CITY OF CENTRAL, COLORADO
NOTICE OF A REGULAR MEETING of the CITY COUNCIL to be held on
Tuesday, November 15, 2016 @ 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 Kathy Heider
   Council members Shirley Voorhies
                    Judy Laratta
                    Jeff Aiken

3. Pledge of Allegiance

4. Additions and/or Amendments to the Agenda.

5. Conflict of Interest.

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

   Regular Bill lists through November 9; and
   City Council minutes: October 18, 2016.

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.

PUBLIC HEARING —

7. Ordinance No. 16-03: An ordinance of the City Council of the City of Central, Colorado Adopting a New Article XIII of Chapter 16 of the Central City Municipal Code titled Quartz Hill Overlay District, Adopting Regulations Pertaining to the Overlay District, and Authorizing a Delayed Effective Date for this ordinance (Rears/McAskin)

ACTION ITEMS: NEW BUSINESS —

8. Appointment to Main Street Commission — Deborah Wrightman and Shelby Nation

9. Resolution No. 16-34: A resolution of the City Council of the City of Central, Colorado approving a Parking License Agreement with RHC Colorado, LLC (dba Reserve Casino Hotel), for a revocable license for parking on Gregory Street (Hoover)
REPORTS –

10. Staff updates – Update on Enterprise Fund

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 SESSIONS
Pursuant to C.R.S. 24-6-402(4)(e) for determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding three topics, specifically the following: (1) the potential lease of one acre-foot of City water rights to a private party; (2) fire service to the City of Central and portions of unincorporated Gilpin County in proximity to the City; and (3) a request for the City to participate in the issuance of taxable, unrated industrial development revenue bonds.

ADJOURN. Next Council meeting December 6, 2016.

Posted 11/10/2016

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.
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**TOTAL for Credit Cards**

3,548.21

**Total for All Cards**

3,548.21
CITY OF CENTRAL
CITY COUNCIL MEETING
October 18, 2016

CALL TO ORDER
A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:08 p.m., in City Hall on October 18, 2016.

ROLL CALL
Present: Mayor Engels
Mayor pro tem Heider
Alderman Voorhies
Alderman Laratta
Alderman Aiken

Absent: None

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

EXECUTIVE SESSION
Mayor pro tem Heider moved to adjourn to pursuant to C.R.S. Section 24-6-402(4)(b) for legal advice on specific legal questions related to Business Improvement District Act. Alderman Laratta seconded, seconded, and without discussion, the motion carried unanimously.

At 7:33 p.m., Mayor Engels reconvened to regular session.

The Pledge of Allegiance was recited by all present.

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

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

CONSENT AGENDA
Alderman Voorhies moved to approve the consent agenda containing the regular bill lists through October 12, and the City Council minutes for the meetings on October 4 and 5, 2016. Alderman Laratta seconded, and without discussion, the motion carried unanimously.

PUBLIC FORUM/AUDIENCE PARTICIPATION
Barbara Thielemann, 101 H Street, speaking as Chair for MSCC and as a resident, is pleased to see the work on the Belvidere is under way with the façade stabilization to start with and so the next step is to apply for grant funding. She attended a conference recently to collect information about grant opportunities regarding the Belvidere.
PUBLIC HEARING
Ordinance No. 16-03: An ordinance of the City Council of the City of Central, Colorado
Adopting a New Article XIII of Chapter 16 of the Central City Municipal Code titled Quartz Hill
Overlay District and Adopting Regulations Pertaining to the Overlay District.
Attorney McAskin reported that this agreement has gone through revisions with upper
management at the EPA and the City will need to review those revisions with our special counsel
so we will need to continue this hearing to the November 15th meeting.

Alderman Aiken moved to re-open and continue the Public Hearing for Ordinance No. 16-03:
An ordinance of the City Council of the City of Central, Colorado Adopting a New Article XIII
of Chapter 16 of the Central City Municipal Code titled Quartz Hill Overlay District and
Adopting Regulations pertaining to the Overlay District to November 15, 2016 at 7:00pm in
these chambers. Alderman Voorhies seconded, and without discussion, the motion carried
unanimously.

Ordinance No. 16-04: 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 Annual
License Fees and Gaming Device Fees.
City Manager Miera reviewed the background as follows:
Ordinance No. 16-04 proposes modifications to the City’s current Annual License Fee and
Gaming Device Fees set forth in Article V of Chapter 6 of the Municipal Code. The
Ordinance was discussed at the October 4, 2016 work session and was approved on first
reading at the October 4, 2016 regular City Council meeting.

The City’s current gaming device fees on gaming devices are set forth in Article V of Chapter 6
of the Municipal Code and are as follows:

**Current:**
- Annual License Fee: $1,000.00 per year per device ($83.33/month)
- Transportation Fee: $264.96 per year per device ($22.08/month)

  **Subtotal:** $1,264.96 per year per device

- Marketing Fee: $60.00 to $84.00 per year per device (varies between
  $5.00 and $7.00/month)

The Transportation Fee assists the Central City Transportation Enterprise with paying costs
related to transportation-related services and improvements.

The Marketing Fee was established in 2011 (via Ordinance 11-16) to assist the City in funding
certain marketing and advertising costs incurred by the City or the Central City Business
Improvement District (the "CCBID").

The Marketing Fee has been extended for each of calendar years 2012-2015. The Marketing Fee
is currently scheduled to expire on December 31, 2016. As set forth in Ordinance 11-16, the
City Council is required to approve any extension of the Marketing Fee by Ordinance. The
Marketing Fee is currently imposed on a monthly basis at the rate of $7.00/month.

City Staff is proposing that the Marketing Fee be discontinued in calendar year 2017. Ordinance
16-04 clarifies that the same will not be collected in calendar year 2017. The City anticipates
that the CCBID will continue to fund marketing and advertising costs but will likely fund such
activities through a fee imposed on its membership.

CC Minutes 10/18/2016
Due to certain operational efficiencies of City Staff, increasing costs related to transportation-related projects, and the fact the CCBID financial support for Central City-Casino Parkway operating expenses terminates in 2017, City Staff is proposing some modifications and changes to the City’s currently adopted annual license fee and gaming device fees on gaming devices as follows:

**Proposed:**

- Annual License Fee: $850.00 per year per device ($70.83/month)
- Transportation Fee: $414.96 per year per device ($34.58/month)

  **Subtotal:** $1,264.96 per year per device

- Marketing Fee: None

As shown in the table above, the Annual License Fee has been decreased by an amount equal to a commensurate increase in the Transportation Fee in order to have additional revenue available to the City’s Transportation Enterprise in order to fund transportation-related projects and improvements in 2017 and future calendar years. Ordinance 16-04 will, if adopted by Council, codify the new proposed Annual License Fee and Transportation Fee in Article V of Chapter 6 of the Municipal Code.

Mayor Engels opened the Public Hearing at 7:42pm.

Joe Behm, CCBID, requested on behalf of the CCBID, the desire of the casino businesses in the City to continue to participate in a per-device fee or assessment, earmarking those funds for cooperative marketing efforts. Upon further review of the Business Improvement District statute, it is possible for BIDs to levy fees for services. Marketing qualifies as one of those approved services. There are a few issues related to fees imposed. First and foremost, the District Board of Directors must approve such an action. Not all board members have casino affiliations and so this is not a foregone conclusion. Second, the enforcement of such a fee is questionable, which, if unpaid could go to collections and eventually end up in court. That does nothing for the integrity and survivability of the program. Also this does not help pay any approved expenditures. Third, the use of the collected funds must specifically benefit the businesses from which the fees are derived. A CCBID casino fee based co-op program would be limited to casino advertising and promotions and not used for general awareness, branding, or event production. This last item is especially important as you all deliberate the annual request for $50,000 to fund our summer events.

Therefore, the CCBID Board would request that the City enter into an agreement via an IGA where the City acts as collector of the levied fees and transfers those fees collected monthly to the District. The District, in return, would consider a monthly payment to the City for such services, assuming that payment is based upon an agreed upon reasonable hourly charge for account services.

Mr. Behm added that the City would not act as the taxing entity but simply as an agency collecting a fee for one of its special districts and remitting those collected fees back to the District. The BID attorney has indicated to the Board that from an accounting and audit standpoint this is very doable and is merely a flow-through. This arrangement would be very similar to how the County processes our BID tax collections by changing a treasurer’s fee to the District.

Hearing no further comment, Mayor Engels closed the Public Hearing at 7:47pm.
Mayor pro tem Heider moved to adopt Ordinance No. 16-04: 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 Annual License Fees and Gaming Device Fees on second reading. Alderman Laratta seconded, and without discussion, the motion carried unanimously.

Mayor Engels offered that Council may direct staff to work with the CCBID to see if there is some way for an IGA to work with the City collecting the fee.

**ACTION ITEMS: NEW BUSINESS**

**Appointment of Alternate to Historic Preservation Commission**
Mayor pro tem Heider moved to appoint Christine Jackie Mitchell as alternate to the Historic Preservation Commission. Alderman Laratta seconded, and without discussion, the motion carried unanimously.

**Resolution No. 16-28: A resolution of the City Council of the City of Central, Colorado approving a Settlement Agreement with the U.S. Environmental Agency regarding the Quartz Hill Tailings Pile.**
Alderman Aiken moved to postpone consideration of Resolution No. 16-28: A resolution of the City Council of the City of Central, Colorado approving a Settlement Agreement with the U.S. Environmental Agency regarding the Quartz Hill Tailings Pile to November 15, 2016 regular City Council meeting. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

**Resolution No. 16-31: A resolution of the City Council of the City of Central, Colorado memorializing funding goals related to the restoration, maintenance and continued operation of the historic Belvidere Theater.**
City Manager Miera explained that Resolution No. 16-31 sets forth funding goals associated with the Belvidere Theatre (the “Belvidere”). City resident Jack Hidahl presented the draft resolution to City Council at the October 4, 2016 meeting during public comment. A restored Belvidere will provide an important community center for residents of the City and Gilpin County to assemble and participate in social and special events. If restoration efforts are successful, the Belvidere will generate revenue to the City to offset, in part, costs associated with the restoration, maintenance and operation of the Belvidere.

