

CITY OF CENTRAL, COLORADO
NOTICE OF A REGULAR MEETING of the CITY COUNCIL to be held on
Tuesday, October 16, 2012 @ 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 access channel, on the City Hall bulletin board, at the Post Office and at Washington Hall 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	Bob Giancola
	Shirley Voorhies
	Rita Lee
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 4 & 11; and
City Council minutes: October 2, 2012.

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. Ordinance No. 12-12: An ordinance of the City Council of the City of Central amending Article V of Chapter 6 of the Central City Municipal Code regarding Gaming Device Fees. (Michow)
8. Appointment of Alternate to Gilpin County Ambulance Board

REPORTS –

9. Staff updates –

COUNCIL COMMENTS - limited to 5 minutes each member.

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

ADJOURN. Next Council meeting November 6, 2012.

**CITY OF CENTRAL
CASH ON HAND
10/11/2012**

Total Beginning ENB Cash on Hand 9/13/2012	24,986.57
Deposits to ENB	9,620.15
Wires Out ENB	(20,567.08)
Cleared Checks	-
<hr/>	
9/27/2012	14,039.64
<less previously approved & outstanding>	(3,570.70)
Total ENB Cash on Hand 9/27/2012	10,468.94

Total Beginning CO Biz Cash on Hand 9/27/2012	1,222,421.77
Deposits to COB	11,856.59
Wires Out COB	(81,719.96)
Cleared Checks	(166,762.98)
<hr/>	
10/11/2012	985,795.42
<less previously approved & outstanding>	(56,057.15)
Total COB Cash on Hand 10-11-12	929,738.27

Total Beginning Colotrust Cash on Hand 9/13/12	765,159.41
Wires into Account	
Wires out of Account-Into Evergreen National	(6,967.20)
<hr/>	
Total Colotrust Cash on Hand 9/27/2012	758,192.21

***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 10-11-12	1,698,399.42
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CASH FLOW
CHECK LISTING

10/11/2012

Inv Date	Inv #	Ck. Date	CK#	Vendor	Description	Amount	Mail Date
9/25/12	170370	10/4/12	125467	Albert Frie and Sons	Road Base	272.00	
10/1/12	4THQTR12	10/4/12	125468	BH CC Sanitation	Sewer for City Properties	592.00	
9/21/12	092112	10/4/12	125469	CIRSA	Property Casualty & Workers Comp 2012	25,770.25	
10/2/12	100212	10/4/12	125470	Co Dept of Revenue	VC Sales Tax	177.00	
9/27/12	410007741	10/4/12	125471	Columbine Paper	Trash Bags	189.30	
10/1/12	1012	10/4/12	125472	Gilpin County Sheriff's Office	3rd Qtr Victim Services	500.00	
10/2/12	OCT2012	10/4/12	125473	Gilpin Ambulance	Ambulance Service for Oct 2012	12,750.00	
9/24/12	36889058	10/4/12	125474	Matthew Bender	Office Handbooks	384.51	
9/30/12	093012	10/4/12	125475	Nicoletti-Flater Assoc	Pre-employment for Geerdes and Hough	350.00	
9/25/12	9297	10/4/12	125476	O J Watson	Repair 2004 International	200.00	
9/24/12	092412	10/4/12	125477	Xcel Energy	Electricity for Townhouse & 135 Main	170.79	
9/28/12	390623900	10/4/12	125478	Cintas	First Aid Supplies	130.43	
9/20/12	5440724	10/4/12	125479	HD Supply	Water Dept Supplies	1,627.57	
9/16/12	091612	10/4/12	125480	Century Link	Phone Services	866.37	
9/30/12	21209201	10/4/12	125481	Utility Notification Center	Line Locates	17.71	
9/27/12	092712	10/4/12	125482	Stephen Williamson	Law Water Services	5,116.37	
9/27/12	414449	10/4/12	125483	Honnen Equipment	Oil Filters, Latch, Knob	153.43	
10/2/12	371196	10/4/12	125484	Pitney Bowes	Scale Rental	32.25	
9/28/12	514090	10/4/12	125485	Aflac Insurance	Supplemental Insurance	489.62	
10/4/12	100412	10/4/12	125486	Mark Douglas	Radio Ear Phone	112.22	
10/1/12	7928	10/4/12	125487	Allen Technology	It Maintenance	2,970.00	
9/25/12	092512	10/4/12	125488	Skybeam	Internet for Water Plant	75.34	
10/2/12	4198	10/4/12	125489	Ausmus Law Firm	Prosecution for Municipal Court	600.00	
10/1/12	4203	10/4/12	125490	Prospectors Run HOA	Snow Removal October	800.00	
9/24/12	092412	10/4/12	125491	USA Communications	Internet for Townhouse and PW	145.75	
9/21/12	D930064	10/4/12	125492	Accutest Mountain States	Water Testing	1,265.00	
10/1/12	100112	10/4/12	125494	T&D Carwash	PD Car Washes	128.00	
9/21/12	1012212	10/4/12	125495	Integra Telecom	Phone Services	725.15	
9/28/12	106301519	10/4/12	125496	Modular Space	PW Office	136.60	
9/28/12	11	10/4/12	125497	Ennovate Corporation	Engineering	74,039.20	
9/24/12	S167619600	10/4/12	125498	Piriteck North Valley	Sweeper Parts	159.54	
9/24/12	54503	10/4/12	125499	Trench Shoring	Trench Plate & Lifting Eye	18.00	
9/24/12	10933133	10/4/12	125500	Martin Marietta	Asphalt	657.38	
9/20/12	174042	10/4/12	125501	Everist Materials	Summer Flat and Sandstone	622.13	
9/28/12	092562	10/4/12	125502	Mediaworks	Update Home Page Banner	276.25	
10/9/12	101212	10/12/12	125503	Payroll	Pay	481.03	
10/12/12	101212	10/12/12	125504	ICMA	Retirement	2,415.88	
10/12/12	101212	10/12/12	125505	ICMA	Retirement	1,043.74	
10/12/12	101212	10/12/12	122506	ICMA	Retirement	281.00	
9/28/12	092812	10/11/12	125507	Home Depot	City Supplies	1,414.31	
10/3/12	268344		125508	Neve's Uniforms	Body Armor and Boots for PD	755.00	
9/26/12	5508664		125509	HD Supply	Safety Flag Kit	327.61	

