

CITY OF CENTRAL, COLORADO
NOTICE OF A REGULAR MEETING of the CITY COUNCIL to be held on
Tuesday, October 15, 2013 @ 7:00 p.m.
141 Nevada Street, Central City, Colorado
AGENDA

The City Council meeting packets are prepared several days prior to the meetings 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.

7:00pm Council Meeting

1. Call to Order.
2. Roll Call. Mayor Ron Engels
Mayor Pro-Tem Bob Spain
Council members Shirley Voorhies
Glo Gaines
Kathy Heider
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 of October 3 & 10; and
City Council minutes: October 1 & 3, 2013.

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. Presentation of 2014 Proposed Budget (Flowers)
8. Ordinance No. 13-15: An Ordinance of the City Council of the City of Central, Colorado repealing Article XIII of Chapter 16 of the Municipal Code concerning Flood damage prevention regulations. (McAskin)
9. Resolution No.13-22: A Resolution of the City Council of the City of Central, Colorado delegating certain limited authority of the Central City Retail Marijuana Store licensing authority to the City Manager. (Bechtel)

REPORTS –

10. 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).

EXECUTIVE SESSION – Pursuant to C.R.S. 24-6-402(4)(b) and (4)(e) to discuss specific legal questions and to instruct negotiators concerning pending water rights cases concerning the City of Central.

ADJOURN. Next Council meeting November 5, 2013.

Posted 10/11/13

PLEASE TURN OFF CELL PHONES

Please call Reba Bechtel, City Clerk at 303-582-5251 at least 48 hours prior to the Council meeting if you believe you will need special assistance or any reasonable accommodation in order to be in attendance at or participate in any such meeting.

**CITY OF CENTRAL
CASH ON HAND
10/10/2013**

Total Beginning ENB Cash on Hand 9/26/2013	484.90
Deposits to ENB	-
Wires Out ENB	-
Cleared Checks	-
<u>10/9/2013</u>	<u>484.90</u>
<less previously approved & outstanding>	(59.00)
Total ENB Cash on Hand 10/9/2013	425.90

Total Beginning CO Biz Cash on Hand 9/26/13	674,560.30
Deposits to COB	20,758.93
Wires Out COB	(70,492.91)
Cleared Checks	(102,881.11)
<u>10/9/2013</u>	<u>521,945.21</u>
<less previously approved & outstanding>	(24,823.84)
Total COB Cash on Hand 10/9/2013	497,121.37

Total Beginning Colotrust Cash on Hand 9/26/2013	1,401,343.90
Wires into Account	19,297.11
Wires out of Account-Into CO Biz Bank	-
Total Colotrust Cash on Hand 10/9/13	1,420,641.01

***The City is currently in the process of switching the operating account from Evergreen National Bank to Colorado Business Bank. As such, you will see less and less activity out of Evergreen National and on the next cash flow report both of the operating accounts will be reflected. Once all transactions have cleared Evergreen National Bank, it will be removed from this sheet.

TOTAL CASH ON HAND 10/9/2013	1,918,188.28
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CITY OF CENTRAL
DEBIT CREDIT CARD PURCHASES

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
9/30/2013	Mid City Grille	Lunch-Manager	11.34
10/3/2013	Millie's	Visioning Dinner	42.32
10/7/2013	Arcadia Publishing		184.72
TOTAL for Debit Cards			238.38

CASH FLOW
CHECK LISTING

10/10/2013

Inv Date	Inv #	Ck. Date	CK#	Vendor	Description	Amount	Mail Date
10/3/13	100313	10/3/13	127173	Irene Abbosch	415 S. James HP Grant	2,294.13	
8/31/13	730006713	10/3/13	127174	DPC Industries	Chlorine for Water Plant	30.00	
9/24/13	193386	10/3/13	127175	Albert Frei and Sons	Road Base	84.10	
9/18/13	11157111	10/3/13	127176	Bobcat of the Rockies	Filters and Oil	815.35	
9/16/13	131516	10/3/13	127177	CIRSA	WC and PC Deductibles	2,000.00	
9/24/13	5751152114	10/3/13	127178	Clear Creek Supply	Key Copies	3.96	
9/23/13	517941	10/3/13	127179	Den-Col Supply Company	PW Supplies	106.37	
9/30/13	72586386	10/3/13	127180	GCR Truck Center	Tires for Water Truck	946.00	
10/3/13	Oct-13	10/3/13	127181	Gilpin Ambulance	Amulance Service for October	12,750.00	
3/8/13	264530	10/3/13	127182	Mountain States Employers	2nd Qtr Membership Dues	735.94	
9/20/13	257216	10/3/13	127183	Napa Auto Parts	PW Supplies	77.31	
9/26/13	955471	10/3/13	127184	Office Stuff	Coffee and Heater for PD	54.78	
9/24/13	92413	10/3/13	127185	Xcel	Electricity	203.32	
9/17/13	B486666	10/3/13	127186	HD Supply Water Works	Water Plant Supplies	1,883.64	
9/16/13	91613	10/3/13	127187	Century Link	Telephone and Fax Lines	843.37	
10/1/13	cc1100113	10/3/13	127188	Weekly Register Call	Publications for Annexations-Escrowed	1,902.60	
9/22/13	92213	10/3/13	127189	Walmart	Finance Charges	31.48	
9/19/13	900017973	10/3/13	127190	CO Dept of Public Health	Annual Fee	865.00	
10/3/13	560623	10/3/13	127191	Pitney Bowes	Postage Machine Rental	32.25	
9/25/13	8571	10/3/13	127192	Deere & Ault	Water Accounting/Diligence Apps	33,959.58	
9/13/13	330524	10/3/13	127193	Aflac	Supplemental Insurance Premiums	683.92	
9/5/13	8920	10/3/13	127194	Allen Technology	Monthly IT Maintenance	3,210.00	
10/1/13	4498	10/3/13	127195	Ausmus Law Firm	Prosecution for October	600.00	
9/26/13	92613	10/3/13	127196	Gunther Haffke	Volunteer Firefighter Reimbursed Supplies	245.02	
10/1/13	997	10/3/13	127197	Prospectors Run HOA	Mack Road Snow Removal October	800.00	
9/16/13	9711663798	10/3/13	127198	Verizon Wireless	Water General Internet	80.07	
9/23/13	D942030	10/3/13	127199	Accutest Mountain States	Water Testing	140.00	
10/3/13	100313	10/3/13	127200	Alan Lanning	October Mileage and Add'l for Sept	460.01	cldr
9/21/13	11307291	10/3/13	127201	Integra Telecom	Telephone Services	726.74	
9/16/13	10905	10/3/13	127202	Safety & Construction Supply	Signs	306.68	
9/24/13	11582	10/3/13	127203	ROI Fire & Ballistics	Gloves and Boots for FD	299.00	
9/13/13	206682	10/3/13	127204	Rex Oil Company	Fuel	3,616.69	
9/20/13	92013	10/3/13	127205	Liberty National	Life Insurance Premiums	125.85	
10/9/13	1647347	10/3/13	127206	Western Paper Distributors	Gloves and Boots for FD	481.50	
9/30/13	2291	10/3/13	127207	Colorado Coach Transportation	Shuttle Service October	35,929.62	cldr
		10/11/13	127208-209	Payroll 10/11 Checks		1,015.18	
		10/11/13	127210	ICMA-401		1,873.05	
		10/11/13	127211	ICMA-457		1,981.34	
		10/11/13	127212	ICMA-IRA		381.00	
10/8/13	100813	10/8/13	127213	Employee	Pay Advance	800.00	Sent
10/1/13	4thqtr2013	10/9/13	127214	BH & CC Sanitation Distric	Sanitation for City Properties	592.00	
10/1/13	13070753	10/9/13	127215	Bobcat of the Rockies	Fuel Cap	24.32	

CASH FLOW
CHECK LISTING

10/10/2013

9/20/13	92013	10/9/13	127216	CIRSA	Property Casualty/Workers Compensation	29,027.01
9/23/13	8845	10/9/13	127217	CO. State Forest Service	Blood Alcohol Testing	20.00
10/10/13	101013	10/9/13	127218	Gilpin County Arts Assoc.	Payroll for Galleries	1,730.00
9/27/13	92713	10/9/13	127219	Home Depot	PW Supplies	307.81
9/25/13	50418890	10/9/13	127220	Matthew Bender and Co.	Officer's Handbook	416.31
10/2/13	97860828	10/9/13	127221	Nalco Chemical	Chemicals for Water Plant	1,946.70
9/26/13	54606	10/9/13	127222	OJ Watson	Cable and Dual Spreader Control	434.44
9/26/13	134525	10/9/13	127223	Precinct Police Products	PD Uniforms	523.73
10/3/13	100313	10/9/13	127224	Xcel Energy	Electricity	11,474.17
10/1/13	5558887	10/9/13	127225	HD Supply Water Works	Pipe	268.80
7/31/13	21307205	10/9/13	127226	Utility Notification Center	Line Locates and Transmissions	63.57
10/3/13	2013106014	10/9/13	127227	Anthem BCBS	Health Premiums	16,034.24
10/3/13	500031509	10/9/13	127228	CO Dept of Public Health	Permit	475.00
10/1/13	32225	10/9/13	127229	One Way Inc.	Residential Trash Service	4,041.75
10/9/13	100913	10/9/13	127230	Skybeam	Internet for Water Plant	75.55
10/1/13	20124	10/9/13	127231	Allied Towing	Tire Repair PD	25.00
9/26/13	10628295	10/9/13	127232	Stanley Convergent	Repair Fire Alarm System, Monitoring Alarms	1,003.30
8/5/13	359706	10/9/13	127233	Golder Associates	Water Plant Computer Work	357.09
10/10/13	120369	10/9/13	127234	Air-O-Pure	Restroom at City Shops	95.00
9/26/13	92613	10/9/13	127235	USA Communications	Internet for Townhomes and PW	210.35
10/1/13	20130805	10/9/13	127236	Omni-Pro Cleaning	Cleaning City Hall and Carpet Cleaning	850.00
10/1/13	100113	10/9/13	127237	T&D Car Washes	PD Carwashes	101.20
9/23/13	12288414	10/9/13	127238	Martin Marietta Materials	Asphalt	165.23
9/25/13	72234	10/9/13	127239	Gard Specialists CO	Shaker Screen	41.54
10/1/13	1018074937	10/9/13	127240	Waste Management	Pumpster Pickups	3,393.88
9/25/13	190335	10/9/13	127241	Buckeye Welding Supply	Oxygen and Nitrogen	13.00
10/10/13	101013	10/9/13	127242	Patrc Stanton	Uniform Reimbursement	146.11
10/7/13	100713	10/9/13	127243	Pearl Dixon	Refund Overpayment	15.00
9/10/13	CD20132066	10/9/13	127244	Envirotech	PW Supplies-Tote	962.80
9/20/13	1019756502	10/9/13	124245	AW Direct	FD Tool-Passport Tool	176.67
Total Issued:						213,269.26
Outstanding through ENB						59.00
Outstanding through COB						24,823.84
Approved & Sent Checks:						24,882.84
Cird & Pending Approval:						36,389.63
Voided Checks:						-
Total Pending Approval 10/15/13						188,386.42

**CITY OF CENTRAL
CITY COUNCIL MEETING
October 1, 2013**

CALL TO ORDER

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:05 p.m., in City Hall on October 1, 2013.

ROLL CALL

Present: Mayor Engels
Alderman Voorhies
Alderman Gaines
Alderman Heider
Alderman Spain

Absent: None

Staff Present: Manager Lanning
City Clerk Bechtel
Attorney McAskin
Finance Director Flowers
Planner/HPO Fejeran
Fire Chief Allen
Utilities Superintendent Griffith
Streets/Facilities Superintendent Braccio

ADDITIONS AND/OR AMENDMENTS TO THE AGENDA

Mayor Engels added Lawrence Street Waterline Project as Item 12a.

CONFLICTS OF INTEREST

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

CONSENT AGENDA

Alderman Gaines moved to approve the consent agenda containing the regular bill lists for September 19 and 26, 2013; and the City Council minutes for the regular meeting on September 17, and the special meetings on September 23 and 24, 2013. Alderman Spain seconded, and without discussion, the motion carried unanimously.

PUBLIC FORUM/AUDIENCE PARTICIPATION

No one requested time to address the Council.

NEW BUSINESS

Resolution No.13-20: *A resolution of the City Council of the City of Central, Colorado setting forth certain findings of fact and conclusions as to the annexation of certain property known as the Iowa Lode Mining Claim.*

Resolution No.13-21: *A resolution of the City Council of the City of Central, Colorado setting forth certain findings of fact and conclusions as to the annexation of certain property known as the Prospector's Run – BLM Transfer Property Annexation.*

Attorney McAskin explained that the City Council is being asked to consider two resolutions pertaining to petitions for annexation filed of record with the City.

Two petitions (collectively, the "Petitions") have been filed: a petition for annexation pertaining to the Iowa Lode Mining Claim (consisting of 4.81 acres, more or less) (the "Iowa Lode Property") and a petition for annexation pertaining to the Prospector's Run – BLM Property transfer annexation (consisting of 4,400 square feet, more or less) (the "Prospector's Run Property") (together, the "Subject Properties"). The Petitions were determined to be in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S §§ 31-12-101 et seq., as amended (the "Act"), and the eligibility hearings on the Petitions were scheduled for October 1, 2013.

Before City Council may proceed to consider the annexation of either of the Subject Properties, the City is required to hold a public hearing on each of the Iowa Lode Property and the Prospector's Run Property to determine whether or not the Subject Properties meet certain statutory requirements set forth in Act, and are therefore "eligible" for annexation into the City of Central.

By approving Resolution Nos. 13-20 and 13-21, City Council will confirm that the Subject Properties are eligible for annexation into the City, and the City Council may then proceed to determine whether it desires to annex each of the Subject Properties (via Ordinance Nos. 13-11 and 13-13 which are also scheduled on the October 1, 2013 City Council agenda). Staff is recommending approval of Resolution Nos. 13-20 and 13-21.

There are three major procedural steps required for a voluntary annexation. The first two steps, Substantial Compliance and the Eligibility Hearing, are procedural in that City Council's role is to determine whether or not an annexation request meets requirements of the Act. The third step is a legislative determination of City Council as to whether it wishes to annex the Property. The following is a summary of the three steps:

- A. Substantial Compliance – City Council must determine if each Petition meets the requirements set forth in C.R.S. § 31-12-107(1). As set forth later in this Council Communication Form, as part of the Substantial Compliance determination, City Council is required to set the date and time of the Eligibility Hearing.
- B. Eligibility – After public notice in accordance with the requirements of the Act, City Council must determine if the requested annexation meets the applicable provisions of the Act and the Colorado Constitution, and is therefore eligible for annexation into the City. The Eligibility Hearing must occur between thirty (30) and sixty (60) days after the Substantial Compliance Hearing.
- C. Annexation and Zoning – Once an annexation request has been deemed eligible, City Council can proceed with the annexation and zoning hearings. The first two steps determine whether the Property described in each of the Petitions *may* be annexed; this step determines whether said Property *should* be annexed. City Council is scheduled to take action on this third step immediately following the conclusion of the Eligibility Hearing (via Ordinance Nos. 13-11 and 13-13).

Eligibility Hearing Procedure

Any person may appear at the eligibility hearings and present evidence to City Council as to whether each of the Iowa Lode Property or the Prospector's Run Property meets the eligibility requirements for annexation set forth in the Act.

Analysis

Following conclusion of the public hearing, § 31-12-110, C.R.S., requires City Council to set forth its findings of fact and conclusion with respect to the following matters:

- 1) Whether or not the requirements of the applicable provisions of Section 30 of Article II of the Colorado Constitution and § 31-12-104 and § 31-12-105, C.R.S., have been met;
- 2) Whether or not an election is required under Section 30(1)(a) of Article II of the Colorado Constitution and § 31-12-107(2) C.R.S.; and
- 3) Whether additional terms and conditions are to be imposed.

Attorney McAskin noted that both applicants are present. Staff is requesting that City Council approve Resolution 13-20 (Iowa Lode Property) and Resolution 13-21 (Prospector's Run Property) following a review of the applicable statutory criteria. The City Attorney will review the applicable criteria prior to the public hearing.

Mayor Engels opened the public hearing at 7:12 p.m. on Resolution No.13-20 and invited comment. Hearing no comment, Mayor Engels closed the public hearing at 7:13 p.m.

Alderman Voorhies moved to approve Resolution No.13-20: A resolution of the City Council of the City of Central, Colorado setting forth certain findings of fact and conclusions as to the annexation of certain property known as the Iowa Lode Mining Claim, based on a finding that the property is eligible for annexation to the City of Central. Alderman Gaines seconded, and without discussion, the motion carried unanimously.

Mayor Engels opened the public hearing at 7:15 p.m. on Resolution No.13-21 and invited comment. Hearing no comment, Mayor Engels closed the public hearing at 7:15 p.m.

Alderman Voorhies moved to approve Resolution No.13-21: A resolution of the City Council of the City of Central, Colorado setting forth certain findings of fact and conclusions as to the annexation of certain property known as the Prospector's Run – BLM Transfer Property Annexation, based on a finding that the property is eligible for annexation to the City of Central. Alderman Spain seconded, and without discussion, the motion carried unanimously.

SECOND READING AND PUBLIC HEARING

Ordinance No. 13-11: *An ordinance of the City Council of the City of Central, Colorado annexing certain territory to the City known as the Iowa Lode Mining Claim.*

Ordinance No. 13-12: *An ordinance of the City Council of the City of Central, Colorado establishing the initial zoning of property known as the Iowa Lode Mining Claim as Medium-Density Residential (MDR) and amending the official zoning map.*

Attorney McAskin explained that the City Council is being asked to consider two ordinances pertaining to a petition for annexation filed of record with the City on second reading. A petition for annexation has been filed for the Iowa Lode Mining Claim (consisting of 4.81 acres, more or less) (the "Petition"). By Resolution No. 13-14, City Council found the Petition to be in substantial compliance with the Municipal Annexation Act and scheduled the eligibility hearing for Tuesday,

October 1, 2013. The eligibility hearing must be completed prior to City Council's consideration of the two ordinances.

Ordinance No. 13-11 annexes the property described in the petition (the "Subject Property") into the City of Central. Ordinance No. 13-12 establishes the initial zoning of the Subject Property. These two (2) Ordinances were considered and approved on first reading at the September 17, 2013 City Council meeting. The Petitioner has entered into a reimbursement agreement with the City to ensure that the City's costs associated with processing with the annexation are paid by the Petitioner.

Staff will complete all necessary filings with the County to complete the annexation, as required by the Municipal Annexation Act of 1965. Upon approval of the initial Medium-Density Residential (MDR) zoning, the City's zoning map will be updated accordingly.

Mayor Engels opened the public hearing at 7:18 p.m. on Ordinance No.13-11 and invited comment. Hearing no comment, Mayor Engels closed the public hearing at 7:18 p.m.

Alderman Gaines moved to adopt Ordinance No. 13-11: An ordinance of the City Council of the City of Central, Colorado annexing certain territory to the City known as the Iowa Lode Mining Claim. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Mayor Engels opened the public hearing at 7:20 p.m. on Ordinance No.13-12 and invited comment. Rita Lee questioned what construction is occurring on the hillside which is impacting the culvert. City Planner Fejeran stated that the property owner has placed a small greenhouse to evaluate solar on the site and which is less than 120 sq ft so it did not require a building permit from the county. When the annexation is complete, they will be required to meet all City regulations and building code. Mayor Engels closed the public hearing at 7:24 p.m.

Alderman Voorhies moved to adopt Ordinance No. 13-12: An ordinance of the City Council of the City of Central, Colorado establishing the initial zoning of property known as the Iowa Lode Mining Claim as Medium-Density Residential (MDR). Alderman Spain seconded, and without discussion, the motion carried unanimously.

Ordinance No. 13-13: An ordinance of the City Council of the City of Central, Colorado annexing certain territory to the City known as the Prospector's Run – BLM transfer property annexation.
Ordinance No. 13-14: An ordinance of the City Council of the City of Central, Colorado establishing the initial zoning of property known as the Prospector's Run – BLM transfer property as Planned Unit Development (PUD) and amending the official zoning map.

Attorney McAskin explained that the City Council is being asked to consider two ordinances pertaining to a petition for annexation filed of record with the City on second reading. A petition for annexation has been filed for the Prospector's Run – BLM Transfer Property (consisting of 0.10 acres, more or less) (the "Petition"). By Resolution No. 13-15, City Council found the Petition to be in substantial compliance with the Municipal Annexation Act and scheduled the eligibility hearing for Tuesday, October 1, 2013. The eligibility hearing is required to be completed prior to City Council's consideration of these two ordinances.

Ordinance No. 13-13 annexes the property described in the petition (the "Subject Property") into the City of Central. Ordinance No. 13-14 establishes the initial zoning of the Subject Property. The

two (2) Ordinances were considered and approved on first reading at the September 17, 2013 City Council meeting. The Petitioner has entered into a reimbursement agreement with the City to ensure that the City's costs associated with processing with the annexation are paid by the Petitioner.

Staff will complete all necessary filings with the County to complete the annexation, as required by the Municipal Annexation Act of 1965. Upon approval of the initial PUD zoning, the City's zoning map will be updated accordingly.

Mayor Engels opened the public hearing at 7:19 p.m. on Ordinance No.13-13 and invited comment. Hearing no comment, Mayor Engels closed the public hearing at 7:19 p.m.

Alderman Gaines moved to adopt Ordinance No. 13-13: An ordinance of the City Council of the City of Central, Colorado annexing certain territory to the City known as the Prospector's Run – BLM transfer property annexation. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Mayor Engels opened the public hearing at 7:25 p.m. on Ordinance No.13-14 and invited comment. Hearing no comment, Mayor Engels closed the public hearing at 7:25 p.m.

Alderman Gaines moved to adopt Ordinance No. 13-14: An ordinance of the City Council of the City of Central, Colorado establishing the initial zoning of property known as the Prospector's Run – BLM transfer property as Planned Unit Development (PUD) and amending the official zoning map. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Lawrence Street Waterline Project

Joe Behm, CCBID, stated that the timing for this project has been impacted by the flood issues and damage to the roadways in the state. This has caused additional issues such as heavy load vehicles using the Parkway to access Highway 119. There are economic impacts from this project to our businesses and now there are health, safety, and welfare issues with traffic delays for emergency and fire response. The CCBID is asking to delay the project until Gregory street can be widened for two-way traffic.

John Zimpel, owner of Johnny Z's Casino at 132 Lawrence Street, asked for Council to consider postponing the project unless Gregory can be widened due to the Central City Parkway being used for emergency traffic and supplies to Estes Park which will cause massive backups through both Central City and Black Hawk.

Ann Dodson, Easy Street Casino, stated she was completely surprised to hear that Gregory will not be widened due to the flood and the increased traffic which will cause larger impacts to the businesses. It seems that there were some communication issues on 9/24 as the BID had come together and agreed to a formula for funding a portion of the cost. To proceed without widening or at least full time flaggers will be an impact that may not be possible to overcome.

Roy Varela, Heritage West Realty at 430 Lawrence Street, stated that there have been thousands of trucks using Highway 119 since the flood and it is overloaded therefore it may be best to postpone the project until spring.

Mayor Engels reminded Council that we held two special meetings last week to discuss this traffic concern and there was discussion with the owners through the BID.

Alderman Gaines stated that we voted a few months ago to get this project done before winter since we have homes with no water as well as a fire hydrant that is not effective.

Manager Lanning stated that the estimate from the contractor came in at \$60,000 and there is an estimate of \$124,000 to provide flaggers for the entire 45 day project. Staff can put together numbers tomorrow for what it will cost now to change the project and widen Gregory Street and the additional cost to halt the project for the remainder of this week.

Alderman Spain stated that we owe it to the businesses to give this a couple of extra days and reconsider the options.

Mayor Engels directed staff to post a special meeting on 10/3 and gather the cost estimates to change the project to include widening of Gregory Street.

STAFF REPORTS

Manager Lanning reported the following:

Water Attorney – scheduled for 10/15

Budget Presentation – 10/15 meeting

COUNCIL COMMENTS

Alderman Gaines questioned the timeline for the Quartz Hill Project which was to be started by 10/1. Also, a thank you for staff attendance at the FEMA meeting and an apology to Manager Lanning, Chief Allen and Chief Krelle not attending a prior meeting that was cancelled. Gilpin County has applied for assistance related to the flood.

PUBLIC FORUM/AUDIENCE PARTICIPATION

John Zimpel restated that it is important to negotiate with the contractor to keep the costs down if this change is considered and offered to contribute \$27,000 as this is very important to his business.

Hearing no further business, Mayor Engels adjourned the meeting at 8:03 p.m.
The next Council meeting is scheduled for October 15, 2013 at 7:00 p.m.

Ronald E. Engels, Mayor

Reba Bechtel, City Clerk

**CITY OF CENTRAL
CITY COUNCIL MEETING
October 3, 2013**

CALL TO ORDER

A special meeting of the City Council for the City of Central was called to order by Mayor *pro tem* Spain at 6:00 p.m., in City Hall on October 3, 2013.

ROLL CALL

Present: Mayor *pro tem* Spain
Alderman Voorhies
Alderman Gaines
Alderman Heider

Absent: Mayor Engels

Staff Present: Manager Lanning
City Clerk Bechtel
Finance Director Flowers
Planner/HPO Fejeran
Fire Chief Allen
Streets/Facilities Superintendent Braccio

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.

NEW BUSINESS

Lawrence Street Project

Manager Lanning explained that Staff has reviewed the time and materials estimate from the contractor and we think that \$30,000 to \$35,000 is a reasonable projection for cost with a high of perhaps \$50,000. This will require us to have one of our Superintendent's onsite for as long as it takes to complete the Gregory widening to manage the costs.

The widening of Gregory Street will include the following: moving one anchor Xcel power pole which is scheduled for Tuesday; making Lawrence Street two-way while Gregory Street is widened; the city crew will cap the fire hydrant and prep the creek side of the street; the contractor will excavate some of the hillside in three choke points with one spot 21 feet wide instead of 24 feet wide; and message boards at both ends to encourage business.

The costs will be sorted out at the end of next week when we have the final costs and we estimate that the City's portion may be roughly \$16,000. We would like the cost for the BHCCSD to be less than what they have offered since they do not have any specific benefit in this widening of Gregory Street.

Alderman Heider stated that the reason to make this change to the project now is due to the flood that has knocked out other roadways and has caused increased traffic through Central City.

Mayor *pro tem* Spain agreed.

Alderman Gaines agreed and stated for the record that going forward, she will not go back on a decision Council has made when challenged by any entity and therefore this change is not an indicator of precedence.

