalties to be imposed pursuant to this section ("Snow Removal Fines and Penalties") shall be established by resolution of City Council, and City Council shall be authorized to amend the Snow Removal Fines and Penalties by resolution. A copy of the Snow Removal Fines and Penalties shall be included as an addendum to the City’s fee schedule and a copy shall be posted in the Office of the City Clerk during the annual snow season (from October 1 to May 31).

(c) Notice under this Article is sufficient if hand delivered or emailed to such Responsible Party, and/or by posting on the premises. The City Manager shall provide at least one notice per annual snow season (from October 1 to May 31) to Responsible Parties by mailing a notice by way of standard first-class letter mailed to all Responsible Parties. The notice required by this subsection (c) shall be completed prior to any enforcement action by the City.

(d) After the first notice has been provided or delivered, the City Manager may abate a violation of Section 11-6-20 if the Responsible Party fails to do so within six (6) hours of the issuance of the first notice pursuant to this Section, or within six (6) hours of cessation of snow fall for any snow event thereafter. The City Manager is further authorized, at the City Manager’s discretion, to employ private individuals (abatement contractors) to carry out the task of snow and ice removal. If it is necessary to remove obstructions in order to effectuate the snow and ice removal, the abatement contractors shall be empowered to take reasonable steps to remove such obstruction so as to permit the snow and ice removal. The cost of snow, ice and obstruction removal by the abatement contractors shall be recovered from the Responsible Party, in addition to any other costs, fines or penalties that may be imposed pursuant to this Article.

(e) Each day that a Responsible Party fails to maintain a sidewalk in accordance with the requirements of this Article shall constitute a separate offense.

11-6-40. Certification of Unpaid Amounts and Lien.

If any person fails or refuses to pay when due any fines, penalties or costs imposed under this Article, the City Manager may, in addition to pursuing other collection remedies, certify due and unpaid charges to the Gilpin County Treasurer or other proper governmental entity for collection as authorized by Section 1-7-30 of this Code. Such amount shall include an additional ten percent (10%) of the outstanding unpaid balance of fines, penalties or costs, to offset the City’s costs incurred in the administration of this Article and the costs of collection.

Section 3. The Central City Municipal Code is amended to add a new Section 1-7-30 titled “Unpaid Fees, Rates, Charges and Penalties Constitute Lien”, to read in full as follows:
1-7-30. Unpaid Fees, Rates, Charges and Penalties Constitute Lien.

(a) Unpaid fees, rates, charges, and any penalties and fines imposed by this Code, together with all interest pertaining thereto, shall constitute a first and prior lien on real or personal property in which the person responsible to pay the fee or other outstanding amount due has an ownership interest.

(b) In addition to any other remedies allowed in law or equity, the City Manager or designee may issue a notice, setting forth the name of the person(s) responsible to pay the fee, the amount of the fee, rate, charge, penalty and interest, the date of its accrual and the fact that the City claims a first and prior lien on the real and personal property of the person(s) responsible to pay the fee in which the person(s) responsible to pay the fee has ownership interest. Notices may be served personally, by posting the notice upon the responsible person’s property in a conspicuous place or mailing, by posting in the U.S. mail, postage prepaid, to the person’s last known address. Notices shall be on forms prepared by the City Manager and shall be verified by the City Manager. The notice of lien may thereafter be filed in the office of the Clerk and Recorder and assessor or treasurer of any County in this State, or any other entity with jurisdiction over such property, in which the person(s) responsible to pay the fee owns real or personal property, or with any person in possession of any personal property or rights to property belonging to the person(s) responsible to pay the fee. The filing of such notice shall constitute a lien on such property in that county.

(c) Any lien for unpaid fees, rates, charges or any penalties or fines imposed by this Code, as shown in the records of the County in which the lien is filed, upon payment of all fees, charges, penalties and interest covered thereby, shall be released by the City Manager in the same manner as mortgages and judgments are released.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the 15th day of January, 2019, at Central City, Colorado.
CITY OF CENTRAL, COLORADO

____________________________
Jeremy Fey, Mayor

Approved as to form:

____________________________
Marcus McAskin, City Attorney

ATTEST:

____________________________
Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the ___ day of ____________________, 2019.