CASH FLOW
CHECK LISTING

10/11/2012

10/3/12	2012100447		125510	Anthem Blue Cross	Health Insurance Premiums	17,534.00
10/8/12	165164A		125511	The Supply Cache	Interface Coat for FD	255.00
10/2/12	121001		125512	Gilpin County Historical	Employee Wash Hall	2,239.12
10/3/12	100412		125513	Sprint	Long Distance Fax Service	8.07
10/1/12	9602524		125514	Stanley Convergent	Monitoring City Hall	438.18
9/28/12	1123868516		125515	Verizon Wireless	Cell Phones	745.34
9/25/12	092512		125516	USA Communications	Internet for FD	56.93
10/1/12	2012990		125517	Omni-Pro Cleaning	Cleaning City Hall	300.00
10/11/12	1		125518	Independent Painting	Painting City Hall	4,292.50
10/1/12	021114		125519	Morning Star Elevator	Repair City Hall Elevator	295.00
9/28/12	2274252		125520	EDS Waste Solutions	Dumpster Rental	1,780.00
Total Issued:						226,810.72
Approved & Sent Checks:						59,627.85
Clrd & Pending Approval						-
Voided Checks						-
Total Pending Approval 9/4						167,182.87

Outstanding through ENB 3,570.70
Outstanding through COB 56,057.15

CITY OF CENTRAL
DEBIT CARD PURCHASES
9-28 thru 10-11-12

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
10/9/2012	Earthlink	Internet for VC	22.50
<hr/>			
		TOTAL	22.50

**CITY OF CENTRAL
CITY COUNCIL MEETING
October 2, 2012**

CALL TO ORDER

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:01 p.m., in City Hall on October 2, 2012.

ROLL CALL

Present: Mayor Engels
Alderman Spain
Alderman Giancola
Alderman Voorhies

Absent: Alderman Lee

Staff Present: Manager Lanning
Attorney Michow
City Clerk Bechtel
Finance Director Flowers
CDD/HPO Thompson
Operations Director Kisselman
Utilities Superintendent Griffith
Police Chief Krelle
Fire Chief Allen

The Pledge of Allegiance was recited by all present.

ADDITIONS AND/OR AMENDMENTS TO THE AGENDA

Attorney Michow included in Executive Session – waterline issue related to 206 E 3rd High Street.

CONFLICTS OF INTEREST

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

CONSENT AGENDA

Alderman Spain moved to approve the consent agenda containing the regular bill lists for September 20 and 27, 2012; the August Financial Report; and the City Council minutes of September 18, 2012. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

PUBLIC FORUM/AUDIENCE PARTICIPATION

No one requested time to address the Council.

SECOND READING AND PUBLIC HEARING

Ordinance No.12-10: *An ordinance of the City Council of the City of Central, Colorado amending Section 2-2 of the Municipal Code Concerning the deadline for filing write-in candidate affidavits and cancelling elections.*

Attorney Michow explained that the purpose of the ordinance is to amend the Municipal Code to recognize that the deadline for write-in candidates to file affidavits of intent varies depending on whether the City is conducting the election as a municipal election under the Municipal Election Code or, as more frequently happens, as an election coordinated by the County Clerk pursuant to the Uniform Election Code. The current version of Section 2-2 of the Municipal Code only contemplates the deadline for non-coordinated elections. The language in this ordinance has also been amended since first reading to provide that elections may be cancelled when there are no more candidates for office by the close of business on the date that is the deadline for filing write in candidate affidavits of intent than there are open offices.