The City acquired the Belvidere from Gilpin County in July of 2016. The deed transferring the property to the City was recorded on July 26, 2016 at Reception No. 156841 in the Gilpin County real property records. Expenditures associated with the restoration and maintenance of the Belvidere will necessarily be approved by City Council in future budget years and the current intent of Council is set forth with specificity in the Resolution as follows:

- Beginning with the 2017 fiscal year, the City shall identify a line item in the Historic Preservation Fund to be identified as “The Belvidere” and shall annually fund a minimum of Two Hundred and Fifty Thousand Dollars ($250,000.00) in each of fiscal years 2017, 2018, 2019, 2020, in addition to any money carried over from previous years and any amounts contributed, for the purpose of stabilizing, restoring, and maintaining the Belvidere.
- Beginning with the 2021 fiscal year, the City shall annually appropriate an amount equal to not less than twenty-five percent (25%) of all grants funds received annually from the State Historic Society grant, for purposes of, but not limited to, the restoration, maintenance, operation, and marketing of the Belvidere.
Mayor pro tem Heider added that as explained by Jack Hidal at the last meeting, by committing these funds, there will be more options to apply for grants and thanked Barb Thielemann for researching grants options.

Alderman Voorhics moved to approve Resolution No. 16-31: A resolution of the City Council of the City of Central, Colorado memorializing funding goals related to the restoration, maintenance and continued operation of the historic Belvidere Theater. Mayor pro tem Heider seconded, and without discussion, the motion carried unanimously.

Resolution No. 16-32: A resolution of the City Council of the City of Central, Colorado supporting the plan to change the direction of traffic on Main Street between Nevada Street and Gregory Street on an interim basis and delegating authority to the Public Works Director to implement the plan.

Public Works Director Hoover reviewed Resolution 16-32 which authorizes a change in direction on Main Street, specifically between Nevada Street and Gregory Street as shown on the Traffic Plan. This resolution approves the City Project and delegates authority to the Public Works Director to implement the plan.

As communicated to City Council during prior work sessions, the total cost to the City for the City Project is anticipated to be minimal given that the Public Works Department will be self-performing the majority of the sign removal, sign installation, and traffic control to properly implement the City Project. New signage is estimated to cost approximately $500.00. Costs associated with man-hours and equipment are estimated at less than $1,000.00.

Alderman Laratta move to approve Resolution No. 16-32: A resolution of the City Council of the City of Central, Colorado Supporting the plan to change the direction of traffic on Main Street between Nevada Street and Gregory Street on an interim basis and delegating authority to the Public Works Director to implement the plan. Alderman Laratta seconded, and the motion carried 4 votes to 1 with Mayor Engels voting no.

Resolution No. 16-33: A resolution of the City Council of the City of Central, Colorado awarding a bid for the Wayfinding and Welcome-Gateway Signage Project (RFP 2016-CD-03) and ratifying the City Manager’s execution of the Services Agreement with WJS Signs LLC d/b/a Precision Signs.

City Manager Miera reviewed the background as follows: Resolution 16-33 ("Resolution") a services agreement with WJS Signs LLC, a Colorado limited liability company d/b/a Precision Signs ("Contractor") in the not to exceed amount of $64,616.00. The services agreement covers the installation of two (2) monument signs and six (6) wayfinding signs (collectively, the “City Signs”).

This topic was presented to City Council at the October 4th regular meeting by Community Development Director Rears. As discussed by Director Rears on October 4th, it is Staff’s intent to have the Contractor commence installation of the City signs in the immediate future so that the project may be completed before the end of calendar year 2016.

Mayor pro tem Heider questioned the use of faux stone and added that it sends a negative message in our historic community with our preservation requirements.

Alderman Aiken offered that there is not enough available stone for this project and since this is not a wall this would not be a useful application.
Manager Miera added that since the revision of the sign code, this sign is not subject to the HPC requirements and added that the cost for natural stone was much higher.

Alderman Laratta moved to approve Resolution No. 16-33: A resolution of the City Council of the City of Central, Colorado awarding a bid for the Wayfinding and Welcome-Gateway Signage Project (RFP 2016-CD-03) and ratifying the City Manager’s execution of the Services Agreement with WJS Signs LLC d/b/a Precision Signs. Alderman Aiken seconded, and the motion carried 4 votes to 1 with Mayor pro tem Heider voting no.

REPORTS
City Attorney McAskin reported that there has been an article in the Denver Post regarding a lawsuit filed in Federal District Court by former employee Whitney Blake against the City and some named staff though it is important to note that the EEOC has not ruled that the case is meritorious. The City will vigorously oppose and defend against this case.

City Attorney McAskin also reported that the lawsuit by Black Hawk and Gilpin County against Central City, Teller County and Cripple Creek for a change in the division of the gaming tax dollars was ruled for the second time in favor of Central City/Teller County/Cripple Creek.

COUNCIL COMMENTS
Mayor pro tem Heider noted that Bob Dylan recently won the Nobel Prize in Literature and with clarification from Alderman Aiken added that he spent a few days in Central City in 1960 and performed at the Gilded Garter.

Alderman Voorhies gave an I-70 Coalition update.

PUBLIC FORUM/AUDIENCE PARTICIPATION
No one requested time to address the Council.

At 8:42p.m., Mayor pro tem Heider moved to adjourn to Executive Session: Pursuant to C.R.S. Section 24-6-402(4)(b) for legal advice on certain employment agreements and on litigation filed in Federal District Court (Civil Action No. 16CV2494); and Pursuant to C.R.S. Section 24-6-402(4)(e) for determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding fire service to the City of Central and portions of unincorporated Gilpin County in proximity to the City. Alderman Laratta seconded, and without discussion, the motion carried unanimously.

The next regular Council meeting is scheduled for November 1, 2016 at 7:00 p.m.

________________________________________  ________________________________
Ronald E. Engels, Mayor                    Reba Bechtel, City Clerk
AGENDA ITEM # 7

CITY COUNCIL COMMUNICATION FORM

FROM: Ray W. Rears, Community Development Director
THROUGH: Marcus McAskin, City Attorney
CC: Daniel Miera, City Manager
DATE: November 10, 2016 (prepared for November 15th City Council meeting)

ITEM: Ordinance 16-03 - An Ordinance of the City Council of the City of Central, Colorado Adopting a New Article XIII of Chapter 16 of the Central City Municipal Code titled Quartz Hill Overlay District, Adopting Regulations Pertaining to the Overlay District, and Authorizing a Delayed Effective Date of the Ordinance

NEXT STEP: Provide Comment — Second Reading & Public Hearing

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I. REQUEST OR ISSUE:

Creation of a Zoning District Overlay over the rock cap on Quartz Hill to add additional review and oversight at a local level ensuring the environmental remediation project is protected.

The Ordinance was approved on first reading on September 20th. Second reading and public hearing was originally scheduled for October 4th. At the October 4th meeting, second reading and public hearing was continued to October 18th. At the October 18th meeting, second reading and public hearing was continued to City Council’s November 15th regular meeting.

Originally, second reading and public hearing on the Ordinance was timed to coincide with City Council’s consideration & final action on the proposed Administrative Settlement Agreement and Order on Consent by and between the City, the United States Environmental Protection Agency
("EPA") and the Colorado Department of Public Health and Environmental (the "Settlement Agreement").

City Council’s action on the Settlement Agreement was also continued to the November 15th meeting due to the fact that the EPA has not yet completed its internal review of the Settlement Agreement, with final changes as recommended by the City.

Currently, the City anticipates that the EPA will complete its review by the end of November or early December, but the City’s environmental counsel has been advised by the EPA’s attorney that this schedule may be pushed back by one-two weeks based on holiday schedules and other scheduling issues with the various individuals in the EPA chain of command that need to review the final version of the Settlement Agreement.

Rather than delay second reading and public hearing on Ordinance 16-03 creating the Quartz Hill Overlay District until such time as the EPA has provided its final approval of the Settlement Agreement, Staff is recommending that City Council proceed to conduct the public hearing at the November 15th meeting and adopt a revised Ordinance 16-03. A redline legislative version of the Ordinance is attached to this City Council Communication Form. The main changes to the Ordinance may be summarized as follows:

- Amending the title of the Ordinance to make reference to the delayed effective date of the Ordinance;
- Clarifying that the Quartz Hill Overlay District regulations shall not take effect until such time as City Council has considered and approved a Resolution approving the Settlement Agreement;
- Including language that if the Settlement Agreement has not been approved by City Council on or prior to February 7, 2017, the Ordinance shall be deemed automatically void without need for any further or subsequent action by City Council and the Quartz Hill Overlay District regulations shall not become part of the Municipal Code; and
- Including language instructing the City Clerk to withhold publication of the Ordinance (by title and summary after final passage) until after approval of the Resolution approving the Settlement Agreement.

II. BACKGROUND INFORMATION:

In 2014, the CDPHE along with the EPA covered the Nevada Gulch/Quartz Hill tailings pile to mitigate the effects this material had on the ground and surface water. Prior to the City acquiring the Big-T property earlier this year and during our due diligence phase it was discovered that a number of Federal and State liens as well as ongoing liability concerns remained with the site.

In order to protect the City from those costs and liability concerns the City through negotiations with both the CDPHE and EPA came to a mutually beneficial agreement. Part of that agreement includes this proposed overlay district.
The overlay district does not change the underlying zoning district, but adds additional requirements if potential development, specifically soil-disturbing activity were to occur in the area covered by the rock cap. Essentially a special Overlay District Permit would be required before any activity could occur in order to protect the integrity of the project and the environment.

