

**CITY OF CENTRAL
CITY COUNCIL MEETING
November 3, 2015**

CALL TO ORDER

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:07 p.m., in City Hall on November 3, 2015.

ROLL CALL

Present: Mayor Engels
Mayor *pro tem* Heider
Alderman Voorhies
Alderman Laratta

Absent: None

Staff Present: City Manager Miera
City Clerk Bechtel
Attorney McAskin
Finance Director Adame
Community Development Director Rears
Public Works Director Hoover
Public Utilities Director Nelson
Police Chief Krelle
Fire Chief Allen

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 29; and the City Council minutes for the meeting on October 6, 2015. Alderman Laratta seconded. In discussion, Alderman Voorhies asked if we had received reimbursement for the fuel incident. City Manager Miera stated the City has received the full amount due for the loss totaling \$16,000. When Mayor Engels called the question, the motion carried unanimously.

PUBLIC FORUM/AUDIENCE PARTICIPATION

No one requested time to address the Council.

LIQUOR LICENSE AUTHORITY

Mayor *pro tem* Heider moved to open the Local License Authority. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Permanent Modification of Premise for Reserve Casino Hotel – to add doorway to patio on Level 2 and expand liquor storage area on Parking Level 1

City Clerk Bechtel explained that this is the first step for the Reserve Casino Hotel to make the changes necessary without affecting current business operations while they apply for a second liquor license and a Common Consumption Area to allow for extended liquor serving hours.

Kevin Coates, Attorney for Reserve Casino Hotel, added that this first process will allow construction to begin to add a doorway to the patio on Level 2 and expand the liquor storage area on Parking Level 1.

Mayor *pro tem* Heider moved to approve a Permanent Modification of Premise for Reserve Casino Hotel to add a doorway to the patio on Level 2 and expand liquor storage area on Parking Level 1. Alderman Laratta seconded, and without discussion, the motion carried unanimously.

Alderman Voorhies moved to close the Local License Authority. Alderman Laratta seconded, and without discussion, the motion carried unanimously.

SECOND READING AND PUBLIC HEARING

Ordinance No. 15-07: An ordinance of the City Council of the City of Central, Colorado repealing and reenacting Chapter 14 of the City of Central Municipal Code in its entirety regarding sign regulations.

Attorney McAskin explained that this is second reading for Ordinance No. 15-07 which proposes a new sign code for the City which incorporates regulations which are intended to balance First Amendment concerns with the City's interest in advancing important, substantial and compelling governmental interests. Elements of the new sign code include regulations addressing the following: (1) clarifying the content-neutrality of the City's sign regulations; (2) the number, area, structure and placement of signs; (3) allowed materials and design elements; (4) lighting and illumination of signs; and (5) the maintenance and duration of signs (including temporary signs).

Mayor Engels opened the public hearing at 7:25 p.m. and invited comment. Harv Malstair, 335 Grady Rd and member of the Sign Code Steering Committee wanted to confirm that the code still has a set back from the windows. Mayor Engels closed the public hearing at 7:28 p.m.

Todd Messenger, special counsel for the sign code revisions, reviewed some additional changes that will be clarified in the final draft.

1. Prohibit Roof Signs. (added Sec. 14-3-20(b)(7))
2. Address window transparency above 8 ft. in height so that the 86% transparency standard in the current code applies above 8 ft. above ground level. (modified Table 14-4-20(c))

Mayor *pro tem* Heider questioned the sign at the Methodist Church if it would be allowed under the new code. Attorney Messenger explained that it would be nonconforming and be allowed to stay but a new sign like it would not be allowed under the proposed code.

Mayor *pro tem* Heider asked about code enforcement. City Manager Miera stated that the Community Development Department will manage code enforcement with a friendly, professional approach with education as the goal.

Alderman Voorhies moved to approve Ordinance No. 15-07: An ordinance of the City Council of the City of Central, Colorado repealing and reenacting Chapter 14 of the City of Central Municipal Code in its entirety regarding sign regulations with amendments to prohibit roof signs and address window transparency. Mayor *pro tem* Heider seconded, and without discussion, the motion carried unanimously.