At 7:07p.m., Mayor Engels opened the Public Hearing, Receiving no comment, Mayor Engels closed the Public Hearing at 7:08p.m.

Alderman Voorhies moved to adopt Ordinance No.12-10: An ordinance of the City Council of the City of Central, Colorado amending Section 2-2 of the Municipal Code Concerning the deadline for filing write-in candidate affidavits and cancelling elections on second reading. Alderman Giancola seconded, and without discussion, the motion carried unanimously.

NEW BUSINESS

Sponsorship Report from CC Opera

Rita Sommers thanked Council and the City for their support and gave the annual summary as follows:

The City of Central provided a generous \$25,000 sponsorship in support of Central City Opera's 2012 Festival Season. The City received special recognition as a production sponsor in conjunction with *The Turn of the Screw* and as an event sponsor for "Central City Days." The staff and Board of Central City Opera are truly grateful to the City of Central for its support and to the staff for their friendly assistance and guidance.

The Festival – The 2012 Festival drew a total of 16,901 people to Central City this summer. This represents a 14% increase in tickets sold over 2011. Many of the main stage performances were nearly sold out. In 2011 we explored several avenues for incorporating additional performance and entertainment into the Festival with limited success. In 2012 we continued with expanded options focused on what we do best—opera—and presented two one-act operas in addition to the main stage productions and regular festival offerings, both of which sold very well.

Central City Days – The focus of the 2012 Central City Days was a one-day event of historic mountain adventures and cultural experiences in unique historic venues targeted to an adult demographic, a distinct shift from the two-day, family oriented event in its inaugural year (2011). This strategy showed merit as attendance increased by over 30%, from 74 attendees in 2011 to 100 attendees in 2012. The historic walking tours, talks by historian Tom Noel, short performances in Williams Stables, the Lemonade Lunch with historic storytellers, and the evening party were popular events. The addition of discounts at local businesses on the back of the Central City Days pass was also viewed very favorably by attendees.

Marketing initiatives included press release and calendar listings submitted to all appropriate websites (the event was mentioned in interviews on Channel 9 and 7); posters distributed throughout metro Denver and in Central City; rack cards distributed through Visit Denver locations, on the 16th Street Mall and through partner organizations; Living Social offer; print and online ads

in Westword, Boulder Weekly and The Denver Post; and web based marketing including event webpages, e-blasts, Facebook and Twitter posts.

In-kind sponsorships were provided by New Age Beverage, Oskar Blues Brewery, Dostal Alley, and Century Casino, which provided a generous spread of delicious food for the "Central City Days at Dusk" party and served as the official after party spot. Central City resident Marilyn Wilcox generously and graciously offered the use of the side yard of her home for the Dusk party. City staff helped negotiate complimentary use of the Greek lots for parking and incorporated loops to the lots into the Central City Shuttle schedule for the day. CCO provided honorariums for GCHS docents who led walking tours and provided tents for Gilpin Art Association artists who demonstrated their work in the Opera House patio.

While Central City Days has yet to achieve the attendance originally hoped for, we believe it merits another year of development based on the increase in attendance in 2012 and the momentum in partnerships. For 2013, we plan to combine Central City Days with the "Fest" event (SinFest in 2011 and Turn of the ScrewFest in 2012) with the theme of "Our Town," attached to the opera production of the same name (*Our Town* by Ned Rorem, based on the Pulitzer Prize winning play by Thornton Wilder).

Ms. Sommers thanked city staff for their all their assistance.

Parking Garage Update

Joe Behm, BID President, explained that the discussion to build a parking structure began about a year ago. The hillside location has been chosen since it is the most central location with the most buy-in by existing casino owners. The next step in the process is working with property owners of the site to get them under contract. Then to establish an organization that will be the applicant for the financing, set the ordinance for device fees to guarantee the payment of the bonds, and begin the public process.

Presentation of 2013 Proposed Budget

Finance Director Flowers explained that 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 2013 Proposed Budget does not mean that the budget has been adopted or that revisions cannot or will not be made prior to actual adoption. By formally presenting the 2013 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 2013 Budget Ordinance will have its first reading on November 6, 2012. The public hearing will be held on November 20, 2012. Revisions can be made to the Proposed Budget at any time prior to final adoption on November 20, 2012.

All narratives and the Budget Message will be included for the first reading on November 6, 2012.