The Central City Planning Commission reviewed this request on September 7, 2016 and voted unanimously to recommend adoption by City Council. Staff also supports the adoption of this Ordinance.

III. **FISCAL IMPACTS:** No direct costs.

IV. **RECOMMENDED ACTION / NEXT STEP:** Conduct a Public Hearing and adopt Ordinance 16-03, as amended.

V. **LEGAL ISSUES:** None.

VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** Following the Effective Date of the Ordinance, the newly adopted Quartz Hill Overlay District regulations will help protect the work performed on Quartz Hill, which will help protect the environment.

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

1. Adopt Ordinance No. 16-03, as amended, on second reading;
2. Direct staff to make revisions to the Ordinance and continue the public hearing to a date and time certain; or
3. Reject or deny the Ordinance.

**RECOMMENDED MOTION:** “I MOVE TO APPROVE ORDINANCE NO. 16-03, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO, ADOPTING A NEW ARTICLE XIII OF CHAPTER 16 OF THE CENTRAL CITY MUNICIPAL CODE TITLED QUARTZ HILL OVERLAY DISTRICT, ADOPTING REGULATIONS PERTAINING TO THE OVERLAY DISTRICT, AND AUTHORIZING A DELAYED EFFECTIVE DATE OF THIS ORDINANCE ON SECOND READING.”

**Attachments:**

- Ordinance 16-03 (for second reading)
- Ordinance 16-03 (redline-legislative version of the Ordinance highlighting changes made since first reading)
CITY OF CENTRAL, COLORADO
ORDINANCE 16-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO ADOPTING A NEW ARTICLE XIII OF CHAPTER 16 OF THE CENTRAL CITY MUNICIPAL CODE TITLED QUARTZ HILL OVERLAY DISTRICT AND ADOPTING REGULATIONS PERTAINING TO THE OVERLAY DISTRICT, AND AUTHORIZING A DELAYED EFFECTIVE DATE OF THIS ORDINANCE

WHEREAS, the Quartz Hill tailings impoundment was developed in the 1930s and 1940s as a result of the discharge from mills that processed the gold ore extracted from numerous mines in the vicinity of Central City; and

WHEREAS, after mill operations ceased, the tailings impoundment was re-graded into an approximately 500,000 cubic yard pile with steep slopes covering approximately five acres; and

WHEREAS, in accordance with authority provided in the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq. (CERCLA), the U.S. Environmental Protection Agency (EPA) prepared a Record of Decision (ROD) for Operable Unit 3 of the Central City/Clear Creek Superfund Site; and

WHEREAS, the ROD calls for in-place capping of the Quartz Hill tailings pile to stabilize the pile and improve Clear Creek surface water quality by preventing surface water from contacting mine waste; and

WHEREAS, following years of City and other stakeholder input, the Colorado Department of Public Health and Environment ("CDPHE") completed the Quartz Hill Remediation Project in August of 2014; and

WHEREAS, the Quartz Hill Remediation Project consisted of re-grading the tailings pile, construction of a new storm sewer, and placement of a geotextile and rock cover; and

WHEREAS, disruption of the geotextile and rock cover and site drainage could result in mine tailings exposure and impacts to surface water; and

WHEREAS, CDPHE maintains as-built maps of the remedial project area; and

WHEREAS, C.R.S. § 25-15-320(2)(b) requires environmental covenants to maintain and protect the geotextile and rock cover integrity of the Project; and

WHEREAS, C.R.S. § 25-15-320(3)(b) authorizes CDPHE to waive the requirement for environmental covenants for parcels of land where the owner does not grant an environmental covenant under C.R.S. § 25-15-320 if the governmental entity having land use regulatory authority over the affected property has enacted an ordinance or resolution imposing the relevant environmental use restrictions; and
WHEREAS, the ownership of the Quartz Hill tailings impoundment is fragmented and complicated and CDPHE and the City have determined that placing covenants over the subject property would be burdensome; and

WHEREAS, the City of Central City has jurisdiction over the Quartz Hill property and desires to enact an Ordinance to implement the required environmental use restrictions that will contribute to the protection of human health and the environment and will contribute to the maintenance of CDPHE's environmental remediation action taken within the boundaries of the Quartz Hill property; and

WHEREAS, Central City contemplates that future uses of the Quartz Hill property, such as a parking lot, apartment building, hotel, ballfields or other recreational facilities and/or other similar uses and structures may be allowed; and

WHEREAS, the City Council finds that this Ordinance will further the health, safety and general welfare of the City’s inhabitants; and

WHEREAS, this Ordinance has been prepared and enacted in accordance with the Home Rule Charter as well as applicable state statutes and is hereby declared to be adopted in accordance with all applicable provisions of the Home Rule Charter and applicable state statutes; and

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

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

Section 1. Article XIII of Chapter 16 of the Central City Municipal Code, titled “Quartz Hill Overlay District” is hereby adopted to read in full as follows:

CHAPTER 16

ARTICLE XIII
Quartz Hill Overlay District

Article XIII Quartz Hill Overlay District

Sec. 16-13-10 Intent.
Sec. 16-13-20 Purpose.
Sec. 16-13-30 Definitions.
Sec. 16-13-40 Overlay District established.
Sec. 16-13-50 Variances not allowable.
Sec. 16-13-60 Consultation to amend.
Sec. 16-13-70 Regulation of excavation activities.
Sec. 16-13-80  Quartz Hill Overlay District Permit – Application required.
Sec. 16-13-90  Application Review.
Sec. 16-13-100  No development without Overlay District Permit.
Sec. 16-13-110  Powers of City Manager.
Sec. 16-13-120  CDPHE Enforcement Authorization.
Sec. 16-13-130  Violations and penalties.

Sec. 16-13-10. Intent.

The Colorado Department of Public Health and Environment ("CDPHE") completed Quartz Hill Remediation Project in 2014. The Project consisted of re-grading the tailings pile, construction of a new storm sewer, and placement of rock cover. These Quartz Hill Overlay District regulations have been adopted in accordance with the express authority set forth in C.R.S., § 25-15-320(3)(b)(II), authorizing the City to adopt an ordinance imposing relevant environmental use regulations, and authority set forth in the Home Rule Charter and Title 31, C.R.S.

Sec. 16-13-20. Purpose.

The purpose of this Article is to protect the integrity of the existing geotextile and rock installed as part of the Quartz Hill Remediation Project in 2014 while allowing for reasonable and appropriate future use of lands situated within the Quartz Hill Overlay District. The implementation of the regulations set forth in this Article which require an application for the issuance of an Overlay District Permit prior to any development or other soil-disturbing activity within the boundaries of the Quartz Hill Overlay District will ensure that human health and public safety are adequately protected.

Sec. 16-13-30. Definitions.

"Central City/Clear Creek Superfund Site" or "Site" shall mean those areas that are designated as the Central City/Clear Creek Superfund Site by the U.S. Environmental Protection Agency (EPA) pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601, et seq., as amended. EPA added the Central City/Clear Creek Superfund Site to the National Priorities List in 1983 and the Site was subsequently divided by the EPA and CDPHE into four operable units (OU).

"CDPHE" shall mean the Colorado Department of Public Health and Environment.
"Quartz Hill Remediation Project" or "Project" shall mean the Quartz Hill Mine Waste Pile Remediation Project completed in 2014 by the EPA and CDPHE in accordance with OU3 ROD dated September 30, 1994.

"Quartz Hill Property" shall mean all property located within the boundaries of the Quartz Hill Overlay District, being coterminous with the boundaries of the Project’s remedial area, as depicted on the as-built maps of the remedial area maintained by CDPHE and on file with the City Clerk’s Office and the area currently covered by the geotextile and rock cap.

"Quartz Hill Overlay District" or "Overlay District" shall mean the overlay district established by this Article, constituting all of the Quartz Hill Property, being coterminous with the boundaries of the Project’s remedial area, as depicted on the as-built maps of the remedial area maintained by CDPHE and on file with the City Clerk’s Office.

Sec. 16-13-40. Overlay District established.

The Quartz Hill Overlay District is hereby established as an overlay district that includes within its boundaries the area on the Quartz Hill Property map on file with the City Clerk which shall be the same as the area depicted on the as-built maps maintained by CDPHE. The boundaries of the Quartz Hill Overlay District shall be depicted on the City of Central Zoning Map. The provisions of this Article shall apply to any applications for building permit, zoning, subdivision, planned unit development, use by right, special review use, or any other development activity that will result in any soil-disturbing activity for all properties located within the Quartz Hill Overlay District. The application of these regulations is in addition to the regulations of the underlying zoning district and of this Code and shall be considered by the appropriate decision-maker in conjunction with any application for development occurring within the Quartz Hill Overlay District. The boundaries of the Quartz Hill Overlay District are shown in Diagram 1-A below:

Diagram 1-A:
To the extent of any discrepancies between the boundaries of the Overlay District set forth in Diagram 1-A and the boundaries set forth on the Quartz Hill Property map on file with the City Clerk, the map on file with the City Clerk shall control.

Sec. 16-13-50. Variances not allowable.

The regulations set forth in this Article shall not be subject to any authority to vary the zoning regulations or City of Central Building Code. No variances are permitted from this Article of the Code.

Sec. 16-13-60. Consultation to amend.

Prior to the Planning and Zoning Commission or City Council considering any amendment to this Article, the City shall consult with CDPHE and shall incorporate such requirements as CDPHE may recommend to ensure the Project continues to protect human health and the environment.

Sec. 16-13-70. Regulation of excavation activities.

No excavation, drilling, grading, digging, tilling, moving or relocating of the geotextile or rock cap material or any other soil-disturbing activity is allowed with the Quartz Hill Overlay District, except as authorized in a remedial decision document or with the prior written consent of CDPHE and the City Manager.
Sec. 16-13-80. Quartz Hill Overlay District Permit – Application Required.

(a) Any application for any building permit, zoning, subdivision, planned unit development, use by right, special review use, or any other development activity that will result in any soil-disturbing activity within the boundaries of the Quartz Hill Overlay District shall be preceded by an application for an Overlay District Permit.