Ordinance No. 15-8: *An ordinance of the City Council of the City of Central, Colorado approving a License Fee Rebate Agreement with G. F. Gaming Corporation.*

Attorney McAskin reviewed Ordinance No. 15-08 which approves a License Fee Rebate Agreement (the “Rebate Agreement”) with G. F. Gaming Corporation (GF Gaming). The City is in need of securing funds in an amount sufficient to assist with the acquisition of the Big-T parking lot, together with funding necessary improvements to the parking lot.

GF Gaming has volunteered to assist the City in raising the necessary capital by pre-paying \$600,000 in annual license fees imposed in accordance with Section 6-5-30 of the Municipal Code, as the same may be amended from time to time, and as more specifically set forth in the Agreement. The initial draft of the Rebate Agreement is still in negotiations. The rebate will only be for the Device Fee and not the Transportation Fee.

Approval of the Rebate Agreement will require the City to recognize an additional \$600,000 in FY2015 revenue. The additional revenue was not anticipated when the FY2015 Budget was adopted.

Background information:

- GF Gaming has historically leased the Big-T parking lot from the current record owner, Pinnacle Entertainment, Inc.
- GF Gaming’s agreement to pre-pay license fees will allow the City to acquire the Big-T parking lot from Pinnacle, as well as pay for certain repairs to the parking lot that are required.
- In the short term, it is anticipated that the Big-T lot will function as a public surface parking lot, and that customers and employees of the casinos operated and managed by GF Gaming will be allowed to use the parking lot.

Mayor Engels opened the public hearing at 7:32 p.m. and invited comment. Hearing no comment, Mayor Engels closed the public hearing at 7:33 p.m.

Mayor *pro tem* Heider thanked City Manager Miera for his work as it is exciting progress for the City.

Alderman Laratta moved to adopt Ordinance No. 15-8: An ordinance of the City Council of the City of Central, Colorado approving a License Fee Rebate Agreement with G. F. Gaming Corporation. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Ordinance No. 15-9: *An ordinance of the City Council of the City of Central, Colorado approving the Acquisition of Property Commonly Known as the Big-T Parking Lot.*

Attorney McAskin reviewed Ordinance No. 15-09 which approves the acquisition of certain property commonly known as the Big-T Parking Lot from the current record owner of the property, Pinnacle Entertainment, Inc., a Delaware corporation (“Pinnacle”). Approval of the Ordinance will

require the City to expend General Fund monies to acquire the subject property and to fund anticipated improvements to the subject property. In the short term, the City anticipates operating the lot as a public parking lot.

City Manager Miera added that we have a 45 day inspection period so it is scheduled to close in mid December.

Mayor Engels opened the public hearing at 7:35 p.m. and invited comment. Hearing no comment, Mayor Engels closed the public hearing at 7:36 p.m.

Alderman Laratta moved to adopt Ordinance No. 15-9: An ordinance of the City Council of the City of Central, Colorado approving the Acquisition of Property Commonly Known as the Big-T Parking Lot. Alderman Voorhies seconded, and without discussion, the motion carried unanimously. The audience gave a round of applause.

ACTION ITEMS: NEW BUSINESS

Appointment to I-70 Coalition & Appointment to Gilpin Ambulance Authority

Mayor *pro tem* Heider moved to appoint Alderman Voorhies to attend the I-70 Coalition meeting and Mayor *pro tem* Heider the Gilpin Ambulance Authority. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Main Street String Lighting Program

City Manager Miera requested direction from Council to have the lighting on Main Street continue and have staff work on an expansion plan for Lawrence and Eureka. Council consensus was that the lighting has been a positive program. Alderman Voorhies moved to continue the string light program on Main Street and have staff look at options to expand the program. Mayor *pro tem* Heider seconded, and without discussion, the motion carried unanimously.

Resolution No. 15-20: A resolution of the City Council of the City of Central, Colorado accepting a private monetary donation from Amos B. Clark Jr. on behalf of a family wishing to contribute to Historic Preservation in Central City and deciding on the allocation of those funds.