Mayor *pro tem* Spain stated that we need more input from the businesses on a project such as this.

Alderman Gaines stated that communication needs to be better though that was not the issue on this project. We have held several meetings on this and we gave public notice on all those meetings and if someone would like more information, they can call city staff. We voted on this since we perceived it as an immediate threat and we did not want to go through the winter with this line problem. As a council, we are tasked to do what is best for the city as a whole.

Alderman Voorhies agreed that it is not ok to have Council change their mind on decisions already made.

Alderman Heider moved to approve option 3 to widen Gregory Street to two way traffic and have staff babysit the project to keep costs down. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Hearing no further business, Mayor *pro tem* Spain adjourned the meeting at 6:27 p.m. The next regular Council meeting is scheduled for October 15, 2013 at 7:00 p.m.

Bob Spain, Mayor *pro tem*

Reba Bechtel, City Clerk



AGENDA ITEM #7

CITY COUNCIL COMMUNICATION FORM

FROM: Shannon Flowers, Finance Director

DATE: October 8, 2013

ITEM: Presentation of Draft 2014 Budget

NEXT STEP: Make a motion to accept the 2014 Proposed Budget

ORDINANCE
 MOTION
 INFORMATION

- I. **REQUEST OR ISSUE:** In accordance with C.R.S. § 29-1-105, the budget officer for the City is required to submit the proposed budget for the following year to the City Council by October 15th. Presentation of the 2014 Proposed Budget does not mean that the budget has been adopted or that revisions cannot/will not be made prior to actual adoption. By formally presenting the 2014 Proposed Budget to Council the document becomes available for inspection by the public. Following this meeting a "Notice of Budget" will be published in accordance with C.R.S. § 29-1-106. The Notice of Budget must state that the budget is available for inspection by the public at City Hall, give the date and time of the budget hearing, and state that any interested elector may file objections any time prior to its adoption.

Based on previous discussions with Council during the budget work sessions, there will be a first reading and a second reading as well as a public hearing of the budget ordinance. It is expected that the 2014 Budget Ordinance will have its first reading on November 5, 2013. The public hearing will be held on November 19, 2013. Revisions can be made to the Proposed Budget at any time prior to final adoption on November 19, 2013.

All narratives and the Budget Message will be included for the first reading on November 5, 2013.

- II. **RECOMMENDED ACTION / NEXT STEP:** Make a motion to accept the 2014 Proposed Budget.

III. **FISCAL IMPACTS:** Please see Page 1, Consolidated Fund Statement for the total revenues and expenditures proposed for all funds in 2014.

IV. **BACKGROUND INFORMATION:**

- A 2% cost of living adjustment and a possible 3% merit increase are reflected for all salaries and wages.
- Council has funded capital purchases out of the General Fund as follows:
 - Accounting software \$50,000
 - Lease purchase of police vehicle-3 yrs. approx. \$25,000 per year
 - Lease purchase of extrication, stabilization and bunker equipment for Fire Dept-3 yrs. Approx. \$40,000 per year
 - Lease purchase of snow plow-approx. down payment of \$40,000 and 3 yrs. approx. \$45,000 per year
- Historic Preservation Fund reflects a transfer of \$120,000 to the Water Fund for infrastructure and capital improvements as well as funds for the repair of the Nevada Street rock wall, marketing and events, the painting of the Fire Station and replacement of garage door.
- Conservation Trust Fund-entire fund balance has been reserved for a possible GOCO grant match for the Chase Gulch Reservoir Trail System
- The Water Fund reflects no changes in rate structures for commercial or residential water users. Full meter payback has been reflected for commercial users and ½ of meter payback for residential users.

V. **LEGAL ISSUES:** The City is meeting statutory requirements by presenting the 2014 Proposed Budget to Council prior to October 15th.

VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** None

VII. **SUMMARY AND ALTERNATIVES:**

1. Make a motion to accept the 2014 Proposed Budget and set a date for the next Council budget work session

2014 PROPOSED BUDGET CONSOLIDATED FUND STATEMENT

	General Fund	Historic Preservation Fund	Debt Service Fund	CTF Fund	Impact Fees Fund	Pub. Property Devel Fund	Water Fund	Tabor Reserve Fund	TOTAL
Beginning Fund Balance	1,557,731	451,750	-	53,871	(129,585)	103,178	-	204,608	2,241,553
Sources of Fund									
REVENUES									
Taxes	1,765,600	-	-	-	-	-	-	-	1,750,600
Tap/Impact Fees	-	-	-	-	-	-	-	-	-
Special Assessments	2,761,133	-	-	-	-	-	-	-	2,761,210
Licenses, Fees, Permits	37,700	-	-	-	-	-	-	-	37,700
Intergovernmental	68,000	415,805	-	5,000	-	-	-	-	469,675
Charges for Services	95,285	500	-	-	-	-	636,876	-	754,383
Fines	40,000	-	-	-	-	-	-	-	40,000
Grants	-	-	-	-	-	-	-	-	-
Interest Income	200	200	-	20	-	450	-	120	990
Miscellaneous	92,000	7,700	-	-	-	-	-	-	99,700
Total Revenue	4,859,918	424,205	-	5,020	-	450	636,876	120	5,914,258
Expenses by Category									
Personnel Services	1,762,750	73,570	-	-	-	-	230,458	-	2,074,683
Operating & Maint.	1,546,605	139,441	-	-	-	-	240,999	-	1,854,512
Professional Services	471,450	-	-	-	-	-	145,000	-	528,650
Council	63,878	-	-	-	-	-	-	-	43,878
CCP	172,269	-	-	-	-	-	-	-	142,269
Grants & Projects	-	229,702	-	-	-	-	-	-	57,702
Debt Principal	-	-	-	-	-	-	-	-	-
Debt Interest	-	-	-	-	-	-	-	-	-
Capital Outlay	409,005	-	-	-	-	103,628	169,200	-	213,205
Miscellaneous	-	-	-	-	-	-	-	-	-
Total Expenses	4,425,957	442,713	-	-	-	103,628	785,658	-	4,914,899
Interfund Loans/Transfers	(28,781)	(120,000)	-	-	-	-	-	-	(148,781)
Ending Fund Balance	1,962,911	313,242	-	58,891	(129,585)	-	45,050	204,728	2,455,237
<i>Reserved for Specific Purposes</i>	-	-	-	-	-	-	-	-	-
<i>Reserved</i>	-	-	-	58,891	-	-	-	-	58,891
Unreserved Balance	1,962,911	313,242	-	-	(129,585)	-	45,050	204,728	2,396,346
Incr (Decr) in Balance	405,180	199,448	-	5,020	-	450	45,050	(204,608)	450,540
Ending Fund Balance	1,962,911								
Water Loan Rcvbl	(1,232,994)								
Approx Ending CASH	729,917								**

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**2014 PROPOSED BUDGET
GENERAL FUND-FUND STATEMENT**

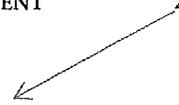
	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
Beginning Fund Balance	1,083,488	204,049	919,840	1,153,136	1,594,416	1,557,731
Sources of Fund						
REVENUES						
Taxes	1,532,596	1,865,082	1,669,754	1,645,280	1,521,788	1,765,600
Special Assessments	2,286,153	2,438,660	2,666,889	2,737,774	2,450,563	2,761,133
Licenses, Fees & Permits	39,890	66,600	28,399	26,300	23,810	37,700
Intergovernmental	67,141	69,192	80,471	67,627	64,855	68,000
Charges for Services	46,572	62,932	105,221	90,775	97,998	95,285
Miscellaneous	207,035	311,511	434,877	98,872	206,059	132,200
Total Revenue	4,179,387	4,813,977	4,989,997	4,666,628	4,365,073	4,859,918
Expenditures by Department						
City Clerk	86,338	106,814	98,574	116,469	106,361	115,822
Judicial	41,502	44,382	48,637	55,759	49,104	51,910
City Manager/General Administration	899,570	976,065	812,733	826,631	797,583	854,715
Finance	185,843	186,013	187,901	191,433	196,031	262,956
Community Development	137,962	199,561	213,293	170,944	207,436	130,117
Police	378,771	454,155	755,747	757,893	782,864	844,776
Fire & Ambulance	313,046	357,358	412,039	349,355	419,429	436,164
Public Works	1,401,937	1,770,165	1,812,239	1,678,160	1,528,501	1,593,554
Public Relations	41,344	35,993	207,554	56,010	80,961	135,942
Visitors Center	37,500	-	-	-	-	-
Total Expenditures	3,523,813	4,130,506	4,548,717	4,202,654	4,168,270	4,425,957
Transfers In (Out) of Fund	(307,709)	32,320	-	(17,387)	(233,488)	(28,781)
Previous Period Adjustment	(1,229,715)	-	-	-	-	-
Ending Fund Balance	201,638	919,840	1,361,120	1,599,723	1,557,731	1,962,911
Reserved for Specific Purposes	-	-	-	100,602	-	-
Reserved	-	-	-	570,000	-	700,000
Unreserved	201,638	919,840	1,361,120	929,121	1,557,731	1,262,911
Increase (Decrease) in Fund Balance	(881,850)	715,791	441,280	446,587	(36,685)	405,180
Ending Balance		919,840	1,361,120	929,121	1,557,731	1,962,911
Water Fund Loan Amount Owed		(1,089,000)	(1,089,000)	(1,089,000)	(1,089,000)	(1,232,994)
Approximate Cash in GF		(169,160)	272,120	(159,879)	468,731	729,917

AMOUNT AVAILABLE TO USE FOR CAPITAL/EQUIPMENT

(Based on Reserve amount of \$700,000)

TO be used for the addition of a PW Employee

29,917



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**2014 PROPOSED BUDGET
GENERAL FUND SUMMARY**

DEPARTMENT	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
CITY CLERK TOTALS	86,338	106,814	98,574	116,469	106,361	115,822
JUDICAL DEPARTMENT TOTALS	41,502	44,382	48,637	55,759	49,104	51,910
CITY MANAGER/GEN ADMIN TOTALS	899,570	976,065	812,733	826,631	797,583	854,715
FINANCE DEPT TOTALS	185,843	186,013	187,901	191,433	196,031	262,956
COMMUNITY DEVELOPMENT TOTALS	137,962	199,561	213,293	170,944	207,436	130,117
PUBLIC WORKS TOTALS	1,401,937	1,770,165	1,812,239	1,678,160	1,528,501	1,593,554
POLICE DEPARTMENT TOTAL	378,771	454,155	755,747	757,893	782,864	844,776
FIRE & AMBULANCE TOTALS	313,046	357,358	412,039	349,355	419,429	436,164
PUBLIC RELATIONS TOTALS	41,344	35,993	207,554	56,010	80,961	135,942
VISITORS CENTER TOTALS	37,500	-	-	-	-	-
TOTAL EXPENDITURES	3,523,813	4,130,506	4,548,717	4,202,654	4,168,270	4,425,957
<i>Revenues</i>	4,179,387	4,813,977	4,985,611	4,666,628	4,365,073	4,859,918
<i>Expenses</i>	3,523,813	4,130,506	4,548,717	4,202,654	4,168,270	4,425,957
<i>Excess of Revenues Over Expenditures</i>	655,574	683,471	436,894	463,974	196,803	433,961
<i>Transfer Out Debt Service</i>	(304,897)	(34,361)	-	(17,387)	(233,488)	-
<i>Transfers-Other</i>	(2,812)	66,681	-	-	-	-
<i>Loan to Water Fund</i>	-	-	-	-	-	(28,781)
<i>Total Other Financing Sources (Uses)</i>	(307,709)	32,320	-	(17,387)	(233,488)	(28,781)
<i>Net Change in Fund Balance</i>	347,865	715,791	436,894	446,587	(36,685)	405,180
Beginning Fund Balance	1,083,488	204,049	1,153,136	1,153,136	1,594,416	1,557,731
Previous Period Adjustment	(1,229,715)	-	-	-	-	-
Ending GF Balance	201,638	919,840	1,590,030	1,599,723	1,557,731	1,962,911
Reserved for Specific Purposes	-	-	-	100,602	-	-
Reserved	-	-	-	570,000	-	-
Unreserved Fund Balance	-	-	-	929,121	1,557,731	1,962,911

2014 PROPOSED BUDGET
GENERAL FUND REVENUES BY SOURCE

	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
TAXES						
01-311-1000 General Property Taxes	20,205	22,552	19,114	31,000	21,863	311,000
01-311-0001 Delinquent Tax/Interest	88	3,350	168	120	100	600
01-311-0002 Miscellaneous Prop. Taxes	2,792	210	-	1,000	-	-
01-311-0000 Specific Ownership Tax	966	993	939	1,000	1,000	14,000
01-313-0000 Sales Tax Revenue	600,410	869,433	680,813	672,160	515,000	515,000
01-313-0001 Delinquent Sales Tax Charges	66	-	-	-	-	-
01-313-1000 Use Tax Revenue	18,838	57,264	9,081	20,000	20,097	20,000
01-313-3000 Lodging Tax	33,065	43,977	48,060	45,000	40,181	40,000
01-318-2000 Franchise Tax	49,938	54,618	69,697	60,000	68,974	65,000
01-335-9000 State Gaming Tax	806,228	812,685	841,882	815,000	854,573	800,000
<i>Subtotal Taxes</i>	<u>1,532,596</u>	<u>1,865,082</u>	<u>1,669,754</u>	<u>1,645,280</u>	<u>1,521,788</u>	<u>1,765,600</u>
SPECIAL ASSESSMENTS						
01-318-3000 Device Fees Machine Tax	1,565,659	1,746,974	1,936,649	1,977,991	1,740,649	1,651,795
01-318-3001 Device Fees 2 nd Add'l	156,495	174,618	193,577	197,709	173,985	437,604
01-318-3002 Century Device Fees	563,999	517,068	536,663	562,074	535,929	671,734
<i>Subtotal Special Assessments</i>	<u>2,286,153</u>	<u>2,438,660</u>	<u>2,666,889</u>	<u>2,737,774</u>	<u>2,450,563</u>	<u>2,761,133</u>
LICENSES, FEES & PERMITS						
01-321-1000 Liquor License	3,314	6,139	4,386	4,500	4,500	4,500
01-320-1000 Sales Tax License	3,110	8,910	12,023	3,500	1,603	10,000
01-320-1001 Business Licencse	3,130	2,600	1,125	-	150	1,100
01-320-1002 Dispensary License	7,200	1,200	1,200	2,400	2,400	2,400
01-322-7000 Sign License	1,000	975	350	400	461	500
01-321-6000 Contractors License	3,548	4,738	3,675	2,500	2,811	3,200
01-322-1000 Building Permits	15,436	30,576	6,569	10,000	10,505	13,000
01-341-5000 Other Licenses, Fees & Per	3,152	11,462	3,457	3,000	1,380	3,000
<i>Subtotal Licenses, Permits & Fees</i>	<u>39,890</u>	<u>66,600</u>	<u>28,399</u>	<u>26,300</u>	<u>23,810</u>	<u>37,700</u>
INTERGOVERNMENTAL						
01-334-2000 Grant Revenues	-	-	9,748	-	-	-
01-335-4000 Highway User Tax Fund	48,447	44,979	49,279	48,000	48,000	48,000
01-335-5000 Road & Bridges	13,105	17,305	12,580	15,957	13,000	13,800
01-335-6000 Cigarette Tax	1,449	1,951	1,904	1,569	1,754	1,500
01-335-4002 State Mineral Lease Distribution	704	414	392	601	601	500
01-335-4003 State Severance Tax Distribution	3,436	4,543	6,568	1,500	1,500	4,200
<i>Subtotal Intergovernmental Revenue</i>	<u>67,141</u>	<u>69,192</u>	<u>80,471</u>	<u>67,627</u>	<u>64,855</u>	<u>68,000</u>
CHARGES FOR SERVICES						
01-341-1000 Court Costs	1,240	1,300	3,970	5,000	11,323	9,000
01-341-2000 Other (Pub, Cop, B/D Cert)	768	229	573	863	350	700
01-341-3000 Design Review Fees	9,209	17,933	7,825	5,000	5,153	5,000
01-341-6000 Elevator Inspection Fee	-	-	180	8,616	8,616	9,500
01-342-1000 City Performed Services	-	357	9,265	290	-	500
01-342-1000 Fingerprinting Services	2,875	3,025	2,223	3,281	2,837	2,500
01-347-8000 Marketing Revenues-Events	1,855	1,000	729	-	-	-
01-363-1000 Lease Revenue	30,625	39,088	80,456	67,725	69,719	68,085
<i>Subtotal Charges for Services</i>	<u>46,572</u>	<u>62,932</u>	<u>105,221</u>	<u>90,775</u>	<u>97,998</u>	<u>95,285</u>

**2014 PROPOSED BUDGET
GENERAL FUND REVENUES BY SOURCE**

	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
MISCELLANEOUS						
01-351-1000 Fines	44,929	51,643	48,182	55,000	38,654	40,000
01-361-0000 Interest Income	297	(102)	209	100	100	200
01-362-2000 Surplus Sale Revenue	24,095	13,612	88,478	5,000	50,000	10,000
01-390-0000 Other Misc Revenue	9,829	63,242	6,808	10,000	40,000	10,000
01-391-0001 Sale of Property/Transfers In	-	66,720	-	-	-	-
01-390-2003 Deferred Revenue Recog.	2,540	43,449	53,011	5,449	-	-
01-390-0422 Fire Department Revenue	345	2,470	6,085	3,323	9,811	3,000
01-390-2000 Employee Medical Payments	-	-	-	-	27,494	29,000
01-390-2001 BID CCP Maintenance	-	20,000	20,000	20,000	20,000	20,000
01-392-0000 Proceeds of Capital Lease	-	-	152,989	-	-	-
01-396-0000 Lawsuits/Insurance Settlements	<u>125,000</u>	<u>50,477</u>	<u>59,115</u>	<u>-</u>	<u>20,000</u>	<u>20,000</u>
<i>Subtotal Miscellaneous Revenue</i>	207,035	311,511	434,877	98,872	206,059	132,200
TOTAL REVENUES	4,179,387	4,813,977	4,985,611	4,666,628	4,365,073	4,859,918

2014 PROPOSED BUDGET
CITY CLERK

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
01-411-1100	SALARIES & WAGES	51,212	61,849	62,397	64,260	64,260	67,473
01-411-1101	EVENT COORDINATION	-	450	-	-	-	-
01-411-2100	HEALTH/DENTAL/VISION/LIFE/D&D	4,242	6,022	6,063	9,785	6,499	7,398
01-411-2200	FICA & MEDICARE	4,432	4,621	4,751	4,916	4,916	5,162
01-411-2210	SUTA	93	174	176	193	193	202
01-411-2300	401K	819	2,448	2,457	2,570	2,570	2,699
01-411-2310	457	1,228	-	-	-	-	-
01-411-2400	TRAINING	165	25	550	1,000	500	1,000
01-411-2600	WORKER'S COMPENSATION	670	1,326	1,980	1,756	1,597	2,634
	<i>Total Personnel Services</i>	<u>62,861</u>	<u>76,915</u>	<u>78,374</u>	<u>84,480</u>	<u>80,535</u>	<u>86,568</u>
01-411-3300	OTHER PROFESSIONAL SERVICES	381	-	-	-	100	-
01-411-3402	CODIFICATION	3,671	4,178	-	5,000	9,349	5,000
01-411-3301	IT SERVICES & SUPPORT	2,683	6,302	5,093	4,000	5,247	5,000
	<i>Total Professional Services</i>	<u>6,735</u>	<u>10,480</u>	<u>5,093</u>	<u>9,000</u>	<u>14,696</u>	<u>10,000</u>
01-411-2100	ELECTRICITY	3,797	3,974	3,245	2,651	3,106	3,417
01-411-3002	ELECTIONS EXPENSE	981	1,034	1,765	10,000	-	3,500
01-411-3401	RECORDS PRESERVATION	-	5,749	-	1,000	-	2,500
01-411-3403	FILING FEES	16	39	143	500	-	-
01-411-4110	SEWER	120	162	128	113	165	182
01-411-4303	BUILDING MAINTENANCE	4,856	2,980	1,165	1,429	770	1,165
01-411-4304	ALARMS MONITORING	194	268	814	275	379	1,000
01-411-5100	POSTAGE	363	720	666	662	825	866
01-411-5200	LIABILITY INSURANCE	92	76	108	187	1,500	1,575
01-411-5300	TELEPHONE	2,530	1,309	1,216	2,000	1,529	1,600
01-411-5410	CLASSIFIEDS	293	358	176	1,000	500	500
01-411-5420	LEGAL PUBLICATIONS	1,044	1,052	637	-	-	500
01-411-5611	CREDIT CARD PROCESSING FEES	104	47	90	100	24	100
01-411-5700	SUBSCRIPTIONS & MEMBERSHIPS	196	254	310	250	250	250
01-411-5800	TRAVEL	10	-	-	-	-	-
01-411-6110	OFFICE SUPPLIES & SMALL EQUIP	544	269	528	1,000	500	500
01-411-6111	STATIONARY/FORMS	445	49	75	250	250	250
01-411-6112	PHOTOCOPIER CHARGES	764	1,019	1,175	1,222	982	1,000
01-411-6114	SOFTWARE	150	60	120	350	350	350
	<i>Total Operating Expenses</i>	<u>16,499</u>	<u>19,419</u>	<u>12,361</u>	<u>22,989</u>	<u>11,130</u>	<u>19,254</u>
01-411-7430	FURNITURE AND FIXTURES	243	-	-	-	-	-
01-411-7431	COMPUTERS & SOFTWARE	-	-	2,746	-	-	-
	<i>Total Capital Outlay</i>	<u>243</u>	<u>-</u>	<u>2,746</u>	<u>-</u>	<u>-</u>	<u>-</u>
	CITY CLERK TOTALS	86,338	106,814	98,574	116,469	106,361	115,822

**2014 PROPOSED BUDGET
JUDICIAL DEPARTMENT**

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
01-412-1100	SALARIES & WAGES	26,280	25,849	27,234	26,545	25,293	27,869
01-412-2100	HEALTH/DENTAL/VISION/LIFE/D&	1,557	1,639	1,771	2,081	1,982	2,527
01-412-2200	FICA & MEDICARE	1,968	1,979	1,962	2,030	1,875	2,132
01-412-2210	SUTA	34	51	52	80	57	84
01-412-2300	401K RETIREMENT	662	675	665	710	692	744
01-412-2600	WORKER'S COMPENSATION	616	521	864	649	660	1,088
01-412-2400	TRAINING	100	20	20	100	50	100
	<i>Total Personnel Expenses</i>	<u>31,217</u>	<u>30,734</u>	<u>32,568</u>	<u>32,195</u>	<u>30,609</u>	<u>34,544</u>
01-412-3001	ATTORNEY/LEGAL	6,600	6,600	7,200	7,500	7,200	7,200
01-412-3301	IT MAINTENANCE	1,355	5,385	6,017	4,000	5,247	5,000
	<i>Total Professional Services</i>	<u>7,955</u>	<u>11,985</u>	<u>13,217</u>	<u>11,500</u>	<u>12,447</u>	<u>12,200</u>
01-412-3330	MUNICIPAL COURT EXPENSE	-	108	540	350	350	500
01-412-4100	ELECTRICITY	-	-	-	2,651	-	-
01-412-4110	SEWER	-	-	-	113	-	-
01-412-4303	BUILDING MAINTENANCE	-	-	-	1,429	-	-
01-412-5100	POSTAGE	-	-	-	662	-	-
0-412-5200	LIABILITY INSURANCE	92	102	106	187	2,206	2,316
01-412-5300	TELEPHONE	-	-	909	2,000	1,392	-
01-412-6110	OFFICE SUPPLIES	-	-	-	1,000	-	-
01-412-6111	STATIONARY/FORMS	233	-	160	500	-	250
01-412-6112	PHOTOCOPIER CHARGES	47	-	-	1,222	-	-
01-412-6114	SOFTWARE	-	-	-	350	-	-
01-412-5611	CREDIT CARD PROCESSING FEES	374	388	623	600	600	600
01-412-6110	OFFICE SUPPLIES	1,584	1,065	514	1,000	1,500	1,500
	<i>Total Operating Expenses</i>	<u>2,330</u>	<u>1,663</u>	<u>2,852</u>	<u>12,064</u>	<u>6,048</u>	<u>5,166</u>
JUDICIAL DEPARTMENT TOTALS		41,502	44,382	48,637	55,759	49,104	51,910

2014 PROPOSED BUDGET
CITY MANAGER/GEN. ADMINISTRATION

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
01-413-1100	SALARIES	201,294	118,200	115,791	114,444	114,444	120,166
01-413-2100	HEALTH/DENTAL/VISION/LIFE/D&I	8,286	15,779	15,629	18,775	21,495	17,695
01-413-2200	FICA & MEDICARE	11,499	8,306	8,605	8,755	8,755	9,193
01-413-2210	SUTA	427	440	442	343	445	360
01-413-2300	401K	3,043	4,365	-	4,578	-	-
01-413-2310	457	3,043	-	-	-	-	-
01-413-2400	TRAINING/CONFERENCES	654	12	-	2,000	100	1,500
01-413-2600	WORKER'S COMPENSATION	3,814	3,201	4,631	3,706	4,719	6,059
01-413-2901	CAR ALLOWANCE/MILEAGE	-	-	-	3,000	3,000	3,700
	<i>Total Personnel Services</i>	<u>232,060</u>	<u>150,303</u>	<u>145,098</u>	<u>155,601</u>	<u>152,958</u>	<u>158,673</u>
01-413-1101	MAYOR & COUNCIL SALARIES	30,372	29,464	31,701	34,025	34,025	34,025
01-413-2201	FICA & MEDICARE	2,324	2,288	2,359	2,603	2,603	2,603
01-413-2402	COUNCIL CONFERENCES	3,066	2,349	3,538	3,000	4,250	4,250
01-413-2900	EMPLOYEE APPRECIATION	20	69	-	-	-	-
01-413-3211	BOARDS & COMMISSIONS STIPEND	250	200	400	2,000	1,200	3,000
01-413-5990	COUNCIL DISCRETIONARY	2,083	164,214	-	5,000	3,500	5,000
01-413-5991	PUBLIC EDUCATION	7,266	7,500	5,100	15,000	15,000	15,000
	<i>Total Council</i>	<u>45,381</u>	<u>206,084</u>	<u>43,098</u>	<u>61,628</u>	<u>60,578</u>	<u>63,878</u>
01-413-3300	OTHER PROFESSIONAL SERVICES	19,330	-	-	-	556	-
01-413-3301	IT SERVICES & SUPPORT	3,350	6,357	5,218	4,000	5,247	5,000
01-413-3330	CITY ATTORNEY	87,099	112,653	131,028	85,000	93,405	90,000
01-413-3338	BURG SIMPSON LAWSUIT	13,502	-	-	-	-	-
01-413-3339	YOUNG SETTLEMENT	3,201	-	-	-	-	-
01-413-3341	SPECIAL LEGAL COUNSEL	-	-	7,807	15,000	22,552	5,000
01-413-4305	ELEVATOR CONTRACT	-	-	9,070	8,616	8,616	9,500
	<i>Total Professional Services</i>	<u>126,482</u>	<u>119,010</u>	<u>153,123</u>	<u>112,616</u>	<u>130,376</u>	<u>109,500</u>
01-413-4100	ELECTRICITY	5,156	4,626	5,683	2,651	10,197	11,217
01-413-4110	SEWER	171	323	193	113	247	272
01-413-4303	BUILDING MAINTENANCE	9,726	7,655	6,519	1,429	3,355	1,165
01-413-4304	ALARMS MONITORING	194	268	814	275	379	1,000
01-413-4410	RENTAL EXPENSE-BUS STOP	1,733	1,600	1,733	1,600	266	-
01-413-4420	TOLLGATE DEVICE FEE REBATE	454,157	453,736	430,774	450,197	392,773	470,214
01-413-5100	POSTAGE	655	719	666	662	830	872
01-413-5200	LIABILITY INSURANCE	1,190	4,090	1,314	187	6,500	6,825
01-413-5201	LIABILITY INSURANCE DEDUCTIBLES	-	1,000	2,000	3,000	2,000	2,000
01-413-5300	TELEPHONE	2,965	1,356	1,253	2,000	1,529	1,600
01-413-5301	CELLULAR PHONES	659	640	426	550	423	500
01-413-5410	CLASSIFIEDS	1,985	80	-	300	150	250
01-413-5700	SUBSCRIPTIONS & MEMBERSHIPS	10,442	9,965	4,271	12,000	8,335	8,500
01-413-5800	TRAVEL/MEALS	3,570	3,031	5,239	4,000	3,057	3,000
01-413-5997	MANAGER'S DISCRETIONARY	-	8,018	7,095	15,000	15,000	10,000
01-413-6000	MISC EXPENSE	197	1,094	88	-	313	-