(b) An application for approval of an Overlay District Permit may be filed by a person having an interest in the property for which the Overlay District Permit is requested, with the written consent of the owner(s) of the property, and shall be made on a form provided by the City. At a minimum, the application must include:

(1) A general site plan showing the major details of the proposed development, consisting of the location of buildings and structures, off-street parking and loading areas, service and refuse areas, means of ingress and egress, major landscaping or screening proposals, and signs and pedestrian areas, or a relevant summary of the development activity proposed to be conducted within the boundaries of the Quartz Hill Property;

(2) A time schedule for the proposed development;

(3) A plan for maintaining the integrity of rock cap installed as part of the Quartz Hill Remediation Project or a plan to relocate the tailings material to a new site as approved by CDPHE and other regulatory agencies, as applicable;

(4) Any other information the applicant believes will support his or her request;

(5) A letter from an authorized representative of CDPHE confirming that CDPHE has been informed of the proposed development activity within the boundaries of the Overlay District;

(6) Accompanying the application shall be a filing fee which shall be equal to the City’s zoning amendment fee. Prior to the City’s acceptance of the application, the applicant shall be required to enter into a consultant reimbursement agreement with the City to cover the City’s costs related to reviewing and processing the application. The City may contract for professional assistance to review the application and provide consulting or other professional services related to reviewing
the application. Any such professional fees incurred by the City shall be reimbursed by the applicant in accordance with the terms and conditions of the required consultant reimbursement agreement. Any and all fee(s) and other charges shall be paid in full by the applicant prior to the date on which the City Manager conducts application review pursuant to Sec. 16-13-90 below.

(c) The following activities shall be exempt from the Overlay District Permit application process established by this Article:

(1) Operations, inspection and maintenance activities associated with the Project undertaken within the boundaries of the Quartz Hill Property by CDPHE or its duly authorized contractor(s).

(2) Operations, inspection and maintenance activities associated with the Project undertaken within the boundaries of the Quartz Hill Property by the City Manager or his or her designee.

(3) Removal or repositioning of the yellow structure currently within the boundaries of the Quartz Hill Property (the “Yellow House”), provided that the Yellow House shall be required to remain on skids and above the geotextile and rock cap.

(4) Any other activity exempted from the provisions of this Article pursuant to joint written consent of the City Manager and a duly authorized representative of CDPHE.

Sec. 16-13-90. Application review.

Following receipt of the application submitted pursuant to Sec. 16-13-80, the City Manager may request supplemental materials or information from the applicant. The application shall not be deemed complete until such time as all supplemental materials or information requested by the City Manager have been received. The City Manager shall, within sixty (60) days following the date on which the application has been deemed complete, proceed to review the Overlay District Permit application and shall either approve the application in whole or in part, shall approve the application subject to conditions set forth in a writing, or shall deny the Overlay District Permit application. Approval of an Overlay District Permit shall require CDPHE’s written consent for any soil-disturbing activity, unless otherwise authorized in a remedial decision document.
Sec. 16-13-100. No development without Overlay District Permit.

No application for any building permit, zoning, subdivision, planned unit development, use by right, special review use, or any other development activity that will result in any soil-disturbing activity within the boundaries of the Quartz Hill Overlay District shall be allowed until such time as the property owner or applicant has secured an Overlay District Permit and has fully complied with any conditions set forth in the Permit. The issuance of an Overlay District Permit shall be a condition precedent to any soil-disturbing activity within the boundaries of the Quartz Hill Overlay District.

Sec. 16-13-110. Powers of City Manager.

(a) The City Manager shall have and exercise such powers as may be necessary and convenient to carry out and effectuate the purpose and provisions of this Article, including but not limited to the following powers:

(1) to investigate the Quartz Hill Property to determine compliance with these Overlay District regulations;

(2) to enter upon the Quartz Hill Property for the purpose of making examinations, provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to persons in possession of the Quartz Hill Property;

(3) to undertake the routine operation and maintenance of the Project remedy, as specified in the Administrative Settlement and Order and Consent (“AOC”) entered into by and between the City, CDPHE and the EPA;

(4) to undertake any other activity required to be undertaken by the City as set forth in the AOC;

(5) to appoint and fix the duties of such officers, agents, contractors and employees as the City Manager deems necessary and convenient to carry out the purpose and provisions of this Article; and

(6) to delegate any of the powers and functions of the City Manager under this Article to such officers and agents as the City Manager may designate.
Sec. 16-13-120. CDPHE Enforcement Authorization.

CDPHE may enforce the restrictions described in Sec. 16-13-70 above by filing an action in district court seeking injunctive relief.

Sec. 16-13-130. Violations and penalties.

It is unlawful for any person, firm, or corporation to violate any provisions of this Article. Any person failing to comply with the provisions of this Article shall be subject to the penalty provisions set forth in Section 1-4-20 of the Municipal Code. The City may seek restitution for any and all expenses related to the enforcement of this Article or of any damage to public property. The City reserves the right to refer any violation of this Article to the CDPHE or EPA for additional enforcement action(s).

Section 2. This Ordinance adopting the Quartz Hill Overlay District regulations shall not take effect unless and until City Council has considered and adopted a Resolution (the “Approving Resolution”) approving an Administrative Settlement Agreement and Order on Consent by and between the City, the United States Environmental Protection Agency and the Colorado Department of Public Health and Environmental (the “Settlement Agreement”), which Settlement Agreement shall contain terms and conditions acceptable to the City. If the Approving Resolution approving the Settlement Agreement has not been approved by City Council on or prior to February 7, 2017, this Ordinance shall be deemed automatically void without need for any further or subsequent action by City Council and the Quartz Hill Overlay District regulations as set forth herein shall not be incorporated into the Central City Municipal Code.

Section 3. Codification Amendments. Following the Effective Date of this Ordinance, the codifier of Central City’s Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Central City Municipal Code.

Section 34. 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 45. 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 56. Effective Date. This Ordinance shall not become effective unless and until the Approving Resolution, as that term is defined in Section 2 above, has been approved by City Council. The City Clerk is hereby instructed to withhold publication of this Ordinance (by title and summary after final passage) until after approval of the Approving Resolution by City Council, if and as applicable. This Ordinance shall thereafter become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with applicable provisions of 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 _____________, 2016, 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 _____________, November, 2016.
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 ____________, 2016.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on ____________, 2016.

[NOTE DELAYED PUBLICATION DATE AS REQUIRED BY SECTION 6 OF THIS ORDINANCE ABOVE].
CITY OF CENTRAL, COLORADO
ORDINANCE 16-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO ADOPTING A NEW ARTICLE XIII OF CHAPTER 16 OF THE CENTRAL CITY MUNICIPAL CODE TITLED QUARTZ HILL OVERLAY DISTRICT, ADOPTING REGULATIONS PERTAINING TO THE OVERLAY DISTRICT, AND AUTHORIZING A DELAYED EFFECTIVE DATE OF THIS ORDINANCE

WHEREAS, the Quartz Hill tailings impoundment was developed in the 1930s and 1940s as a result of the discharge from mills that processed the gold ore extracted from numerous mines in the vicinity of Central City; and

WHEREAS, after mill operations ceased, the tailings impoundment was re-graded into an approximately 500,000 cubic yard pile with steep slopes covering approximately five acres; and

WHEREAS, in accordance with authority provided in the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq. (CERCLA), the U.S. Environmental Protection Agency (EPA) prepared a Record of Decision (ROD) for Operable Unit 3 of the Central City/Clear Creek Superfund Site; and

WHEREAS, the ROD calls for in-place capping of the Quartz Hill tailings pile to stabilize the pile and improve Clear Creek surface water quality by preventing surface water from contacting mine waste; and

WHEREAS, following years of City and other stakeholder input, the Colorado Department of Public Health and Environment ("CDPHE") completed the Quartz Hill Remediation Project in August of 2014; and

WHEREAS, the Quartz Hill Remediation Project consisted of re-grading the tailings pile, construction of a new storm sewer, and placement of a geotextile and rock cover; and

WHEREAS, disruption of the geotextile and rock cover and site drainage could result in mine tailings exposure and impacts to surface water; and

WHEREAS, CDPHE maintains as-built maps of the remedial project area; and

WHEREAS, C.R.S. § 25-15-320(2)(b) requires environmental covenants to maintain and protect the geotextile and rock cover and integrity of the Project; and

WHEREAS, C.R.S. § 25-15-320(3)(b) authorizes CDPHE to waive the requirement for environmental covenants for parcels of land where the owner does not grant an environmental covenant under C.R.S. § 25-15-320 if the governmental entity having land use regulatory
authority over the affected property has enacted an ordinance or resolution imposing the relevant environmental use restrictions; and

WHEREAS, the ownership of the Quartz Hill tailings impoundment is fragmented and complicated and CDPHE and the City have determined that placing covenants over the subject property would be burdensome; and

WHEREAS, the City of Central City has jurisdiction over the Quartz Hill property and desires to enact an Ordinance to implement the required environmental use restrictions that will contribute to the protection of human health and the environment and will contribute to the maintenance of CDPHE’s environmental remediation action taken within the boundaries of the Quartz Hill property; and

WHEREAS, Central City contemplates that future uses of the Quartz Hill property, such as a parking lot, apartment building, hotel, ballfields or other recreational facilities and/or other similar uses and structures may be allowed; and

WHEREAS, the City Council finds that this Ordinance will further the health, safety and general welfare of the City’s inhabitants; and

WHEREAS, this Ordinance has been prepared and enacted in accordance with the Home Rule Charter as well as applicable state statutes and is hereby declared to be adopted in accordance with all applicable provisions of the Home Rule Charter and applicable state statutes; and

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

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

Section 1. Article XIII of Chapter 16 of the Central City Municipal Code, titled “Quartz Hill Overlay District” is hereby adopted to read in full as follows:

CHAPTER 16

ARTICLE XIII
Quartz Hill Overlay District

Article XIII Quartz Hill Overlay District

Sec. 16-13-10 Intent.
Sec. 16-13-20 Purpose.
Sec. 16-13-30 Definitions.
Sec. 16-13-40 Overlay District established.
Sec. 16-13-50 Variances not allowable.
Sec. 16-13-60 Consultation to amend.
Sec. 16-13-70 Regulation of excavation activities.
Sec. 16-13-80 Quartz Hill Overlay District Permit — Application required.
Sec. 16-13-90 Application Review.
Sec. 16-13-100 No development without Overlay District Permit.
Sec. 16-13-110 Powers of City Manager.
Sec. 16-13-120 CDPHE Enforcement Authorization.
Sec. 16-13-130 Violations and penalties.