Please see Page 1, Consolidated Fund Statement for the total revenues and expenditures proposed for all funds in 2013.

- A 2% cost of living adjustment and a possible 3% merit increase are reflected for all salaries and wages.
- Council has specifically reserved \$100,602 of the General Fund, \$49,351 on the Conservation Trust Fund and \$127,424 of the Public Property Trust Fund for grant match funds.
- The Water Fund reflects a tiered water rate system for residential accounts with a base rate beginning at \$60.00, \$48.00 for seniors, and a commercial base rate of \$95.00 for up to 10,000 gallons.

Alderman Spain moved to accept the 2013 Proposed Budget making it a public document. Alderman Giancola seconded, and without discussion, the motion carried unanimously.

Ordinance No. 12-11: An ordinance of the of the City Council of the City of Central, Colorado regulating vehicles and traffic; amending certain provisions of Article 1 of Chapter 8 of the Municipal Code concerning the Model Traffic Code; adopting the revised 2010 Model Traffic Code for Colorado by reference with amendments; setting forth in full the penalty clause; and setting forth details in relation thereto.

Attorney Michow explained that the purpose of this Ordinance is to adopt the 2010 Model Traffic Code. The Central City Municipal Court (the “Court”) and the Police Department (“CCPD”) have requested that the City adopt the 2010 Model Traffic Code. A public hearing on the adoption of the 2010 Model Traffic Code will be required after introduction of the Ordinance on first reading, but before adoption on second reading. Specific forms of public notice are required. City Staff will coordinate the notice and hearing requirements to comply with State law. City Council has authority to adopt by reference published compilations of regulations adopted by other political subdivisions of the State pursuant to Part 2, Article 16 of Title 31, Colorado Revised Statutes.

The Model Traffic Code was developed to make available a specimen set of motor vehicle and traffic regulations that track State law. The Model Traffic Code for Colorado was originally adopted by the Colorado Department of Transportation in 1952, and was subsequently revised in 1962, 1966, 1970, 1973, 1974, 1977, 1995, 2003, 2009, and 2010. The City adopted the 2003 Model Traffic Code in 2005 (by Ordinance 05-11).

Many jurisdictions determined not to adopt the 2009 edition due to identified errors. The 2010 edition of the Model Traffic Code corrected most of the errors contained in the 2009 edition and has been adopted by the Colorado Transportation Commission and many jurisdictions throughout the State. The 2010 edition of the Model Traffic Code reflects changes to the traffic laws by the Colorado General Assembly since the 2003 edition.

To meet the City’s specific needs, it will be necessary to make several deletions, additions, and modifications to the 2010 Model Traffic Code through the proposed Ordinance (Ordinance 12-11). Modifications to the 2010 Model Traffic Code include the following:

- Section 236 of the Model Traffic Code was amended to reflect the current version of C.R.S. § 42-4-236, which includes changes that were made during the 2011 legislative session.

- Section 1701 of the Model Traffic Code, which classifies and sets penalties for traffic offenses, will not be adopted because the City (through the Court) separately establishes its own fines and penalties.
- As set forth in the proposed Ordinance, the Court is vested with authority to amend the Fine Schedule. Further, the City Council may, from time to time, amend the Fine Schedule by resolution duly adopted.
- Section 1702 of the Model Traffic Code, which establishes traffic offenses for counties, will not be adopted because it is irrelevant to the City.
- Sections 1705 and 1707 of the Model Traffic Code (establishing the summons and other court procedures) have been reinserted.

Ordinance 12-11 has been reviewed by the administrator of the Court as well as representatives from the CCPD.

Alderman Voorhies moved to adopt Ordinance No. 12-11: An ordinance of the of the City Council of the City of Central, Colorado regulating vehicles and traffic; amending certain provisions of Article 1 of Chapter 8 of the Municipal Code concerning the Model Traffic Code; adopting the revised 2010 Model Traffic Code for Colorado by reference with amendments; setting forth in full the penalty clause; and setting forth details in relation thereto and setting the public hearing has for November 6, 2012 at 7:00 p.m. Alderman Spain seconded, and without discussion, the motion carried unanimously.

STAFF REPORTS

Alderman Voorhies thanked Operations Director Kisselman and the Public Works crew for their efforts on clean-up day.

COUNCIL COMMENTS

Alderman Voorhies thanked Finance Director Flowers for all her work on the budget.

PUBLIC FORUM/AUDIENCE PARTICIPATION

Ann Dodson, owner of G.F. Gaming LLC, congratulated the City on the Streetscape award and stated that a goal for the project was to make our downtown more comfortable for the guests. The benches chosen by the committee for this project are very cold and hard so placing cushions would be a solution for this but she has been told they are not allowed. Council, by consensus, then directed staff to present options at a work session.