**2014 PROPOSED BUDGET
CITY MANAGER/GEN. ADMINISTRATION**

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
01-413-6110	OFFICE SUPPLIES	1,146	607	573	1,000	5,000	1,000
01-413-6111	STATIONARY/FORMS	552	261	75	250	250	250
01-413-6112	PHOTOCOPIER CHARGES	951	1,049	1,175	1,222	982	1,000
01-413-6114	SOFTWARE	198	550	1,523	350	866	1,000
	<i>Total Operating Expenses</i>	<u>495,647</u>	<u>500,668</u>	<u>471,414</u>	<u>496,786</u>	<u>452,452</u>	<u>520,664</u>
01-413-7430	FURNITURE AND FIXTURES	-	-	-	-	-	-
01-413-7431	COMPUTERS & SOFTWARE	-	-	-	-	1,219	2,000
	<i>Total Capital Outlay</i>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>1,219</u>	<u>2,000</u>
	CITY MANAGER/GEN ADMIN TOTALS	899,570	976,065	812,733	826,631	797,583	854,715

2014 PROPOSED BUDGET
FINANCE DEPARTMENT

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
01-415-1100	SALARIES & WAGES	106,927	108,788	109,792	113,660	113,660	119,343
01-415-1101	EVENT COORDINATION	-	5,000	-	-	-	-
01-415-2100	HEALTH/DENTAL/VISION/LIFE/D&	13,194	14,993	14,160	13,880	14,572	16,692
01-415-2200	FICA & MEDICARE	8,174	8,166	8,338	8,695	8,695	9,130
01-415-2210	SUTA	217	481	336	341	341	358
01-415-2300	401K	2,247	1,388	4,106	4,546	4,546	4,774
01-415-2400	TRAINING	215	98	842	2,500	250	2,500
01-415-2600	WORKER'S COMPENSATION	2,517	2,425	3,503	3,027	2,825	4,660
	<i>Total Personnel Services</i>	<u>133,491</u>	<u>141,339</u>	<u>141,077</u>	<u>146,649</u>	<u>144,889</u>	<u>157,457</u>
01-415-3220	ACCOUNTING/AUDITORS	27,500	19,900	19,000	22,000	22,000	25,000
01-415-3301	IT SERVICES & SUPPORT	2,978	6,402	5,193	4,000	5,247	5,000
	<i>Total Professional Services</i>	<u>30,478</u>	<u>26,302</u>	<u>24,193</u>	<u>26,000</u>	<u>27,247</u>	<u>30,000</u>
01-415-2100	ELECTRICITY	4,789	3,974	3,244	2,651	3,106	3,417
01-415-4110	SEWER	170	162	128	113	165	182
01-415-4303	BUILDING MAINTENANCE	4,881	2,976	1,165	1,429	770	1,165
01-415-4304	ALARMS MONITORING	194	268	814	275	379	1,000
01-415-5100	POSTAGE	323	719	667	662	825	866
01-415-5110	COMPUTER NETWORK AGREEMENT	2,830	2,795	2,795	2,795	3,155	2,795
01-415-5200	LIABILITY INSURANCE	92	102	108	187	1,500	1,575
01-415-5300	TELEPHONE	2,915	1,420	1,625	2,000	1,838	1,900
01-415-5410	CLASSIFIEDS	-	-	12	250	250	250
01-415-5600	TREASURER'S FEES	434	549	416	650	693	750
01-415-5610	BANK CHARGES	1,046	1,592	2,139	1,500	6,245	6,200
01-415-5611	CREDIT CARD PROCESSING FEES	57	142	49	400	400	600
01-415-5700	SUBSCRIPTIONS & MEMBERSHIPS	1,495	340	687	800	600	700
01-415-5800	TRAVEL	207	129	-	-	-	-
01-415-6110	OFFICE SUPPLIES	907	1,516	2,229	1,000	1,226	600
01-415-6111	STATIONARY/FORMS	344	484	762	500	454	500
01-415-6112	PHOTOCOPIER CHARGES	950	1,049	1,175	1,222	979	1,000
01-415-6114	SOFTWARE	240	155	160	350	-	-
	<i>Total Operating Expenses</i>	<u>21,874</u>	<u>18,372</u>	<u>18,175</u>	<u>16,784</u>	<u>22,585</u>	<u>23,499</u>
01-415-7430	FURNITURE AND FIXTURES	-	-	-	-	-	-
01-415-7431	COMPUTERS & SOFTWARE	-	-	4,456	2,000	1,310	2,000
01-415-7432	ACCOUNTING SOFTWARE	-	-	-	-	-	50,000
	<i>Total Capital Outlay</i>	<u>-</u>	<u>-</u>	<u>4,456</u>	<u>2,000</u>	<u>1,310</u>	<u>52,000</u>
	FINANCE DEPT TOTALS	185,843	186,013	187,901	191,433	196,031	262,956

2014 PROPOSED BUDGET
COMMUNITY DEVELOPEMENT

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
01-419-1100	SALARIES & WAGES	71,064	95,989	69,184	73,238	63,537	52,763
01-419-2100	HEALTH/DENTAL/VISION/LIFE/D&	7,813	8,924	6,153	7,845	8,423	11,481
01-419-2200	FICA & MEDICARE	5,716	7,006	5,340	5,605	4,861	4,036
01-419-2210	SUTA	113	219	192	220	191	158
01-419-2300	401K	2,503	140	2,801	2,930	2,541	2,111
01-419-2400	TRAINING	300	-	53	1,000	1,000	
01-419-2600	WORKER'S COMPENSATION	1,678	1,582	4,124	1,767	1,500	2,060
	<i>Total Personnel Services</i>	<u>89,187</u>	<u>113,860</u>	<u>87,847</u>	<u>92,605</u>	<u>82,053</u>	<u>72,609</u>
01-419-3301	IT SERVICES & SUPPORT	2,683	6,302	6,643	4,000	5,247	5,000
01-419-3302	PLANNING PROJECTS/STUDIES*	150	7,419	5,125	20,000	10,000	-
01-419-3401	PLANNING AND ENGINEERING	4,669	3,454	41,506	10,000	90,000	25,000
01-419-3402	REIMBURSABLE PLANNING EXP	2,921	30,518	53,399	10,000	(2,457)	-
01-419-3403	CONTRACT SERVICES	3,065	100	-	100	-	-
01-419-3404	DESIGN REVIEW FEES	3,382	7,749	1,138	7,500	5,000	5,000
01-419-4305	BUILDING PERMITS	12,462	14,591	6,814	15,000	6,000	7,000
	<i>Total Professional Services</i>	<u>29,332</u>	<u>70,133</u>	<u>114,625</u>	<u>66,600</u>	<u>113,790</u>	<u>42,000</u>
01-419-2100	ELECTRICITY	4,789	3,540	3,678	2,651	3,106	3,417
01-419-4110	SEWER	171	162	128	113	165	182
01-419-4303	BUILDING MAINTENANCE	5,107	2,854	1,165	1,429	770	1,165
01-419-4304	ALARMS MONITORING	194	298	814	275	379	1,000
01-419-5100	POSTAGE	441	719	666	662	829	870
01-419-5200	LIABILITY INSURANCE	92	102	109	187	1,500	1,575
01-419-5300	TELEPHONE	3,354	1,567	1,216	2,000	1,529	1,600
01-419-5410	CLASSIFIEDS	948	1,661	291	500	200	350
01-419-5611	CREDIT CARD PROCESSING FEES	352	386	346	350	230	350
01-419-5700	SUBSCRIPTIONS & MEMBERSHIPS	726	10	864	1,000	1,000	1,500
01-419-6110	OFFICE SUPPLIES	613	1,833	438	1,000	500	1,000
01-419-6111	STATIONARY/FORMS	57	116	128	-	53	1,000
01-419-6112	PHOTOCOPIER CHARGES	1,775	2,320	858	1,222	982	1,000
01-419-6114	SOFTWARE	150	-	120	350	350	500
01-419-7430	FURNITURE & FIXTURES	674	-	-	-	-	-
	<i>Total Operating Expenses</i>	<u>19,443</u>	<u>15,568</u>	<u>10,821</u>	<u>11,739</u>	<u>11,593</u>	<u>15,509</u>
	COMMUNITY DEVELOPEMENT TOTALS	137,962	199,561	213,293	170,944	207,436	130,117

**2014 PROPOSED BUDGET
POLICE DEPARTMENT**

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
01-421-1100	SALARIES & WAGES	247,110	297,832	356,900	447,397	441,636	471,141
01-421-1300	OVERTIME	10,262	7,464	8,919	5,000	18,979	10,000
01-421-2100	HEALTH/DENTAL/VISION/LIFE/D&D	25,066	30,363	50,025	51,570	68,132	85,080
01-421-2200	FICA & MEDICARE	4,413	4,710	8,462	6,487	6,404	6,832
01-421-2210	SUTA	455	802	697	1,342	1,325	1,413
01-421-2310	457	3,276	5,464	7,627	14,109	13,246	16,692
01-421-2320	FPPA	19,297	22,421	25,042	35,792	35,331	37,691
01-421-2400	TRAINING	1,792	154	667	3,500	3,500	5,000
01-421-2401	CONFERENCES	-	-	175	3,000	3,000	4,000
01-421-2600	WORKER'S COMPENSATION	5,798	6,287	11,073	11,205	15,000	18,397
01-421-2901	UNIFORM CLEANING ALLOW	1,456	1,862	-	-	1,848	-
	<i>Total Personnel Services</i>	<u>318,925</u>	<u>377,359</u>	<u>469,587</u>	<u>579,402</u>	<u>608,401</u>	<u>656,246</u>
01-421-3301	IT SERVICES & SUPPORT	3,150	6,377	5,759	4,000	5,419	5,000
01-421-3400	BH IGA PD COVERAGE	750	-	-	-	-	-
01-421-5901	BLOOD ALCOHOL TESTING	720	484	130	500	800	2,000
01-421-6122	ANIMAL CONTROL	12	-	-	250	250	250
01-421-5900	VICTIM SERVICES	2,000	2,000	1,500	3,000	3,000	4,000
	<i>Total Professional Services</i>	<u>6,632</u>	<u>8,861</u>	<u>7,389</u>	<u>7,750</u>	<u>9,469</u>	<u>11,250</u>
01-421-3300	EQUIPMENT REPAIR	810	-	-	2,000	1,000	2,000
01-421-4100	ELECTRICITY	6,116	4,835	3,244	2,651	3,106	3,417
01-421-4110	SEWER	169	162	128	113	230	253
01-421-4303	BUILDING MAINTENANCE	10,140	4,253	1,388	1,429	770	1,165
01-421-4304	ALARMS MONITORING	194	268	814	275	379	1,000
01-421-4309	VEHICLE MAINTENANCE	5,701	12,696	7,786	5,000	10,500	10,500
01-421-5100	POSTAGE	571	810	686	662	835	877
01-421-5111	SLEUTH SUPPORT	4,156	3,960	4,092	4,500	4,500	4,500
01-421-5200	LIABILITY INSURANCE	638	3,151	160	351	24,942	26,222
01-421-5300	TELEPHONE	7,204	4,305	4,613	2,000	5,000	5,200
01-421-5301	CELL PHONES	3,246	3,427	2,568	5,880	5,359	3,650
01-421-5410	CLASSIFIEDS	62	350	588	250	800	500
01-421-5410	RECRUITMENT	-	175	5,366	500	1,500	1,000
01-421-5500	PRINTING	-	-	5,560	1,500	1,000	6,000
01-421-5700	DUES & SUBSCRIPTIONS	1,402	315	1,035	1,500	1,500	1,500
01-421-6000	MISCELLANEOUS/ EMER FOOD & HOUSIN	50	-	3,585	1,000	800	1,000
01-421-6107	RADIO EQUIPMENT	(17)	-	6,724	5,000	4,236	6,000
01-421-6109	EQUIPMENT & SUPPLIES	3,225	4,776	3,415	12,000	13,100	6,000
01-421-6110	OFFICE SUPPLIES	939	2,413	2,280	1,500	4,603	2,800.00
01-421-6111	STATIONARY/FORMS	161	106	328	500	500	500
01-421-6112	PHOTOCOPIER CHARGES	950	1,049	1,175	1,222	912	1,000
01-421-6113	UNIFORMS	2,170	3,444	7,722	4,500	4,500	6,500
01-421-6114	SOFTWARE/INTERNET	328	172	22,732	350	350	350

**2014 PROPOSED BUDGET
POLICE DEPARTMENT**

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
01-421-6121	FIREARMS	95	2,515	10,660	8,000	8,000	4,000
01-421-6123	PROTECTIVE EQUIPMENT	2,276	-	2,342	2,500	2,500	2,500
01-421-6260	GAS AND OIL	-	13,932	23,767	14,000	14,000	15,400
01-421-6400	BOOKS	678	721	982	800	800	700
01-421-8001	PRISONER EXPENSE	-	-	-	4,000	4,000	4,000
	<i>Total Operating Expenses</i>	<u>51,264</u>	<u>67,835</u>	<u>123,740</u>	<u>83,983</u>	<u>119,722</u>	<u>118,533</u>
01-421-7410	VMS BOARD	-	-	2,370	-	-	-
01-421-7415	TASERS	-	-	-	6,000	4,514	-
01-421-7420	LEASE-PURCHASE PAYMENTS	-	-	-	33,758	33,758	58,747
01-421-7430	FURNITURE AND FIXTURES	-	-	620	1,500	1,000	-
01-421-7431	COMPUTERS AND SOFTWARE	-	100	1,582	8,500	5,000	-
01-421-7432	EMERGENCY EQUIPMENT-VEHICLES	-	-	150,459	1,000	1,000	-
01-421-7434	POLE MNTD SPEED SIGNS	1,950	-	-	16,000	-	-
01-421-7435	LICENSE PLATE READER	-	-	-	-	-	-
01-421-7436	TRAILERS	-	-	-	20,000	-	-
	<i>Total Capital Outlay</i>	<u>1,950</u>	<u>100</u>	<u>155,031</u>	<u>86,758</u>	<u>45,272</u>	<u>58,747</u>
	POLICE DEPARTMENT TOTALS	378,771	454,155	755,747	757,893	782,864	844,776

2014 PROPOSED BUDGET

FIRE DEPARTMENT

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
01-422-1100	SALARIES & WAGES	66,517	67,419	68,768	70,790	70,790	72,913
01-422-1110	LENGTH OF SERVICE PLAN	4,532	5,403	3,542	5,915	7,500	15,000
01-422-2100	HEALTH/DENTAL/VISION/LIFE/D&D	1,074	1,143	929	2,060	1,480	1,285
01-422-2200	FICA & MEDICARE	1,094	996	1,029	1,030	1,026	1,057
01-422-2210	SUTA	274	168	167	200	212	219
01-422-2310	457	2,657	2,697	2,707	2,835	3,835	5,833
01-422-2320	FPPA	5,313	5,393	5,414	5,665	5,663	5,833
01-422-2321	FPPA VOLUNTEERS	7,600	7,600	7,600	7,600	7,600	11,656
01-422-2400	TRAINING	7,279	5,710	7,616	5,000	5,000	13,000
01-422-2600	WORKER'S COMPENSATION	1,568	1,969	3,182	1,732	2,430	2,847
	<i>Total Personnel Services</i>	<u>97,908</u>	<u>98,498</u>	<u>100,954</u>	<u>102,827</u>	<u>105,536</u>	<u>129,643</u>
01-422-3301	IT SERVICES & SUPPORT	-	-	276	4,000	-	1,000
01-420-5001	DISPATCH CONTRACT	-	60,000	30,000	30,000	30,000	30,000
01-420-5002	AMBULANCE CONTRACT	153,000	153,000	153,000	151,668	151,668	152,000
	<i>Total Professional Services</i>	<u>153,000</u>	<u>213,000</u>	<u>183,276</u>	<u>185,668</u>	<u>181,668</u>	<u>183,000</u>
01-422-4100	ELECTRICITY	2,929	3,111	2,422	2,651	2,067	2,274
01-422-4110	SEWER	-	-	-	113	-	200
01-422-4302	SMALL EQUIPMENT MAINTENANCE	2,145	912	1,334	1,500	1,433	3,000
01-422-4303	BUILDING MAINTENANCE	-	57	-	1,000	500	2,000
01-422-4309	ROUTINE FIRE TRUCK MAINTENANCE	27,595	15,792	26,963	15,000	32,000	
01-422-4310	FIRE TRUCK REPAIRS	-	-	-	-	-	
01-422-5100	POSTAGE	-	-	-	662	300	300
01-422-5200	LIABILITY INSURANCE	1,623	151	159	234	11,902	12,497
01-422-5300	TELEPHONE	2,531	2,935	2,912	2,000	2,378	2,400
01-422-5301	CELL PHONES	446	460	576	1,000	1,000	1,100
01-422-5410	CLASSIFIEDS	-	-	-	250	250	250
01-422-5700	DUES & SUBSCRIPTIONS	1,610	2,115	499	2,100	2,100	2,200
01-422-6107	SUPPLIES & SMALL EQUIPMENT	3,248	3,529	4,683	3,000	1,802	5,000
01-422-6109	FIRE STATION EQUIPMENT	-	299	1,387	1,000	1,200	
01-422-6110	OFFICE SUPPLIES	146	459	309	500	1,269	1,000
01-422-6113	UNIFORMS	2,296	1,145	4,668	2,000	1,000	7,000
01-422-6114	SOFTWARE/INTERNET	1,169	1,252	1,234	350	754	1,000
01-422-6123	SAFETY GEAR	12,875	-	2,379	7,000	5,000	7,100
01-422-6125	MEDICAL SUPPLIES	317	95	1,550	2,000	1,500	6,000
01-422-6126	FIRE SUPPLIES FOR TRUCKS	-	5,831	6,067	6,000	5,000	6,000
01-422-6127	HOSES AND NOZZLES	379	197	6,034	3,000	3,000	5,000
01-422-6128	FIREFIGHTER HEALTH & SAFETY	-	-	-	-	-	1,000
01-422-6129	FIRE EXTINGUISHERS	1,582	68	1,794	1,800	1,800	4,000
01-422-6130	HIRING PHYSICALS	-	-	-	200	-	600
01-422-6260	FUEL	-	6,630	8,785	6,000	6,000	7,100
01-422-6400	RADIO EQUIPMENT	-	-	510	1,500	2,000	3,000
	<i>Total Operating Expenses</i>	<u>60,891</u>	<u>45,038</u>	<u>74,265</u>	<u>60,860</u>	<u>84,255</u>	<u>80,021</u>

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2014 PROPOSED BUDGET
FIRE DEPARTMENT

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
01-422-7419	EQUIPMENT PURCHASE	-	-	-	-	-	40,000
01-422-7420	COMPUTER EQUIPMENT	-	-	-	-	-	3,500
01-422-7432	RADIOS/RADIO EQUIPMENT	1,247	822	53,544	-	47,970	-
01-422-7433	TRUCK EXHAUST SYSTEM	-	-	-	-	-	-
	<i>Total Capital Outlay</i>	<u>1,247</u>	<u>822</u>	<u>53,544</u>	-	<u>47,970</u>	<u>43,500</u>
	<i>Audit Adjustment</i>						
	FIRE DEPARTMENT TOTAL	313,046	357,358	412,039	349,355	419,429	436,164

2014 PROPOSED BUDGET
PUBLIC WORKS/FLEET

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
01-431-1100	SALARIES & WAGES	331,029	413,928	392,247	421,086	386,446	337,411
01-431-1300	OVERTIME	9,539	8,755	2,905	5,500	4,980	5,000
01-431-2100	HEALTH/DENTAL/VISION/LIFE/D&D	92,954	102,333	92,565	94,851	71,449	71,356
01-431-2200	FICA & MEDICARE	427	31,051	29,497	32,213	29,563	25,812
01-431-2210	SUTA	25,434	1,242	1,218	1,263	1,159	1,012
01-431-2300	401K	7,695	12,142	10,020	16,820	8,922	6,206
01-431-2310	457	2,008	-	-	-	-	-
01-431-2400	TRAINING	732	852	2,304	2,500	2,500	3,000
01-431-2600	WORKER'S COMPENSATION	7,810	10,011	17,420	10,446	11,603	16,963
01-431-5800	TRAVEL	-	72	401	500	250	250
	<i>Total Personnel Services</i>	<u>477,628</u>	<u>580,386</u>	<u>548,577</u>	<u>585,179</u>	<u>516,872</u>	<u>467,010</u>
01-431-3301	IT SERVICES & SUPPORT	2,990	8,083	6,723	4,000	5,933	5,000
01-431-4210	RECYCLING	12,775	396	-	-	-	-
01-431-4211	CITY TRASH SERVICE	8,130	6,232	11,484	10,000	12,571	13,500
01-431-4212	CITIZEN TRASH SERVICE	<u>39,715</u>	<u>46,460</u>	<u>48,540</u>	<u>50,000</u>	<u>54,492</u>	<u>55,000</u>
	<i>Total Professional Services</i>	<u>63,610</u>	<u>61,171</u>	<u>66,747</u>	<u>64,000</u>	<u>72,996</u>	<u>73,500</u>
01-431-4100	ELECTRICITY	72,046	67,102	73,386	80,000	71,050	78,155
01-431-4110	SEWER & SANITATION	4,614	5,921	4,140	4,600	4,498	4,948
01-431-4303	BUILDING MAINTENANCE	9,006	6,099	5,042	5,000	6,000	6,000
01-431-4304	ALARMS MONITORING	194	268	2,772	275	379	500
01-431-4309	LIGHT EQUIPMENT REPAIR	17,146	28,576	16,701	10,000	8,000	12,000
01-431-4330	STREETS & CULVERTS	490	2,381	501	15,000	8,000	10,000
01-431-4331	STRIPING	2,715	3,910	2,791	5,000	5,000	5,500
01-431-4332	SMALL EQUIPMENT & TOOLS	221	5,768	28,057	15,000	8,200	12,000
01-431-4345	PARK MAINTENANCE	340	-	4,538	1,000	3,171	2,000
01-431-4420	EQUIPMENT RENTALS	177	1,147	5,040	2,500	15,664	7,000
01-431-5100	POSTAGE	247	565	572	662	917	963
01-431-5200	LIABILITY INSURANCE	40,982	47,108	46,367	59,264	15,902	20,697
01-431-5300	TELEPHONE	3,868	1,908	2,753	2,000	2,160	2,672
01-431-5301	CELL PHONE	3,697	3,619	2,648	3,500	3,869	3,458
01-431-5401	SUMMER FLOWERS	2,696	1,599	3,914	4,000	3,500	4,500
01-431-5402	HOLIDAY DECORATIONS	1,202	712	5,276	4,000	-	2,000
01-431-5403	BANNERS	-	-	429	3,000	650	2,500
01-431-5410	CLASSIFIEDS	654	1,234	660	250	250	250
01-431-5700	DUES & SUBSCRIPTIONS	-	-	55	1,500	1,500	1,500
01-431-6110	OFFICE SUPPLIES	897	1,024	2,955	1,200	907	1,000
01-431-6111	STATIONARY/FORMS	57	116	181	100	-	350
01-431-6112	PHOTOCOPIER CHARGES	950	1,049	1,175	1,222	1,399	1,143
01-431-6113	UNIFORMS	169	3,514	3,100	3,000	3,150	3,500
01-431-6114	SOFTWARE	658	11,749	1,254	350	260	2,500
01-431-6116	MODULAR TRAILER	-	3,669	1,654	2,800	1,874	1,700
01-431-6117	SAFETY EQUIPMENT	-	-	-	5,000	2,500	2,500
01-431-6261	FUEL TANK MAINTENANCE	-	-	-	5,000	-	2,500
01-431-6262	ROUTINE AUTO PARTS/SUPPLIES	-	-	-	6,000	5,187	6,000
01-431-6501	SAND & SALT	<u>22,015</u>	<u>30,881</u>	<u>19,479</u>	<u>15,000</u>	<u>10,000</u>	<u>15,000</u>

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2014 PROPOSED BUDGET
PUBLIC WORKS/FLEET