Sec. 16-13-10. Intent.

The Colorado Department of Public Health and Environment ("CDPHE") completed Quartz Hill Remediation Project in 2014. The Project consisted of re-grading the tailings pile, construction of a new storm sewer, and placement of rock cover. These Quartz Hill Overlay District regulations have been adopted in accordance with the express authority set forth in C.R.S, § 25-15-320(3)(b)(II), authorizing the City to adopt an ordinance imposing relevant environmental use regulations, and authority set forth in the Home Rule Charter and Title 31, C.R.S.

Sec. 16-13-20. Purpose.

The purpose of this Article is to protect the integrity of the existing geotextile and rock installed as part of the Quartz Hill Remediation Project in 2014 while allowing for reasonable and appropriate future use of lands situated within the Quartz Hill Overlay District. The implementation of the regulations set forth in this Article which require an application for the issuance of an Overlay District Permit prior to any development or other soil-disturbing activity within the boundaries of the Quartz Hill Overlay District will ensure that human health and public safety are adequately protected.

Sec. 16-13-30. Definitions.

"Central City/Clear Creek Superfund Site" or "Site" shall mean those areas that are designated as the Central City/Clear Creek Superfund Site by the U.S. Environmental Protection Agency (EPA) pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601, et seq., as amended. EPA added the Central City/Clear Creek Superfund Site to the National Priorities List in 1983 and the Site was subsequently divided by the EPA and CDPHE into four operable units (OU).

"CDPHE" shall mean the Colorado Department of Public Health and Environment.
"Quartz Hill Remediation Project" or "Project" shall mean the Quartz Hill Minc Waste Pile Remediation Project completed in 2014 by the EPA and CDPHE in accordance with OU3 ROD dated September 30, 1994.

"Quartz Hill Property" shall mean all property located within the boundaries of the Quartz Hill Overlay District, being coterminous with the boundaries of the Project's remedial area, as depicted on the as-built maps of the remedial area maintained by CDPHE and on file with the City Clerk's Office and the area currently covered by the geotextile and rock cap.

"Quartz Hill Overlay District" or "Overlay District" shall mean the overlay district established by this Article, constituting all of the Quartz Hill Property, being coterminous with the boundaries of the Project's remedial area, as depicted on the as-built maps of the remedial area maintained by CDPHE and on file with the City Clerk's Office.

Sec. 16-13-40. Overlay District established.

The Quartz Hill Overlay District is hereby established as an overlay district that includes within its boundaries the area on the Quartz Hill Property map on file with the City Clerk which shall be the same as the area depicted on the as-built maps maintained by CDPHE. The boundaries of the Quartz Hill Overlay District shall be depicted on the City of Central Zoning Map. The provisions of this Article shall apply to any applications for building permit, zoning, subdivision, planned unit development, use by right, special review use, or any other development activity that will result in any soil-disturbing activity for all properties located within the Quartz Hill Overlay District. The application of these regulations is in addition to the regulations of the underlying zoning district and of this Code and shall be considered by the appropriate decision-maker in conjunction with any application for development occurring within the Quartz Hill Overlay District. The boundaries of the Quartz Hill Overlay District are shown in Diagram 1-A below:

Diagram 1-A:
To the extent of any discrepancies between the boundaries of the Overlay District set forth in Diagram 1-A and the boundaries set forth on the Quartz Hill Property map on file with the City Clerk, the map on file with the City Clerk shall control.

Sec. 16-13-50. Variances not allowable.

The regulations set forth in this Article shall not be subject to any authority to vary the zoning regulations or City of Central Building Code. No variances are permitted from this Article of the Code.

Sec. 16-13-60. Consultation to amend.

Prior to the Planning and Zoning Commission or City Council considering any amendment to this Article, the City shall consult with CDPHE and shall incorporate such requirements as CDPHE may recommend to ensure the Project continues to protect human health and the environment.

Sec. 16-13-70. Regulation of excavation activities.

No excavation, drilling, grading, digging, tilling, moving or relocating of the geotextile or rock cap material or any other soil-disturbing activity is allowed with the Quartz Hill Overlay District, except as authorized in a remedial decision document or with the prior written consent of CDPHE and the City Manager.
Sec. 16-13-80. Quartz Hill Overlay District Permit – Application Required.

(a) Any application for any building permit, zoning, subdivision, planned unit development, use by right, special review use, or any other development activity that will result in any soil-disturbing activity within the boundaries of the Quartz Hill Overlay District shall be preceded by an application for an Overlay District Permit.

(b) An application for approval of an Overlay District Permit may be filed by a person having an interest in the property for which the Overlay District Permit is requested, with the written consent of the owner(s) of the property, and shall be made on a form provided by the City. At a minimum, the application must include:

1. A general site plan showing the major details of the proposed development, consisting of the location of buildings and structures, off-street parking and loading areas, service and refuse areas, means of ingress and egress, major landscaping or screening proposals, and signs and pedestrian areas, or a relevant summary of the development activity proposed to be conducted within the boundaries of the Quartz Hill Property;

2. A time schedule for the proposed development;

3. A plan for maintaining the integrity of rock cap installed as part of the Quartz Hill Remediation Project or a plan to relocate the tailings material to a new site as approved by CDPHE and other regulatory agencies, as applicable;

4. Any other information the applicant believes will support his or her request;

5. A letter from an authorized representative of CDPHE confirming that CDPHE has been informed of the proposed development activity within the boundaries of the Overlay District;

6. Accompanying the application shall be a filing fee which shall be equal to the City’s zoning amendment fee. Prior to the City’s acceptance of the application, the applicant shall be required to enter into a consultant reimbursement agreement with the City to cover the City’s costs related to reviewing and processing the application. The City may contract for professional assistance to review the application and provide consulting or other professional services related to reviewing
the application. Any such professional fees incurred by the City shall be reimbursed by the applicant in accordance with the terms and conditions of the required consultant reimbursement agreement. Any and all fee(s) and other charges shall be paid in full by the applicant prior to the date on which the City Manager conducts application review pursuant to Sec. 16-13-90 below.

(c) The following activities shall be exempt from the Overlay District Permit application process established by this Article:

(1) Operations, inspection and maintenance activities associated with the Project undertaken within the boundaries of the Quartz Hill Property by CDPHE or its duly authorized contractor(s).

(2) Operations, inspection and maintenance activities associated with the Project undertaken within the boundaries of the Quartz Hill Property by the City Manager or his or her designee.

(3) Removal or repositioning of the yellow structure currently within the boundaries of the Quartz Hill Property (the "Yellow House"), provided that the Yellow House shall be required to remain on skids and above the geotextile and rock cap.

(4) Any other activity exempted from the provisions of this Article pursuant to joint written consent of the City Manager and a duly authorized representative of CDPHE.

Sec. 16-13-90. Application review.

Following receipt of the application submitted pursuant to Sec. 16-13-80, the City Manager may request supplemental materials or information from the applicant. The application shall not be deemed complete until such time as all supplemental materials or information requested by the City Manager have been received. The City Manager shall, within sixty (60) days following the date on which the application has been deemed complete, proceed to review the Overlay District Permit application and shall either approve the application in whole or in part, shall approve the application subject to conditions set forth in a writing, or shall deny the Overlay District Permit application. Approval of an Overlay District Permit shall require CDPHE's written consent for any soil-disturbing activity, unless otherwise authorized in a remedial decision document.
Sec. 16-13-100. No development without Overlay District Permit.

No application for any building permit, zoning, subdivision, planned unit development, use by right, special review use, or any other development activity that will result in any soil-disturbing activity within the boundaries of the Quartz Hill Overlay District shall be allowed until such time as the property owner or applicant has secured an Overlay District Permit and has fully complied with any conditions set forth in the Permit. The issuance of an Overlay District Permit shall be a condition precedent to any soil-disturbing activity within the boundaries of the Quartz Hill Overlay District.

Sec. 16-13-110. Powers of City Manager.

(a) The City Manager shall have and exercise such powers as may be necessary and convenient to carry out and effectuate the purpose and provisions of this Article, including but not limited to the following powers:

1) to investigate the Quartz Hill Property to determine compliance with these Overlay District regulations;

2) to enter upon the Quartz Hill Property for the purpose of making examinations, provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to persons in possession of the Quartz Hill Property;

3) to undertake the routine operation and maintenance of the Project remedy, as specified in the Administrative Settlement and Order and Consent ("AOC") entered into by and between the City, CDPHE and the EPA;

4) to undertake any other activity required to be undertaken by the City as set forth in the AOC;

5) to appoint and fix the duties of such officers, agents, contractors and employees as the City Manager deems necessary and convenient to carry out the purpose and provisions of this Article; and

6) to delegate any of the powers and functions of the City Manager under this Article to such officers and agents as the City Manager may designate.
Sec. 16-13-120. CDPHE Enforcement Authorization.

CDPHE may enforce the restrictions described in Sec. 16-13-70 above by filing an action in district court seeking injunctive relief.

Sec. 16-13-130. Violations and penalties.