At 7:42 p.m., Alderman Voorhies moved to adjourn into Executive Session pursuant to C.R.S. Section 24-6-402(4)(b) for purposes of receiving legal advice concerning the Ballowe litigation and the water line at 206 E 3rd High Street. Alderman Spain seconded, and without discussion, the motion carried unanimously.

The next Council meeting is scheduled for October 16, 2012 at 7:00 p.m.

Ronald E. Engels, Mayor

Reba Bechtel, City Clerk



AGENDA ITEM # 7

CITY COUNCIL COMMUNICATION FORM

TO: Mayor Engels and Members of City Council
FROM: Marcus McAskin, Assistant City Attorney
DATE: October 16, 2012
ITEM: Ordinance 12-12

ORDINANCE
 MOTION
 INFORMATION

- I. **REQUEST OR ISSUE:** The City Council is being asked to consider Ordinance 12-12 on first reading. The purpose of the Ordinance is to extend the marketing device fee (of \$5.00 per device per month) for calendar year 2013.

The City Council approved the marketing device fee in December of 2011, pursuant to Ordinance 11-16. As set forth in Ordinance 11-16, the \$5.00 per month per gaming device is effective only until December 31, 2012, unless an extension is approved.

Ordinance 12-12 accomplishes the extension of the marketing device fee and will allow the City and the Central City Business Improvement District (the "CCBID") to continue to cooperate with respect to advertising and marketing activities.

- II. **RECOMMENDED ACTION / NEXT STEP:** Approve Ordinance 12-12 on first reading with any amendments as proposed by City Council and schedule for second reading and public hearing.

Currently, the public hearing has been scheduled for Tuesday, November 20, 2012.

- III. **FISCAL IMPACTS:** The proposed adoption of Ordinance 12-12 is expected to have no substantive fiscal impact.

IV. **BACKGROUND INFORMATION:** In 2011, the City engaged in and completed a visioning process with the casino community and the CCBID. Through that process, the public and private stakeholders involved voiced a strong desire to provide additional marketing for the City at large.

One of the results of that process was a recommendation to impose a separate \$5.00 per month per gaming device fee, the revenues of which would be allocated specifically for advertising and marketing purposes. The marketing device fee is separate from the transportation improvements device fee (currently set at \$22.08 per month per device).

The City and the CCBID desire to extend the marketing device fee for calendar year 2013.

V. **LEGAL ISSUES:** The City is authorized to enact Ordinance 12-12 pursuant to its home rule authority. As set forth in Ordinance 11-16, the revenues collected by the City from the marketing device fee are remitted to the CCBID pursuant to the terms of an intergovernmental agreement between the City and the CCBID (the "IGA"). The main purpose of the IGA is to establish the terms and conditions under which the marketing device fee revenues are remitted to the CCBID (including CCBID's requirement to provide a report to the City regarding its use of the marketing device fee revenues), and to memorialize the joint marketing and advertising efforts of the City and CCBID.

As Ordinance 12-12 extends the marketing device fee for calendar year 2013, the IGA will need to be amended. For that reason, at Council's November 20th meeting, City Council will, in addition to considering Ordinance 12-12 on second reading, be asked to take action on a resolution approving an amendment to the IGA.

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

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

- (1) Approve Ordinance 12-12 on first reading, as may or may not be amended, and schedule for second reading and public hearing;
- (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.

As set forth above, the public hearing on Ordinance 12-12 has been scheduled for November 20, 2012.

**CITY OF CENTRAL, COLORADO
ORDINANCE 12-12**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL
COLORADO AMENDING ARTICLE V OF CHAPTER 6 OF THE CENTRAL
CITY MUNICIPAL CODE REGARDING GAMING DEVICE FEES**

WHEREAS, the City of Central is a home rule municipality that is authorized, pursuant to its Home Rule Charter, the Colorado Constitution and state law, to adopt ordinances in furtherance of the health, safety and welfare of the City's inhabitants; and

WHEREAS, the City previously adopted license fees and gaming device fees on gaming devices, as codified in Article V of Chapter 6 of the Central City Municipal Code; and

WHEREAS, the City currently imposes and collects a monthly gaming device fee in the amount of \$22.08 per month to fund transportation improvements, including facilities and improvements necessary to provide public transportation services within the City; and

WHEREAS, as authorized by Ordinance 11-16 (the "Prior Ordinance"), the City imposes and collects a monthly gaming device fee in the amount of \$5.00 per month in order to fund certain advertising and marketing costs incurred by the Central City Business Improvement District (the "CCBID"); and

WHEREAS, the \$5.00 monthly gaming device fee is scheduled to expire on December 31, 2012; and

WHEREAS, as set forth in the Prior Ordinance, the City Council may approve an extension of the \$5.00 monthly gaming device fee by Ordinance; and

WHEREAS, City Council desires to extend the \$5.00 monthly gaming device fee in order to fund the continuation of CCBID advertising and marketing efforts during calendar 2013; and

WHEREAS, the primary beneficiaries of the CCBID marketing efforts will be the casinos located within the boundaries of the authorized gaming areas of the City; and

WHEREAS, the casinos have approached the City and the CCBID and have committed to continuing to pay an increased monthly gaming device fee in the amount of \$27.08 per month; and

WHEREAS, the City Council desires to amend the gaming device regulations in order to recognize the extension of the voluntary marketing contribution.