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
01-431-6502	SIGNS	2,216	724	1,821	4,000	1,500	2,000
01-431-6503	PAVING MATERIALS	17,270	17,837	11,101	50,000	10,000	
01-431-6504	MECHANIC SERVICES/PREVENTITIVE	-	-	998	-	-	-
	<i>Total Operating Expenses</i>	206,769	248,480	249,360	310,223	195,487	214,836
01-431-7302	CCP STRIPING	1,013	-	177	-	-	
01-431-7303	SAND & SALT	20,907	25,225	27,926	30,000	30,000	30,000
01-431-7304	FUEL	-	6,705	6,826	52,000	52,000	57,200
01-431-7305	HEAVY EQUIPMENT REPAIR	30,892	11,985	9,090	20,000	25,739	20,000
01-431-7306	PLOW BLADES	357	1,533	7,079	5,000	5,000	5,500
01-431-7307	ELECTRICITY-CCP	18,564	18,257	16,830	20,000	9,482	10,430
01-431-7308	GUARDRAIL REPAIR	9,860	10,205	6,416	7,500	25,275	12,939
01-431-7309	CCP SIGNAGE	990	990	1,025	1,000	5,735	3,000
01-431-7311	STURGEON LIGHTING CONTRACT	1,647	1,063	1,494	10,000	10,000	2,000
01-431-7312	CCP CRACK FILLING/PAVING	15,797	227	46,301	-	-	30,000
01-431-7314	CCP FENCING	-	-	55	500	2,000	1,200
	<i>Total CCP Expenses</i>	100,027	76,190	123,219	146,000	165,231	172,269
01-431-7420	LEASE PURCHASE PAYMENTS	11,500	-	88,522	120,258	120,275	165,258
01-431-7424	EQUIPMENT PURCHASE	41,750	343,111	252,171	30,000	18,677	-
01-431-7431	COMPUTER EQUIPMENT	-	2,447	8,264	2,500	2,500	2,500
01-431-7426	STORMWATER MASTER PLAN	-	-	-	-	5,000	85,000
	<i>Total Capital Outlay</i>	53,250	345,558	348,957	152,758	146,452	252,758
	TOTAL PUBLIC WORKS DIVISION	901,284	1,311,785	1,336,860	1,258,160	1,097,038	1,180,374
01-430-6260	GAS AND OIL	62,875	32,261	35,187	-	-	-
01-430-4308	HEAVY EQUIPMENT REPAIR	1,298	10,180	21,140	-	-	-
01-430-4333	SMALL ITEM REPAIRS	759	792	190	-	-	-
01-430-6110	SHUTTLE SERVICE	431,802	414,407	418,862	420,000	431,463	413,180
01-430-4332	EQUIPMENT & TOOLS	3,750	740	-	-	-	-
	<i>Total Operating Supplies</i>	500,653	458,380	475,379	420,000	431,463	413,180
	TOTAL FLEET MAINT DIVISION	500,653	458,380	475,379	420,000	431,463	413,180
	PUBLIC WORKS TOTALS	1,401,937	1,770,165	1,812,239	1,678,160	1,528,501	1,593,554

**2014 PROPOSED BUDGET
PUBLIC RELATIONS**

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
01-450-1100	SALARIES & WAGES	1,783	-	-	-	-	-
01-450-2200	FICA & MEDICARE	95	-	-	-	-	-
01-450-2210	SUTA	5	-	-	-	-	-
01-450-2600	WORKER'S COMPENSATION	317	(103)	-	-	-	-
	<i>Total Personnel Services</i>	2,200	(103)	-	-	-	-
01-450-3301	IT SERVICES & SUPPORT	2,562	6,302	4,817	5,323	5,247	-
01-450-3330	OTHER PROFESSIONAL SERVICES	6,675	-	-	-	-	-
01-450-3410	WEB SITE MAINTENANCE	-	300	-	-	-	-
	<i>Total Professional Services</i>	9,237	6,602	4,817	5,323	5,247	-
01-450-3413	MARKETING EXPENSES	750	750	-	1,500	1,500	1,500
01-450-4100	ELECTRICITY	320	-	-	-	-	-
01-450-4303	BUILDING MAINTENANCE	297	2,066	-	-	-	-
01-450-5100	POSTAGE	466	851	796	1,000	1,005	-
01-450-5200	LIABILITY INSURANCE	92	102	105	187	187	196
01-450-5300	TELEPHONE	2,269	1,249	294	-	120	-
01-450-5400	ADVERTISING	8,583	5,135	257	-	-	-
01-450-5411	MADAM LOU BUNCH EVENT	550	1,500	-	1,500	1,500	1,500
01-450-5413	FREEDOM FEST EVENT	-	5,000	-	-	-	-
01-450-5415	MISC EVENTS	14,868	11,722	5,352	5,000	2,345	2,500
01-450-5416	BUSINESS EVENTS/MARKETING	-	-	191,231	40,000	66,804	128,746
01-450-6110	OFFICE SUPPLIES	51	40	169	-	38	-
01-450-6112	PHOTOCOPIER CHARGES	950	1,049	1,175	-	982	-
01-450-6114	SOFTWARE	150	30	120	-	233	-
01-450-3415	STAGE MAINTENANCE/SUPPLIES	-	-	3,238	1,500	1,000	1,500
	<i>Total Operating Expenses</i>	29,346	29,494	202,737	50,687	75,714	135,942
	<u>Capital Outlay:</u>						
01-450-7432	ELECTRICAL UPGRADE-MAIN ST	561	-	-	-	-	-
	<i>Total Capital Outlay</i>	561	-	-	-	-	-
	PUBLIC RELATIONS DEPT TOTALS	41,344	35,993	207,554	56,010	80,961	135,942

**2014 PROPOSED BUDGET
VISITORS CENTER**

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
01-451-1100	SALARIES & WAGES						
01-451-2200	FICA & MEDICARE						
01-451-2210	SUTA						
01-451-2600	WORKER'S COMPENSATION						
	<i>Total Personnel Services</i>						
01-451-4100	ELECTRICITY	<i>Moved to Historic Preservation Fund</i>					
01-451-4303	BUILDING MAINTENANCE						
01-451-4410	RENTAL EXPENSE						
01-451-5100	POSTAGE						
01-451-5200	LIABILITY INSURANCE						
01-451-5300	TELEPHONE						
01-451-5405	CLASSIFIEDS						
01-451-5611	CREDIT CARD PROCESSING FEES						
01-451-6110	OFFICE SUPPLIES & SMALL EQUIP						
01-451-6111	STATIONARY/FORMS						
01-451-6113	INVENTORY						
01-451-6114	SOFTWARE						
01-451-6115	STATE SALES TAX						
01-451-7431	COMPUTER EQUIPMENT						
01-451-7436	FURNITURE/FIXTURES						
01-451-6114	BH/CC VC & CONVENTION BUREAU						
	<i>Total Operating Expenses</i>	37,500	-	-	-	-	-
	VISITORS CENTER TOTALS	37,500	-	-	-	-	-

2014 PROPOSED BUDGET
HISTORIC PRESERVATION FUND

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
02-334-1000	STATE GRANT REVENUES	420,756	430,187	438,032	420,000	445,722	415,805
02-361-0000	INTEREST ON INVESTMENT	244	222	224	250	200	200
02-390-1000	MISC INCOME	-	30,611	6	-	-	-
02-322-1000	GRANT BUILDING PERMIT FEES	-	-	2,261	-	362	500
02-335-0000	DOLA GRANT-BOODLE MILL	126,033	-	-	-	-	-
02-347-8001	VISITORS CENTER REVENUE	7,788	6,655	7,318	5,000	7,725	7,700
02-390-2003	DEFERRED REVENUE RECOGNITION	-	693,363	-	-	-	-
02-396-0000	LAWSUIT/INSURANCE SETTLEMENT	-	14,906	-	-	-	-
	TOTAL REVENUES	554,821	1,175,944	447,841	425,250	454,009	424,205
02-456-1100	SALARIES & WAGES**	47,603	30,703	55,582	57,430	42,000	60,302
02-456-2100	HEALTH/DENTAL/VISION/LIFE/D&D	3,758	3,365	2,025	2,555	2,958	5,094
02-456-2200	FICA & MEDICARE	3,777	2,318	4,094	4,395	3,213	4,613
02-456-2210	SUTA	106	157	160	175	126	181
02-456-2300	401K	834	-	963	975	184	1,025
02-456-2600	WORKER'S COMPENSATION	1,101	1,037	1,861	1,405	1,106	2,355
	Total Personnel Services	57,179	37,580	64,685	66,935	49,587	73,570
02-456-3000	BUILDING INSPECTIONS/DESIGN REVIEW	-	200	-	1,500	-	-
02-456-3301	IT MAINTENANCE	-	-	-	4,000	-	5,625
02-456-3201	TRAINING SEMINARS	-	355	-	1,500	1,000	1,500
02-456-3211	HPC COMMISSION STIPENDS	2,900	3,350	2,156	4,200	2,850	4,200
02-456-3330	ATTORNEY LEGAL	-	-	-	-	-	-
02-456-5700	DUES AND SUBSCRIPTIONS	-	-	-	100	100	100
02-456-6110	OFFICE SUPPLIES	15	179	-	1,000	500	1,000
02-456-6112	PHOTOCOPIER LEASE	-	-	-	1,222	1,200	1,200
02-456-5411	HISTORIC TOURISM	-	39,657	34,397	40,000	40,000	45,000
02-456-5412	CC OPERA EVENTS/MARKETING	-	-	25,000	25,000	25,000	25,000
02-456-5413	NON-PROFITS EVENTS/MARKETING	-	-	2,518	15,000	15,000	15,000
02-456-5414	BUSINESS EVENTS/MARKETING	-	-	12,430	10,000	26,000	25,000
02-451-4100	ELECTRICITY-VC	2,858	2,785	3,634	3,500	3,295	3,625
02-451-4110	SEWER	242	182	193	120	247	272
02-451-4303	BUILDING MAINTENANCE-VC	2,379	1,598	1,198	1,429	1,137	1,500
02-451-5100	POSTAGE-VC	-	13	-	662	200	200
02-451-5200	LIABILITY INSURANCE-VC	850	102	106	187	1,330	1,397
02-451-5300	TELEPHONE-VC	1,449	1,940	2,018	2,000	2,863	2,900
02-451-5405	CLASSIFIEDS	-	678	-	200	100	100
02-451-5611	CREDIT CARD PROCESSING FEES-VC	219	460	468	500	499	600
02-451-6110	OFFICE SUPPLIES-VC	204	398	1,048	1,000	288	500
02-451-6113	INVENTORY-VC	2,863	2,936	2,707	5,000	3,500	4,000
02-451-6114	SOFTWARE-VC	849	52	142	100	100	500
02-451-6115	STATE SALES TAX-VC	248	187	209	145	224	223
	Total Operating Expenses	15,076	55,072	88,224	118,365	125,433	139,441

**2014 PROPOSED BUDGET
HISTORIC PRESERVATION FUND**

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
02-456-4304	FIRE DEPT REPAIR	-	-	-	-	965	25,000
02-456-4304	CITY PROPERTY REHAB	-	24,771	595,479	65,000	65,000	57,702
02-456-4390	CITY ROCK WALL RESTORATION	6,800	-	-	75,000	-	147,000
02-456-7200	BOODLE MILL RESTORATION	310,037	259	-	-	-	-
02-456-7201	HISTORIC PROP. RENOVATION	3,700	-	44,618	-	-	-
02-456-7203	MAIN STREET STREETScape	87,704	362,026	47,271	-	-	-
02-456-7204	MACK BREWERY DESIGN & REST	39,715	2,851	-	-	1,958	-
02-456-7207	MONUMENT SIGN	-	-	-	20,000	6,059	-
02-456-8807	SIDEWALKS	1,098	-	17,712	20,000	-	-
02-456-8808	ROW IMPROVEMENTS/PROJECTS	-	-	896	-	-	-
02-456-8809	LAWRENCE STREET WATERLINE	-	-	-	-	162,000	-
<i>HISTORIC PRESERVATION GRANTS</i>							
02-456-8805	PROPERTY GRANTS	-	89,982	99,301	100,000	100,000	-
02-456-8806	BIG T LOT	213,680	3,813	-	-	-	-
	<i>Total Grants & Projects</i>	<u>662,734</u>	<u>483,702</u>	<u>805,277</u>	<u>280,000</u>	<u>335,982</u>	<u>229,702</u>
	TOTAL EXPENDITURES	734,989	576,354	958,186	465,300	511,002	442,713
<i>Increase (Decrease) in Fund Balance</i>		<i>(180,168)</i>	<i>599,590</i>	<i>(510,345)</i>	<i>(40,050)</i>	<i>(56,993)</i>	<i>(18,508)</i>
Beginning Fund Balance		580,053	399,885	243,497	508,743	508,743	451,750
Transfer to Water Fund		-	-	-	-	-	(120,000)
Ending Fund Balance		399,885	999,475	(266,848)	468,693	451,750	313,242
Reserved for Specific Purposes		-	-	-	-	-	-
Reserved		-	-	-	512,872	-	-
Unreserved Fund Balance		-	-	-	(44,179)	-	-

**2014 PROPOSED BUDGET
TABOR RESERVE FUND**

ACCOUNT	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
<i>Revenues:</i>						
TRANSFER FROM GENERAL FUND	-	-	-	-	-	-
TRANSFER FROM HP FUND	-	-	-	-	-	-
TRANSFER FROM TAXPAYER RELIEF	-	-	-	-	-	-
TRANSFER FROM DEBT SERVICE	-	-	-	-	-	-
TRANSFER FROM CAPITAL IMPR.	-	-	-	-	-	-
TRANSFER FROM WATER	-	-	-	-	-	-
TRANSFER FROM CONSER. TRUST	-	-	-	-	-	-
INTEREST INCOME	76	118	478	120	120	120
TRANSFER FROM PUBLIC PROP TRUST	-	-	-	-	-	-
<i>Total Transfers In & Revenue</i>	<u>76</u>	<u>118</u>	<u>478</u>	<u>120</u>	<u>120</u>	<u>120</u>
<i>Transfers:</i>						
TRANSFER TO GENERAL FUND	-	-	-	-	-	-
TRANSFER TO HP FUND	-	-	-	-	-	-
TRANSFER TO TAXPAYER RELIEF	-	-	-	-	-	-
TRANSFER TO DEBT SERVICE	-	-	-	-	-	-
TRANSFER TO CAPITAL IMPR.	-	-	-	-	-	-
TRANSFER TO WATER	-	-	-	-	-	-
<i>Total Transfers Out</i>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<i>Increase (Decrease) in Fund Balance</i>	76	118	478	120	120	120
Beginning Fund Balance	204,054	204,130	204,374	204,368	204,488	204,608
Ending Fund Balance	204,130	204,248	204,852	204,488	204,608	204,728

Total Expenditures used to calculate required 3%	4,914,899
3% Requirement	147,447
Ending Fund Balance	204,608
Excess Amount left in Fund	57,161

**2014 PROPOSED BUDGET
DEBT SERVICE FUND**

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
<i>Revenues:</i>							
40-311-0000	SPECIFIC OWNERSHIP TAX	13,774	14,156	13,390	13,000	13,000	-
40-311-0001	DELINQUENT TAX/INTEREST	1,251	47,624	2,390	1,600	500	-
40-311-1000	PROPERTY TAXES	288,192	321,663	272,620	300,566	309,000	-
40-318-3001	DEVICE FEES REVENUES	258,289	288,200	319,493	326,313	287,157	-
40-318-3002	TOLLGATE DEVICE FEES	84,589	77,550	80,489	84,300	80,379	-
40-361-0000	INTEREST EARNED ON INVESTMENTS	1	144	536	300	341	-
	TOTAL REVENUE	646,096	749,337	688,918	726,079	690,377	-
<i>Expenses:</i>							
40-471-8204	GO WATER REFUNDING 2010 PRINCIPAL	-	425,000	420,000	680,000	680,000	-
40-471-8204	EXCISE TAX REFUNDING 2010 PRINCIPAL	-	210,000	215,000	225,000	225,000	-
40-472-8205	GO WATER REFUNDING SERIES 2006-INT	33,044	-	-	-	-	-
40-472-8203	EXCISE TAX REFUNDING SERIES 200-INT	20,025	-	-	-	-	-
40-472-8204	GO WATER REFUNDING 2010 INTEREST	4,429	35,550	35,563	21,450	21,976	-
40-472-8205	EXCISE TAX REFUNDING 2010 INTEREST	2,089	11,394	15,963	8,437	8,436	-
40-472-8204	CCP LIGHTING & FENCE LOAN	133,533	-	-	-	-	-
40-472-8206	CCNB SHORT TERM LOAN INTEREST	-	5,223	2,638	-	-	-
40-475-1000	BOUND COUNSEL/DISCLOSURE	55,260	-	-	-	-	-
40-475-3100	TRUSTEE FEES & SERVICES	2,085	1,200	1,410	4,000	1,000	-
40-475-3101	TREASURERS FEES	5,789	7,386	5,500	7,500	9,432	-
40-476-1000	ISSUANCE COSTS	-	-	-	-	-	-
40-493-0000	BOND DISCOUNT	21,750	-	-	-	-	-
40-493-0001	PAYMENT TO REFUNDING AGENTS	-	24,449	-	-	-	-
	TOTAL BOND COST	278,004	720,202	696,074	946,387	945,844	-
	Beginning Fund Balance	(1,229,715)	-	-	66,502	21,979	-
	Revenues	646,096	749,337	688,918	726,079	690,377	-
	Expenditures	278,004	720,202	696,074	946,387	945,844	-
	Transfers In	2,487,068	-	-	153,806	233,488	-
	Transfers (Out)	(2,855,160)	-	-	-	-	-
	Prior Period Adjustment	1,229,715	-	-	-	-	-
	Ending Fund Balance	-	29,135	(7,156)	-	-	-

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**2014 PROPOSED BUDGET
CONSERVATION TRUST FUND**

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
<i>Revenues</i>							
73-335-0001	Lottery Income	5,120	5,785	6,706	5,000	5,000	5,000
73-361-0000	Interests on Deposits	10	21	96	20	20	20
	Total Revenues	5,130	5,806	6,802	5,020	5,020	5,020
<i>Expenses:</i>							
73-431-7422	RESERVOIR TRAIL SYSTEM PH. I	-	-	-	-	-	-
73-342-7423	SUMMER FLOWERS	-	-	-	-	-	-
73-342-7425	PARK MAINTENANCE	-	-	-	-	-	-
73-342-7426	STREETSCAPE BENCHES	-	-	-	-	-	-
	Total Expenditures	-	-	-	-	-	-
	<i>Other Financing Sources (UseS)</i>	2,812	-	-	-	-	-
	<i>Increase (Decrease) in Fund Balance</i>	7,942	5,806	6,802	5,020	5,020	5,020
	Beginning Fund Balance	25,063	33,005	13,015	43,831	48,851	53,871
	Ending Fund Balance	33,005	38,811	19,817	48,851	53,871	58,891
	Reserved for Specific Purposes	-	-	-	-	49,351	58,891
	Reserved	-	-	-	-	-	-
	Unreserved Fund Balance	-	-	-	-	4,520	-

*2014 Fund Balance reserved for possible match on GOCO Chae gulch Grant

2014 PROPOSED BUDGET
IMPACT FEES FUND

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
<i>Revenues</i>							
74-342-0001	Transportation Impact fees	-	-	-	-	-	-
74-342-0002	Public Works Impact Fees	-	(2,980)	-	-	-	-
74-342-0003	Fire Protection Impact Fees	-	-	-	-	-	-
74-342-0004	Police Impact Fees	-	-	-	-	-	-
74-342-0005	Impact Fees Income	-	15,644	-	-	14,496	-
74-361-0000	Interests on Deposits	31	-	-	-	-	-
	<i>Total Revenues</i>	<u>31</u>	<u>12,664</u>	<u>-</u>	<u>-</u>	<u>14,496</u>	<u>-</u>
<i>Expenses</i>							
74-390-0001	Street Paving	-	-	-	-	-	-
74-421-0004	Police Expenses	-	-	-	-	-	-
74-422-0003	Fire Protection Expenses	-	-	-	-	-	-
74-430-0001	Transportation Expenses	-	-	-	-	-	-
74-431-0002	Public Works Expenses	-	-	-	-	-	-
	<i>Total Expenditures</i>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
	<i>Other Financing Sources (Uses)</i>	-	-	-	-	-	-
	<i>Increase (Decrease) in Fund Balance</i>	31	12,664	-	-	14,496	-
	Beginning Fund Balance	(156,776)	(156,745)	(151,329)	(144,081)	(144,081)	(129,585)
	Ending GF Balance	(156,745)	(144,081)	(151,329)	(144,081)	(129,585)	(129,585)

2014 PROPOSED BUDGET
PUBLIC PROPERTY DEVELOPMENT
TRUST FUND

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
	<i>Revenues</i>						
75-342-0000	RV PARK SALE	-	-	-	-	-	-
75-361-0000	INTEREST ON DEPOSITS	1,037	737	631	750	750	450
75-342-0001	CITY PROPERTY SALE	<u>722,642</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
	<i>Total Revenues</i>	723,679	737	631	750	750	450
75-431-6505	MAIN STREET STREETSCAPE	-	700,000	-	-	-	-
75-431-6506	LAWRENCE STREET WATER LINE	-	-	-	-	125,000	-
75-431-6507	NEVADA ST ROCK WALL	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>103,628</u>
	<i>Total Public Projects Expenses</i>	-	700,000	-	-	125,000	103,628
	<i>Total Expenditures</i>	-	700,000	-	-	125,000	103,628
	<i>Other Financing Sources (Uses)</i>	-	-	-	-	-	-
	<i>Increase (Decrease) in Fund Balance</i>	723,679	(699,263)	631	750	(124,250)	(103,178)
	Beginning Fund Balance	201,512	925,191	225,991	226,678	227,428	103,178
	Ending GF Balance	925,191	225,928	226,622	227,428	103,178	-
	Reserved for Specific Purposes	-	-	-	-	127,424	-
	Reserved	-	-	-	-	100,000	-
	Unreserved Fund Balance	-	-	-	-	-	-

2014 PROPOSED BUDGET
WATER REVENUE

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
50-340-0001	HYDRANT REVENUE	8,969	9,568	11,788	10,000	9,326	9,913
50-340-0002	WATER SALES RESIDENTIAL	203,151	269,942	308,181	424,514	219,971	220,000
50-340-0003	WATER SALES COMMERCIAL	100,824	105,775	123,414	303,528	337,901	337,901
50-340-0005	TURN ON/OFF FEES	-	209	168	500	343	300
50-340-0006	TAP FEES	-	85,640	-	-	42,820	-
50-340-0007	LATE FEES	-	-	-	3,600	-	3,600
50-340-0008	COMMERCIAL METER PAYBACK	-	-	-	42,721	-	42,721
50-340-0009	RESIDENTIAL METER PAYBACK	-	-	-	43,443	-	21,722
50-361-0000	INTEREST ON DEPOSITS	-	-	-	-	-	-
50-361-1000	INTEREST ON WATER BILLS	41	210	-	720	-	720
50-390-0000	MISC REVENUE*	20,382	225	-	-	1,430	-
	TOTAL REVENUES	333,367	471,569	443,551	829,026	611,791	636,876

2014 PROPOSED BUDGET
WATER DEPARTMENT

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
50-433-1100	SALARIES & WAGES	48,496	97,475	173,068	173,933	116,610	168,459
50-433-1300	OVERTIME	415	2,813	1,202	3,000	2,250	3,000
50-433-2100	HEALTH/DENTAL/VISION/LIFE/D&D	5,668	8,523	17,743	33,705	26,262	28,791
50-433-2200	FICA & MEDICARE	3,894	7,853	12,802	13,306	8,920	12,887
50-433-2210	SUTA	139	108	352	522	350	505
50-433-2300	401K	1,163	3,662	5,542	6,957	5,952	6,738
50-433-2400	TRAINING	242	2,551	2,787	3,500	3,000	3,500
50-433-2600	WORKER'S COMPENSATION	1,923	32	5,141	4,256	4,504	6,578
	<i>Total Personnel Services</i>	<u>61,940</u>	<u>123,017</u>	<u>218,637</u>	<u>239,179</u>	<u>167,848</u>	<u>230,458</u>
50-433-3300	RAMEY-PROFESSIONAL SERVICES	82,846	-	-	-	-	-
50-433-3301	IT MAINTENANCE	-	-	5,822	4,000	5,625	5,000
50-433-3330	GENERAL LEGAL COUNSEL/LITIGATION	20,334	11,683	39,315	120,000	120,000	100,000
50-433-3331	TEMP SUPPLY PLAN	1,361	563	1,654	-	-	-
50-433-3334	FOREST SERVICE ROW	8,712	6,109	-	-	-	-
50-433-3335	AUGMENTATION CASE	56	-	-	-	-	-
50-433-3342	AGRICULTURAL DITCH	70	92	-	-	-	-
50-433-3343	CO WATER BOARD	214	-	-	-	-	-
50-433-3348	STATEMENT OF OPP	540	-	-	-	-	-
50-433-3349	JAMES PEAK	4,372	-	-	-	-	-
50-433-3353	WATER RIGHTS ACQ.	203	79	-	-	-	-
50-433-3356	FREI WATER CONTRACT	225	1,103	-	-	-	-
50-433-3391	MISC. GENERAL CONSULTING	19,633	2,991	25,734	10,000	10,000	10,000
50-433-3392	GILPIN SCHOOLS/FREI/CNTY LEASES	820	(113)	-	-	-	-
50-433-3393	FALL RIVER FACILITIES DESIGN	-	-	-	-	-	-
50-433-3394	TRIAL & PREP CWCB	-	-	-	-	-	-
50-433-3395	WETLANDS MITIGATION	5,013	563	343	-	-	-
50-433-3398	NEW WATER LEASES	-	-	4,899	-	-	-
50-433-3399	AQUAPURA AUG PLAN	-	-	80,099	-	-	-
50-433-3400	AQUAPURA SURFACE RIGHTS	-	360	-	-	-	-
50-433-3432	WATER ACCOUNTING/ADMIN.	22,960	19,490	14,773	30,000	50,000	30,000
50-433-3433	COMP. MODELING/ENGINEERING	-	-	232	-	-	-
50-433-3435	OPPOSITION TO WATER RIGHTS	14,528	10,478	1,733	-	-	-
50-433-3495	DILIGENCE APPLICATIONS	-	605	-	-	60,518	-
50-433-3496	BH TRIAL & PREP	-	-	-	-	-	-
50-433-3497	BH WATER PROJECT FEDERAL REV	-	-	-	-	-	-
50-433-3398	RAW WATER ASSESSMENT	-	-	-	-	-	-
50-433-3399	DISTRIBUTION ASSESSMENT	-	-	-	-	-	-
	<i>Total Professional Services</i>	<u>181,887</u>	<u>54,003</u>	<u>174,604</u>	<u>164,000</u>	<u>246,143</u>	<u>145,000</u>
50-433-4100	ELECTRICITY	43,681	30,893	30,204	35,000	33,202	38,182
50-433-4250	CHEMICAL TESTING	3,379	8,790	8,574	12,000	13,413	14,754
50-433-4303	BUILDING MAINTENANCE	367	2,093	1,335	5,000	806	5,000
50-433-4309	VEHICLE MAINTENANCE	8	2,727	4,091	5,000	6,000	8,000
50-433-4350	SPRING LINE COLLECTION	-	2,892	-	-	-	-
50-433-4351	PUMP STATION	14	14,834	12,381	15,000	12,000	15,000
50-433-4352	TOOLS	6,565	2,878	768	3,000	3,100	3,000
50-433-4353	PLANT	6,052	11,828	6,558	15,000	10,000	15,000