It is unlawful for any person, firm, or corporation to violate any provisions of this Article. Any person failing to comply with the provisions of this Article shall be subject to the penalty provisions set forth in Section 1-4-20 of the Municipal Code. The City may seek restitution for any and all expenses related to the enforcement of this Article or of any damage to public property. The City reserves the right to refer any violation of this Article to the CDPHE or EPA for additional enforcement action(s).

Section 2. This Ordinance adopting the Quartz Hill Overlay District regulations shall not take effect unless and until City Council has considered and adopted a Resolution (the “Approving Resolution”) approving an Administrative Settlement Agreement and Order on Consent by and between the City, the United States Environmental Protection Agency and the Colorado Department of Public Health and Environmental (the “Settlement Agreement”), which Settlement Agreement shall contain terms and conditions acceptable to the City. If the Approving Resolution approving the Settlement Agreement has not been approved by City Council on or prior to February 7, 2017, this Ordinance shall be deemed automatically void without need for any further or subsequent action by City Council and the Quartz Hill Overlay District regulations as set forth herein shall not be incorporated into the Central City Municipal Code.

Section 3. Codification Amendments. Following the Effective Date of this Ordinance, the codifier of Central City’s Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Central City Municipal Code.

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

Section 5. 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 6. Effective Date. This Ordinance shall not become effective unless and until the Approving Resolution, as that term is defined in Section 2 above, has been approved by City Council. The City Clerk is hereby instructed to withhold publication of this Ordinance (by title and summary after final passage) until after approval of the Approving Resolution by City Council, if and as applicable. This Ordinance shall thereafter become effective immediately following publication in accordance with applicable provisions of 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 20th day of September, 2016, 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 15th day of November, 2016.

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 September 22, 2016.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on ________________, 2016.

[NOTE DELAYED PUBLICATION DATE AS REQUIRED BY SECTION 6 OF THIS ORDINANCE ABOVE].
Reba Bechtel  
City Clerk  
City of Central

Dear Reba;

I would like to apply for the vacancy on the Main Street Committee. I have been a resident of Central City for almost 30 years and have donated my time to assist with various City functions such as the Wintershire Festival, assisted Shirley Voorhies at the Tommy Knocker Festival, and co-authored a book on the history of Central City. Central City “The Richest Square Mile on Earth” and this History of Gilpin County was published in 1990 and is still available for purchase. I also co-own two homes which have been restored.

I feel I would have a great deal to offer the Main Street Committee and would appreciate being considered for the position. Thank you.

Sincerely,

Deborah M Wightman  
dmwrightman@yahoo.com
City Clerk, City Hall  
141 Nevada Street  
PO Box 249  
Central City, CO  
80427

City of Central City Council,

I am writing you to express my interest in becoming an alternate and serving on the Main Street Commission. I believe I am a perfect fit for this committee. I received a Bachelor’s from the University of Colorado Boulder with a business minor. I studied business for two years while attending, however, I grew up in Gilpin County and have resumed residency. I am an active member in the community serving on the fire department as well as being a resident of the city. I feel that I can best serve this committee given my excitement for community development, association with younger generations, and motivation to better the place I live while appreciating its historic value.

If you would like to discuss my interest or have any questions, please feel free to call me at 303.506.0430. I can also be reached at Shelby.nation@gmail.com.

Sincerely,

Shelby Nicole Nation  
300 Spring Street  
Central City, CO 80427
AGENDA ITEM # 9
CITY COUNCIL COMMUNICATION FORM

TO: Mayor Engels and Members of City Council
FROM: Sam Hoover, Public Works Director
DATE: November 10, 2016 (Meeting Date November 15, 2016)
ITEM: Resolution No. 16-34

___ ORDINANCE
X  MOTION / RESOLUTION
___ INFORMATION

I. REQUEST OR ISSUE: Resolution 16-34 ("Resolution") approves a Parking License Agreement ("License Agreement") between the CITY OF CENTRAL, COLORADO, and the RCH (Reserve Casino Hotel) COLORADO, LLC. The Reserve Casino and Hotel desires to obtain an exclusive revocable license for five oversize parking spaces, including three (3) spaces on the north side of Gregory Street and two (2) spaces on the south side of Gregory Street near the main entrance of the Reserve Casino Hotel.

II. RECOMMENDED ACTION / NEXT STEP: The proposed Agreement is attached to Resolution 16-34 as Exhibit 1. City Council may approve the Agreement to grant an exclusive revocable license to the Licensee for the Licensed Parking Area under the terms and conditions set forth in the License Agreement and for the Parking License Term set forth in paragraph 3.3 of the License Agreement. Nothing in this License Agreement shall waive or modify an obligation of Licensee to meet any obligation imposed by law.

III. FISCAL IMPACTS: The Licensee remains obligated to apply for and obtain all necessary permits and approvals, pay all required fees and taxes, and comply with all applicable local laws. The City will incur costs of approximately $750 for pavement striping, signs and labor.

IV. BACKGROUND INFORMATION: Licensee uses charter buses to serve its patrons, but the
parking area in which the buses usually park will not be available during the 2016-2017 winter season. Licensee desires to park its charter buses on designated portions of Gregory Street during the 2016-2017 winter season. Licensee desires to obtain an exclusive revocable license for five oversize parking spaces, including three (3) spaces on the north side of Gregory Street and two (2) spaces on the south side of Gregory Street near the main entrance of the Reserve Casino Hotel (the "Licensed Parking Area").

The Licensed Parking Area on the north side of Gregory Street is approximately two hundred linear feet (200') in length and the Licensed Parking Area on the south side of Gregory Street is approximately one hundred and twenty-five linear feet (125') in length.

The Licensed Parking Area is depicted in Exhibit A to this License Agreement,

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

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

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

**PROPOSED MOTION:** "I MOVE TO APPROVE RESOLUTION NO. 16-34, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO, APPROVING A PARKING LICENSE AGREEMENT ENTERED INTO BY AND BETWEEN THE CITY OF CENTRAL, COLORADO, A HOME RULE MUNICIPALITY OF THE STATE OF COLORADO ("CITY), AND RCH COLORADO, LLC A NEVADA LIMITED LIABILITY COMPANY."
CITY OF CENTRAL, COLORADO
RESOLUTION NO. 16-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO, APPROVING A PARKING LICENSE AGREEMENT WITH RCH COLORADO, LLC (DBA RESERVE CASINO HOTEL), FOR A REVOCABLE LICENSE FOR PARKING ON GREGORY STREET

WHEREAS, the City of Central ("City") is authorized to enter into contracts for lawful purposes for the protection of the health, safety, and welfare; and

WHEREAS, the City owns certain public right of way generally known as Gregory Street; and

WHEREAS, the Reserve Casino Hotel is operated by RCH Colorado, LLC, a Nevada limited liability company ("Licensee"), and the Reserve Casino Hotel is in close proximity to Gregory Street; and

WHEREAS, Licensee desires to contain an exclusive revocable license for five oversize parking spaces, including three (3) spaces on the north side of Gregory Street and two (2) spaces on the south side of Gregory Street near the main entrance of the Reserve Casino Hotel (the "Licensed Parking Area"); and

WHEREAS, the City (as Licensor) desires to convey the exclusive revocable license to Licensee under the terms and conditions set forth in that certain Parking License Agreement, a copy of which is attached to this Resolution as Exhibit 1 and incorporated by reference (the "License Agreement"); and

WHEREAS, the term of the License Agreement shall commence as of the date of mutual execution of the Parties and shall terminate on May 30, 2017, unless earlier terminated in accordance with applicable terms of the License Agreement; and

WHEREAS, the Licensed Parking Area is set forth with particularity in the License Agreement; and

WHEREAS, the License Agreement obligates Licensee to institute a parking permit system for the Licensed Parking Area at its sole cost and expense so that the City may accurately and readily identify eligible participants parking within the Licensed Parking Area.

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

Section 1. The City Council hereby approves the License Agreement attached to this Resolution as Exhibit 1 on the condition that Licensee reimburse the City for all legal costs incurred in preparing the License Agreement and for any costs incurred by the City in posting the Licensed Parking Area as "Bus Parking by Permit Only"; authorizes the City Manager, in
consultation with the Mayor and the City Attorney, to make such changes as may be needed to correct any nonmaterial errors or language that do not increase the obligations of the City, and authorizes the Mayor to execute the License Agreement on behalf of the City.

Section 2. Effective Date. This Resolution shall take effect upon its approval by the City Council.

ADOPTED THIS 15th DAY OF NOVEMBER, 2016.

CITY OF CENTRAL, COLORADO

By: ________________________________
    Ronald E. Engels, Mayor

ATTEST:     APPROVED TO FORM:

By: ________________________________     By: ________________________________
    Reba Bechtel City Clerk     Marcus A. McAskin, City Attorney

Resolution Exhibits:

Exhibit 1 – Parking License Agreement
            (RCH Colorado, LLC – Reserve Casino Hotel)
PARKING LICENSE AGREEMENT

1.0 **PARTIES.** This Parking License Agreement ("License Agreement") is entered into by and between the **CITY OF CENTRAL, COLORADO**, a home rule municipality of the State of Colorado ("City"), and **RCH COLORADO, LLC**, a Nevada limited liability company duly authorized to conduct business in the State of Colorado with a principal mailing address of P.O. Box 519, Central City, Colorado 80427 ("Licensee") (collectively referred to as the "Parties"), and shall be effective upon the date of mutual execution of this License Agreement by the Parties (the "Effective Date").

2.0 **RECITALS.**

2.1 The City is the owner of certain public right-of-way commonly known as Gregory Street ("Gregory Street").

2.2 Licensee operates under the trade name the Reserve Casino Hotel, which is located at 321 Gregory Street, Central City, Colorado 80427.

2.3 Licensee uses charter buses to serve its patrons, but the parking area in which the buses usually park will not be available during the 2016-2017 winter season.

2.4 Licensee desires to park its charter buses on designated portions of Gregory Street during the 2016-2017 winter season.