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

Section 1. Article V of Chapter 6 of the Central City Municipal Code is hereby amended to amend Section 6-134 to read in full as follows:

Section 6-134. Device Fee Imposed.

- (a) In addition to, and separate and apart from, the license fee imposed under this Article, each gaming establishment shall be required to pay a monthly device fee for each gaming device operated within a gaming establishment. The purposes of the device fee are: (1) to assist the City in paying costs for transportation improvements that are necessary and as a result of and roughly proportionate to the impacts on the City of limited gaming; and (2) to assist the City in funding certain marketing and advertising costs in calendar year 2013 that are related to promoting the limited gaming industry. The monthly device fee is directly related to the need for increased transportation services and improvements necessary to serve the customers, employees and users of gaming establishments and the need for advertising and marketing efforts to promote the limited gaming industry within the City, and will provide a significant and proportional benefit to such businesses.
- (b) The amount of the device fee is twenty seven dollars and eight cents (\$27.08) per month for each gaming device. That portion of the device fee allocated to transportation improvements shall be twenty two dollars and eight cents (\$22.08) per month for each gaming device and that portion of the device fee allocated to advertising and marketing expenses shall be five dollars (\$5.00) per month for each gaming device. The portion of the device fee allocated to funding advertising and marketing expenses of the City of five dollars (\$5.00) per month for each gaming device shall be effective through December 31, 2013, unless an extension of the same is approved by Ordinance of City Council. If no extension of that portion of the device fee allocated to advertising and marketing purposes is approved by City Council, the device fee shall be twenty two dollars and eight cents (\$22.08) commencing January 1, 2014.
- (1) Revenues collected from imposition of that portion of the device fee allocated to transportation improvements shall be used exclusively for transportation improvements primarily serving the gaming areas, and shall not be used for general operating expenses of the City.
- (2) Revenues collected from imposition of that portion of the device fee allocated to advertising and marketing expenses shall be used exclusively to defray the City's advertising and marketing expenses and shall not be used for general operating expenses of the City.
- (c) Notwithstanding the foregoing requirement to pay a monthly device fee to assist the City with providing transportation improvements and funding advertising and marketing expenses, the City Council is authorized to

establish incentive programs wherein such device fee may be temporarily waived or reduced on such terms and conditions as set forth by resolution of City Council.

- (d) All revenues collected by the City from the portion of the device fee allocated to advertising and marketing expenses of five dollars (\$5.00) per month for each gaming device shall be remitted to the Central City Business Improvement District (the "CCBID") pursuant to the terms of an intergovernmental agreement by and between the City and CCBID which agreement shall memorialize the joint advertising and marketing efforts of the respective entities, or shall otherwise be appropriated and spent by the City as approved by City Council.

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 ____ day of _____, 2012, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Linda C. Michow, 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 _____, 2012.

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 _____, 2012.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on _____, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk

City Clerk's Office

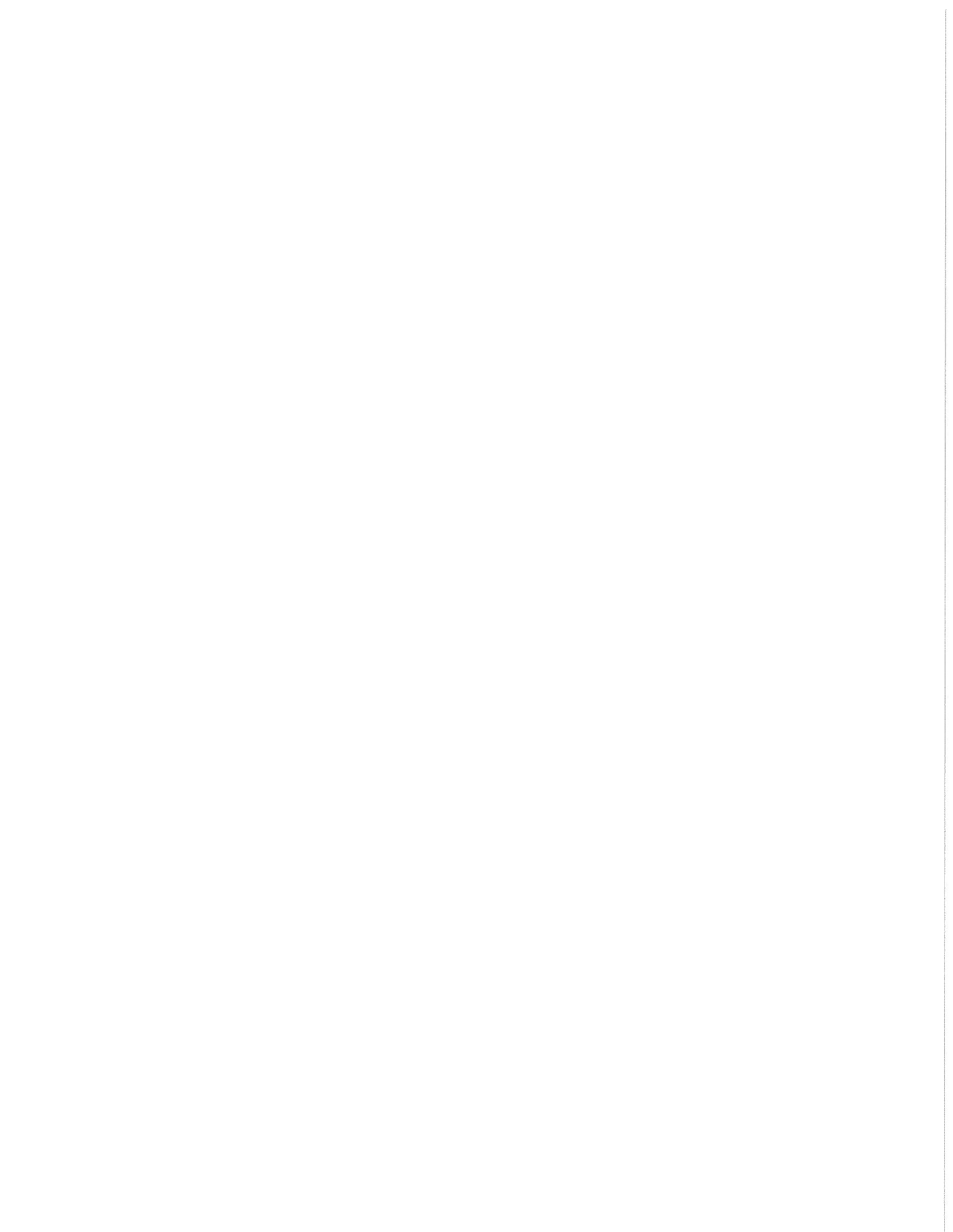
To: City Manager Alan Lanning, Mayor Engels, and City Council

From: Reba Bechtel, City Clerk

Date: October 16, 2012

Re: Bi-weekly Report

- Council minutes from October 2 completed
- Packet prep for the October 16 Council meeting
- Issued Liquor Renewal for Central City Group LLC dba Central City Social Club at 112 Lawrence for a Hotel and Restaurant Liquor License (note that the application was received on time this year)
- Attended Logic and Accuracy testing of the voting equipment at the County office on Wednesday, Oct. 3rd. It was very informative to see the security measures in place by the Clerk's office.



Memo

To: Mayor, City Council, and City Manager
From: Greg Thompson, Community Development Director
Subject: Community Development Department Summary
Date: October 16, 2012

The Community Development Department/Historic Preservation Office took the following actions and participated in the following events since the last summary was created:

1. Met with a variety of citizens and discussed their property plans.
2. Sent a notice to correct order to Jay Williams for the Belvidere Theater.
3. At the behest of the police, sent a letter to residents on Eureka letting them know that littering, via leaving their trash cans out, is not permitted.
4. Administered the building permit function for the City.
5. Discussed potential traffic issues with a consultant interested in the parking garage project.
6. With the City Manager, attended an Xcel focus group meeting via conference call addressing a variety of concerns, including banners, flags and flower pots on poles.
7. Hosted a meeting for reviewers and potential applicants for the potential parking garage. Meeting was designed for introducing the idea and sharing expectations about the review.
8. Created an ordinance to address when trash cans can be placed out by the curb to address persistent trash problems.
9. Facilitated the city portion of the "Trip Flip" visit to Central City where they shot a segment for their Travel Channel show. See pictures below:



10. Met with the Century Casino GM to discuss parking garage sign options.
11. Drafted a trash ordinance for staff and City Attorney review.
12. Received a signed agreement for the Rickville House. It will be moved to Nevadaville after approval of a setback variance by the County.
13. Approved the first Sound Application Permit for Main Street.