2014 PROPOSED BUDGET
WATER DEPARTMENT

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
50-433-4354	DISTRIBUTION	26,392	12,856	15,918	30,000	30,000	30,000
50-433-4355	RESERVOIR MAINTENANCE	-	-	-	3,000	5,400	3,000
50-433-4356	METER MAINTENANCE	-	-	3,152	3,000	3,000	5,300
50-433-4357	FIRE HYDRANT REPAIR & MAINT	-	-	4,726	10,000	2,500	10,000
50-433-4401	DITCH FEES	22,422	23,382	15,761	23,000	21,363	21,363
50-433-4501	CO PUBLIC WATER SYSTEM	-	-	-	300	-	-
50-433-5100	POSTAGE	-	82	24	662	500	1,800
50-433-5200	LIABILITY INSURANCE	10,099	11,105	11,627	17,128	10,818	11,359
50-433-5300	TELEPHONE	3,766	2,744	1,731	2,000	2,429	2,700
50-433-5301	CELL PHONE	50	772	1,313	1,500	1,709	1,800
50-433-5410	CLASSIFIEDS	550	240	550	500	300	500
50-433-5611	CREDIT CARD PROCESSING FEES	214	560	824	750	1,027	1,200
50-433-5700	SUBSCRIPTIONS & MEMBERSHIPS	3,560	3,725	2,549	1,500	1,000	2,100
50-433-5701	LICENSING & MAINTENANCE	-	-	1,699	4,500	5,000	5,000
50-433-5800	TRAVEL	-	17	12	-	100	100
50-433-6000	MISCELLANEOUS	-	212	-	-	-	-
50-433-6110	OFFICE SUPPLIES	7,884	339	816	1,000	1,000	1,000
50-433-6111	STATIONARY/FORMS	-	102	53	500	-	-
50-433-6112	PHOTOCOPIER CHARGES	950	1,007	1,175	1,222	982	1,000
50-433-6113	SMALL EQUIPMENT	-	-	-	3,000	1,500	1,500
50-433-6114	SOFTWARE/INTERNET	4,547	5,891	2,282	3,000	3,191	4,000
50-433-6115	UNIFORMS	-	223	597	1,000	651	750
50-433-6260	FUEL	-	9,108	12,956	3,000	3,000	17,491
50-433-6270	CHEMICALS	15,130	10,090	12,677	12,000	18,000	20,000
50-433-8900	BAD DEBTS	35	144	33	100	-	100
<i>Total Operating Expenses</i>		<u>155,665</u>	<u>159,534</u>	<u>154,386</u>	<u>212,662</u>	<u>191,991</u>	<u>240,999</u>
50-433-7001	DEPRECIATION	-	-	327,351	-	-	-
50-433-7420	WATER GENERAL	830	369	-	1,200	1,200	1,200
50-433-7421	CAPITAL REPAIRS/IMPROVEMENTS	-	-	20,240	40,000	25,000	120,000
50-433-7422	CHASE GULCH DAMN CIP	-	-	-	25,000	27,500	35,000
50-433-7431	COMPUTERS & SOFTWARE	-	-	6,818	8,000	8,000	8,000
50-433-7421	BACKWASH/SANITARY PIPELINE	-	-	-	-	-	-
50-433-7422	RESIDENTIAL METERS/INSTALLATION	-	42,795	44,318	-	11,400	5,000
50-433-7423	COMMERCIAL METERS/INSTALLATION	2,056	41,300	1,881	-	-	-
50-433-7426	VEHICLE PURCHASE	-	-	-	46,000	38,015	-
<i>Total Capital Outlay</i>		<u>2,886</u>	<u>84,464</u>	<u>400,608</u>	<u>120,200</u>	<u>111,115</u>	<u>169,200</u>
TOTAL EXPENSES		402,378	421,018	948,235	736,041	717,097	785,658
OPERATING INCOME (LOSS)		(69,011)	50,551	(504,684)	92,985	(105,306)	(148,781)

**2014 PROPOSED BUDGET
WATER DEPARTMENT**

ACCOUNT	ACCOUNT DESCRIPTION	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ADOPTED	2013 YE PROJECTED	2014 PROPOSED
Non-Operating Revenues (Expenses)							
	Loan Principal-1981 USDA Loan	-	-	-	-	-	-
	Loan Interest-1981 USDA Loan	(5,892)	-	-	-	-	-
	Proceeds of Capital Lease	-	-	-	-	-	-
	Transfer from Historic Preservation	-	-	-	-	-	120,000
	Transfer from Debt Service Fund	289,000	-	-	-	-	-
	Loan from General Fund-Advanced (Repaid)	-	-	-	-	-	<u>28,781</u>
	Total Non-Operating Revenues (Expenses)	283,108	-	-	-	-	148,781
	Contributed Capital	-	-	-	-	-	-
	Excess (Deficiency) of Revenues over Expenditures	214,097	50,551	(504,684)	92,985	(105,306)	(0)
Reconciliation to GAAP Basis:							
	Principal Payments	-	-	-	-	-	-
	Proceeds of capital leases	-	-	-	-	-	-
	Depreciation	(306,200)	(325,307)	(340,000)	(350,000)	(350,000)	(350,000)
	Loan Repayment-General Fund	-	-	-	-	-	-
	Net Income (Loss) GAAP Basis	(92,103)	(274,756)	(844,684)	(257,015)	(455,306)	(350,000)



AGENDA ITEM # 8

CITY COUNCIL COMMUNICATION FORM

FROM: Marcus McAskin, City Attorney

DATE: October 10, 2013

ITEM: Ordinance 13-15 Repealing Article XIII of Chapter 16 of the Municipal Code and Adopting a New Article VI of Chapter 18 of the Municipal Code concerning Flood Damage Prevention Regulations

ORDINANCE
 MOTION
 INFORMATION

- I. **REQUEST OR ISSUE:** Staff is presenting for review and recommendation to the City Council an ordinance (Ordinance 13-15) repealing Article XIII of Chapter 16 of the Municipal Code and adopting a new Article VI of Chapter 18 of the Code concerning Flood Damage Prevention Regulations. The new Article would update the Code to be consistent with National Flood Insurance Program (NFIP) requirements and Colorado Water Conservation Board (CWCB) Rules for Regulatory Floodplains in Colorado, a copy of which is attached to this Communication Form as ATTACHMENT A (Rules).
- The proposed regulations were reviewed with City Council at the July 2, 2013 worksession.
- II. **RECOMMENDED ACTION / NEXT STEP:** Approve Ordinance 13-15 on first reading and set a public hearing and second reading of the Ordinance to a time and date certain.
- III. **FISCAL IMPACTS:** There will likely be no negative fiscal impacts associated with the adoption of Ordinance No. 13-15.
- IV. **BACKGROUND INFORMATION:** The CWCB adopted the updated Rules effective January 14, 2011. A three-year transition period to January 14, 2014 was provided for all local communities participating in the NFIP to adopt or amend their floodplain regulations to be consistent with the updated Rules and NFIP requirements. The City's participation in the NFIP enables residents to purchase federally-backed flood insurance and makes properties eligible for federal disaster assistance caused by flooding. If the City does not adopt updated regulations by the January 14, 2014 deadline, it is possible the City would be suspended from the NFIP and/or a surcharge placed on flood insurance policies for residents. The City received a notice regarding the January 14, 2014 deadline on September 25, 2012. A copy of the CWCB correspondence is attached to this Communication Form as ATTACHMENT B.

The main changes in the regulations (to be incorporated in the new Article VI of Chapter 18) include the following:

- New definitions are added and others updated to be consistent with current NFIP terminology and the CWCB Rules.
- Notice and record keeping requirements are added for variances or appeals.
- Floodplain development requirements were updated so that lowest floor elevation of a commercial buildings and residential structures is at least one-foot (1') above the base flood elevation, rather than to the level of the base flood elevation.
- Regulations for Critical Facilities are adopted by reference to Rule 6 of the CWCB Rules. Critical Facilities include essential services facilities (e.g. police and fire facilities); hazardous material facilities; at-risk population facilities (e.g. schools and hospitals); and vital government service facilities (e.g. courts and public works). In general, Critical Facilities are required to be located out of the floodplain.

V. **LEGAL ISSUES:** None. As set forth above, the City is required to adopt updated regulations prior to the January 14, 2014 deadline.

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

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

- (1) Adopt Ordinance 13-15 on first reading, as may or may not be amended;
- (2) Direct staff to make revisions to the Ordinance and schedule consideration of the Ordinance on a future City Council agenda for first reading; or
- (3) Reject or deny the Ordinance.

ATTACHMENTS:

ATTACHMENT A: CWCB Rules and Regulations for Regulatory Floodplains in Colorado

ATTACHMENT B: CWCB September 25, 2012 correspondence

DEPARTMENT OF NATURAL RESOURCES
COLORADO WATER CONSERVATION BOARD

**RULES AND REGULATIONS FOR REGULATORY
FLOODPLAINS IN COLORADO**

November 17, 2010



ATTACHMENT A
(to City Council
Communication Form)

RULES AND REGULATIONS FOR REGULATORY FLOODPLAINS IN COLORADO

COLORADO WATER CONSERVATION BOARD DEPARTMENT OF NATURAL RESOURCES

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Note: Statement of Basis and Purpose follows last page of Rules

RULES AND REGULATIONS FOR REGULATORY FLOODPLAINS IN COLORADO

- Rule 1.** **Title:** The formal title of the previous Rules and Regulations was "Rules and Regulations for the Designation and Approval of Floodplains and of Storm or Floodwater Runoff Channels in Colorado" as approved in 1988. The title for these Rules and Regulations was revised in 2005 to "Rules and Regulations for Regulatory Floodplains in Colorado," and amended here under the same title (referred to herein collectively as the "Rules" or individually as "Rule"). These Rules supersede both the 2005 and the 1988 Rules.
- Rule 2.** **Authority:** These Rules are promulgated pursuant to the authority granted the Colorado Water Conservation Board (Board or CWCB) in sections 24-4-103, 24-65.1-101(1)(c)(I), 24-65.1-202(2)(a)(I), 24-65.1-302(2)(a), 24-65.1-403(3), 30-28-111(1)–(2), 31-23-301(1)–(3), 37-60-106(1), 37-60-106(1)(c)–(g), (j), (k), C.R.S. (2010).
- Rule 3.** **Purpose and Scope:**
- A. **Purpose.** The purpose of these Rules is to provide uniform standards for regulatory floodplains (or floodplains) in Colorado, to provide standards for activities that may impact regulatory floodplains in Colorado, and to stipulate the process by which floodplains will be designated and approved by the CWCB. Rules for Regulatory Floodplains are of statewide concern to the State of Colorado and the Colorado Water Conservation Board in order to prevent flooding and the negative impacts of floods, as well as to assure public health, safety, welfare and property by limiting development in floodplains. These Rules will also assist the CWCB and communities in Colorado to develop sound floodplain management practices and implement the National Flood Insurance Program (NFIP). These Rules shall apply throughout the State of Colorado, without regard to whether a community participates in the National Flood Insurance Program. These Rules shall also apply to activities conducted by state agencies and to Federal activities that are fully or partially financed by state funds. These Rules also apply to projects or studies for which the Board has made a loan or grant pursuant to sections 37-60-120(2) and 37-60-121(1)(b)(VII), (IX)(C).
- B. **Scope**
- (1) **Zoning.** These Rules apply to all floodplain information developed for zoning and for floodplain permitting purposes for waterways in the State of Colorado by, but not limited to, individuals, corporations, local government agencies, regional government agencies, state government agencies, Indian tribes, and federal government agencies.
 - (2) **Subdivisions.** These Rules generally apply to the local approval of subdivision drainage reports that provide 100-year floodplain information. Local governments should ensure that site-specific floodplain delineations, intended for regulatory purposes when they are prepared, for development activities are consistent with floodplain information designated and approved by the Board.
 - (3) **Dam Failure floodplain.** These Rules do not apply to the identification of the area potentially inundated by the catastrophic or sudden failure of any man-made structure such as a dam, canal, irrigation ditch, pipeline, or other artificial channel.

Rule 4. Definitions: The following definitions are applicable to these Rules and Regulations for Regulatory Floodplain in Colorado:

<u>Term</u>	<u>Definition</u>
100-year Flood	A flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance-flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.
100-year Floodplain	The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.
500-year Flood	A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred years.
500-year Floodplain	The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.
Addition	Any activity that expands the enclosed footprint or increases the horizontal square footage of an existing structure.
Alluvial Fans	A fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.
Approximate Floodplain Information	Floodplain information that significantly reduces the level of detail for topographic mapping or hydraulic calculations to arrive at floodplain delineations without a comparison of water surface profiles with a topographic map of compatible accuracy. The level of detail for hydrology is consistent with that of detailed floodplain information.

Base Flood	Is synonymous with 100-year flood and is a flood having a one percent chance of being equaled or exceeded in any given year.
Base Flood Elevation (BFE)	The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.
Basin	The total land surface area from which precipitation is conveyed or carried by a stream or system of streams under the force of gravity and discharged through one or more outlets.
Channel	The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.
Channelization	The artificial creation, enlargement or realignment of a stream channel.
Code of Federal Regulations (CFR)	The codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.
Colorado Floodplain and Stormwater Criteria Manual	The Manual prepared by the CWCB to aid local officials and engineers in the proper regulation and design of flood protected facilities. The Manual is advisory, rather than regulatory, in purpose.
Community	Any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.
Conditional Letter of Map Revision (CLOMR)	FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.
Critical Facility or Critical Facilities	Means a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6, that if

flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. *See* Rule 6.

Debris Flow

Movement of mud, water, and other materials downward over sloping terrain. The flow typically consists of a mixture of soil, rock, woody debris and water that flows down steep terrain.

Designation and Approval

Certification by formal action of the Board that technical information developed through scientific study using accepted engineering methods is suitable for local governments making land use decisions under statutorily authorized zoning powers.

Detailed Floodplain Information

Floodplain information prepared utilizing topographic base mapping, hydrologic analysis, and hydraulic calculations to arrive at precise water surface profiles and floodplain delineations suitable for making land use decisions under statutorily authorized zoning powers.

Development

Any man-made changes to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DFIRM Database

Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital Flood Insurance Rate Map (DFIRM)

FEMA digital floodplain map. These digital maps serve as “regulatory floodplain maps” for insurance and floodplain management purposes.

Federal Register

The official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA

Federal Emergency Management Agency.

FEMA Guidelines & Specifications for Flood Hazard Mapping Partners

Floodplain mapping specifications published by FEMA. The FEMA Guidelines and Specifications for Flood Hazard Mapping Partners (2009) are incorporated herein by reference and available for viewing at www.fema.gov/fhm/dl_cgs.shtm and for inspection at the CWCB offices at 1313 Sherman Street, Room 721,

Denver CO 8020. The regulations may also be examined at any state or federal publications depository library. The FEMA Mapping Specifications and Guidelines incorporated herein by reference are only those in existence at the time of the promulgation of these Rules and Regulations for Regulatory Floodplains in Colorado and do not include later amendments to or editions of the incorporated material.

"Flood" or "Flooding"

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current.

Flood Contour

A line shown on a map joining points of equal elevation on the surface of floodwater that is perpendicular to the direction of flow.

Flood Control Structure

A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway.

Flood Insurance Rate Map (FIRM)

A FIRM is the official map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Mitigation Project

A project within or adjacent to a flooding source that is specifically intended to reduce or eliminate the negative impacts caused by excessive floodwaters through improvement of drainage, flood control, flood conveyance or flood protection.

Floodplain

The area of land that could be inundated as a result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, zoning or land-use

regulations, flood control works, and emergency preparedness plans.

Floodplain Management Regulations

Zoning ordinances, subdivision regulations, building codes, health regulations, land-use permits, special purpose ordinances (floodplain ordinance, grading ordinance, or erosion control ordinance) and other applications of regulatory powers. The term describes state/local regulations that provide standards for flood damage preservation and reduction.

Floodplain Maps

Maps that show in a plan view the horizontal boundary of floods of various magnitudes or frequencies. Such maps include, but are not limited to, Flood Hazard Boundary Maps (FHBM), Flood Insurance Rate Maps (FIRM), and Digital Flood Insurance Rate Maps (DFIRM) published by FEMA, Flood Prone Area Maps published by the U.S. Geological Survey (USGS), Flooded Area Maps published by the U. S. Army Corps of Engineers (COE), Floodplain Information Reports published by the CWCB or others, Flood Hazard Area Delineations (FHAD) published by the Urban Drainage and Flood Control District (UDFCD), and other locally adopted floodplain studies and master plans.

Floodplain Studies

A formal presentation of the study process, results, and technical support information developed for floodplain maps.

Floodway

The channel of a river or other watercourse and the adjacent land areas that must be kept free of obstructions in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Foreseeable Development

The potential future development of, or changes in, the land uses that are likely to take place during the period of time covered by a community's adopted master land use plan or comprehensive community plan, or if no time period is specified, over a 20-year period. If there is no adopted community plan, then potential development patterns based on zoning, annexations, and other relevant factors should be evaluated.

Freeboard

The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a

selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Geographic Information Systems (G.I.S.)

Computer software that utilizes databases and terrain mapping to store and display spatial and tabular data, such as floodplains, as layers (e.g. political boundaries, roadways, structures, topographic information) for natural resource management and other uses.

Hydraulic analysis

The determination of flood elevations and velocities for various probabilities based on a scientific analysis of the movement and behavior of floodwaters in channels and overbank areas.

Hydrologic Analysis

The computation of the peak rate of flow, or discharge in cubic feet per second, for various selected probabilities for streams, channels, or watersheds based on a scientific analysis of the physical process.

Letter of Map Revision (LOMR)

An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F)

FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee

An artificial structure or land feature that has been designed and is operated, wholly or in part, for the purpose of containing, controlling, or diverting the flow of water.

Low Impact Development (LID)

Development design/construction strategy that maintains the predevelopment hydrologic regime to the extent possible. The goal of LID is to mimic the natural runoff hydrograph as much as practicable in terms of magnitude, frequency, duration, timing, and rate of change of stream flows. LID focuses on small scale stormwater retention and detention, reduced impervious areas, and increased runoff periods.

Material Safety Data Sheet (MSDS)

A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to

provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

Mitigation

The process of preventing disasters or reducing related hazards. Structural Mitigation, includes, but is not limited to, flood proofing structures, diverting floodwaters, detention ponds, floodwalls or levees. Nonstructural Mitigation includes, but is not limited to, education, planning, and design of flood prevention measures, emergency preparedness plans, elevating relocating structures, purchasing property for open space, or early flood warning detection systems.

National Flood Insurance Program (NFIP)

FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

Post-Wildfire Hydrology

Methodologies and calculations developed to account for the increased stormwater runoff following forest fires. Post-wildfire hydrology is typically evaluated every 3 to 5 years to assess the need for further revision based on watershed recovery, forest re-growth, and other factors.

Provisionally Accredited Levee (PAL)

A levee that FEMA has previously credited with providing protection from a 1-percent-chance-annual-flood on an effective FIRM or DFIRM, for which FEMA is awaiting data and/or documentation that will show the Levee's compliance with Levee certification requirements of the NFIP regulations.

Regulatory Floodplain

Floodplain Maps, Profiles, and related information for flood hazard areas that have been designated and approved by the CWCB. *See* Rule 5.

Residual Risk

The threat to the areas behind levees that may still be at risk for flooding. Although the probability of flooding may be lower because a levee exists, the consequence to

personal safety and property is much higher should a levee overtop or fail.

Stream Alteration Activity

Any manmade activity within a stream or floodplain that alters the natural channel, geometry, or flow characteristics of the stream.

Substantial Change

Any improvement to, or rehabilitation due to damage of, a structure for which the activity performed equals or exceeds 50% of the pre-improvement or pre-damaged value of the structure. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest.

Threshold Planning Quantity (TPQ)

A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

Topography

Configuration (relief) of the land surface elevation; the graphic delineation or portrayal of that configuration in map form, as by lines of constant elevation called contour lines.

Use Change

Any change in the primary use of a facility.

Water Surface Profile

A graph that shows the relationship between the vertical elevation of the top of the floodwater and of the streambed with the horizontal distance along the stream channel.

Rule 5. Regulatory Floodplain: The Regulatory Floodplain in Colorado is the 100-year floodplain. However, the CWCB will Designate and Approve 500-year floodplain information but only at the written request of a local authority having land use jurisdiction. In addition, previously designated floodplain areas that have been removed from FEMA's effective regulatory floodplain by a Letter of Map Revision based on Fill (LOMR-F) shall remain within the Regulatory Floodplain for all activities affected by Rule 11(c). All Designated and Approved Regulatory Floodplain information can be used by local authorities having land use jurisdiction for the purpose of local regulation. The General Assembly has deemed the designation of floodplains a matter of statewide importance and interest and gave the CWCB the responsibility for the designation of Regulatory Floodplains and to assure protection of public health, safety, welfare and property by protecting development in the Regulatory Floodplains. §§ 24-65.1-101, 24-65.1-202(2)(a)(I), 24-65.1-302(1)(b), (2)(a), 24-65.1-403(3), 24-65.1-404(3).

Rule 6. Critical Facilities:

A. **Classification:** Critical Facilities are classified under the following categories: (1) Essential Services; (2) Hazardous Materials; (3) At-risk Populations; and (4) Vital to Restoring Normal Services.

- (1) *Essential services facilities* include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities , and transportation lifelines.

These facilities consist of:

- a. *Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);*
- b. *Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions);*
- c. *Designated emergency shelters;*
- d. *Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);*
- e. *Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and*
- f. *Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).*

Specific exemptions to this category include wastewater treatment plants (WWTP), Non-Potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.. Owners of these facilities are encouraged to meet the spirit of Rule 6(D) when practicable in order to protect their own infrastructure and to avoid system failures during extreme flood events. Emergency restoring plans following major flood events should be considered as a prudent addition to operation and maintenance plans for those facilities.

Public utility plant facilities may be exempted if it is demonstrated to the satisfaction of the local authority having jurisdiction that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with this rule, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the local authority on an as-needed basis upon request by that local authority.

- (2) *Hazardous materials facilities* include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

These facilities may include:

- a. *Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);*
- b. *Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;*
- c. *Refineries;*
- d. *Hazardous waste storage and disposal sites; and*
- e. *Above ground gasoline or propane storage or sales centers.*

Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: ***either*** 500 pounds ***or*** the TPQ listed (***whichever is lower***) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); ***or*** 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation “Designation, Reportable Quantities, and Notification,” 40 C.F.R. § 302 (2010), *available at* http://www.access.gpo.gov/nara/cfr/waisidx_03/40cfr302_03.html, and OSHA regulation “Occupational Safety and Health Standards,” 29 C.F.R. § 1910 (2010), *available at* http://www.access.gpo.gov/nara/cfr/waisidx_99/29cfr1910_99.html, are incorporated herein by reference and include the regulations in existence at the time of the promulgation of these Rules, but exclude later amendments to or editions of the regulations.

Specific exemptions to this category include: a) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use. b) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public. c) Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Rule 6(A).

- (3) *At-risk population facilities* include medical care, congregate care, and schools.

These facilities consist of:

- a. Elder care (nursing homes);*
- b. Congregate care serving 12 or more individuals (day care and assisted living);*
- c. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);*

- (4) *Facilities vital to restoring normal services* including government operations.

These facilities consist of:

- a. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);*
- b. Essential structures for public colleges and universities (dormitories, offices, and classrooms only);*

These facilities may be exempted if it is demonstrated to the satisfaction of the local authority having jurisdiction that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this rule, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the local authority on an as-needed basis upon request by that local authority.

- B. Identification of Critical Facilities.** It is the responsibility of the local jurisdiction having land use authority to identify and confirm that specific structures in their community meet the criteria outlined in Rule 6(A) and are deemed to be Critical Facilities. All structures that clearly meet the intent of Rule 6 shall be deemed Critical Facilities by that jurisdiction. For those structures for which it is unclear or otherwise ambiguous if the criteria are met, the local jurisdiction shall have the sole discretion to determine if the structure is a Critical Facility. Local jurisdictions may adopt ordinances that regulate to higher standards or that include additional facilities within the definition of Critical Facilities. Critical Facilities that are also designated as historic structures (determinations by the State Historic Preservation Office) are exempt from these requirements. Pursuant to section 24-65.1-202(2)(a)(I)(A), C.R.S. (2010), open space activities such as agriculture, horticulture, floriculture, recreation, and mineral extraction, including oil and gas activities, shall be encouraged in the floodplain, and are exempt as Critical Facilities unless provisions within Rule 6(A)(2) apply.

Required identification of Critical Facilities shall be limited to owner-occupied structures. Local jurisdictions may, at their sole discretion, include leased facilities in their identification of Critical Facilities.

- C. 500-year Flood Events.** The CWCB acknowledges that flooding does occur above and beyond 100-year (1% annual chance) events. Communities are encouraged to regulate development of Critical Facilities within the 500-year floodplain, when available.

D. Protection of Critical Facilities. All new and Substantially Changed Critical Facilities, and new Additions to Critical Facilities, shall be regulated to a higher standard than those structures not determined to be Critical Facilities. Local jurisdictions having land use authority are encouraged to consult with the owner of the Critical Facility in determining the value of the Critical Facility when a Substantial Change is being considered. This Rule 6 shall be applied to a Use Change if the new use meets the provisions within Rule 6(A). Further, although Rule 6 shall apply to new Additions made at Critical Facilities, it shall only apply to the new Additions, and not the Critical Facility to the extent the Critical Facility existed prior to the amendment of these Rules. The higher standard for Critical Facilities shall be as follows: For Critical Facilities located within the 100-Year Floodplain, the structure shall be protected according to Rule 11(B) herein, with the exception of a freeboard of two feet substituted for the standard one-foot freeboard. The *International Building Code (2006)* and *Flood Resistant Design and Construction (ASCE 24) (2005)* can be used as reference tools for this standard, but are not incorporated by reference herein.

For the purposes of this Rule 6(D), protection shall include one of the following:

- a) Location outside the Regulatory Floodplain; or
- b) Elevation or Flood-proofing of the structure so that it is protected to the level indicated in this Rule 6(D).