City Manger Miera explained that the proposed resolution recognizes a monetary donation from Mr. Amos Clark (representing several family members) in the amount of \$10,000. The funds are intended for historic preservation work in Central City, and this resolution seeks to expressly allocate said funds to Belvidere Theater improvements.

Amos B. Clark, on behalf of he and his late wife Patty Clark (she passed away on June 27, 2015) and their family members, made a donation of \$10,000 to support historic preservation work in Central City. Mr. Clark noted that Central City was a special part of their lives, and it was Mrs. Clark's wish to give back and support the part of the community she enjoyed most (its historic character). As described in the letter from Mr. Clark (attached), the donation comes from:

- The Laird Family – G.M. Laird and Rae Laird, publishers of the Weekly Register-Call for ninety two (92) years.
- The Ress Family of Russell Gulch – Arthur Ress (father of Patty Clark) was born in Russell Gulch, and James Demoulin – son of Patty Clark (of the Ress Family).
- The Clark Family – Amos Clark, grandson of G.M. Laird, and Patty Clark, daughter of Arthur Ress.

Although the funds were not conditioned for use on any specific historic preservation project (Mr. Clark simply requested that the funds be “put to good use”), the Belvidere Theater project was briefly described and discussed with Mr. Clark, and he consented to the funds being used for that purpose. As such, the Resolution resolves to allocate the funds to the Belvidere Theater project.

Mayor *pro tem* Heider moved to approve Resolution No. 15-20: A resolution of the City Council of the City of Central, Colorado accepting a private monetary donation from Amos B. Clark Jr. on behalf of a family wishing to contribute to Historic Preservation in Central City and deciding on the allocation of those funds. Alderman Laratta seconded, and without discussion, the motion carried unanimously.

Resolution No. 15-21: *A resolution of the City Council of the City of Central calling for a Special Mail Ballot Election to be held on Tuesday, February 2, 2016, to elect a successor Councilperson to serve the remaining unexpired term of the council seat vacated by Councilperson Gaines.*

City Clerk Bechtel explained that the proposed resolution sets the date and terms to hold a Special Mail Ballot election due to the resignation of Alderman Gaines which was effective October 19, 2015. The petition period will be from 11/4 – 11/23. The cost for the election is estimated at \$1,500 to \$2,000.

Alderman Laratta moved to approve Resolution No. 15-21: A resolution of the City Council of the City of Central calling for a Special Mail Ballot Election to be held on Tuesday, February 2, 2016, to elect a successor Councilperson to serve the remaining unexpired term of the council seat vacated by Councilperson Gaines. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

STAFF UPDATES

Alderman Voorhies welcomed back Police Chief Krelle and asked about the FEMA project on the parkway. Public Works Director Hoover stated that the project will be complete once the striping and rumble strips are put in with some additional warranty work to be completed in the spring.

COUNCIL COMMENTS

Alderman Laratta stated that there has been enormous progress in the City 2015 which is attributed to City Manager Miera. City Manager Miera noted that the progress is a team effort with staff and support from Council.

Mayor Engels added that the adoption of the new sign code, the purchase of the Big T Lot and the city beautification deserves a big thank you to all staff involved.

PUBLICFORUM/AUDIENCEPARTICIPATION

Jeff Nelson, property owner, listed problems in the Spring Street neighborhood.

Shannon Keel, GM for Reserve Casino Hotel, reported that she has resigned her position and thanked the City for work that has been accomplished in the last year. Mayor Engels thanked for her participation and wished her the best of luck.

EXECUTIVE SESSION

At 8:08 p.m., Mayor *pro tem* Heider moved to adjourn pursuant to C.R.S. Section 24-6-402(4)(b)(e) and (f) concerning negotiations related to an Employment Agreement for which the employee has

consented and to receive legal advice related to the Employment Agreement. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

The next Council meeting is scheduled for November 17, 2015 at 7:00 p.m.

Ronald E. Engels, Mayor

Reba Bechtel, City Clerk