Central City - Streets

Description of Task	Date	% of Completion	Location	Comments
CDA Mine - poles, steel, wood, cleanup	3/6/2012		Academy Street	
Retaining Wall - missing rocks	1/1/2013		Casey Street	Along Gregory (large scale project) (CIP 2013)
Weedwacking	6/13/2011	80%	City	Spring and Fall
City - Storm Drains	7/12/2011	45%	City	Flush all storm drains (Annually)
Signage	1/27/2012	100%	City	leaning poles, paint, direction
City	1/27/2012	Seasonal	City	banners, xmas decorations (Spring, Fall, Winter)
City	1/31/2012	25%	City	finish painting hydrants
City Dump - burning	3/1/2012	40%	City	Burned on 10-10-12
Bollards - replace and paint	3/12/2012	50%	City	replace old bollards and provide where none exist
Street Sweeping - plan (map)	3/22/2012		City	
Storm Drains - Clean out rocks	7/12/2012	100%	City	Annually
targets police department	9/1/2012	100%	City	Chief
Asphalt Patches		100%	City	saw cuts made (Spring and Fall)
Storm grates on County	10/3/2012	80%	County Street	fix grates
E 1st High - Masonic Stairs	3/26/2012	25%	E 1st High	stain steps
E 1st High - Drainage Ditch	3/26/2012		E 1st High	Museum and Church channel repair
stairs repair	8/28/2012	100%	E 1st High	Sharon Tate called in
Carriage House - retaining wall	8/3/2012	100%	E 4th High	fix retaining wall - concrete
Class 6 on parking area E 4th High	9/13/2012	15%	E 4th High	parking area
Creek south side Eureka - clean out	4/30/2012	As Needed	Eureka Street	trash and debris
retaining wall - patch	10/1/2012	50%	Eureka Street	retaining wall 208 Eureka
Eureka - sidewalk	1/1/2013		Eureka Street	CIP 2013
Sidewalk - Eureka 311 to 331	1/1/2013		Eureka Street	CIP 2013
Sidewalk - Eureka 311 to 219	1/1/2013		Eureka Street	CIP 2013
Sidewalk - Eureka 219 to 215	1/1/2013		Eureka Street	CIP 2013
Sidewalk - Thomas House red portion	1/1/2013		Eureka Street	CIP 2013
Sidewalk - Thomas House 207 to County Bldg.	1/1/2013		Eureka Street	CIP 2013
Gregory Street - trench drain, yellow house	6/7/2011		Gregory Street	
Gregory Street - Wood Bridge	3/5/2012	20%	Gregory Street	remove bridge safety hazard (planner)
Speed sign on Gregory	4/12/2012	20%	Gregory Street	remove speed sign (Police Department)
Post Office - sidewalk	5/10/2012		Gregory Street	replace sidewalk
Gregory Street - crosswalk	5/10/2012		Gregory Street	D Street
Hooper Street - driveway	5/10/2012	25%	Hooper Street	extend driveway for PW access
Hooper Street - ditch work	5/10/2012		Hooper Street	ditch work and grading
Sidewalk - D St to 212 Lawrence	3/22/2012	100%	Lawrence	condition poor
Sidewalk - Lawrence 212 to end of curb	3/22/2012	100%	Lawrence	sunk, condition poor
Sidewalk - State Gaming	3/22/2012	82%	Lawrence	flagstone, condition poor
Clean Lights Main Street	3/6/2012	As Needed	Main Street	
Main Street - drainage at Annies	8/10/2012	100%	Main Street	stormwater
Streelights - Main Street	8/16/2012	100%	Main Street	fuses
Big T lot - erosion back of lot	5/10/2012	90%	Nevada Street	remove sediment, place straw wattles
Xmas tree - placement and support	5/10/2012	100%	Nevada Street	place hole for xmas tree
Xmas tree - electrical conduit	5/10/2012	100%	Nevada Street	run electrical for tree
Slope Failure	8/16/2012	100%	Nevada Street	2nd monitoring complete - not moving
Block Lot B - Nevada Street	8/23/2012	100%	Nevada Street	People traveling through lot b - jersey barrier access
Guardrail - Parkway	9/30/2011	As Needed	Parkway	88' 3 rib to 2 rib
Parkway	1/31/2012	100%	Parkway	guardrail
Parkway - frost heave	3/6/2012		Parkway	CIP 2013
Parkway - reflectors last 3.5 miles	3/6/2012	50%	Parkway	area with existing lights, budget item
Parkway - guardrail	3/22/2012	100%	Parkway	damaged guardrail - 16 straight sections - order 20
Parkway - guardrail	3/22/2012		Parkway	End section on S curve and Bob Youngs gate (\$\$\$)
Billboard - missing panel	4/12/2012		Parkway	Inspect all billboards
Parkway - burnt out lights	5/22/2012	Warranty	Parkway	renovate completed...should no longer need to change bulbs