Unimproved lands associated with a Critical Facility that lie within a regulatory floodplain shall not be subject to this requirement, until future development takes place on those lands. Likewise, if an undeveloped portion of a facility's property lies within a Regulatory Floodplain, but the developed portion of that facility lies outside of the Regulatory Floodplain, then that facility shall not be classified as a Critical Facility. All other rules and regulations governing structures not deemed Critical Facilities remain in effect and unchanged.

E. Ingress and Egress for New Critical Facilities shall, when practicable as determined by the local jurisdiction having land use authority, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event. This criterion is also recommended, but not required, for changes to existing Critical Facilities and use changes involving existing structures whose classification changes to Critical Facilities.

F. For all Critical Facilities, the Variance procedure outlined in Rule 15 herein remains available and may be considered when deemed necessary and appropriate by the local jurisdiction having land use authority over the Critical Facility.

Rule 7. Standards for Delineation of Regulatory Floodplain Information:

A. Intent of this Rule. This Rule contains standards for approximate and detailed floodplains. All floodplain information intended to be used by local jurisdictions for the purpose regulating flood hazard areas, with the exception of local stormwater drainage reports,

CLOMR, LOMR, and LOMR-F submittals, and supporting documentation submitted to FEMA, shall be provided to the CWCB for designation and approval in order to enable local governments to regulate floodplains appropriately. The standards in this rule reference, and incorporate herein, the FEMA Guidelines and Specifications for Flood Hazard Mapping Partners. Whenever such a reference is made, it includes the FEMA Guidelines and Specifications for Flood Hazard Mapping Partners material in existence at the time of the promulgation of these Rules, but excludes later amendments to or editions of the material.

B. Level of Detail.

- (1) Approximate Floodplain Information will be based on detailed hydrology computed for 100-year floods. Hydraulic information shall be produced using approximate, field, or limited techniques and best available topographic/survey data.
- (2) Detailed Floodplain Information will be based on detailed hydrologic and hydraulic determinations for 100-year floods. Flood profiles and floodplain delineations for 100-year flood and other frequencies, if any, shall be plotted, preferably using a digital method. The CWCB shall designate and approve 100-year floodplain information, and 500-year information but only at the request of a local authority having land use jurisdiction.

C. Base Mapping. Base mapping for floodplain studies shall meet the minimum standards as set forth in FEMA Guidelines and Specifications for Flood Hazard Mapping Partners, as incorporated herein by reference.

D. Topography and Surveys. Topographic and field survey information for floodplain studies shall meet the minimum standards as set forth in FEMA Guidelines and Specifications for Flood Hazard Mapping Partners, as incorporated herein by reference.

E. Geographic Information Systems (GIS). GIS information for floodplain studies in Colorado shall meet the minimum standards as set forth in FEMA Guidelines and Specifications for Flood Hazard Mapping Partners, as incorporated herein by reference.

F. Hydrology. Hydrologic analyses for floodplain studies in Colorado shall be completed using the information set forth in FEMA Guidelines and Specifications for Flood Hazard Mapping Partners, as incorporated herein by reference. The Colorado Floodplain and Criteria Manual may be used as a reference document to aid in this analysis. In addition, hydrology studies must comply with the following:

- (1) All floodplain studies, regardless of the level of detail, (e.g., approximate or detailed) shall utilize detailed hydrologic information. The CWCB recognizes existing and future watershed conditions for the purposes of computing flood hydrology. The CWCB may evaluate future watershed conditions, in addition to existing conditions when Foreseeable Development is expected.
- (2) Any new study to evaluate hydrologic information and/or design storm criteria shall be completed in such a way that it is scientifically defensible and technically reproducible.
- (3) All jurisdictions and communities affected by revised hydrologic data, due to their geographic proximity to the affected stream reach within a particular watershed,

are encouraged to participate in the update process, and shall be given the opportunity by the study sponsor to review and comment on the revised information. Opponents to the revised information may present technically accurate and sound scientific data to the CWCB that clearly demonstrates that the information in question is inaccurate pursuant to Rule 12. The CWCB shall make the final determination regarding disputes.

- (4) Within any given watershed, or hydrologic subregion, consistency in hydrologic data and runoff methodology shall be pursued to the extent possible through cooperation of all affected jurisdictions and entities.

G. **Detailed Hydraulic Method.** Hydraulic analyses for floodplain studies in Colorado shall be completed using protocols set forth in FEMA Guidelines and Specifications for Flood Hazard Mapping Partners, as incorporated herein by reference.

H. **Floodplain Delineations.** Floodplain delineations shall be completed using protocols set forth in FEMA Guidelines and Specifications for Flood Hazard Mapping Partners, as incorporated herein by reference, and shall, at a minimum, comply with the technical quality assurance standards as follows:

- (1) The flood elevations and the floodplain delineations on the maps must correlate reasonably to the best available topographic information for the stream and adjacent corridor and must meet an acceptable level of technical accuracy.
- (2) The planimetric features on the floodplain maps (including, but not limited to, streets and highways, stream centerlines, bridges and other critical hydraulic features, corporate limits, section lines and corners, survey benchmarks) must be consistent with the best available aerial photographs or other suitable information for the stream and the adjacent corridor, as determined through prevailing industry practices, and must meet an acceptable level of technical accuracy.

I. **Special Floodplain Conditions.** There are a number of special floodplain conditions, or natural flood hazards, in Colorado that fall outside of the standard riverine environment. Studies for the 100-year flood involving special conditions shall be completed using protocols set forth in FEMA Guidelines and Specifications for Flood Hazard Mapping Partners, as incorporated herein by reference. The special conditions are:

- (1) Alluvial Fan and Debris Flow floodplains located within foothill and mountainous regions of Colorado shall be considered on a case-by-case basis.
- (2) Post-wildfire hydrology shall be evaluated on a case-by-case basis in forested areas immediately following moderate to intense wildfires resulting in approximately 15% or greater burn area of the affected watershed. Interim flood advisory maps, based on burned watershed conditions, shall be produced at the request of the local governing authority or by Board initiative. The interim floodplain maps shall show increased runoff from hydrophobic soils and lack of vegetation. The post-wildfire maps shall be evaluated every 3 to 5 years to assess the need for further revision based on watershed recovery, forest re-growth, and other factors.
- (3) Ice jam flooding shall be considered within stream reaches where this phenomenon is known to occur. Ice jam flooding may be analyzed utilizing methodologies

available through the U.S. Army Corps of Engineers Cold Regions Research and Engineering Laboratory (CRREL), located in Hanover, New Hampshire.

J. **Written reports and maps.** The results of the hydrologic analyses, hydraulic analyses, and floodplain delineations shall be summarized in a written report and submitted to the CWCB. All Approximate and Detailed Floodplain Information that is presented to the CWCB for designation and approval shall be properly titled, dated, organized, and bound as a stand-alone document. In addition to the hard copy final report, the CWCB requires that a digital copy of the final report be submitted in MS Word and PDF formats. All pertinent technical backup data such as GIS files, and hydrologic and hydraulic models shall also be provided to the CWCB in acceptable digital formats. The CWCB shall electronically distribute to interested parties, to the extent possible, pertinent study information. Access to original GIS information shall be provided to local governments and other authorized users through a secure and protected website or other secure means.

- (1) The Regulatory Floodplain maps shall show, at a minimum, the flood boundaries, the location of all cross sections used in the hydraulic analysis, the reference line drawn down the center of the floodplain or low flow channel, and a sufficient number of flood contours in order to reconstruct the flood water surface profiles.
- (2) New Physical Map Revisions requested by local jurisdictions or involving local jurisdictions should include detailed 500-year floodplain information when practicable.
- (3) Flood contours, or Base Flood Elevations, shall be shown as wavy lines drawn perpendicular to the direction of flow of floodwater and shall extend completely across the area of the mapped Regulatory Floodplain. Each flood contour shall indicate its elevation to the nearest whole foot.
- (4) The Regulatory Floodplain map scale shall be 1-inch equals 1000 feet or such map scale showing greater detail. FEMA map panels may also be published at 1 inch equals 500 feet, 1 inch equals 1,000 feet or 1 inch equals 2000 feet.
- (5) Where discrepancies appear between Regulatory Floodplain maps and water surface profiles, any regulatory water surface profile designated and approved by the Board shall take precedence over any corresponding flooded area map for the same stream reach or site location, unless a profile error is identified and substantiated.

K. **Contractor Qualifications**

- (1) Qualified engineers licensed in Colorado shall direct or supervise the floodplain mapping studies and projects pertaining to the Regulatory Floodplain. All floodplain maps, reports and project designs pertaining to the Regulatory Floodplain, except those prepared by federal agencies, shall be certified and sealed by the Colorado Registered Professional Engineer of record.
- (2) Federal agencies or other recognized and qualified government authorities may produce floodplain mapping work as a study proponent or on behalf of a study proponent.

Rule 8. Standards for Regulatory Floodways:

- A. **Establishment of Floodway Criteria.** The CWCB recognizes that Designated Floodways are administrative limits and tools used by communities to regulate existing and future Floodplain developments within their jurisdictions. This Rule 8(A) does not require communities to automatically map ½ foot floodways within their jurisdictions. However, at such time when floodways are to be delineated through Physical Map Revisions involving local government participation, communities shall delineate floodways for the revised reaches based on ½-foot rise criteria. Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation. Until such time that floodways are revised and designated, communities may continue to regulate their mapped one-foot floodways. For reaches where a transition must be shown to connect new studies to existing studies with different floodway criteria, the transition length shall not exceed 2,000 feet.
- B. **Designation of floodways.** Designation and approval of Floodplain information shall also include the designation and approval of corresponding Floodway Information. For waterways with Base Flood Elevations for which Floodways are not computed, the community shall apply a ½ foot floodway regulation according to its own determination, as outlined in FEMA Regulation 44 C.F.R. § 60.3(c)(10) (2010), incorporated herein by reference, for a 1-foot floodway. This reference is *available at* http://www.access.gpo.gov/nara/cfr/waisidx_02/44cfr60_02.html, and is hereby incorporated by reference into this Rule and includes the material in existence at the time of the promulgation of these Rules, but does not include later amendments to or editions of this incorporated material
- C. **Incorporation of FEMA’s Floodway Regulations.** All regulations defined in the FEMA regulations “Criteria for Land Management and Use,” 44 C.F.R. § 60.3(c)(10), (d) (2010) *available at* http://www.access.gpo.gov/nara/cfr/waisidx_02/44cfr60_02.html, are hereby incorporated by reference into this Rule and includes the material in existence at the time of the promulgation of these Rules, but does not include later amendments to or editions of this incorporated material. All communities participating in the National Flood Insurance Program that have Base Flood Elevations defined for one or more of the waterways within their jurisdictions shall adopt and enforce these floodway regulations. Failure to enforce floodway regulations may impact the community’s standing in the National Flood Insurance Program and may eliminate or reduce eligibility for federal or state financial assistance for flood mitigation and disaster purposes.
- D. **Communities in Which This Rule Applies.** Communities with Regulatory Floodplains that have been Designated and Approved by the CWCB with Base Flood Elevations defined for one or more of the waterways within their jurisdictions shall be required to establish technical (quantified) surcharge criteria for floodway determination and regulation, which must meet or exceed the requirements set forth in this Rule. This Rule shall not apply in communities without Base Flood Elevations established, unless otherwise adopted by the community. This Rule shall not apply to approximate stream reaches for which Base Flood Elevations have not been defined.

Rule 9. Criteria for Determining the Effects of Flood Control Structures on Regulatory Floodplains:

- A. For the purposes of this Rule, local and regional hydraulic structures providing local or regional flood or stormwater detention, shall be considered to be "Flood Control Structures." There are no separate criteria for these structures.
- B. **Flood Control Structures.** If a publicly operated and maintained structure is specifically designed and operated either in whole or in part for flood control purposes, then its effects shall be taken into consideration when delineating the floodplain below such structure. The effects of the structure shall be based upon the 100-Year Flood with full credit given to the diminution of peak flood discharges, which would result from normal Flood Control Structure operating procedures.

The hydrologic analysis pertaining to State Regulatory Floodplains shall consider the effects of on-site detention for rooftops, parking lots, highways, road fills, railroad embankments, diversion structures, refuse embankments (including, but not limited to, solid waste disposal facilities), mill tailings, impoundments, siltation ponds, livestock water tanks, erosion control structures, or other structures, only if they have been designed and constructed with the purpose of impounding water for flood detention and are publicly operated and maintained. For the purposes of this Rule, Public operation and maintenance may include direct responsibility or ultimate responsibility through written agreement. Detention structures that are privately operated or maintained shall not be included in the hydrologic analysis unless it can be shown that they exacerbate downstream peak discharges.

- C. **Non-Flood Control Structures.** If a structure is not specifically designed and operated, either in whole or in part, for flood control purposes, then its effects, even if it provides inadvertent flood routing capabilities that reduce the 100-Year Flood downstream, shall not be taken into account, and the delineation of the Floodplain below such structure shall be based upon the 100-Year Flood that could occur absent the structure's influence. However, if adequate assurances have been obtained to preserve the flood routing capabilities of such structure, then the delineation of the Floodplain below the structure may, but need not, be based on the assumption that the reservoir formed by the structure will be filled to the elevation of the structure's emergency spillway and the 100-Year hydrology can be routed through the reservoir to account for any flood attenuation effects.
- D. **Adequate Assurances.** For the purposes of this Rule 9 "adequate assurances" shall, at a minimum, include appropriate recognition in the community's adopted master plan of: (1) the flood routing capability of the reservoir, as shown by comparison of the 100-Year Floodplain in plan and profile with and without the structure in place, in order that the public may be made aware of the potential change in level of Flood protection in the event that the reservoir flood routing capability is lost; (2) the need to preserve that flood routing capability by whatever means available in the event that the reservoir owners attempt to make changes that would decrease the flood routing capability; and (3) a complete operations and maintenance plan.
- E. **Irrigation Facilities.** The CWCB recommends that irrigation facilities (including, but not limited to, ditches and canals) not be used as stormwater or flood conveyance facilities, unless specifically approved and designated by local governing jurisdictions and approved by the irrigation facility owners. The flood conveyance capacity of irrigation facilities shall

be acknowledged only by agreement between the facility owners and local governing jurisdictions, with review and concurrence from the Colorado Division of Water Resources to ensure that water rights administration needs are properly considered. A maintenance easement or agreement shall be in place allowing the local government maintenance access if needed.

Unless specified otherwise by aforementioned written agreement, flood hydrology for State Regulatory Floodplain mapping purposes shall consist of peak hydrologic flows that are identical immediately downstream and immediately upstream of a ditch or canal that is generally perpendicular to the stream or drainage way of interest. The irrigation facility shall be assumed as running full so that there are no computed flood reduction benefits downstream of the irrigation facility. Backwater behind irrigation facilities shall be mapped. The CWCB will designate and approve 100-Year Floodplain information for irrigation facilities if the above recommendations are met. This Rule is not intended in any way to interfere with Colorado water law.

Rule 10. Criteria for Determining Effects of Levees on Regulatory Floodplains:

General. The use of levees for property protection, flood control, and flood hazard mitigation is not encouraged by the CWCB, unless other mitigation alternatives are not viable. The areas landward of an accredited levee and Provisionally Accredited Levee (PAL) system shall be mapped as Zone X (shaded). The Digital Flood Insurance Rate Maps (DFIRMs) for these areas will include an informational note that advises users of the flood risk in levee-impacted areas. In situations where levees are the only viable alternative for protection of existing development, “setback” levees should be designed and constructed to maintain the natural channel and reserve a portion of the natural floodplain capacity. Levees should not be used for flood protection along streams or watercourses where new development is planned. However, levees may be used to protect public utility plant facilities for wastewater treatment and pumping as well as electric power plants due to their close proximity to natural waterways. For existing levees that protect existing development, proper maintenance should be performed by levee owners/operators, or non-federal sponsors in the case of federal levees, according to an operations and maintenance plan.

Levees should not be constructed for the primary purpose of removing undeveloped lands from mapped floodplain areas for the purposes of developing those lands because of the potential impairment of the health, safety, welfare and property of the people. Design and construction of levees identified for this purpose will not be eligible for CWCB grants or loans.

When constructed, levees for which protection will be considered for designation and approval must meet the requirements set forth in “Mapping of Areas Protected by Levee Systems,” 44 C.F.R. § 65.10 (2010). Artificial embankments that either function as a Levee or a Flood Control Structure must meet the provisions of this Rule or “Office of the State Engineer Rules and Regulations for Dam Safety and Dam Construction,” 2 C.C.R. § 402-1 (2010), respectively, in order to be considered as providing protection. 44 C.F.R. § 65.10 (2010), *available at* http://www.access.gpo.gov/nara/cfr/waisidx_02/44cfr65_02.html, and 2 C.C.R. § 402-1 (2010), *available at* http://water.state.co.us/pubs/rule_reg/ds_rules07.pdf,

are hereby incorporated by reference and include the incorporated material in each in existence at the time of the promulgation of these Rules, but do not include later amendments to or editions of either.

- A. **Maintenance.** An Operating and Maintenance manual that ensures continuing proper function of the structure shall be prepared and updated. The levee shall be structurally sound and adequately maintained. Sedimentation effects shall be considered for all levee projects. Certification from a federal agency, state agency, or a Colorado Registered Professional Engineer that the levee meets the minimum freeboard criteria, as stated above, and that it appears, on visual inspection, to be structurally sound and adequately maintained shall be required on a three-year basis and provided to the CWCB. Levees that have obvious structural defects or that are obviously lacking in proper maintenance shall not be considered in the hydraulic analysis.
- B. **Ownership.** Privately-operated or maintained levee systems will not be considered in the hydraulic analysis performed pursuant to Rule 7 unless a local ordinance mandates operation and maintenance of the levee system and the criteria set forth below are met. Levees for which the community, State, or Federal government has responsibility for operations and maintenance will be considered, provided that the criteria set forth below are met. Privately-owned levee systems shall only be considered in the hydraulic analysis if a fully executed agreement exists between the levee owner and a governmental entity enabling unrestricted access to the governmental entity for the purposes of inspection and maintenance and gives the governmental entity responsibility for maintenance. A copy of the executed agreement shall be provided to the Board and the Board shall be notified in writing of any changes made to this agreement.
- C. **Freeboard.** A minimum levee freeboard of 3 feet shall be necessary, with an additional 1-foot of freeboard within 100 feet of either side of hydraulic structures within the levee or wherever the flow is constricted, such as at bridges. An additional 0.5-foot above this minimum is also required at the upstream end of the levee.
- D. **Interior Drainage.** In cases where levees are mapped as providing 100-year protection the adequacy of interior drainage systems, on the landward side of the levee, shall be evaluated. Areas subject to flooding from inadequate interior drainage behind levees will be mapped using standard procedures.
- E. **Human Intervention and Operation.** In general, evaluation of levees shall not consider human intervention (e.g., capping of levees by sandbagging, earth fill, or flashboards) for the purpose of increasing a levee's design level of protection during an imminent flood. Human intervention shall only be considered for the operation of closure structures (e.g., gates or stop logs) in a levee system designed to provide at least 100-year flood protection, including adequate freeboard as described above, provided that such human operation is specifically included in an emergency response plan adopted by the community.
- F. **Analysis.** For areas protected by a levee providing less than 100-year protection (e.g., 10-year protection), flood elevations shall be computed as if the levee did not exist. For the unprotected area between the levee and the source of flooding, the elevations to be shown shall be obtained from either the flood profile that would exist at the time levee overtopping

begins or the profile computed as if the levee did not exist, whichever is higher. This procedure recognizes the increase in flood elevation in the unprotected area that is caused by the levee itself. This procedure may result in flood elevations being shown as several feet higher on one side of the levee than on the other. Both profiles shall be shown in the final report and labeled as "before levee overtopping" and "after levee overtopping" respectively.

Rule 11. Floodplain Management Regulations:

A. Compliance with Minimum Standards of the National Flood Insurance Program.

Each community in the State of Colorado shall comply with the minimum floodplain criteria set forth in the FEMA regulation "Criteria for Land Management and Use," 44 C.F.R. §§ 60.3–60.5 (2010), unless more restrictive standards have been adopted as set forth in Rules 1 through 20 of these Rules and Regulations for Regulatory Floodplains in Colorado or pursuant to regulations adopted by the local community. These Rules do not apply to local stormwater or local storm drainage studies where riverine flooding sources are not considered. 44 C.F.R. §§ 60.3–60.5 (2010) *available at* http://www.access.gpo.gov/nara/cfr/waisidx_02/44cfr60_02.html, are hereby incorporated by reference and include the material in existence at the time of the promulgation of these Rules, but do not include later amendments to or editions of the material.

B. Minimum Freeboard. A minimum freeboard of one foot above the 100-year flood elevation (Base Flood Elevation) shall apply to structures in the floodplain as follows:

(1) Residential Structures. New and Substantially Changed residential structures, and Additions to existing residential structures shall be constructed with the lowest floor, including basements, placed with a minimum of one foot of freeboard above the Base Flood Elevation.

(2) Non-residential Structures. New and Substantially Changed non-residential structures, and Additions to existing non-residential structures shall be constructed with the lowest floor, including basements, placed with a minimum of one foot of freeboard above the Base Flood Elevation, or be flood-proofed to an elevation at least one foot above the Base Flood Elevation. Agricultural structures shall be exempt from this requirement.

Critical Facilities shall be regulated according to Rule 6.D. This rule does not affect the freeboard requirement for levees described in Rule 10.C.

C. Permit Restrictions for Properties Removed from the Floodplain by Fill. No

Community shall issue a permit for the construction of a new structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) with a floor elevation placed below the base flood elevation with one foot of freeboard that existed prior to the placement of fill. Issuance of any such permit shall constitute a violation of these Rules. Critical Facilities are exempted from this restriction if the facility is protected according to Rule 6.D herein.

Rule 12. Effects of Flood Mitigation Measures and Stream Alteration Activities on Regulatory Floodplains:

In order to assist the CWCB in carrying out its mission to protect the health, safety, welfare and property of the public, through the prevention of floods in Colorado, the CWCB requires the following:

- A. Detention/flood control storage and LID should be considered, when practicable, as part of a basinwide program for the watershed.
- B. Flood control channels shall include a low-flow channel with a capacity to convey the average annual flow rate, or other appropriate flow rate as determined through a hydrogeomorphological analysis, without excessive erosion or channel migration, with an adjacent overbank floodplain to convey the remainder of the 100-year flow. The channel improvement shall not cause increased velocities or erosive forces upstream or downstream of the improvement.
- C. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed geomorphological analysis should be considered, when appropriate, to assist in determining the most appropriate design.

Project proponents for a mitigation activity must evaluate the residual 100-year floodplain. Proponents are also encouraged to map the 500-year residual floodplain.

- D. All public and private Flood Control Structures shall be maintained to ensure that they retain their structural and hydraulic integrity. Annual inspections including, as appropriate, field surveys of stream cross-sections, shall demonstrate to the appropriate regulatory jurisdictions that the project features are in satisfactory structural condition, that adequate flow capacity remains available for conveying flood flows, and that no encroachment by vegetation, animals, geological processes such as erosion, deposition, or migration, or by human activity, endanger the proper function of the project. If any significant problems, as identified within annual inspection reports, , the facility or project owner shall notify the CWCB within 60 days of the inspection. The inspections shall be conducted by the local jurisdiction for all publicly owned or publicly maintained facilities, and shall be conducted by the property owner or facility owner for all privately owned and maintained facilities.
- E. Any stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and ordinances.
- F. Any stream alteration activity shall be designed and sealed by a Colorado Registered Professional Engineer or Certified Professional Hydrologist.
- G. All activities within the regulatory floodplain performed by federal agencies using local or state funds, or by private, local or state entities shall meet all applicable federal, state and local floodplain requirements.
- H. Stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a Colorado Registered

Professional Engineer, that there are no adverse floodway impacts resulting from the project. This requirement only applies on stream reaches with Base Flood Elevations established.

- I. No adverse floodway impact means that there is a 0.00-foot rise in the proposed conditions compared to existing conditions floodway.
- J. Whenever a Stream Alteration activity is known or suspected to increase or decrease the established Base Flood Elevation in excess of 0.3 vertical feet (or a more stringent standard adopted by the local government authority), a Letter of Map Revision showing such changes shall be obtained in order to accurately reflect the proposed changes on FEMA's regulatory floodplain map for the stream reach. The local community is responsible for ensuring that this process is pursued. This section herein does not require a Conditional Letter of Map Revision (CLOMR) to be applied for, unless mandated by the local government having land use authority.

Rule 13. Process for Designation and Approval of Regulatory Floodplains:

- A. **Designation and Approval Requirements.** The Board will designate and approve Regulatory Floodplains by the adoption of written resolutions based only upon such floodplain information as the Board determines meets the standards set forth in Rule 7, as applicable, with consideration of the effects of dams and levees being subject to the criteria or Rules 9 and 10, respectively and any mitigation activity in Rule 12.
- B. **Base Flood.** 100-year floodplain information shall generally be the basis for all designation and approval actions by the Board for regulatory purposes in Colorado. However, the CWCB will designate and approve 500-year floodplain information but only at the written request of a local authority having land use jurisdiction.
- C. **Provisional Designation.** The CWCB may designate and approve, on a provisional basis and for a maximum period of time not to exceed two years, floodplain information that does not meet the minimum requirements as set forth in Rule 7.
- D. **Process for Taking Designation and Approval Actions.** The Board shall consider the designation and approval of floodplain information either by request of a community or by acting on its own initiative.
 - (1) **Consideration at a Community's Request.** The Board shall consider designation and approval of floodplain information upon written request from the governing body of any community having jurisdiction in the area where the floodplain information is applicable. The letter of request shall identify the report title, date, author or agency which prepared the report, stream name(s), upstream and downstream limits of the stream reach(es) to be designated, stream length(s) in miles, type of designation requested (detailed or approximate), and any other relevant information. The Board shall receive such a request at least 30 days prior to the Board meeting at which consideration of designation and approval is requested.

- (2) **Consideration at the Board's initiative.** If designation and approval of a floodplain would be in the best interest of the health, safety, welfare and property of the citizens of the State of Colorado, then the Board may take action at its own initiative to consider the designation and approval of floodplain information. In such cases, the Board shall notify the affected communities in writing at the time of study initiation or, in the case of a previously completed study, the Board shall receive concurrence in writing from the affected community at least 45 days prior to the Board meeting at which it will consider the designation and approval of floodplain information within their jurisdiction.
- (3) **Notification of Adopted Resolutions.** The CWCB shall send signed copies of each adopted resolution of designation and approval to the applicable local legislative bodies of each community having jurisdiction over land-use decisions in the study area and to FEMA within 30 days of adoption.