2.5 Licensee desires to obtain an exclusive revocable license for five oversize parking spaces, including three (3) spaces on the north side of Gregory Street and two (2) spaces on the south side of Gregory Street near the main entrance of the Reserve Casino Hotel (the "Licensed Parking Area").

2.6 The Licensed Parking Area on the north side of Gregory Street is approximately two hundred linear feet (200’) in length and the Licensed Parking Area on the south side of Gregory Street is approximately one hundred and twenty-five linear feet (125’) in length.

2.7 The Licensed Parking Area is depicted in Exhibit A to this License Agreement, attached hereto and incorporated by reference.

2.8 The City is willing to grant an exclusive revocable license to the Licensee for the Licensed Parking Area under the terms and conditions set forth in this License Agreement and for the Parking License Term set forth in paragraph 3.3 below. Nothing in this License Agreement shall waive or modify an obligation of Licensee to meet any obligation imposed by law. The Licensee remains obligated to apply for and obtain all necessary permits and approvals, pay all required fees and taxes, and comply with all applicable local laws.
3.0 PARKING LICENSE TERMS AND CONDITIONS.

3.1 Parking License. The City hereby grants Licensee an exclusive revocable license (the "Parking License") for vehicular parking by buses charted by Licensee to serve its patrons. The Parking License is granted to Licensee for the Licensed Parking Area identified in Exhibit A.

3.2 Parking Permit System. Licensee, at its sole cost and expense, shall institute a parking permit system for the Licensed Parking Area (the "Permit System") so that the City may accurately and readily identify the Parking License participants. As part of the Permit System, Licensee shall provide stickers, tags, or such other means of identification as determined by Licensee (the "Parking ID") to charter bus drivers entitled to utilize the Licensed Parking Area. The charter bus drivers shall display such Parking IDs in or on their buses in accordance with standards determined by Licensee. Licensee shall determine the number of Parking IDs that are provided to the charter bus drivers, but the number shall not exceed seven (7) without prior written authorization of the City Manager. Further, Licensee shall provide the City Manager with the license plate numbers/letters for each charter bus entitled to utilize the Licensed Parking Area. The City shall enforce the Permit System, by reference to such license plate numbers/letters, as more particularly provided in paragraph 3.6 below. All income and other fees derived from or generated by the Permit System, if any, shall be kept exclusively by Licensee, except that all income and other fees derived from or generated by enforcement of the Permit System by the City shall be kept exclusively by the City.

3.3 Term. This License Agreement shall be effective on the Effective Date and shall terminate on May 30, 2017 ("Parking License Term"). This License Agreement shall automatically terminate upon the end of the Parking License Term without the necessity of any further documentation thereof.

3.4 Fees and Payment. The City does not require a fee or payment by Licensee for the use of the Licensed Parking Area during the Parking License Term, except as set forth below. It shall be the responsibility of the Licensee to pay the actual cost incurred by the City in preparing this License Agreement and printing and erecting the parking signage to be used in the Licensed Parking Area in accordance with paragraph 3.6 below, not to exceed one thousand dollars ($1,000.00) (the "License Fee"). After the signage has been erected by the City’s public works department, the City will send an invoice with payment instructions to Licensee at the address provided in paragraph 7.0 below and the Licensee shall pay the License Fee within thirty (30) days. If the Licensee fails to pay the License Fee when due, the City reserves the right to terminate this License Agreement immediately and without advance written notice to Licensee and without adhering to the specific requirements of paragraph 3.5.1 below.
3.5 Termination

3.5.1 City Termination: If necessary to protect the public health, safety or welfare, the City may terminate this Agreement at any time by providing written notice to Licensee, which notice shall specify the public health, safety or welfare basis for said termination. Unless necessitated due to a public safety emergency, the City shall endeavor to provide the Licensee with a minimum of thirty (30) days advance notice of any termination of the License Agreement under this paragraph 3.5.1.

3.5.2 Licensee Termination: The Licensee may terminate this License Agreement at any time by delivery of written notice of termination to the City which notice shall state the specific date of termination which date shall not be less than thirty (30) days following the delivery of Licensee’s notice of termination to the City.

3.5.3 Licensee Obligations Survive Termination: The Licensee’s obligations in this License Agreement, including but not limited to those set forth in paragraph 3.8, paragraph 3.9, and paragraph 4.0, shall survive any termination of this Agreement, including any termination under paragraph 3.4.

3.6 Signs and Other Enforcement Obligations of the City. The City shall provide standard parking signage reasonably identifying the Licensed Parking Area in accordance with any applicable requirements under the Manual on Uniform Traffic Control Devices, and in such quantity and in such places as the City shall determine in its reasonable discretion, which signs shall state: “Bus Parking by Permit Only” or words to that effect. Any person parking in the Licensed Parking Area without a Parking Permit during the duration of the Parking License Term will be deemed by the City to be in violation of the City’s parking ordinances and the City will enforce the exclusivity of the Parking License by ticketing, towing, booting, or other enforcement mechanisms as utilized by the City in its regular enforcement of parking violations.

3.7 Maintenance. The City agrees to maintain the Licensed Parking Area consistent with the City’s normal maintenance program applicable to City rights-of-way (“ROW”) and on-street parking areas, including snow removal, striping, maintenance, repair and resurfacing. The City is not agreeing to any special maintenance activities for the Licensed Parking Area during the Parking License Term.

3.8 Repairs. The Licensee agrees, at its sole cost and expense, to repair any damage to the Licensed Parking Area or Gregory Street in the vicinity of the Licensed Parking Area upon termination of this License Agreement. If any repairs are necessary, Licensee shall secure any ROW Permit and other applicable permits
from the City prior to commencing the work.

3.9 **Insurance.** The Licensee agrees to procure and maintain, at its own cost, a policy or policies of insurance protecting against injury, damage or loss occurring on or within the Licensed Parking Area in the minimum amount of one million dollars ($1,000,000.00) per occurrence. Such policy or policies shall name the City of Central as an “additional insured”. However, the Licensee’s failure to take such steps to insure the Licensed Parking Area shall not waive, affect, or impair any obligation of the Licensee to indemnify or hold the City harmless in accordance with this License Agreement.

4.0 **INDEMNIFICATION.** The Licensee agrees that the City is not liable, and will not assume any liability, responsibility, or costs for any damage, maintenance, or repair of any charter buses parked within the Licensed Parking Area. The Licensee shall indemnify and hold harmless the City from any and all damages or causes of action arising from charter bus owners or other third parties related to any activity occurring within or in the immediate vicinity of the Licensed Parking Area, unless caused by the gross negligence or willful misconduct of the City, its employees or other authorized agents.

5.0 **NO ASSIGNMENT.** Licensee shall have no right to assign this License Agreement without the prior written consent of the City, which consent may be granted or withheld in the City’s sole discretion.

6.0 **SUCCESSORS AND ASSIGNS.** This License Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors and permitted assigns. No third party shall be entitled to enforce any term, covenant or condition of this License Agreement, or have any rights hereunder.

7.0 **NOTICES.** Any notice required or permitted by this License Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if personally served or if sent by certified mail or registered mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth below, or at such other address as has been previously furnished in writing, to the other party or parties. Such notice shall be deemed to have been given when deposited in the United States Mail.

If to City to:

City of Central  
City Manager  
141 Nevada Street  
P.O. Box 249  
Central City, CO 80427
If to Licensee to:

RCH Colorado, LLC
P.O. Box 519
Central City, Colorado 80427

8.0 **INTEGRATION AND AMENDMENT.** This License Agreement represents the entire agreement between the Parties, and there are no oral or collateral agreements or understandings. This License Agreement may be amended only by an instrument in writing signed by the Parties.

9.0 **GOVERNING LAW AND VENUE.** This License Agreement shall be governed by the laws of the State of Colorado and venue for any action arising under this agreement shall be in the appropriate court for Gilpin County, Colorado.

10.0 **WAIVER OF BREACH.** A waiver by any party to this License Agreement of the breach of any term or provision of this License Agreement shall not operate or be construed as a waiver of any subsequent breach by either party.

11.0 **SEVERABILITY.** If any term or provisions of this License Agreement shall, to any extent, be invalid or unenforceable under applicable law, then the remaining terms and provisions of this License Agreement shall not be affected thereby, and each such remaining terms and provisions shall be valid and enforced to the extent permitted by law.

12.0 **AUTHORITY TO BIND PARTY.** The undersigned persons represent that they are expressly authorized to execute this License Agreement on behalf of the City and Licensee and to bind their respective Parties and that the Parties may rely upon such representation of authority.

[signature page follows]
IN WITNESS WHEREOF, the Parties have caused this License Agreement to be executed on the dates written below.

CITY OF CENTRAL, a home rule municipality of the State of Colorado

By: ________________________________
    Ronald E. Engels, Mayor

Date of signature: November ___, 2016

ATTEST:

______________________________
Reba Bechtel, City Clerk

______________________________
City Attorney

LICENSEE:

RCH COLORADO, LLC, a Nevada limited liability company

By: ________________________________

Name: ________________________________
Title: ________________________________
Date of signature: _____________, 2016

STATE OF _________ )
    ) ss.
COUNTY OF _________ )

The foregoing Parking License Agreement was acknowledged before me this ___ day of __________, 2016 by ________________ as ________________________ of RCH COLORADO, LLC, a Nevada limited liability company.

My commission expires: ________________

______________________________
Notary Public

[SEAL]
Exhibit A
Licensed Parking Area

Bus Parking by Permit

Coaches are 8.5’ wide and range in length from 20’ to 40’
To: Central City Council
From: Ray W. Rears, Community Development Director
Date: November 15, 2016
Re: Department Update

Development
1) Colvin Tract – Parking Lot – City of Black Hawk – Fmr. Clinic site.
   a. TCO Issued
2) GIS Services – Revised parcel layer has been released along with some utility lines
   a. November 14 – Comprehensive Plan Community Meeting
      i. Physical Planning/ Land Use
4) CDBG – Resilience Planning Grant received - $75,000 (no match).
   a. First meeting with state November 15th or 16th
5) Enterprise Zone – BOCC – November 15th, AGNC – November 16th
6) Scarlets buildings development pending. 7 Healing Stars – Awaiting building permit application.
7) Wayfinding/ Monument Signage – Beginning install of base – Completion in mid-December
8) Various initial development/building inquires addressed.