CITY OF CENTRAL, COLORADO

____________________________
Jeremy Fey, Mayor

ATTEST:

____________________________
Reba Bechtel, City Clerk
POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on ____________, 2019.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on ______________, 2019.
To:    Mayor Fey, City Council, and City Manager Miera
From:  Reba Bechtel, City Clerk
Date:  January 15, 2019
Re:    Bi-weekly Report

➢ Prep for the Work Session and Regular Council meeting of 1/15
➢ Court prep for 1/28/19
➢ Processing business license and contractor license renewals
➢ Ongoing liquor and marijuana license renewals and changes
Community Development Department –
Department Update – January 15, 2019

Building

<table>
<thead>
<tr>
<th>Year</th>
<th>Permits</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>39 permits</td>
<td>$655,900</td>
</tr>
<tr>
<td>2018</td>
<td>33 permits</td>
<td>$1,008,099</td>
</tr>
<tr>
<td>2019</td>
<td>/ permits</td>
<td></td>
</tr>
</tbody>
</table>

Planning

Various Initial Development/Building Inquires addressed
Growth IGA – Negotiation Has Started

Denver Adventures
Lease Extension To Be Considered

Planning Commission

Last meeting – November 2018
Topic: Comp Plan / Zone Change Request

Economic Development

Northwest Colorado Enterprise Zone

Parking Fee In-lieu

Historic Preservation

Belvidere Theater
Owner Representative – New Contract will be pursued for next phase
Consultant hired to find and obtain outside grant funding
Emergency Roof Repair over the Shoefly - Completed
DOLA Mineral Impact Grant – Awarded – up to $179,350
Form Works Design Group

Historic Preservation Commission

St. James – Stair replacement – completed

Last Meeting – December 12
- Relocation of Rickville-Williams House (yellow house)
- Proposed roof plans for 200 E. 4th High St. - Revised Design Guidelines

2019 cases 0

Johnson Res. Building – Re-roofing has been completed.

Colorado Preservation Inc. – Saving Places Conference – Tour of Central City – Wednesday Feb. 6th

Code Enforcement

Respond to complaints made -

<table>
<thead>
<tr>
<th>Year</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>35</td>
</tr>
<tr>
<td>2017</td>
<td>33</td>
</tr>
<tr>
<td>2018</td>
<td>57</td>
</tr>
</tbody>
</table>

Code Update
Working with the City of Northglenn and our prosecutor on draft language
<table>
<thead>
<tr>
<th><strong>Marketing/ Events</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Billboard</strong></td>
</tr>
<tr>
<td>2019 Billboard lottery selections made</td>
</tr>
<tr>
<td><strong>Central City App</strong></td>
</tr>
<tr>
<td>Mobile Town Guide developed “Mobile Town Guide Central City”</td>
</tr>
<tr>
<td>Interactive walking tour planned</td>
</tr>
<tr>
<td><strong>Promotional Videos</strong></td>
</tr>
<tr>
<td>Video #1-4 Released</td>
</tr>
<tr>
<td>Recreation/Events/ Gaming and combination</td>
</tr>
<tr>
<td><strong>Editing videos for commercial content</strong></td>
</tr>
<tr>
<td><strong>Main Street Central City</strong></td>
</tr>
<tr>
<td>Last Meeting – December 19th - One open seat on the board</td>
</tr>
<tr>
<td>Self-funding mechanism Present at all events – Preparing for HRHC and Tommyknocker</td>
</tr>
<tr>
<td><strong>Direct City Marketing / Promotion</strong></td>
</tr>
<tr>
<td>New 2019 Rack Card In draft</td>
</tr>
<tr>
<td>Digital, broadcast and e-blasts Radio, e-blasts and digital</td>
</tr>
<tr>
<td>Focus on Ads running from May – Sep. KSE Radio</td>
</tr>
<tr>
<td><strong>2019 Events</strong> Finalizing various dates</td>
</tr>
<tr>
<td><strong>Marketing Plan</strong> Created for 2019+ Focus on diversifying – In process of creating</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Audio Visual / Website / Information Technology</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Website/Social Media – Currently revising the web page Administration, promotion and monitoring continues</td>
</tr>
<tr>
<td><strong>Public Access Cable Channel</strong> Ongoing issues, work with consultant and cable company continues Livestreaming of City Council Meetings Operational and found on the City website and Youtube.com</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Staff</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Managing consultants</td>
</tr>
<tr>
<td>Training at UC Denver</td>
</tr>
<tr>
<td>UC Denver Intern Awaiting Confirmation to post for HPO &amp; Code Enforcement Officer</td>
</tr>
</tbody>
</table>
Since our last council update, public works staff has performed the following activities:

- Managed contracts for the Shoofly and Johnson reservoir roof repairs - both are completed
- Swept downtown area
- Performed snow removal
- Performed vehicle maintenance on the fleet
- Assisted the Sherriff’s Department in moving files from the ground floor of City Hall
- Painted the ground floor of City Hall in preparation of Community Developments move
- Discussed the lack of response with Yesco to repair the Parkway archway sign and received a commitment to start repairs on January 10, 2019
- Painted the inside of the PW Shop on Eureka Street
- Performed guardrail maintenance on the Parkway
To: City Manager, Daniel Miera
From: Jason Nelson, Utility Director Jack Beard, Water Operator
Date: January 2019
Re: Bi-Monthly Report

- Staff is working to update a few chemical feed pumps in the water treatment plant. The department is working with a control engineer to determine which product would fit the needs of the water plant. Installing new equipment such as these pumps allow staff to remotely make chemical dosing modifications to maintain the necessary pH. This has been a desire for many years during the spring runoff as raw water quality can often change throughout the day or night.
- The department was notified that water was coming from a culvert near the spring street booster pump station. Upon arrival and investigation staff determined the water was coming from a pressure relief valve within the pump station. Staff worked with Ramey Environmental to adjust the pilot valve on the unit. The department intends to have the valve completely rebuilt in the future.
- Department staff worked with the finance department to perform monthly meter reads and to evaluate any outstanding water bill related issues.
- Staff has been inspecting the raw water reservoirs to determine reservoirs levels and ensure the newly rebuilt raw water intake diversion structures are conveying water effectively.
- Staff prepared and coded invoices and worked with the finance department to finalize the 2018 bills.
• The staff evaluated and replenished the departments stock of parts and tools. Over the past few years staff have been able to gauge needs throughout the year and now can keep a small stock of meter, pipe, and main line parts on the shelf.

• The department collected water samples to test for total coliform bacteria, inorganics, volatile organics, total trihalomethanes, and haloacetic Acids. Once samples are collected, they are delivered to the testing lab. These samples are all a part of the routine monitoring schedule.

• In the past weeks the temperature had been very low and there was minimal snow cover. The department has worked with nine residents in that time to assist in meter thawing as well as replacing any cracked or broken meter parts.

• The department received the final pay requisitions documents needing authorizing to submit for the Intake Structures Loan. Staff is working with City Manager Daniel Miera and Engineer Will Raatz to complete the pay requisition. Engineer Will Raatz has also been working with staff to finalize the as built drawing for record keeping.

• The department has two water mainline leaks, one at Main Street and Eureka Street. The second is at Gregory Street and Packard Street. Staff is monitoring the volume of water and is working with City Attorney Marcus McAskin to prepare a contract for the repair of these water leaks. Currently the volume of water is minimal but is creating a lot of ice. Staff has also greatly appreciated the help of the public works department in assisting with removal of any ice buildup on the roadways.

• Department staff met with Dave Swenson (Deere & Ault), Luke Rein (Colorado Division 1 Water Accounting Specialist), Jason Smith (Clear Creek Water Commissioner), Donald Baggus (Deputy Water Commissioner). The meeting was helpful for all parties and allowed water department staff to create a visual of the raw water intakes, pipeline, and reservoirs. The meeting was routine and allowed water department staff to educate water commissioners of the operation of Central City’s system. This helps the water commissioners in protecting the springs, creeks, rivers, and water shed basins.

• Department staff used the Polaris Ranger to take a pipe fitter from Dietzler Construction to install the last part for the intake diversion structures. Each diversion structure needs an air vac release valve during high flow and runoff seasons. At the beginning of the project this part was very specific and could only be ordered from two suppliers, both had a 16 weeks lead time. The installation of this valve brought the project to 100% completion.

• Department staff received a shipment of chlorine gas disinfectant which is the primary disinfectant in the water treatment plant.

• Staff worked with Public Works mechanics to change the oil in the department’s portable backup generators and dewatering pumps.

• Department staff assisted in locating water service lines for Xcel Energy in order to protect the city’s water infrastructure where Xcel would be replacing various natural gas service lines.

• Department staff reviewed the standard operating procedure and safety protocol for confined space entry before accessing an underground Pressure Reducing Vault. Staff needed to inspect and operate valves inside the vault. The department appreciated the assistance and expertise of public works employee and volunteer fire fighter Wayne Butler.