Rule 14. Designation and Approval of Changes to Regulatory Floodplains:

When changes are made to the characteristics of a floodplain that result in a revision of a community's Flood Insurance Rate Maps or Flood Hazard Boundary Maps (and a subsequent designation of the new map), the Board will designate and approve changes to the regulatory floodplain caused by development, new or better technical information, or other sources. The CWCB will designate the changed floodplains by adopting written resolutions based upon such floodplain information as the Board determines meets the standards set forth in Rules 6-12. In the event that a community is aware of and has access to better available information on a previously designated flooding source, then the CWCB allows for that undesignated information to be used for regulatory purposes.

- A. **Conditions.** All changes to designated floodplains shall meet the same conditions as those required for original approval and designation.
- B. **Process for Designation and Approval of Changes to a Regulatory Floodplain.** The Board may consider the designation and approval of floodplain information either by request of a community or by acting on its own initiative.
 - (1) **Consideration at a Community's Request.** The Board shall consider designation and approval of changes to a regulatory floodplain upon written request from the governing body of any community having jurisdiction in the area where the floodplain information is applicable. The Board staff shall receive such requests at least 30 calendar days prior to the Board meeting at which consideration of designation and approval is requested.
 - (2) **Consideration at the Board's Initiative.** If designation and approval of a floodplain would be in the best interest of the health, safety, welfare and property of the citizens of the State of Colorado, then the Board may take action at its own initiative to consider the designation and approval of floodplain information. In such cases, the Board shall notify the affected communities in writing at the time of the study initiation or, in the case of a previously completed study, the Board shall receive concurrence in writing from the affected community at least 45 days prior to the Board meeting at which it will consider the designation and approval of floodplain information within their jurisdiction.

(3) **Notification of Adopted Resolution.** The CWCB shall send signed copies of each adopted resolution of designation and approval of changes to a regulatory floodplain to the applicable local legislative bodies of each community having jurisdiction over land-use decisions within the limits of the changed floodplain within 30 calendar days of designation and approval.

C. **Identification of Designations of Changes to a Regulatory Floodplain.** The designation of the changes to the regulatory floodplain will be given a reference identification number that will differentiate the changed designation from the original. It is implied that designations to changes to a regulatory floodplain will only rescind the affected portions of the previously designated floodplain information. All other unaffected reaches will remain as originally designated.

D. **Map Revisions to Flood Insurance Rate Maps or Flood Hazard Boundary Maps.** Floodplain map revisions (e.g., FEMA Letters of Map Revision) will be designated twice annually by the CWCB during a regularly scheduled Board meeting and will not be subject to a full technical review by the CWCB staff.

Rule 15. Variances:

A. **Consideration by local jurisdiction.** Request for a variance to any of these Rules may be considered by the local jurisdiction having land use authority, provided the entity or individual requesting the variance has submitted a written request to the appropriate authority. A notice of the Request must be provided to any adjacent communities that would be affected by the variance.

B. **Contents of a Request for Variance.** The request for a variance shall identify:

- (1) The Rule from which the variance is requested;
- (2) The communities that would be affected by the variance;
- (3) The reasons why the Rule cannot be complied with;
- (4) The estimated difference in water surface elevations, flood velocities and flood boundaries that would result if the requested variance were granted than if the calculations were made through strict compliance with the Rule;
- (5) The estimated number of people and structures that will be impacted by granting of the variance; and
- (6) Any other evidence submitted by the community, the CWCB staff, or other party of interest.

C. **Factors to be considered.** Variances may be issued if it can be determined that:

- (1) There is a good and sufficient cause; and
- (2) The variance is the minimum necessary, considering the flood hazard, to afford relief; and
- (3) Failure to grant the variance would result in exceptional hardship to the community or the requestor and that the hardship is not the community's or requestor's own making; and

- (4) The granting of a variance will not result in increased vulnerability to flood losses, additional threats to public safety and welfare, extraordinary public expense, create nuisances, cause fraud or victimization of the public, hide information of significant interest to the public or conflict with existing local laws or regulations.
- (5) In lieu of items C(1) through C(4) above, a local jurisdiction having land use authority may, at its sole discretion, use an established variance procedure.

D. **Variance Process.** Variance requests shall be processed as follows:

- (1) Local jurisdictions having land use authority shall render, confirm, modify, or reject all variance requests pertaining to these Rules.
- (2) The Board may review local variance decisions on a case-by-case basis to ensure that the overall intent and spirit of these Rules are properly considered at the local level.
- (3) Informal variance determination request may be presented to CWCB staff in order to guide community officials or project applicants as to whether a formal variance would be needed on a case by case basis.

Rule 16. Enforcement of Floodplain Rules and Regulations:

A. **Procedure to be followed regarding alleged violations**

- (1) **Notice of Non-Compliance.**
 - a. A Notice of Non-Compliance (NONC) may be prepared and transmitted by the CWCB or its Director. Information regarding potential violations may be discovered directly by CWCB staff or can be brought to the CWCB or its Director by a Complainant, such as the Federal Emergency Management Agency, other state agencies, the local government within whose boundaries the alleged violation took place, or by any other person who may be directly and adversely affected or aggrieved as a result of the alleged violation.
 - b. Oral complaints shall be confirmed in writing by the Complainant. Persons making a complaint are required to submit a formal letter of complaint to the CWCB Director.
 - c. NONC process.
 - i. An NONC issued by the CWCB shall be delivered to an alleged violator by personal delivery or by certified mail (return receipt requested). A copy of the NONC shall be transmitted to FEMA Region VIII and the local jurisdiction having land use authority.
 - ii. The NONC does not constitute final agency action.
 - iii. The NONC shall identify the statute, Rule, regulation, or policy subject to CWCB jurisdiction allegedly violated and the facts alleged to constitute the violation. The NONC may propose appropriate corrective action and suggested corrective action(s) if any, that the CWCB elects to require.
- (2) FEMA Region VIII shall support, through its National Flood Insurance Program activities, these Rules. This support will include the existing ability for FEMA to place sanctions upon a community for non-compliance.

- (3) Certain CWCB decisions to provide flood and watershed related grant funding to communities may be directly dependent upon a community's compliance with these Rules.

Rule 17. Incorporation by Reference: FEMA Regulations 44 C.F.R. §§ 59, 60, 65, and 70 (2010), *available at* http://www.access.gpo.gov/nara/cfr/waisidx_00/44cfrv1_00.html, EPA Regulations 40 CFR § 302 (2010), *available at* http://www.access.gpo.gov/nara/cfr/waisidx_03/40cfr302_03.html, and OSHA Regulations 29 CFR § 1910 (2010), *available at* http://www.access.gpo.gov/nara/cfr/waisidx_99/29cfr1910_99.html, are incorporated herein by reference. In addition, The Colorado "Office of the State Engineer Rules and Regulations for Dam Safety and Dam Construction Materials," set forth in 2 C.C.R. § 402-1 (2010), *available at* http://water.state.co.us/pubs/rule_reg/ds_rules07.pdf, are incorporated herein by reference. The FEMA Guidelines and Specifications for Flood Mapping Partners (2009), *available at* www.fema.gov/fhm/dl_cgs.shtm, are also incorporated herein by reference. These regulations are hereby incorporated by reference by the Colorado Water Conservation Board and made a part of these Rules and Regulations for Regulatory Floodplains in Colorado. Materials in these Rules, including, but not limited to those mentioned here in Rule 17, which are incorporated by reference are those materials in existence as of the effective date of these Rules and do not include later amendments to or editions of these materials. The material incorporated by reference is available for public inspection during regular business hours at the Colorado Water Conservation Board, 1313 Sherman Street, Room 721, Denver, CO 80203 or may be examined at any state or federal publications depository library, or on the FEMA or CWCB website.

Rule 18. Severability: If any portion of these Rules is found to be invalid, the remaining portion of the Rules shall remain in force and in effect.

Rule 19. Recommended Activities for Regulatory Floodplains: The following list contains floodplain management activities and actions suggested by the CWCB to increase a community's overall level of flood protection. Communities and other authorized government entities may:

- A. Adopt local standards above and beyond the FEMA and CWCB minimum requirements.
- B. Develop a Flood Response Plan that identifies responsibilities/actions before, during and after a flood event.
- C. Enroll in FEMA's National Flood Insurance Program (NFIP) and possibly FEMA's Community Rating System (CRS) Program.
- D. Develop an early warning flood detection system (flood warning system) using available technologies such as automated precipitation and stream flow gages linked to an appropriate notification system.
- E. Coordinate with lenders, insurance agents, real estate agents, and developers to prepare and discuss educational tools based on state and federal requirements.

- F. Promote wise floodplain development and support effective structural and non-structural flood mitigation projects.
- G. Conduct floodplain studies in areas of Foreseeable Development that do not currently have detailed floodplain studies.
- H. Maintain an electronic or paper library of local flood related data.
- I. Develop a flood risk outreach program and notify flood prone residents annually of flood hazards and the need for flood insurance.
- J. Encourage elevation of flood-prone structures and flood-proofing of structures in the floodplains.
- K. Utilize available state/federal mitigation and preparedness funds.
- L. Require certified floodplain managers to review proposed land developments.
- M. Advise the public at large that flooding does occur above and beyond the 100-year and 500-year floods. Floods greater than 500-year floods do occur, and loss of life and property is possible in areas mapped outside of both the 100-year and 500-year floodplains. .
- N. Utilize the concept of “No Adverse Impact” floodplain management where the action of one property owner does not adversely impact the rights of other property owners, as measured by increased flood peaks, flood stage, flood velocity, and erosion and sedimentation. No Adverse Impact could be extended to entire watersheds as a means to promote the use of retention/detention or other techniques to mitigate increased runoff from urban areas.
- O. Prohibit the construction of new levees that are intended to remove land from a regulatory floodplain for the purpose of allowing new development activity to take place in areas that are otherwise flood prone.
- P. Require an appropriate level of freeboard at bridges between the 100-year water surface elevation and the lowest elevation of the lowest structural member to allow for passage of waterborne debris.
- Q. Identify areas prone to flooding outside of the 500-year floodplain where loss of life or substantial property damage may occur. Flooding greater than 500-year (0.2% chance) events can and do occur as well, and loss of life and property is possible in areas mapped outside of both the 100-year and 500-year regulatory floodplains. Communities are encouraged to map and regulate 500-year floodplains for Critical Facilities at their sole discretion.
- R. Maintain a flood hazard page on the community website with links to the CWCB, FEMA Flood Map Store, National Flood Insurance Program, National Weather Service, local building codes, and local permitting information.

- S. The CWCB discourages Compensatory Flood Storage because existing flood storage volume should be preserved. However, when necessary, structures and fill that displace floodplain storage volume shall be compensated for by excavation of equivalent volumes at equivalent elevations within a nearby vicinity of the displaced volume. The compensatory storage area shall be hydraulically connected to the source of flooding.
- T. Adopt Buffer Ordinances that limit development in and near natural protective features such as riparian stream corridors and wetlands. Natural protective features may extend beyond 100 year flood elevations. Extra protections for these areas are beneficial because these areas attenuate runoff periods, improve water quality, stabilize streambanks, recharge groundwater aquifers, allow for lateral stream migration, and protect aquatic and terrestrial habitat. Riparian and wetland areas also enhance the general aesthetic value of a community.
- U. Buffer ordinances are often seen as part of land use or zoning code. They may also stand alone in other portions of the municipal code. Options for widths include fixed width, variable width, or multi-zoned buffers.
- V. Establish Residual Risk Mapping. Residual Risk is the threat to the areas behind levees that may still be at risk for flooding. FEMA has identified thousands of miles of levees nationwide, affecting millions of people. It is important for levee owners, communities, and homeowners to understand the risks associated with living in levee-impacted areas and the steps that can be taken to provide full protection from flooding. Even the best flood protection system or structure cannot completely eliminate the risk of every flood event, and when levee systems fail, the results may be catastrophic and the damage may be more significant than if the levee system had not been built.

Rule 20. Effective Date: These Rules shall apply to the designation and approval of all floodplain information made by the Board and all other floodplain activities on or after January 14, 2011 and are, therefore, not retroactive to any floodplain information designated and approved by the Board or other floodplain activities prior to the effective date. These Rules contain provisions that will require many local ordinances to be updated to be consistent with these rules. A transition period of three years beginning from the effective date of these rules will be in effect during which all local governments may follow current local ordinances but must undertake activities to come into compliance with these Rules. Following this transition period, all floodplain activities shall be in conformance with these Rules. In addition, communities may, at their sole discretion, allow un-built projects that were previously permitted by the local government, prior to the adoption date of the local ordinance for which these Rules are incorporated, to be built and therefore considered to be in compliance with these Rules. Communities may also, at their sole discretion, permit and allow projects for which a valid CLOMR was issued prior to the adoption date of the local ordinance for which these Rules are incorporated.

Floodplain Rules and Regulations

Statement of Basis and Purpose – November 17, 2010

Proposed Basis and Purpose for CWCB floodplain Rules and Regulations:

1. These Rules are promulgated to carry out the authority and responsibilities of the Colorado Water Conservation Board (“the Board” or “CWCB”) pursuant to sections 24-4-103, 24-65.1-403(3), 24-65.1-101(1)(c)(I), 24-65.1-202(2)(a)(I), 24-65.1-302(2)(a), 30-28-111(1)–(2), 31-23-301(1) & (3), 37-60-106(1), 37-60-106(1)(c)–(g), (j), (k), C.R.S. (2010). The General Assembly has deemed the designation of floodplains a matter of statewide importance and interest and gave the CWCB the responsibility for the designation of regulatory floodplains and to assure public health, safety, welfare and property by limiting development in regulatory floodplains. §§ 24-65.1-202(2)(a)(I), 24-65.1-302(1)(b)&(2)(a), 24-65.1-403(3), 24-65.1-101 and 24-65.1-404(3), C.R.S. (2010).
2. The Rules will help the CWCB carry out its statutory mission to devise and formulate methods, means, and plans for the prevention of flood damages. § 37-60-106(1)(c).
3. The purpose of the Rules is to provide uniform standards for regulatory floodplains in Colorado, to provide standards for activities that may impact regulatory floodplains in Colorado, and to stipulate the process by which floodplains will be designated and approved by the CWCB. These Rules will also assist the CWCB and Colorado communities in developing sound floodplain management practices and in assisting with the implementation of the National Flood Insurance Program.
4. Implementing a sound flood protection program is necessary to reduce flood damages because flooding is the most devastating natural disaster in terms of both property damage and human fatalities in Colorado.
5. The General Assembly gave the CWCB the authority to prevent flood damages and regulate and designate floodwater runoff channels or basins. §§ 37-60-106(1)(c), 37-60-106(1)(e), 37-60-106(1)(f), 37-60-106(1)(g), 37-60-106(1)(h), 37-60-106(1)(k), 37-60-108. The CWCB, in cooperation and coordination with local governments, ensures proper regulation of floodplains.
6. Floodplain administration is an area of state interest. §§ 24-65.103(7) & 24-65.1-202(2)(a), C.R.S. (2010). The General Assembly gave local authorities broad authority to plan for and regulate land use within their jurisdictions, including regulation of development in hazardous areas and regulating on the basis of impacts to the communities and surrounding areas. §§ 29-20-102(1) & 29-20-104(1)(a)&(g), C.R.S. (2010). County planning commissions may establish, regulate and limit uses on or along any storm or floodwater runoff channel or basin that has been designated and approved by the CWCB in order to lessen or avoid flood damage. § 30-28-111(1), C.R.S. (2010). The governing body of municipalities may establish, regulate and limit uses on or along any storm or floodwater runoff channel or basin that has been designated and approved by the CWCB in order to lessen or avoid flood damage. § 31-23-301(1), C.R.S. (2010). Thus, all federal agencies using local or state funds, and all private, local or state entities conducting activities on or along any storm or floodwater runoff channel or basin shall abide by all state and federal regulations and applicable local regulations on or along any storm or floodwater runoff channel or basin that has been designated and approved

by the CWCB. Such activities shall also be in conformance with FEMA Regulations 44 C.F.R. § § 59, 60, 65, and 70 (2009).

7. Domestic water and sewage systems, such as wastewater treatment facilities or water treatment facilities, any systems of pipes, structures and facilities through which wastewater is collected for treatment, are areas of state interest. § 24-65.1-104(5), C.R.S. (2010). Similarly, the site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems are also areas of state interest as determined by local governments. § 24-65.1-203(1)(a), C.R.S. (2010). Structures, such as domestic water and sewage systems, in the floodplain shall be built and designed to incorporate flood protection devices, consider proposed intensity of use and the structure's effects on the acceleration of floodwaters and any potential significant hazards to public health and safety or to property. § 24-65.1-202(2)(a)(I)(A), C.R.S. (2010). Shallow wells, solid waste disposal sites, and septic tanks and sewage disposal systems shall be protected from inundation by floodwaters. § 24-65.1-202(2)(a)(I)(A), C.R.S. (2010).
8. The Rules apply throughout the State of Colorado, without regard to whether a community participates in the National Flood Insurance Program. The Rules also apply to activities conducted by state agencies. §§ 24-65.1-301(1), 24-65.1-403(3)(a), 24-65.1-404(3), 24-65.1-501, 31-23-301 and 30-28-111(1), C.R.S. (2010).
9. The Rules incorporate new standards for critical facilities that, if flooded, may result in severe consequences to public health and safety or interrupt essential services and operations for the community at any time before, during, and after a flood. These Rules are proposed for promulgation in recognition that such critical facilities must be protected to a higher standard from flood damages. § 37-60-106(1)(c). Further, the General Assembly has required that building of structures in the floodplain must be designed in terms of the availability of flood protection devices, proposed intensity of use, effects on the acceleration of floodwaters, potential significant hazards to public health and safety or to property, and other impact of such development on downstream communities such as the creation of obstructions during floods. § 24-65.1-202(2)(a)(I)(A), C.R.S. (2009). Finally, floodplains shall be administered so as to minimize significant hazards to public health and safety or to property. § 24-65.1-202(2)(a)(I)(A).
10. The Rules provide for procedures for and conditions of proposed variances from the Rules if such variance is for good and sufficient cause and will not increase flooding or threaten public safety.
11. The Rules contain standards and specifications for approximate and detailed regulatory floodplain determinations in Colorado. The 2005 Rules contained detailed standards within Appendix A, Appendix B, and Appendix C. These Appendices have been omitted as incorporation into the Rules, but are still available as a reference tool.
12. The Rules will provide the necessary steps for floodplain mapping partners to follow in order to have county and community flood hazard information designated and approved by the CWCB so that statutory requirements can be met.
13. The Rules will assist communities and other floodplain mapping partners with developing and providing accurate regulatory floodplain information for use in wise floodplain management activities. The Rules provide for a process whereby all affected communities have the

opportunity to review, analyze, and object to the floodplain studies if not based on technically accurate and sound scientific data.

14. The Rules provide for the CWCB's review of the results of the hydrologic analyses, hydraulic analyses, and floodplain delineations in a published floodplain study report. The Rules provide that a qualified Colorado registered professional engineer in good standing shall direct or supervise the floodplain mapping studies and projects within the regulatory floodplain and that such floodplain maps, reports and project designs within the regulatory floodplain shall be certified and sealed by the Colorado registered professional engineer of record.
15. The Rules provide that designation and approval of floodways shall be considered, as requested by the local governing entity, as part of the designation and approval of corresponding regulatory floodplains. The Rules provide criteria for determining the effects of dams, levees, stormwater detention, irrigation facilities, flood mitigation measures and stream alteration activities on or in regulatory floodplains in order to quantify peak flood discharges and to assess the effects of flooding conditions that would result.
16. The Rules set forth the process and procedures for the CWCB to designate and approve regulatory floodplains. The 100-year flood shall be the basis for all designation and approvals by the Board, for zoning and land use purposes, of regulatory floodplains in Colorado, unless the 500-year flood is requested for designation in writing by the local jurisdiction.
17. The Rules provide the process and procedures for the CWCB to designate and approve changes to regulatory floodplains resulting from development, watershed changes, new or better technical information, or other factors, subject to the same criteria as required for an original approval and designation.
18. The Rules will provide additional information and recommendations, above and beyond the regulatory floodplain requirements, that can serve communities in need of technical, regulatory, and administrative information in order to allow for safe and reasonable floodplain development that will lead to better protection of Colorado citizens and their property.
19. The Rules will increase the quantity of statewide uniform credit for the Community Rating System, a program within FEMA's National Flood Insurance Program that provides flood insurance discounts for flood programs that exceed federal minimum standards. This will serve to make flood insurance premiums more affordable statewide for the citizens of Colorado.
20. The Rules establish freeboard for all new and substantially changed structures statewide. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as debris blocking bridge openings, inherent uncertainty in hydrologic and hydraulic models, rainfall in excess of design events, legal encroachments into the floodplain, and the hydrological effect of urbanization of the watershed. Freeboard results in substantially safer construction and significantly lower flood insurance rates due to lower flood risk. This standard will not apply to existing mapping, but rather, it will be in effect for future mapping and studies. This new standard does not result in any new requirements.

21. The Rules provide for a uniform statewide floodway criteria. Current minimum standards set by the National Flood Insurance Program allow for encroachment into the floodplain that raises base flood elevations by one foot. While legally permissible in most cases, this encroachment results in increased risk to neighboring property owners without recourse that may result in lower property values and increased liability for the permitting communities. Some local communities in Colorado have already successfully adopted and implemented a ½ foot surcharge, as proposed by these Rules. However, due to the non-uniform surcharge criteria between neighboring communities, this higher local regulation is difficult to enforce near community boundaries and is often unable to be reflected on countywide floodplain maps due to the non-uniform regulations. While this regulation only applies to future activities, it has the potential to provide benefits for both existing and future facilities by limiting higher flood depths impacting these structures due to encroachment. This regulation has the net effect of lowering flood elevations on nearby properties, thus increasing the safety and property value of these positively impacted properties.
22. These Rules apply higher standards to regulations and processes that currently exist, including requirements to: 1) follow all state and federal regulations, 2) obtain a local permit for development in the floodplain (where applicable), 3) elevate or floodproof structures to a safe elevation, and 4) get a local determination of when substantial changes occur. These Rules do not change the current need to obtain a local permit for development in the floodplain and do not alter how substantial change determinations are made by local governments. Identification of a structure as a critical facility does not create a new regulatory nexus nor does it prevent its occupation in the floodplain; rather it simply requires an additional foot of freeboard when designed and constructed.
23. These Rules contain provisions that will require many local ordinances to be updated to be consistent with these rules. A transition period of three years beginning from the effective date of these rules will be in effect during which all local governments may follow current local ordinances but must undertake activities to come into compliance with these Rules. Following this transition period, all floodplain activities shall be in conformance with these Rules. In addition, communities may, at their sole discretion, allow un-built projects that were previously permitted by the local government, prior to the adoption date of the local ordinance for which these Rules are incorporated, to be built and therefore considered to be in compliance with these Rules. Communities may also, at their sole discretion, permit and allow projects for which a valid CLOMR was issued prior to the adoption date of the local ordinance for which these Rules are incorporated.
24. These Rules reduce expenditure of public money for costly flood control structures. In many cases, proper application of these Rules may reduce, or in some cases, eliminate the need for these costly public expenditures due to wiser use of floodplain areas and safer development within them.
25. These Rules minimize the need for response and rescue efforts associated with flooding and generally undertaken at the expense of the general public. While these Rules actually regulate only structures and facilities in the regulatory floodplain, response and rescue efforts associated with flooding affect all residents of a community in terms of cost and reduced availability of these services during and following a flood to non-floodplain areas. Depending on the circumstances for a particular flood event, the cost of these services can be enormous and, in

worst cases, can impact the financial viability of a community.

26. These Rules minimize business interruptions. While there is a tangible cost of complying with these Rules, it often pales in comparison to the lost business income, tax revenue, and employment that are often experienced following flood events. There are many examples, both from Colorado and around the nation, of a damaging flood impacting the financial stability of a community or region for long periods. While disaster assistance may be available following some events, it is often not sufficient to fully restore services, especially to individuals and businesses. These Rules reduce the risk of flooding to future infrastructure and therefore lessen the vulnerability of communities to losses and economic risk.
27. These Rules minimize expenses to taxpayers for costly disaster bailouts, relief efforts, and recovery programs. Disaster assistance only benefits those directly affected by a flood disaster but the costs are shared by entire communities, the state as a whole and, in some cases, the entire nation. Application of these Rules places responsibility and costs on property owners most likely to be directly affected by a flood event. These costs are often low compared to costs experienced during flood events. These Rules reduce the risk of flooding to future infrastructure and therefore lessen the vulnerability of communities and the State to costly and avoidable post-flood activities.
28. These Rules are not to be applied retroactively. These Rules are in effect for future construction, substantial changes to existing construction, and new additions. Substantial change determinations are already made by local governments, and the process for this decision is not altered by these Rules.

STATE OF COLORADO

Colorado Water Conservation Board

Department of Natural Resources

1580 Logan Street, Suite 600
Denver, Colorado 80203
Phone: (303) 866-3441
Fax: (303) 894-2578
www.cwcb.state.co.us



September 25, 2012

Dear Community Floodplain Administrator,

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

For a community to participate in the National Flood Insurance Program (NFIP), it must adopt and enforce floodplain management regulations that meet or exceed the minimum NFIP standards as well as any more restrictive State requirements.

The State of Colorado adopted higher standards for floodplain management, which are outlined in the Rules and Regulations for Regulatory Floodplains in Colorado (Rules), effective January 14, 2011. Important changes to previous requirements include provisions for freeboard, critical facilities, and floodway surcharge criteria. The Rules are the effective minimum standards for the State of Colorado, and by extension, the NFIP in Colorado. A three-year implementation period was provided, and communities have until January 14, 2014, to adopt local regulations consistent with the Rules. The Colorado Water Conservation Board (CWCB) has developed a model ordinance to assist your community in adopting floodplain management regulations consistent with the Rules. The model ordinance can be found on the CWCB website at:

http://cwcb.state.co.us/water-management/flood/Documents/COModelOrdinance_9_6_2011.pdf

If you would like a Microsoft Word version of the document, please contact me. Additional information regarding the new rules can be found on the CWCB website at <http://cwcb.state.co.us>, and staff is available to answer additional questions.

In order for your community to remain in good standing in the NFIP and eligible for grant funding through CWCB, the Rules must be enacted in a legally enforceable document by January 14, 2014. If your community has updated floodplain regulations, please send me a copy of the adopted regulations for review.

The Colorado Water Conservation Board supports the NFIP and serves as the state liaison with FEMA to coordinate activities and provide support, technical assistance, training, and outreach to local officials in the execution of their duties to identify, prevent, and resolve floodplain management issues. If you have any questions or would like assistance in updating your community's floodplain management regulations, please contact me.