IT/Web/Audio Visual
2) Nominated for Davey Award (International Award for Creative Design and Navigation Ease)
3) Website, Facebook and Twitter internal administration continues.
4) Channel 20 – Revising the media for winter
5) Comp Plan/Zoning Code/Design Guidelines tab has been updated with latest information
6) Local weather provided on the City website.

Historic Preservation
1) Historic Preservation State tax credits promoted under economic development tab on the City website.
2) Belvidere
   a. Façade work completed
   b. RFP – Phase 2 planned
3) Historic Preservation Cases – 23, year-to-date. 18 approved, 2 denied

Code Enforcement – Active
1) Total Cases: 31 Total cases, 21 Closed - referred to Attorney - 4
Events / Marketing

1) Analytical data analysis on traffic counts from NB Parkway vehicles and capture rate vs. revenue
2) Full review of guest counts in Visitor Center, Historical Society referrals and tours
3) Tracking hotel occupancy % and comparing to neighboring towns in effort to find ranking
4) Attending Main Street meetings. Working on CC Photo Contests, Holiday Tree Contest, Tommyknocker Event, RFP for Historic Commercial Building Inventory with DOLA
5) Billboard
   a. City Billboard Use
      i. St. Mary’s – December/January
6) Working with Denver Media Center in effort to create 4 TV (commercial) spots
7) Conversing with WebiMax for Digital Marketing Campaign in 2017
8) Partnering with Colorado Tourism Office for Matching Grant advertisement opportunities
9) Acquisition of GF Gaming shuttle - in process – Attempting to close the week of November 14
10) Proposed media partnership with KSE (Altitude Sports, Mix 100, 92.5 the Wolf, Kool 105)
11) Marketing Matching Grant – Submitted – Results decided during the week of November 14
12) A survey is being prepared to get feedback regarding events and Main Street potential changes.
13) Creating Full 2017 Marketing Plan
   a. 2017 Event Calendar being prepared.

Visitor Center

1) New inventory ordered
2) Plans to renovate and update items throughout including photos, partial layout, incased items, story board
3) Sales and foot traffic up yr/ yr
4) Quarterly meeting held.

Staffing

1) Central City Ambassador Position filled
2) IT support staff facilitation continues.
3) Refresh of Council Chambers investigated.
4) Investigating an employee wellness program.
   a. Fitbit’s program to increase activity is moving forward
Memorandum

To: Mayor & City Council
Cc: Daniel Miera, City Manager
From: Ray W. Rears, Community Development Director
Date: November 9, 2016
Re: Enterprise Zone

Request:
The City Manager requested that I keep you abreast of my inquiries into the expansion of a nearby Enterprise Zone to include the City of Central. My first update regarding this occurred on March 7, 2016.

Background:
An Enterprise Zone encourages private-sector business activity to areas of the State who are economically distressed through State tax incentives which is run through the Colorado Office of Economic Development & International Trade (OEDIT). There are three main eligibility requires 1) Areas with high unemployment rates (25% above the state average), 2) Low per capita income (25% below state average), and/or slower population growth (less than 25% of state average in rural areas). Only one eligibility requirement is required for the City of Central to be eligible for inclusion into an Enterprise Zone, which is based on slow population growth.

Benefits:
There are a number of credits available once you are included into an Enterprise Zone with those most beneficial to the City of Central are the following:

1) Investment Tax Credit
   a. 3% on equipment purchases
2) New Employee Credit
   a. $1,100 per new job
3) Employer Sponsored Health Insurance Credit
   a. $1,000 per insured job
4) Vacant Building Rehabilitation Tax Credit
   a. 25% of rehabilitation expenditures
5) Commercial Vehicle Investment Tax Credit
   a. 1.5% of commercial vehicle purchases
6) Job Training Tax Credit
   a. 12% of qualified training expenses
7) Research & Development Increase Tax Credit
   a. 3% of increase R&D expenditures

8) Contribution Tax Credit
   a. 25% of Cash contribution, 12.5% of In-Kind

The private investment results in increased tax revenue for school districts, cities, counties and the state which outweigh the cost of the tax credits granted.

Benefits of the EZ program to Colorado communities in fiscal year 2015 include:

- Over $2 billion was invested in qualified business personal property - eligible for $61.5 million in EZ investment tax credits. As a part of the qualified business personal property investment, renewable energy investments totaled $292.7 million.

- Businesses trained almost 34,000 employees that work in the Enterprise Zones, earning $9.5 million in EZ job training tax credits

- $1.5 million was invested in commercial vehicles operating in Enterprise Zones, incentivized by $22,772 in tax credits

- 3,551 new jobs were created where businesses earned incentives of $3.6 million

- 1,267 employees were provided employer sponsored health insurance by businesses starting out in EZs. These businesses earned tax credits worth $1.2 million

- EZ businesses increased investment in Research and Development by approximately $35 million, earning EZ credits of about $1.05 million.

- $2.4 million was invested in hard-costs to revitalize vacant buildings for commercial use (credits certified were $595k)

Status:
As part of the Comprehensive Plan Update process our consultant, RPI Consulting has been tasked with moving this process forward. As such a letter requesting support from neighboring jurisdictions have been sent to the City of Black Hawk, Gilpin County and Clear Creek County at the request of OEDIT. Staff presented the letter to the Gilpin BoCC on November 1st and have plans to do so again on November 15th when a formal letter supporting this request maybe received.

The City’s closest rural focused Enterprise Zone which is the Northwest Enterprise Zone (managed by Associated Government of Northwest Colorado, AGNC) which is based out of Parachute and includes all or a portion of the counties of Clear Creek, Garfield, Grand, Jackson, Moffat, Rio Blanco and Routt. A letter was sent on January 27, 2016, in an effort to start that discussion. The (AGNC) is considering our request during their November 16, 2016, Board of Directors meeting in New
Castle, which Central City staff will be attending. We have discussed an annual membership fee of $2,000, which includes managing the program, trainings and meeting with local business owners. If the AGNC is supportive of this effort then this request would move forward to the OEDIT and EDCC in January 2017 for final approval.

More information can be found at the following:
http://www.advancecolorado.com/funding-incentives/incentives/enterprise-zone-tax-credits
AGNC
ASSOCIATED GOVERNMENTS
OF NORTHWEST COLORADO

AGENDA
AGNC BOARD OF DIRECTORS & MEMBER MEETING
November 16, 2016
9:00 am – 1:30 pm
Community Center, 423 West Main St., New Castle, CO

9:00 A.M
1. Call to order and introductions – Jeff Eskelson, Chairman:
   Pledge of allegiance
   Approval of minutes

2. Financial report – Cari Hermacinski, Treasurer
   Resolution Approving 2016 Budget Items

3. Project and Committee Reports:
   Dinosaur Welcome Center - Cheryl McDonald
   Area Agency on Aging - Dave Norman
   Government Relations - Dianna and Ted Orf

4. AGNC Chairmanship Transition

5. Revised Personnel Handbook

10:15-10:40
Community Corrections Regulations Concern – Steve Reynolds

10:40-11:10
Central City Enterprise Zone Request – Stephanie Troller – RPI Consulting
& Ray Rears, Central City Community Development Director

11:10-12:15
Update on BLM and Western Governors Association – John Swartout

12:15-1:00
Lunch – Jordan Cove Update -- David Ludlam WSCOGA

1:00-1:20
4. Bonnie Petersen
   Administrative Update

1:20 -1:30
5. New Business:
   Next Meeting is on February 22, 2017, Location TBD

6. Adjournment

WiFi –
To: Mayor Engels, City Council, and City Manager Miera
From: Reba Bechtel, City Clerk
Date: November 15, 2016
Re: Bi-weekly Report

➤ Prep for the Regular Council meeting of 11/15.

➤ Prep and attended HPC on 11/9.

➤ Processed and issued the renewal for a Retail Gaming Tavern Liquor License for G F Gaming Corp dba Famous Bonanza at 107 Main Street

➤ Processed and issued the renewal for a Tavern Liquor License for CC Tollgate Deli, LLC dba Deli Tavern at 102 Main Street Ste A

➤ Processed and issued the renewal for a Tavern Liquor License for Lava Room LLC dba The Lava Room at 321 Gregory Street Ste A

➤ Processed and issued the renewal for a Club Liquor License for BPOE Lodge dba Central City Lodge No 557 on Main Street

➤ Misc information regarding: sign permits, special events, building permits, code questions, HP, records response, liquor, and marijuana.
To: Daniel R. Miera, City Manager
Cc: Mayor and Council
From: Abigail R. Adame, Finance Director
Date: November 15, 2016
Re: Staff Report

➢ Finance

- Continue to work on the 2017 Budget by updating figures to include the cost increase in employee benefits, adding departmental cover pages, updating the five-year Capital Improvement Project list, budget introduction, organizational chart, etc.

➢ Human Resources

- Attended the 2016 FPPA Employer Summit.

- Coordinated the job posting for the vacancy of Senior Public Works Maintenance Worker.

- Coordinated the employee benefit enrollment for 2017.
Over the past two-weeks, public works staff has performed the following activities:

- Completed winterizing Washington Hall including parking the elevator for the season
- Installed the hot water heater at the Visitors Center
- Implemented change of direction on Main Street
- Followed up on retaining wall failure at 330 1st High Street; temporary repairs have occurred, we will continue to monitor conditions until Spring when the property owner will hire a contractor to perform permanent repairs
- Prepped snow removal equipment for winter use
- Swept downtown areas