Sincerely,

Jamie Prochno, NFIP Coordinator
Colorado Water Conservation Board
1313 Sherman Street, Room 721
Phone: (303) 866-3441 ext. 3215
jamie.prochno@state.co.us

ATTACHMENT B

**CITY OF CENTRAL, COLORADO
ORDINANCE 13-15**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO REPEALING ARTICLE XIII OF CHAPTER 16 OF THE MUNICIPAL
CODE AND ADOPTING A NEW ARTICLE VI OF CHAPTER 18 OF THE MUNICIPAL
CODE CONCERNING FLOOD DAMAGE PREVENTION REGULATIONS**

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 codified the ordinances of the City via Ordinance No. 94-3 into the Municipal Code; and

WHEREAS, the City desires to adopt regulations designed to minimize public and private losses due to flood conditions; and

WHEREAS, the City desires to adopt regulations that comply with the National Flood Insurance Program (“NFIP”) and the flood plain management regulations (published in Title 44 of the Code of Federal Regulations); and

WHEREAS, the City Council considered the proposed updated regulations at a City Council study session held on July 2, 2013; and

WHEREAS, the repeal of Article XIII of Chapter 16 of the Code and the adoption of a new Article VI of Chapter 18 are intended to ensure compliance with minimum standards adopted by both the NFIP and the State of Colorado; and

WHEREAS, City Council conducted a public hearing, with proper notice provided, to consider adoption of this Ordinance as required by law; and

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

Section 1. Article XIII of Chapter 16, titled “Flood Damage Prevention” is hereby repealed in its entirety. There is hereby adopted a new Article VI of Chapter 18, titled “Flood Damage Prevention” to read in its entirety as follows:

CHAPTER 16

ARTICLE XIII

Flood Damage Prevention

Sec. 18-6-10.	Findings of fact
Sec. 18-6-20.	Statement of purpose
Sec. 18-6-30.	Methods of reducing flood losses
Sec. 18-6-40.	Definitions
Sec. 18-6-50.	Lands to which this Article applies
Sec. 18-6-60.	Basis for establishing the special flood hazard area
Sec. 18-6-70.	Establishment of floodplain development permit
Sec. 18-6-80.	Compliance
Sec. 18-6-90.	Abrogation and greater restrictions

Sec. 18-6-100.	Interpretation
Sec. 18-6-110.	Warning and disclaimer of liability
Sec. 18-6-120.	Severability
Sec. 18-6-130.	Designation of the Building Official
Sec. 18-6-140.	Duties and responsibilities of the Building Official
Sec. 18-6-150.	Permit procedures
Sec. 18-6-160.	Variance procedures
Sec. 18-6-170.	Penalties for noncompliance
Sec. 18-6-180.	General standards
Sec. 18-6-190.	Specific standards
Sec. 18-6-200.	Standards for areas of shallow flooding (AO/AH zones)
Sec. 18-6-210.	Floodways
Sec. 18-6-220.	Alteration of a watercourse
Sec. 18-6-230.	Properties removed from the floodplain by fill
Sec. 18-6-240.	Standards for subdivision proposals
Sec. 18-6-250.	Standards for critical facilities

Sec. 18-6-10. Findings of fact.

(a) The flood hazard areas of the City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce, disruption of governmental services and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public safety and welfare.

(b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

Sec. 18-6-20. Statement of purpose.

It is the purpose of this Article to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure that potential buyers are notified that property is located in a flood hazard area.

Sec. 18-6-30. Methods of reducing flood losses.

In order to accomplish its purposes, this Article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Sec. 18-6-40. Definitions.

Unless specifically defined below, words or phrases used in this Article shall be interpreted to give them the meaning they have in common usage and to give this Article its most reasonable application.

Alluvial fan flooding means a fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

Area of shallow flooding means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base flood elevation (BFE) means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement means any area of a building having its floor sub-grade (below ground level) on all sides.

Channel means the physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Channelization means the artificial creation, enlargement or realignment of a stream channel.

Conditional letter of map revision (CLOMR) - FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical facility means a structure or related infrastructure, but not the land on which it is situated, as further defined and specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado effective January 14, 2011, adopted by the Department of Natural Resources, Colorado Water Conservation Board and adopted herein by reference, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

Development means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DFIRM database means database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital flood insurance rate map (DFIRM) means FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Elevated building means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal register means the official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

Fema means Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of water from channels and reservoir spillways;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source; or
- (3) Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

Flood insurance study (FIS) means the official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

Floodplain or flood-prone area means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain development permit means a permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this Article.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood control structure means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodproofing means any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (regulatory floodway) means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Freeboard means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or;
 - b. Directly by the Secretary of the Interior in states without approved programs.

Letter of map revision (LOMR) means FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

Letter of map revision based on fill (LOMR-F) means FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee means a man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

Material safety data sheet (MSDS) means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

National flood insurance program (NFIP) means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

No-rise certification means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Physical map revision (PMR) means FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

Recreational vehicle - means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Start of construction means the date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
- (2) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Threshold planning quantity (TPQ) means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

Variance means a grant of relief to a person from the requirement of this Article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Article. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations).

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the NFIP regulations is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Sec. 18-6-50. Lands to which this article applies.

This Article shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of City of Central, Colorado.

Sec. 18-6-60. Basis for establishing the special flood hazard area.

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Gilpin County and the City of Central," in effect as of the effective date of this Article, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any revisions thereto, duly adopted following the effective date of this Article are hereby adopted by reference and declared to be a part of this Article.

Sec. 18-6-70. Establishment of floodplain development permit.

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Article.

Sec. 18-6-80. Compliance.

No structure or land shall hereafter be located, altered, or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this Article and other applicable regulations.

Sec. 18-6-90. Abrogation and greater restrictions.

This Article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article and another provision of the Municipal Code conflict, whichever imposes the more stringent restrictions shall prevail.

Sec. 18-6-100. Interpretation.

In the interpretation and application of this Article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the City; and
- (3) Deemed neither to limit nor repeal any other powers granted to the City under State statutes or the City's Home Rule Charter.

Sec. 18-6-110. Warning and disclaimer of liability.

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City or any

official or employee thereof for any flood damages that result from reliance on this Article, any administrative decision of the City, or any other decision lawfully made hereunder.

Sec. 18-6-120. Severability.

This Article and the various parts thereof are hereby declared to be severable. Should any section of this Article be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Article as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

Sec. 18-6-130. Designation of the Building Official

The Building Official is hereby appointed to administer, implement and enforce the provisions of this Article and other appropriate sections of 44 CFR (NFIP) pertaining to floodplain management.

Sec. 18-6-140. Duties and responsibilities of the Building Official

Duties and responsibilities of the Building Official shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this Article in accordance with the Colorado Open Records Act.
- (2) Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this Article.
- (3) Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Article, including proper elevation of the structure.
- (6) Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Official shall make the necessary interpretation.
- (7) When Base Flood Elevation data has not been provided in accordance with Section 18-6-60, the Building Official shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions of this Article.
- (8) For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.

(9) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the NFIP regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

(10) Notify adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

(11) Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

Sec. 18-6-150. Permit procedures

(a) An application for a Floodplain Development Permit shall be presented to the Building Official on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to Special Flood Hazard Area. Additionally, the following information is required:

(1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(3) A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B(2);

(4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(5) Maintain a record of all such information in accordance with Sec. 18-6-140(1).

(b) Approval or denial of a Floodplain Development Permit by the City Manager shall be based on all of the provisions of this Article and the following relevant factors:

(1) The danger to life and property due to flooding or erosion damage;

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(3) The danger that materials may be swept onto other lands to the injury of others;

(4) The compatibility of the proposed use with existing and anticipated development;

(5) The safety of access to the property in times of flood for ordinary and emergency vehicles;

- (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- (7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- (8) The necessity to the facility of a waterfront location, where applicable;
- (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (10) The relationship of the proposed use to the comprehensive plan for that area.

Sec. 18-6-160. Variance procedures

- (a) The City Council shall hear and render judgment on requests for variances from the requirements of this Article.
- (b) The City Council shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Building Official in the enforcement or administration of this Article.
- (c) Any person or persons aggrieved by the decision of the City Council may appeal such decision in the courts of competent jurisdiction, pursuant to C.R.C.P. 106(a)(4).
- (d) The Building Official shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any other Historic Structure with the City, without regard to the procedures set forth in the remainder of this Article.
- (f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 18-6-150(b) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (g) Upon consideration of the factors noted above and the intent of this Article, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Article as stated in Sec. 18-6-20.
- (h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (j) Prerequisites for granting variances:

- (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (2) Variances shall only be issued upon:
 - a. Showing a good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (k) Variances may be issued by the City for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:
- (1) The criteria outlined in Section 18-6-160(1) – (10) are met, and
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Sec. 18-6-170. Penalties for noncompliance

Failure to comply with the terms of this Article shall constitute a civil infraction. Any person who is found guilty of, or pleads guilty or nolo contendere to the commission of, the civil infraction shall be subject to a civil penalty as set forth in Section 1-4-20 of this Code. For each day or portion thereof during which any violation continues, a person may be cited for a separate civil infraction. The penalties specified in this Section shall be cumulative and nothing shall be construed as either prohibiting or limiting the City from pursuing such other remedies or penalties in an action at law or equity.

Sec. 18-6-180. General standards

In all Special Flood Hazard Areas the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are

designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(8) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Sec. 18-6-190. Specific standards

In all Special Flood Hazard Areas where base flood elevation data has been provided as set forth in Sec. 18-6-60, Sec. 18-6-140 (7), or Sec. 18-6-240 the following provisions are required:

(1) Residential construction. New construction and Substantial Improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Building Official.

(2) Nonresidential construction. With the exception of Critical Facilities, new construction and Substantial Improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Building Official, as set forth in Sec. 18-6-150.

(3) Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured homes. All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

- a. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation, or
- b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) Recreational vehicles. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

- a. Be on the site for fewer than 180 consecutive days,
- b. Be fully licensed and ready for highway use, or
- c. Meet the permit requirements of Sec. 18-6-150, and the elevation and anchoring requirements for "manufactured homes" in Sec. 18-6-190(4) above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(6) Prior approved activities. Any activity for which a Floodplain Development Permit was issued by the City or a CLOMR was issued by FEMA prior to April 15, 2013 may be completed

according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this Article if it meets such standards.

Sec. 18-6-200. Standards for areas of shallow flooding (AO/AH zones)

Located within the Special Flood Hazard Area established in Sec. 18-6-60, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) Residential construction. All new construction and Substantial Improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Building Official.

(2) Nonresidential construction. With the exception of Critical Facilities, outlined in Sec. 18-6-250, all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Building Official that the standards of this Section, as proposed in Sec. 18-6-150, are satisfied.

Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

Sec. 18-6-210. Floodways

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway in Sec. 18-6-40). Located within Special Flood Hazard Area established in Sec. 18-6-60, are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the community during the occurrence of the base flood discharge.

(2) If Sec. 18-6-210(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sec. 18-6-180 through Sec. 18-6-250.

(3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

Sec. 18-6-220. Alteration of a watercourse

For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

(1) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

(2) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

(3) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.

(4) Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.

(5) All activities within the regulatory floodplain shall meet all applicable Federal, State and City of Central floodplain requirements and regulations.

(6) Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with Sec. 18-6-210 of this Article.

(7) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

Sec. 18-6-230. Properties removed from the floodplain by fill

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

(1) Residential construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including

ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.

(2) Nonresidential construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

Sec. 18-6-240. Standards for subdivision proposals

(a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.

(b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements contained in this Article.

(c) Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Sec. 18-6-70 or Sec. 18-6-140 of this Article.

(d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Sec. 18-6-250. Standards for critical facilities

Critical Facilities shall be subject to the provisions of Rule 6 of the Rules and Regulations for Regulatory Floodplains as adopted herein by reference and exemptions may be authorized by the Building Official in accordance therewith. All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be required to meet one of the following:

- (1) Location outside the Special Flood Hazard Area; or
- (2) Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation.

New Critical Facilities shall, when practicable as determined by the Building Official, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

Section 2. 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 3. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 4. 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 October, 2013, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, 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 _____, 2013.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on _____, 2013.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on _____, 2013.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk



AGENDA ITEM # 9

CITY COUNCIL COMMUNICATION FORM

FROM: Reba Bechtel

DATE: October 15, 2013

ITEM: Resolution No. 13-22: A Resolution of the City Council of the City of Central, Colorado delegating certain limited authority of the Central City Retail Marijuana Store licensing authority to the City Manager.

NEXT STEP: Council Motion

ORDINANCE
 MOTION
 INFORMATION

- I. **REQUEST OR ISSUE:** To delegate authority as set forth in the Retail Marijuana Store Regulations to the City Manager by Resolution for existing Medical Marijuana Centers only.
- II. **RECOMMENDED ACTION / NEXT STEP:** Approve Resolution 13-22 to allow administrative approval for existing Medical Marijuana Centers if they apply for Retail Sales.
- III. **FISCAL IMPACTS:** Some reduced cost for staff time.
- IV. **BACKGROUND INFORMATION:** Section 6-9-60(b) authorizes the City Council to delegate its authority set forth in the Retail Marijuana Store Regulations to the City Manager by Resolution which will allow our 2 existing Medical Marijuana Centers to apply for Retail Sales in a simplified process. This will not affect any applicants new to the city.
- V. **LEGAL ISSUES:** None
- VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** None
- VII. **SUMMARY AND ALTERNATIVES:**
Council may take one of the following actions:
 1. Move to approve the resolution.
 2. Move to deny the resolution.

**CITY OF CENTRAL, COLORADO
RESOLUTION NO. 13-22**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO DELEGATING CERTAIN LIMITED AUTHORITY OF THE CENTRAL
CITY RETAIL MARIJUANA STORE LICENSING AUTHORITY TO THE
CITY MANAGER**

WHEREAS, the City Council adopted certain regulations pertaining to the operation of retail marijuana stores in the City by and through Ordinance 13-09; and

WHEREAS, said regulations are codified in Article IX of Chapter 6 of the Municipal Code (the "Retail Marijuana Store Regulations" or "Regulations"); and

WHEREAS, Section 6-9-60(b) of the Municipal Code authorizes the City Council to delegate its authority set forth in the Retail Marijuana Store Regulations to the City Manager by Resolution; and

WHEREAS, the City Council desires to specifically authorize the City Manager to function as the local licensing authority for any application filed under Section 6-9-220(b) of the Municipal Code; and

WHEREAS, the City Council desires to retain all authority vested in the local licensing authority and set forth in the Regulations not otherwise specifically delegated by this Resolution.

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

Section 1. The City Council hereby authorizes the City Manager to function as the local licensing authority for any application(s) filed under Section 6-9-220(b) of the Municipal Code. Except as specifically set forth in this Section 1, the City Council shall retain all authority vested in the local licensing authority, as set forth in Article IX of Chapter 6 of the Municipal Code.

Section 2. The City Manager shall keep City Council apprised as to the status of any application filed under Section 6-9-220(b) of the Municipal Code.

Section 3. **Effective Date.** This Resolution shall take effect upon its approval by the City Council.

ADOPTED THIS 15th DAY OF OCTOBER, 2013.

CITY OF CENTRAL, COLORADO

By: _____
Ronald E. Engels, Mayor

ATTEST:

APPROVED TO FORM:

By: _____
Reba Bechtel, City Clerk

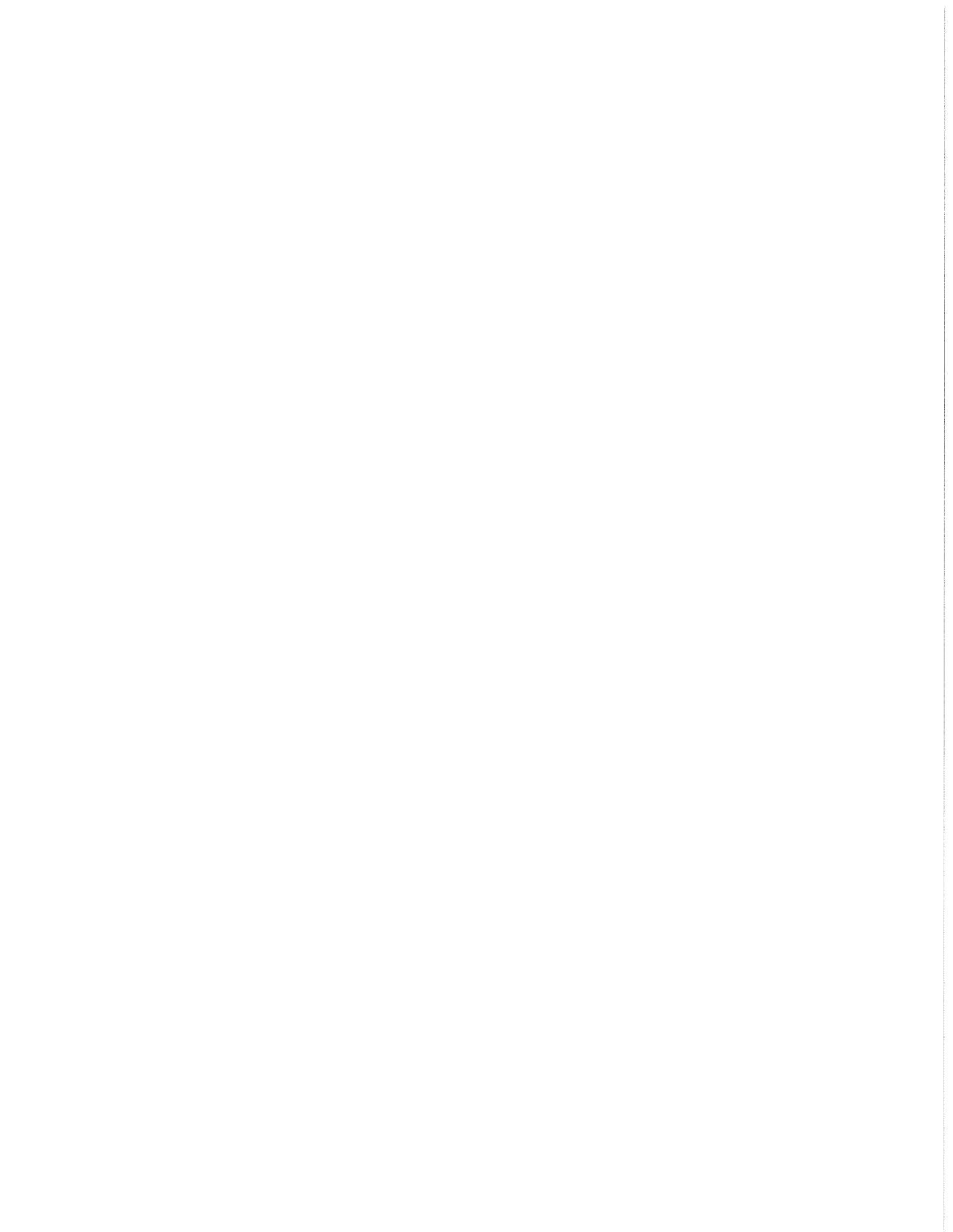
By: _____
Marcus A. McAskin, City Attorney

DATE: October 11, 2013
TO: Alan Lanning, City Manager
Mayor & Council
FROM: Shannon Flowers, Finance Director/Treasurer

Following is an update of the Finance Department's activities from Friday, September 27th, through Thursday October 10th, 2013.

- Made revisions to 2014 General Fund Proposed Budget based on work sessions and prepared Council Action Form

- Attended Budget Work Sessions
- Filed 3rd Qtr SUTA and 941's
- Calculated device fee breakdown between various uses
- Completed and filed SEC Reports
- Began September Bank Reconciliation
- Continued YE revenue and expenditure projections
- Reviewed BID Events invoicing
- Worked with Evergreen National Bank on Short Term Loan issuance
- Processed Bi-weekly payroll and all associated tax and retirement filings
- Finance Clerk Processed Accounts Payable
- Finance Clerk processed Accounts Receivable and prepared weekly deposits
- Finance Clerk administered Court



To: City Manager Alan Lanning, Mayor Engels, and City Council

From: Robert Fejeran, City Planner/HPO

Date: October 15, 2013

Re: Bi-weekly Report

Workplan Items in Progress

- **Baseline Services** –
 - ***Permitting:***
 - Major Roofing project @ Apartments
 - County Courthouse Electrical work (2-day, Oct 14-15, shut-down)
 - ***Land Planning:***
 - Capturing infrastructure assets for GIS (cont.)
 - PUD timeline prep for potential development
- **General Planning**
 - Data collection started for Comp plan: shuttle/bus ridership, traffic counts
 - Working with DOLA to assist in Comp Plan funding
- **Public Works / Infrastructure** –
 - AT&T facility: Site civil engineering underway
 - Lawrence Street Waterline under construction
- **Economic Dev/Grants** –
 - Marketing City Assets to potential local/state funding resources
 - CLG survey Reconnaissance grant scope of service with UC Denver—
CCCD
 - Working with CO OED Creative Industries to establish Creative District
- **Information Technology** –
 - Evaluating communication network redundancy
 - Planned update of City website/TV channel
- **Project Management** –
 - Quartz Hill Reclamation
 - Construction Bids due Oct 17th
 - Nevada Street Rock Wall Remediation
 - Hayward Baker completed 10/7
 - Stormwater Management – data gathering underway for master plan
(due Dec 2013)

Water Department

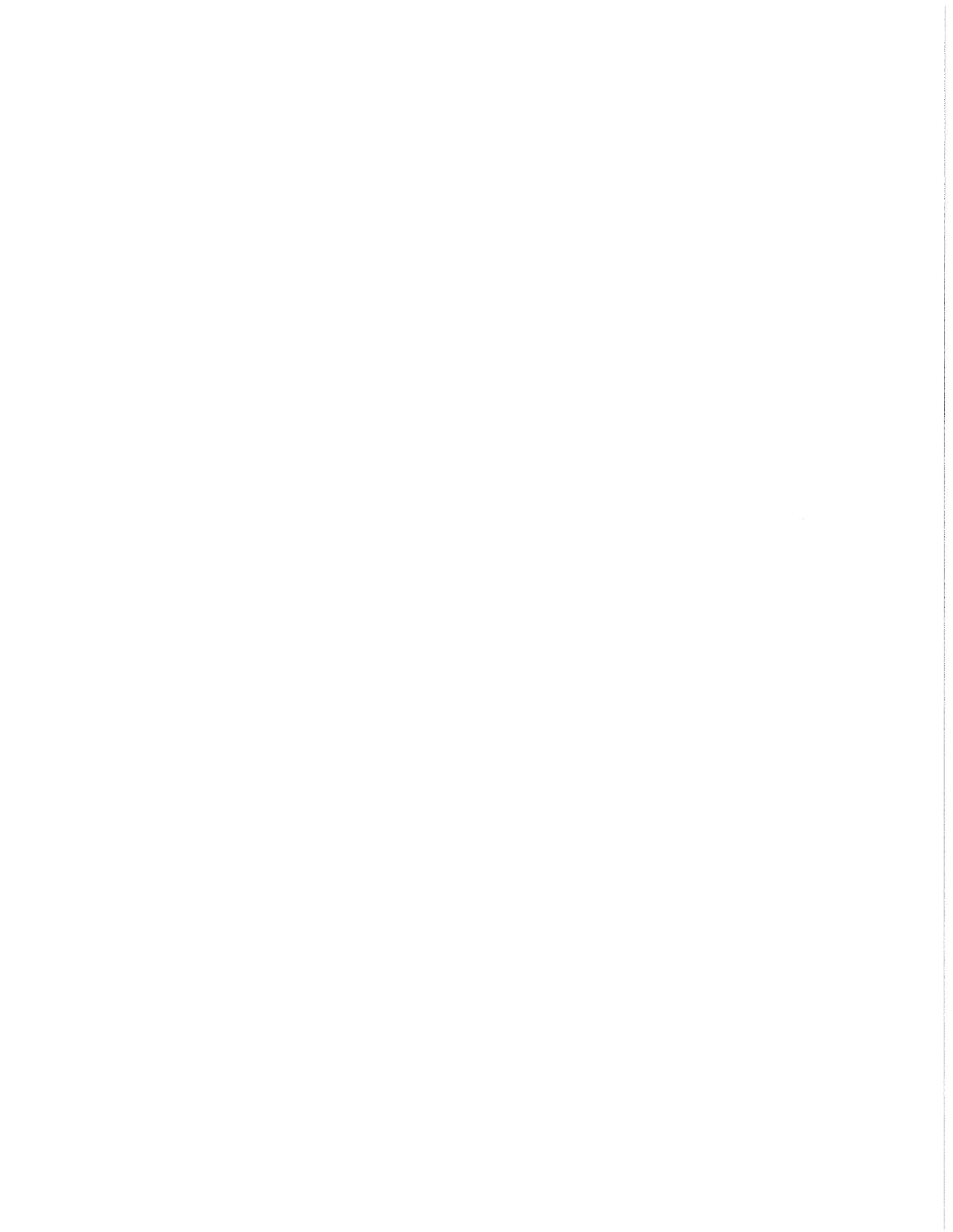
To: City Manager Alan Lanning, Mayor Engels, and City Council

From: Shawn Griffith, Utilities Superintendent

Date: October 15, 2013

Re: Bi-weekly Report

- **Lawrence St Waterline Replacement Project** – As of Friday, construction was officially started. The temporary service lines have been run to the homes. All City streets and water employees worked long hours to widen Gregory, along with the folks from Hammerlund. **A special thanks to all those crews.** Gregory will remain two-way throughout the project with Lawrence St being closed except to the businesses near C St. The project was delayed for a total of 7 days, so the project will be extended for seven days.
- **Water Intakes** – As water from the intakes has slowed down to normal flows. Chase Reservoir is no longer spilling but is completely full.
- **Storm Water Project** – There was a meeting with JVA concerning the upcoming Storm Water Project. Robert and Patrick from PW will be providing updated GIS and maps for the project. They have been working on this GIS project for several months. The City will soon have accurate coordinates on most City water, sewer, utility, and other structural features.



To: City Manager Alan Lanning, Mayor Engels, and City Council

From: Joe Braccio, Streets/Facilities Superintendent

Date: October 15, 2013

Re: Bi-weekly Report

Completed Projects

- Gregory – Staff has been working full on for most of the week on the two-lane widening of Gregory to help to keep the Lawrence street job on track. I want to thank both the streets and water crew for the long work hours and their hard work on this project.
- Nevada Street – Staff placed asphalt on Nevada Street where the wall has settled and left a depression in the road.
- Big T Lot – Hayward Baker has completed the temporary repair of the retaining wall and just has some clean up left.
- GIS – I have had staff working with our GIS system and our planning department to start updating our maps. This will include property lines, right of way, fire hydrants, other water parts, and all existing utilities.
- Fleet – Staff has all of the city snow removal equipment up and ready to go for winter.